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JUSTICE

The Biden Administration's Weaponization of the Freedom of Access to Clinic Entrances Act



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TABLE OF CONTENTS

I.	Executive Summary	1
II.	Background	5
	A. DOJ’s Current Review of the Biden Administration’s FACE Act Enforcement.....	5
	B. Overview of the FACE Act	6
III.	The Biden DOJ Largely Ignored Pro-Life Groups While Closely Coordinating with Pro-Abortion Groups	7
	A. Interactions with Pro-Life Groups	7
	B. Interactions with Pro-Abortion Groups	10
	i. The Biden DOJ Was Committed to Protecting Abortion Access under the FACE Act	10
	ii. The Biden DOJ Sought and Relied on Information from Abortion NGOs, Including Ongoing Monitoring of Pro-Life Americans	11
	iii. DOJ Provided NAF Internal Department Information and Coordinated with NAF on Pro-Abortion Outreach and Civil FACE Act Litigation	16
	iv. The Biden DOJ Helped Abortion NGOs Obtain Third-Party Grants	19
IV.	The Biden DOJ’s Inappropriate Prosecutorial Conduct	20
	A. <i>United States v. Gallagher</i> : The Biden DOJ Claimed to Defense Counsel That It Did Not Keep Information Requested for a Selective Prosecution Defense, Despite Giving Materially Identical Information to NAF.....	20
	B. <i>United States v. Zastrow</i> : The Biden DOJ Allowed Abortion NGOs to Drive Charging Decisions and Engaged in Blatant Anti-Christian Bias in the Jury Pool	22
	C. <i>United States v. Houck</i> : The Biden DOJ Used Aggressive Arrest Tactics Against a Pro-Life Defendant Who Was Subsequently Acquitted	29
V.	The Biden DOJ’s Charging and Sentencing Disparities	31
VI.	The Trump Administration’s Work to Right Prior Wrongs	36

I. EXECUTIVE SUMMARY

The Department of Justice was tasked with implementing E.O. 14202, *Eradicating Anti-Christian Bias*, and Attorney General Pamela Bondi's February 5, 2025 Memorandum, *Restoring the Integrity and Credibility of the Department of Justice*.¹ Both of those leadership instructions charged DOJ with assessing the underlying prosecutorial decisions under the Freedom of Access to Clinic Entrances (FACE) Act. Separately, President Trump pardoned numerous peaceful, pro-life defendants.² In response to these directives and following those pardons, DOJ conducted a thorough review of internal discussions, case files, and prosecutorial decisions. DOJ has concluded that the Biden DOJ weaponized the FACE Act in several key ways.

Key Finding 1: The Biden DOJ violated the rights of Americans by its biased enforcement of the FACE Act.

Former Attorney General Merrick Garland revived the National Task Force on Violence Against Reproductive Health Care Providers (Task Force) to weaponize the FACE Act.³ Though the FACE Act was supposed to protect both pro-choice and pro-life facilities, Biden DOJ senior leadership⁴ and Task Force Members provided extensive support to abortion clinics,⁵ yet the Biden DOJ often ignored and downplayed vandalism and attacks against pregnancy resource centers or houses of worship.

The Task Force, composed primarily of DOJ's Civil Rights Division (CRT) career attorneys, oversaw the FACE Act and related outreach. Task Force leadership handled most of DOJ's communication with outside groups and victims of alleged FACE Act violations. The Task Force Director was in regular, ongoing contact with pro-abortion non-governmental organizations (NGOs) and the clinics they represented, but disregarded pro-life groups.

Pro-abortion groups capitalized on their relationship with the Task Force to gain internal information and push targets for FACE Act enforcement. The Task Force Director was on texting terms with the National Abortion Federation's (NAF) Security Team and regularly communicated with Planned Parenthood Federation of America and the Feminist Majority Foundation (FMF). The Task Force viewed NAF's Security Team as an "MVP" at flagging protests for DOJ's "attention, often in real-time, which usually result[ed] in an investigation/prosecution."

¹ Executive Order 14202, *Eradicating Anti-Christian Bias*, 90 Fed. Reg. 9365 (Feb. 12, 2025); Memorandum For All Department Employees, *Restoring the Integrity and Credibility of the Department of Justice* (Feb. 5, 2025), <https://perma.cc/KB3W-A8SS>.

