

DOJ's First 'Weaponization' Report Is a Bust

www.theatlantic.com/ideas/2026/04/doj-weaponization-working-group/686863/

Quinta Jurecic

April 20, 2026



The document purports to show bias under the Biden administration—and fails spectacularly.

Illustration by The Atlantic. Sources: Alex Wong / Getty; Celal Gunes / Anadolu / Getty.

The day that Donald Trump swore his second oath of office, he signed an executive order demanding “accountability for the previous administration’s weaponization of the Federal Government against the American people.” Within weeks, freshly confirmed Attorney General Pam Bondi had established a “Weaponization Working Group” aimed at rooting out supposed “abuses of the criminal justice process” under the Biden administration.

Despite this initial fanfare, the Weaponization Working Group has been largely quiet—until now. Last week, the group released its [very first report](#), trumpeting its discovery of “shameful” abuses of prosecutorial power under Joe Biden against “pro-life Americans.” But the Weaponization Working Group has discovered very little “weaponization” at all. And whatever sins it does describe—both real and imagined—may serve as justification for perpetrating the very thing it decries. The weaponization report takes the form of a classic Trump two-step: First, claim that normal law-enforcement work, when directed against you or your friends, is illegitimate; then, use that supposed illegitimacy as justification for your own revenge. This is justice according only to the playground principle of “I’m rubber; you’re glue.”

This vengefulness will not be surprising to anybody who has been paying attention to the Department of Justice's behavior under the second Trump administration. But the shoddiness of the report sets out the emptiness and hypocrisy of the project with particular clarity.

The report focuses on prosecutions of anti-abortion demonstrators convicted for preventing patients from entering abortion clinics. In the working group's telling, the Biden administration "unfairly targeted" anti-abortion Christians under the Freedom of Access to Clinic Entrances Act, which, much as its name suggests, prohibits blocking entry to facilities that provide reproductive health care. "No Department should conduct selective prosecution based on beliefs," Acting Attorney General Todd Blanche—who stepped into the role after Trump fired Bondi earlier this month—said in a statement about the working group's findings. CBS [reported](#) that the Justice Department had fired at least four prosecutors involved in pursuing those FACE Act cases.

Congress passed the FACE Act in 1994 following a wave of anti-abortion violence and blockades of clinics by anti-abortion demonstrators. The statute's protections also extend to anti-abortion crisis pregnancy centers and—as a result of a political compromise in the Senate—to houses of religious worship, meaning that if protesters prevent worshippers from accessing a church, they, too, could hypothetically be prosecuted under the FACE Act. In 2022, as the Supreme Court prepared to issue its decision in *Dobbs v. Jackson Women's Health Organization* and overturn *Roe v. Wade*, anti-abortion groups scaled up demonstrations at clinics, and the Biden administration increased FACE Act enforcement in response. After *Dobbs*, the Justice Department—still under Biden—also investigated vandalism of crisis pregnancy centers by pro-abortion-rights groups.

Still, many figures on the right pointed to FACE Act charges against anti-abortion activists as evidence of anti-Christian bias at the DOJ. The Heritage Foundation's Project 2025 report decried those prosecutions as demonstrating "absurd double standards" that showed how the "DOJ has needlessly undermined its credibility with law-abiding people of faith." Just days into his second presidency, Trump pardoned 23 anti-abortion activists prosecuted under Biden. And shortly after, Bondi included the Biden administration's FACE Act prosecutions among the examples of "weaponization" requiring review.

The new report appears to be primarily a restatement of Project 2025's preordained conclusions. The bulk of the 800-page document consists of anodyne emails among career attorneys—that is, people who serve across multiple administrations of both parties—which it spins into an unsubstantiated narrative of bias. For example, communications between DOJ lawyers and reproductive-rights groups—run-of-the-mill outreach by law enforcement—are framed as evidence that pro-abortion-rights advocates were directing the Justice Department's work. That dynamic is repeated throughout the report: The working group finds dark intentions afoot because it refuses to ask whether the attorneys at issue might have had legitimate reasons to take the steps they did.

Consider the report's point that the DOJ under Biden brought an unusually high number of FACE charges. This was because there were more charges to bring: Clinic blockades increased in advance of Dobbs, and prosecutors responded accordingly. The report also asks why more people weren't charged in cases of vandalism at anti-abortion pregnancy crisis centers. That's a reasonable question, but there turns out to be a reasonable explanation: Such cases are harder to investigate. As Attorney General Merrick Garland explained to the Senate in 2023, vandalism of crisis pregnancy centers tends to take place in the middle of the night, with no witnesses present. For this reason, the FBI under Biden began offering \$25,000 rewards for information about the attacks—a development that the report does not mention at all. (Investigating blockades of abortion clinics, by contrast, is quite easy: Many of those instances are livestreamed and photographed by the participants and, by their nature, occur in public.) Regan Rush and Megan Marks, two former Justice Department attorneys, [note](#) in a rebuttal to the report that most of the episodes targeting crisis pregnancy centers are within the five-year statute of limitations, meaning the Trump administration could still investigate and prosecute the people responsible. Yet the DOJ has yet to bring any such cases.

