

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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February 16, 2024

The Honorable Kristen Clarke
Assistant Attorney General for Civil Rights
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington DC 20530

Dear Assistant Attorney General Clarke:

I remain extremely concerned with the Department of Justice's (DOJ) weaponization of the Freedom of Access to Clinic Entrances (FACE) Act against Americans who stand for life. To date, DOJ has ignored my previous request from October 2022 to disclose FACE Act prosecution data.¹ As Chairman of the Subcommittee on the Constitution and Limited Government of the House Judiciary Committee, I renew these requests as part of our oversight of the DOJ's Civil Rights Division.

The Civil Rights Division continues to use the FACE Act to unfairly target pro-life advocates. On January 30, 2024, six pro-life advocates were found guilty of violating the FACE Act and they now face up to ten and a half years in prison, three years of supervised release, and fines of up to \$260,000.² These prosecutions come after DOJ conducted an aggressive raid on the home of pro-life advocate Mark Houck to arrest him on an overzealous FACE Act charge stemming from Mr. Houck's earlier encounter with a belligerent abortion activist who attacked his young son.³ A Pennsylvania jury rightly acquitted in January 2023.⁴

DOJ's failure to produce FACE Act prosecution data is particularly troubling in light of the apparent disparity between prosecutions targeting pro-life protestors and pro-abortion attacks

¹ See Letter from Chip Roy to Bobak Talebian, Director of the Office of Information Policy (Oct. 17, 2022).

² Press Release, Six Defendants Convicted of Federal Civil Rights Conspiracy and Freedom of Access to Clinic Entrances (FACE) Act Offenses for Obstructing Access to Reproductive Health Services in Tennessee (Jan. 30, 2024) <https://www.justice.gov/opa/pr/six-defendants-convicted-federal-civil-rights-conspiracy-and-freedom-access-clinic-entrances>.

³ Joe Bukuras, *Acquitted pro-life activist Mark Houck reveals details of 'reckless' FBI raid; will press charges* CATHOLIC NEWS AGENCY (Feb. 1, 2023).

⁴ *Id.*

on places of worship and pregnancy resource centers.⁵ DOJ's refusal to comply with this request hampers the Committee's constitutional duty to conduct oversight over the Department and the Civil Rights Division. DOJ must return to its core mission of protecting all Americans, not simply those that it favors.

In May 2022, using the Freedom of Information Act, Reveal's Center for Investigative Reporting obtained a list of FACE Act cases filed by DOJ since 1994.⁶ In October 2022, I sent a letter to DOJ two years ago requesting a copy of the same information provided to the Center for Investigative Reporting.⁷ To date, I have not received a response. I reiterated my request for this data on December 5, 2023, when you appeared before the Subcommittee.⁸ In response, you stated, "I can absolutely bring this back to the division's FOIA officials and ensure that you receive a timely response. Please know that the division is committed to even-handed enforcement of the FACE Act."⁹ In the two months since your testimony, I have heard nothing from you or your Division.

The Committee must understand how the Department is utilizing the FACE Act to inform any potential legislative reforms. To assist the Committee, please provide the following information:

1. Documents sufficient to show how many FACE Act cases have been brought by DOJ since it was enacted in 1994;
2. Documents sufficient to show how many FACE Act cases have been filed due to incidents or attacks at abortion providers;
3. Documents sufficient to show how many FACE Act cases have been filed due to incidents or attacks at pregnancy resource centers and places of religious worship;
4. All documents provided to the Reveal News Center for Investigative Reporting pursuant to its Freedom of Information Act request; and
5. Any policies or procedures that DOJ has implemented concerning the filing and prosecution of charges under the FACE Act.

Please provide this information as soon as possible, but not later than 5:00 p.m. on March 1, 2024.

⁵ Joe Bukuras, *2023 witnessed continued attacks on pro-life pregnancy centers, churches* CATHOLIC NEWS AGENCY (Dec. 29, 2023).

⁶ Laura C. Morel, *Abortion's Last Stand in the South: A Post-Roe Future Is Already Happening in Florida* REVEAL NEWS (May 5, 2022).

⁷ See Letter from Representative Chip Roy to Bobak Talebian, Director of the Office of Information Policy (Oct. 17, 2022).

⁸ *Oversight of the Department of Justice Civil Rights Division: Hearing Before the Subcomm. on the Constitution and Limited Government of the H. Comm. on the Judiciary*, 118th Cong. (2024).

⁹ *Id.*

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The House Committee on the Judiciary has jurisdiction over criminal law and federal law enforcement pursuant to House Rule X.¹⁰ If you have any questions about these requests, please contact Committee staff at (202) 225-6906.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chip Roy', written in a cursive style.

Chip Roy
Chairman

Subcommittee on the Constitution and
Limited Government

Cc: The Honorable Mary Gay Scanlon, Ranking Member, Subcommittee on the Constitution and Limited Government

¹⁰ Rules of the U.S. House of Representatives, Rule X (2023).