² Donald J. Trump, *Executive Grant of Clemency* (Jan. 23, 2025), <https://perma.cc/2GJ9-L6Q7>.

³ See Archives: U.S. Dep't of Just., *Reproductive Rights* (2022), <https://perma.cc/9YQ3-L7HZ>.

⁴ See Archives: U.S. Dep't of Just., *Justice Department Announces Reproductive Rights Task Force* (July 12, 2022), <https://perma.cc/542N-UQ6R> (announcing the establishment of the Reproductive Rights Task Force, chaired by former Associate Attorney General Vanita Gupta, to formalize existing DOJ efforts to "protect access to reproductive health care in anticipation of the Supreme Court overturning *Roe v. Wade*).

⁵ See, e.g., "Resource Booklet for Reproductive Health Care Providers and Their Staff," National Task Force of Violence Against Reproductive Health Care Providers (Nov. 7, 2022), available at <https://perma.cc/CMJ6-3EC6>, at 11 (describing the FACE Act only in terms of protection to abortion clinics).

Task Force attorneys did not communicate with any pregnancy resource center groups or representatives until September 2022, well after the increase in violence after the Supreme Court’s decision in *Dobbs*.⁶ After that time, CRT identified possible contacts for pregnancy resource centers via a quick Google search and directed Task Force leadership to schedule meetings. The Task Force then had several meetings with the pro-life groups identified through that initial outreach and periodically sent them press releases. However, internally, CRT attorneys questioned whether to provide pregnancy resource centers with the same resources as abortion clinics, questioning whether these facilities fall under the FACE Act’s scope.

Key Finding 2: The Biden DOJ collaborated with pro-abortion groups to track pro-life activists’ First Amendment activity.

The Task Force affirmatively asked the abortion groups about pro-life individuals’ travel and constitutionally protected advocacy. The pro-abortion groups even asked the Biden DOJ to target a pro-life religious order, the Franciscan Brothers of Peace. The FBI flagged that the abortion groups’ outreach tracked pro-life groups’ “1st Amendment protected activity.” Yet, the Task Force did not relent, even after this warning.

Abortion NGOs routinely contacted CRT about protests at clinics and possible, alleged FACE Act violations across the country. The Task Force Director “monitored” pro-life activists for years before charging them. This monitoring included three of the pardoned defendants. During the investigations of the later pardoned cases, the NGOs sent DOJ “security reports” or “dossiers” on the activities of the pro-life activists and their personal information. For example, in 2021, before an annual conference by a pro-life group, one pro-choice NGO sent the Task Force Director and the FBI a 137-page memorandum on the conference schedule, lodging, and multi-page dossiers on numerous “anti-choice individuals,” including many of the pardoned defendants. These dossiers contained personally identifying information, such as addresses, photographs (including of spouses and minor children), names of associates and affiliated ministries, information about their upcoming travel plans or planned protests, and even drivers’ license numbers.

NGOs repeatedly complained about one of the pardoned defendants, provided real-time updates of her pro-life activism, and requested that DOJ pursue nationwide injunctions against pro-life activities, citing this woman’s protests as justification. The Biden DOJ investigated this woman’s conduct around the country until one of the United States Attorney’s Offices brought charges. After her conviction and lengthy sentence, the NGOs stopped complaining about her.

In each of the later-pardoned FACE Act cases, DOJ and the FBI learned of the possible FACE violations from abortion NGOs, rather than from the purported victims or local law enforcement. NAF typically informed the Task Force Director in real time of ongoing protests, often before local law enforcement could fully respond. At his request, NGOs compiled evidence that ultimately gave rise to search warrants and charges. The Task Force also coordinated with the abortion NGOs on civil actions against pro-life activities at clinics.

⁶ *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. 215 (2022).

Key Finding 3: Biden DOJ prosecutors engaged in inappropriate conduct and comments.

The Biden DOJ prosecutors knowingly withheld evidence that defense counsel requested to prepare an affirmative defense. The Biden DOJ prosecutors falsely claimed to not have such information available. In *United States v. Gallagher* (Middle District of Tennessee), defense counsel contacted federal prosecutors, requesting historical data on FACE Act prosecutions to prepare their selective prosecution defense. The Task Force Director declined, stating that he did not “keep the[se] kind of records” and did not believe that the Department “will provide them.” Notably, he had this information readily available and decided not to share it with the defendants, despite sharing substantially identical information with NAF.

