

ONE HUNDRED EIGHTEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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judiciary.house.gov

December 5, 2024

The Honorable Merrick Garland  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue N.W.  
Washington, DC 20530

The Honorable Christopher Wray  
Director  
Federal Bureau of Investigation  
935 Pennsylvania Avenue, N.W.  
Washington, DC 20535

Dear Attorney General Garland and Director Wray:

As Chairmen of the Subcommittee on the Constitution and Limited Government and the Subcommittee on Crime and Federal Government Surveillance of the Committee on the Judiciary, we remain concerned with the Biden-Harris Administration's continued weaponization of the Freedom of Access to Clinic Entrances (FACE) Act against pro-life Americans. In addition, we are troubled by the Federal Bureau of Investigation's (FBI) lack of response to the Committee's requests for data on FACE Act enforcement.<sup>1</sup>

As the Subcommittees continue to conduct oversight over the Department of Justice's (DOJ) and FBI's enforcement of the FACE Act, serious questions remain about the disparity in prosecutions between Americans supporting life and the perpetrators of violent attacks on pregnancy resource centers and houses of worship that occurred in the wake of the leak of the draft Supreme Court opinion in *Dobbs v. Jackson Women's Health Organization*.<sup>2</sup> During a Committee hearing on July 24, 2024, Director Wray testified that, "[S]ince the *Dobbs* decision, actually more of our abortion-related violent extremism investigations have focused on violence against pro-life facilities as opposed to the other way around . . ."<sup>3</sup> However, since January 2021, the Civil Rights Division has brought a total of 24 FACE Act cases against 55 defendants, with only two of these cases—consisting of five defendants—concerning attacks on pregnancy resource centers.<sup>4</sup>

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<sup>1</sup> See, e.g., Letter from Chip Roy, Chairman, Subcomm. On Crime and Fed. Gov. Surveillance H. Comm. on the Judiciary, to Hon. Merrick B. Garland, Att'y Gen., Dep't of Justice and Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (Oct 10, 2022).

<sup>2</sup> See, e.g., CatholicVote, *Tracking Attacks on Pregnancy Centers & Pro-Life Groups*, CatholicVote.Org (September 3, 2024).

<sup>3</sup> Oversight of the Federal Bureau of Investigation: Hearing Before the H. Comm. on the Judiciary, 118th Cong. (2024).

<sup>4</sup> U.S. Department of Justice, *Three Defendants Plead Guilty to a Civil Rights Conspiracy Targeting Pregnancy Resource Centers*, justice.gov. (June 24, 2024).

Congress has a sacred duty to preserve the rights of the American people, including the First Amendment, against any overreach by the Executive Branch. As we examine how to best protect Americans' fundamental freedoms, the Subcommittees must first understand how the DOJ and FBI enforce the FACE Act. As our country transitions to a new administration, it is imperative that the DOJ and FBI preserve all documents and communications relating to enforcement of the FACE Act.

Accordingly, consistent with Chairman Roy's October 10, 2024 letter, this letter serves as a formal request to preserve all existing and future records and materials related to the Biden-Harris Administration's enforcement of the FACE Act. You should construe this preservation notice as an instruction to take all reasonable steps to prevent the destruction or alteration, whether intentionally or negligently, of all documents, communications, and other information, including electronic information and metadata, that are or may be responsive to this congressional inquiry. This instruction includes all electronic messages sent using official and personal accounts or devices, including records created using text messages, phone-based message applications, or encryption software.

The House Committee on the Judiciary has jurisdiction over criminal law and federal law enforcement pursuant to House Rule X.<sup>5</sup> If you have any questions about these requests, please contact committee staff at (202) 225-6906. Please confirm that you will comply with the Subcommittees' request as soon as possible, but not later than 5:00 p.m. December 19, 2024.

Sincerely,



Chip Roy  
Chairman  
Subcommittee on the Constitution  
and Limited Government



Andy Biggs  
Chairman  
Subcommittee on Crime and  
Federal Government Surveillance

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

The Honorable Lucy McBath, Ranking Member, Subcommittee on Crime and Federal Government Surveillance

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<sup>5</sup> Rules of the U.S. House of Representatives, Rule X (2023)