The report also accuses the DOJ of pursuing harsher sentences for anti-abortion activists than for pro-abortion-rights activists. Again, this comparison doesn't hold up. When prosecutors requested harsher sentences for anti-abortion defendants, this was in many cases because the defendants had engaged in aggressive, even violent, actions, such as crushing a nurse's hand in a door and putting "vulnerable victims" at risk—factors that increase the severity of a sentence. In one case, a pregnant patient ended up climbing through a window to get inside the clinic after demonstrators grabbed her and shouted at her. The report, which repeatedly refers to the anti-abortion defendants as "peaceful," doesn't address this aspect of their behavior. The pro-abortion-rights defendants targeted empty buildings with no one around. Their actions were criminal, but no one was at risk of being hurt, so the DOJ's normal process for calculating sentences produced a lesser penalty.

From the report's framing, a reader might think that only the Biden administration—or perhaps other Democratic administrations—prosecuted FACE Act cases against anti-abortion defendants. But a careful look at the report's footnotes and appendices undercuts this narrative. A number of the supposedly nefarious emails from members of the "Biden DOJ" were actually sent during the first Trump administration. One exhibit, which the report identifies as an example of the "Biden DOJ's" disparate treatment of anti-abortion and pro-abortion-rights demonstrators, includes a list of five FACE Act prosecutions involving threats or attacks on abortion clinics brought from 2017 to 2020 by Trump's own Justice Department. At the time, DOJ leaders appointed by Trump made statements emphasizing the importance of these cases.

The working group's most egregious misrepresentation, though, is its handling of the provision of FACE that protects access to places of worship. The report complains that the Biden administration "did not pursue a single FACE Act case involving houses of worship." As Rush and Marks point out, however, Biden's DOJ prosecuted plenty of defendants who attacked religious centers, just under different statutes. Importantly, no administration had ever used FACE in such a way—in significant part because of concerns that this provision of the statute might be unconstitutional. (Much of Congress's power to legislate derives from the Commerce Clause, which allows the legislature to regulate interstate commerce; business at a clinic implicates such commerce far more directly than attendance at a church.) [According to CBS](#), an earlier draft of the FACE Act report noted this concern and cited a 2018 DOJ memo in which an attorney explained the issue. But this does not appear in the final report.

The conduct described in the report is not necessarily beyond disagreement or reproach. Under Biden, the DOJ took a novel approach in deciding to pursue charges against some anti-abortion protesters not only under FACE but also under a civil-rights statute, 18 USC 241, that elevated what otherwise would have been a misdemeanor into a felony charge. Whether that approach was justified could be legitimately debated, but the report treats it as egregiously abusive. Likewise, some attorneys sent emails that might, in retrospect, have been more circumspect—such as one that describes the anti-abortion Thomas More Society as "quite the racket." But in normal times, that might merit a brief conversation with a supervisor about being less careless over email, not a firing. In this respect, the report recalls some of the DOJ inspector general's findings from the first Trump administration, which excoriated FBI agents and attorneys assigned to the 2016 Russia investigation for their wording in internal chats but failed to dig up actual evidence of wrongdoing.

Blanche, in announcing the report, claimed that his goal was to "restore integrity to our prosecutorial system." But the Justice Department's actual response to the examples of supposed weaponization uncovered in the report has mostly been to take those same practices and turn them around to use against the administration's enemies. The report claims that the Biden administration treated anti-abortion defendants more harshly than it treated pro-abortion-rights defendants; currently, the DOJ policy under Trump allows "abortion-related" FACE Act prosecutions to go forward only under "extraordinary conditions," apparently setting a higher bar for pursuing anti-abortion demonstrators, though the law itself treats both sides equally. The report excoriates the DOJ for previously working with reproductive-choice groups; anti-abortion advocates have said that this DOJ gave them advance access to the report, and the CEO of the anti-abortion group Americans United for Life [arrived at the DOJ for a meeting](#) the day after the report's publication. The report complains about the DOJ's previous choice to charge FACE Act violations together with Section 241; currently, the Civil Rights Division is pursuing both FACE Act and Section 241 charges over an anti-ICE protest that disrupted a church service in St. Paul, Minnesota. Assistant Attorney General Harmeet Dhillon, who leads the Civil Rights Division, herself

recently argued an appeal defending the DOJ's decision to bring a Section 241 charge against a pro-abortion-rights activist prosecuted for conspiring to vandalize crisis pregnancy centers.

If the DOJ were genuinely concerned about any of these issues, it would not be continuing them. Likewise, if it were genuinely concerned about protecting the freedom to worship, it would not pursue the St. Paul case under a use of the FACE Act that the DOJ itself has deemed constitutionally suspect and that is likely to get tossed out of court.

More reports from the Weaponization Working Group may be on their way. Trump appears to have fired Bondi in part because he felt that she had not done enough to harass his enemies. Perhaps conscious of this, Blanche has been more aggressive in speeding things up: On April 7, during his first press conference as acting attorney general, he promised journalists that they would start seeing results from the working group "very soon." If the group's forthcoming reports look anything like this one, they will be of interest less for what they uncover about the Biden administration's past work and more for how they seek to distort it as justification for Trump's own abuses.