The Biden DOJ prosecutors tried to screen out jurors based on religion. In *United States v. Zastrow* (Eastern District of Michigan), Assistant United States Attorneys (AUSAs) looked for ways to screen possible jurors based on their conservative or religious views, while not inquiring about liberal counterviews. They referred to Christian pro-life views as “culty” and lambasted the defendants’ beliefs in the courtroom. The AUSAs also complained that they “ended up with a very Catholic magistrate on duty this week and he was very particular about the bond conditions and not infringing on [defendants’] first amendment rights.”

The Biden DOJ used the FACE Act to prosecute a father whose minor son was attacked by an abortion clinic worker—and DOJ lost. In *United States v. Houck* (Eastern District of Pennsylvania), prosecutors considered and declined a request for the defendant to self-surrender. Rather, 16 FBI agents arrested the defendant at his home. When faced with public backlash about the aggressive arrest, the Task Force Director attempted to blame the FBI, rather than address the Biden DOJ’s lack of initial guidance to law enforcement. The jury ultimately found Houck not guilty, and DOJ settled a civil claim to compensate for the Biden DOJ’s misconduct.

Key Finding 4: The Biden DOJ pursued more severe charges and significantly harsher sentences for peaceful pro-life defendants than violent pro-abortion defendants.

The Biden DOJ requested an average sentence of 26.8 months for pro-life defendants, compared to 12.3 months for pro-choice defendants. The Biden DOJ pursued significantly higher sentences (near the top range of sentencing guidelines) for pro-life defendants, while pursuing more lenient sentences against the handful of pro-abortion defendants that it charged. Pro-life defendants were ultimately sentenced to an average of 14 months, while pro-abortion defendants were sentenced to an average of 3 months.

Key Finding 5: The Biden DOJ sought to provide funding to pro-abortion groups.

The Task Force Director served as a reference on NAF’s application for a large, private grant. We found no record of ethics approval for a DOJ attorney to take an interest in the financial outcome of a party having business before the Biden DOJ. Indeed, it is doubtful that the Biden DOJ could validly give any such ethical clearance for this conflict of interest.⁷

⁷ See U.S. Dep’t of Just., Ethics Handbook for On and Off-Duty Conduct (Nov. 2024), <https://perma.cc/53NY-NQBW>.

Current Actions: The Biden DOJ's actions were wrong. The Trump Administration and Department of Justice are committed to rectifying these harms.

President Trump issued full and unconditional pardons to many of the pro-life Christians unfairly targeted by the Biden DOJ. And DOJ leadership dismissed, with prejudice, three of the civil lawsuits against non-violent pro-life demonstrators and issued a directive that, moving forward, DOJ prosecutors may only bring FACE Act civil actions and prosecutions in extraordinary circumstances or in cases presenting significant aggravating factors.⁸

This report does not disclose any findings regarding internal misconduct investigations of any of the employees alleged to have been involved in the weaponization of the FACE Act. DOJ governs the conduct of its current employees through an internal disciplinary investigative system. Where appropriate, DOJ may refer current or former employees for criminal prosecution. Likewise, DOJ may refer current or former employees to the relevant bar association or highest judicial authority of the jurisdictions in which they are licensed to address compliance with applicable Rules of Professional Conduct. Here, appropriate internal referrals have been made as required by the Justice Manual.⁹ DOJ adheres to the use of these separate systems to address allegations of misconduct.

⁸ U.S. DEP'T OF JUST., OFF. OF THE ASSOCIATE ATTORNEY GENERAL, FACE ACT CHARGING POLICY (Jan. 24, 2025), <https://perma.cc/U7HK-37PT> (directing CRT to dismiss, with prejudice, the following FACE Act cases: *United States v. Connolly*, No. 2:24-cv-04467 (E.D. Penn.); *United States v. Zastrow, et al.*, No. 2:24-cv-00576 (M.D. Fla.); *United States v. Citizens for a Pro-Life Soc'y, et al.*, No. 1:24-cv-00893 (N.D. Ohio)).

⁹ U.S. Dep't of Just., Just. Manual § 1-4.000 - Standards Of Conduct, <https://perma.cc/L3GU-6SPS>.

II. BACKGROUND

A. DOJ's Current Review of the Biden Administration's FACE Act Enforcement

On January 23, 2025, President Trump issued full and unconditional pardons of pro-life defendants in five different matters, raising concerns that during the Biden Administration, DOJ had unevenly applied its enforcement authorities.¹⁰ DOJ is tasked with implementing Executive Order 14202, *Eradicating Anti-Christian Bias*, and Attorney General Pamela Bondi's Memorandum, *Restoring the Integrity and Credibility of the Department of Justice*.¹¹ Both of those leadership instructions charge DOJ with assessing the underlying prosecutorial decisions under the FACE Act.

In response, DOJ reviewed past cases and conduct for possible anti-Christian bias or broader weaponization concerns. DOJ leadership invited feedback from the United States Attorney's Offices (USAO) that handled the pardoned FACE Act cases and the *Houck* matter. Reviewers asked open-ended questions and received substantive feedback from one USAO, which reviewed its prosecution file and flagged concerns that the prosecution may have been overly politicized in response to the Texas Heartbeat law.¹² The office noted that several in-court AUSA statements suggested that religious discrimination played a role and merited further review.

Based on initial findings and this feedback from the USAO, DOJ conducted a search for responsive documents from possible custodians in CRT. Those search terms yielded about 700,000 results. Both career attorneys and political appointees reviewed the documents and compiled these findings based on the full scope of the data set.

The reviewers proceeded with several guiding presumptions: First, DOJ presumed that attorneys followed the chain of command and did their jobs. Second, DOJ recognized that components regularly interact with outside groups and receive leads regarding possible criminal violations or areas for civil involvement. Likewise, investigations of possible crimes necessarily require back-and-forth communications with victims or their representatives. Third, because changing administrations have different policy preferences and goals, DOJ did not find it surprising or notable that the types of prosecutorial priorities may shift over time. Rather, DOJ's review asked if there were notable departures from past practices or departmental policies for the purpose of using prosecutorial power as a weapon or to target specific persons or groups for improper reasons.

This report shares key findings, including citations to numerous internal documents containing predecisional and deliberative discussions where necessary, to demonstrate where weaponization occurred. The exhibits also include correspondence with outside groups on both sides of the abortion issue.

¹⁰ Donald J. Trump, *Executive Grant of Clemency* (Jan. 23, 2025), <https://perma.cc/2GJ9-L6Q7>.

¹¹ Exec. Order 14202, *Eradicating Anti-Christian Bias*, 90 Fed. Reg. 9365 (Feb. 12, 2025); Memorandum For All Department Employees, *Restoring the Integrity and Credibility of the Department of Justice* (Feb. 5, 2025), <https://perma.cc/KB3W-A8SS>.

¹² Senate Bill 8, 87th Leg., Reg. Sess. (Tex. 2021).

Because of the Trump Administration’s commitment to transparency, Acting Attorney General Blanche has approved disclosure of documents revealing the abuse of the deliberative process privilege in these prosecutions.¹³ DOJ strived to keep redactions minimal, focusing on personal identifying information, including email addresses, phone numbers, and physical addresses and locations. The exhibits are representative of DOJ’s full findings regarding implementation of the FACE Act.

B. Overview of the FACE Act

The FACE Act is a viewpoint neutral law that protects access to religious institutions and certain healthcare facilities, including abortion clinics and pregnancy resource centers, regardless of whether the views or services align with an administration’s policy preferences regarding abortion. Specifically, the FACE Act makes it unlawful to:

- (1) by force or threat of force or by physical obstruction, intentionally injure[], intimidate[] or interfere[] with or attempt[] to injure, intimidate or interfere with any person because that person is or has been, or in order to intimidate such person or any other person or any class of persons from, obtaining or providing reproductive health services;
- (2) by force or threat of force or by physical obstruction, intentionally injure[], intimidate[] or interfere[] with or attempt[] to injure, intimidate or interfere with any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship; or
- (3) intentionally damage[] or destroy[] the property of a facility, or attempt[] to do so, because such facility provides reproductive health services, or intentionally damage[] or destroy[] the property of a place of religious worship.¹⁴

FACE Act violations are punishable by criminal fines and/or terms of imprisonment, including a maximum term of up to six months for a first “offense involving exclusively a nonviolent physical obstruction” and up to one year for any other first offense.¹⁵

DOJ is responsible for prosecuting crime in a manner that is consistent with its mission “to uphold the rule of law, to keep our country safe, and to protect civil rights.”¹⁶ It must act with

¹³ All discussion, citation, and provision of internal information in this report is disclosed pursuant to the authority and approval of the Attorney General. The limited release of this information does not constitute the waiver of privilege beyond the limited disclosure here. The limited release of information in this report does not constitute an authorization to any current or former employee to discuss internal or privileged information or to be subject to serve as a witness. DOJ’s *Touhy* regulations continue to apply. 28 C.F.R. §§ 16.21, *et seq.*; *United States ex rel. Touhy v. Regan*, 340 U.S. 462 (1951).

¹⁴ 18 U.S.C. § 248(a)(1)-(3).

¹⁵ 18 U.S.C. § 248(b)(1)-(2).

¹⁶ *About DOJ*, U.S. DEP’T OF JUST., <https://www.justice.gov/about> (last visited Jan. 7, 2026).

independence, impartiality, honesty, integrity, excellence, and respect, valuing “differences in people and in ideas and treat[ing] everyone with fairness, dignity, and compassion.”¹⁷

The FACE Act is also subject to civil enforcement. DOJ may secure injunctive relief such as establishing buffer zones. DOJ may also seek monetary damages.¹⁸

III. THE BIDEN DOJ LARGELY IGNORED PRO-LIFE GROUPS WHILE CLOSELY COORDINATING WITH PRO-ABORTION GROUPS

DOJ and its attorneys regularly communicate with individuals and groups outside the federal government. DOJ and the FBI regularly receive tips and leads regarding possible criminal violations. Aggrieved individuals file complaints about possible violations of their civil rights. Groups reach out with requests for federal involvement in their civil litigation. It is unremarkable that DOJ was in touch with both pro-life and pro-abortion groups during the Biden Administration. However, although both groups contacted CRT with concerns of possible criminal violations, the Biden DOJ treated the groups and their concerns unequally.

A. Interactions with Pro-Life Groups

The Biden DOJ’s interactions with pro-life groups were limited. In August 2022, several months after *Dobbs*, the American Center for Law and Justice sent a letter to DOJ raising concerns that pregnancy resource centers had been “firebombed and vandalized” across the nation, and reiterating that such facilities are covered by the FACE Act.¹⁹ A CRT attorney circulated the letter, after which Deputy Assistant Attorney General (DAAG) Robert Moossy inquired on the status of a Task Force meeting for pro-life clinics.²⁰ The Task Force Director, CRT Trial Attorney Sanjay Patel, responded that he was waiting for the FBI to set up a call with the U.S. Conference of Catholic Bishops to put CRT in touch with pro-life facilities.²¹ DAAG Moossy did a “quick google [*sic*] search,” identified Care Net as a potential lead, and asked if an intern could do some further searches.²²

Patel sent an outreach request through Care Net’s general information email address, and after briefly connecting, asked Care Net to identify other similar pro-life organizations. Care Net identified three other organizations—Heartbeat International, National Institute of Family and Life Advocates (NIFLA), and Birthright. Care Net did not have contact information at Birthright,²³ and

¹⁷ *Id.*

¹⁸ 18 U.S.C. § 248(c)(2)(A)-(B).

¹⁹ Letter from Jordan Sekulow, Am. Ctr. for L. & Justice, to Attorney General Merrick Garland (Aug. 8, 2022) (Exhibit 001).

²⁰ E-mail from Sanjay Patel, to Criminal Chief Jim Felte (Aug. 17, 2022) (Exhibit 002).

²¹ *Id.*

²² *Id.*

²³ E-mail from Vincent DiCaro, Chief Outreach Officer, Care Net, to Patel (Sept. 9, 2022) (Exhibit 003).

from that point on, DOJ only interacted with Care Net, Heartbeat International, NIFLA, and the U.S. Conference of Catholic Bishops.

Patel set up a Task Force meeting with representatives from those pro-life groups and invited Assistant Attorney General (AAG) Clarke,²⁴ despite her prior public statements regarding the “fake” clinics these organizations supported.²⁵ CRT’s attorneys recommended that AAG Clarke omit the phrase “life affirming care” from her talking points.²⁶ AAG Clarke and Patel ultimately met with Care Net, Heartbeat International, and NIFLA.²⁷ Patel handled the meeting with the U.S. Conference of Catholic Bishops, as his supervisors decided AAG Clarke did not need to attend a meeting with such a small number of outside participants.²⁸

The Biden DOJ handled the outside groups’ requests differently. One of CRT’s representatives on a different initiative, the Reproductive Rights Task Force, Robert Weiner, advised against providing a copy of DOJ’s FACE Resource Booklet to pregnancy resource centers because:

the vast majority of FACE Act violations have involved anti-abortion efforts . . . the booklet naturally focuses more on those activities. There are thus a number of aspects of the booklet that may militate against pushing it out during a meeting with Pregnancy Counseling Centers. . . . [T] the booklet refers to “clinics” throughout. Are “Pregnancy Counseling Centers” typically and appropriately described as “clinics”? Mostly, the booklet refers to “reproductive healthcare” and “reproductive healthcare providers,” which arguably can include the anti-abortion centers, though **some might dispute whether they dispense health care.**²⁹

The Task Force nevertheless opted to share these resources with pregnancy resource centers. After reviewing the Resource Booklet, Care Net raised concerns that the Department’s treatment of reproductive health centers seemed one-sided.³⁰ Weiner reacted internally: “To some extent, it is entirely justified to refer to anti-abortion extremism, as that is a significant part of what the FACE Act and the Booklet covers. But it is also true that the list of references . . . includes

²⁴ Meeting Invitation from Patel (Oct. 7, 2022) (Exhibit 004); AAG Talkers for Clinic Violence TF Meeting with Pro-Life NGOs (Oct. 7, 2022) (Exhibit 005). *See also* Talking Points (Sept. 14, 2022) (Exhibit 006).

²⁵ *See, e.g.*, Kristen Clarke (@KristenClarkeJD), X (June 26, 2018, 1:14 PM), <https://perma.cc/JB2D-XLCR> (last visited Jan. 7, 2026) (“Make no mistake, today’s decision at the #SCOTUS striking down a CA disclosure requirement for crisis pregnancy centers is part of a coordinated strategy to tear down #RoevWade. The anti-choice movement will stop at nothing. #EndTheLies #ExposeFakeClinics”).

²⁶ AAG Talkers for Clinic Violence TF Meeting with Pro-Life NGOs (Oct. 7, 2022) (Exhibit 005).

²⁷ *See* E-mail from Patel, to Aryele Bradford (June 22, 2023) (Exhibit 007) (identifying the four pro-life groups with whom CRT met). *But see* Invite for Meeting with Reproductive Justice Groups (Sept. 26, 2022) (Exhibit 008) (meeting with numerous pro-abortion groups).

²⁸ *See* E-mail from DAAG Robert Moossy, to Criminal Chief Felte (Oct. 7, 2022) (Exhibit 009).

²⁹ E-mail from Robert Weiner, to Rebecca Bond (Aug. 17, 2022) (Exhibit 010) (emphasis added).

³⁰ E-mail from Weiner, to DAAG Moossy (Oct. 7, 2022) (Exhibit 011) (attaching an annotated copy of the Resource Booklet (Exhibit 012)).

NGOs Planned Parenthood, National Abortion Federation, and Feminist Majority Foundation—only.”³¹

The Biden DOJ ultimately pursued three FACE Act prosecutions involving pro-life victims and informed these pro-life groups. Because AAG Clarke and CRT attorneys were unfamiliar with these groups, they struggled to identify how to describe the victims: AAG Clarke was unsure “whether the anti-abortion folks called themselves Pregnancy Centers or Pregnancy Resource Centers.”³² Weiner questioned whether to refer to these clinics as “pregnancy resource centers” or health services facilities that “[p]rovide [a]bortion [a]lternatives.”³³ Once the press releases were published, AAG Clarke forwarded them to the pro-life groups, asserting that DOJ would continue to enforce the FACE Act to “protect the rights of *all* patients and *all* providers, including pregnancy resource centers.”³⁴ But, as described below, these cases were not treated equally.

In 2024, a representative at Care Net also questioned the disparity in sentences for pro-life protestors compared to pro-choice protestors.³⁵ He thought there appeared “to be a double standard in these cases and not equal treatment under the law,” and asked for more information about the sentences in FACE Act matters.³⁶ Patel responded that he would be happy to schedule a meeting to discuss and noted that there were “distinguishing factors” in the cases.³⁷ The pro-life group was skeptical and requested to “see a listing of charges/convictions sorted by those charged related to pro-life facilities and those related to abortion facilities.”³⁸ Patel responded that he could only provide general information at the meeting, and that the information requested would “have to be routed through the Department’s Freedom of Information Act Unit.”³⁹

³¹ *Id.*

³² E-mail from Weiner, to Bradford (Jan. 18, 2023) (Exhibit 013).

³³ *See* E-mail from Weiner, to AAG Clarke (Jan 17, 2023) (Exhibit 014).

³⁴ *See, e.g.*, E-mail from AAG Clarke, to Dan Balsarak, U.S. Conf. of Cath. Bishops (Jan. 25, 2023) (Exhibit 015); E-mail from AAG Clarke, to Balsarak (Sept. 13, 2024) (Exhibit 016); E-mail from AAG Clarke, to Jor-El Godsey, Heartbeat Int’l (Dec. 9, 2023) (Exhibit 017); E-mail from AAG Clarke, to Balsarak (Dec. 9, 2023) (Exhibit 018); E-mail from AAG Clarke, to Tom Glessner, NIFLA (Dec. 9, 2023) (Exhibit 019); E-mail from AAG Clarke, to Roland Warren, Care Net (Dec. 13, 2023) (Exhibit 020); E-mail from AAG Clarke, to Balsarak (Dec. 20, 2024) (Exhibit 021); E-mail from AAG Clarke, to Glessner (Dec. 20, 2024) (Exhibit 22); E-mail from AAG Clarke, to Godsey (Dec. 20, 2024) (Exhibit 023); E-mail from AAG Clarke, to Warren (Dec. 20, 2024) (Exhibit 024).

³⁵ E-mail from Patel, to President Warren, Care Net (Oct. 16, 2024) (Exhibit 025).

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.* For discussion of similar requests from pro-abortion NGOs, *see infra*, at 16-17, and from pro-life criminal defendants, *see infra*, at 20-21.

B. Interactions with Pro-Abortion Groups

In comparison, the Biden DOJ remained in continual contact with pro-abortion groups regarding the FACE Act. Both political leadership and career attorneys drove this relationship. Information flowed two ways. The outside groups provided information, often at DOJ's request. The Biden DOJ committed to pursuing FACE Act cases to support these group's interests. The outside groups provided information, often at DOJ's request. DOJ prosecutors shared information with these groups that they withheld from pro-life groups. And the Biden DOJ provided connections and contacts. Patel even agreed to serve as a reference for NAF on a grant application.

i. The Biden DOJ Was Committed to Protecting Abortion Access under the FACE Act.

After the Texas Heartbeat Law went into effect, then-Attorney General Merrick Garland proposed issuing a statement or letter "reminding everyone and reassuring clinics that the FACE Act is there."⁴⁰ AAG Clarke and her staff reached out to abortion providers and pro-abortion advocacy groups.⁴¹ AAG Clarke also emailed the president of Planned Parenthood about "FACE Act Compliance," flagging that "we are on high alert when it comes to ensuring freedom of access to clinics; we are committed to using the FACE Act to hold accountable those who may seek to obstruct access to clinics."⁴²

Likewise, after the Supreme Court overruled *Roe v. Wade*,⁴³ CRT's Criminal Chief Jim Felte forwarded an announcement from Attorney General Garland to both Task Force members and contacts at NAF, Planned Parenthood, and FMF.⁴⁴ In the message, Attorney General Garland reminded that, under his leadership, "[t]he Justice Department will work tirelessly to protect and advance reproductive freedom."⁴⁵ A month after the *Dobbs* decision, Attorney General Garland, Deputy Attorney General Lisa Monaco, and Associate Attorney General Vanita Gupta met with numerous pro-abortion groups about DOJ's response to the decision.⁴⁶ The outside groups included NARAL Pro-Choice of America, Planned Parenthood, the Center for Reproductive Rights, and about 10 other NGOs.⁴⁷ Speakers from the NGOs "uniformly expressed gratitude for

⁴⁰ E-mail from Principal Deputy Assistant Attorney General (PDAAG) Pamela Karlan, to Criminal Chief Felte and Principal Deputy Chief Fitzgerald (Sept. 2, 2021) (Exhibit 026).

⁴¹ Calendar Hold for AAG Clarke (Sept. 2, 2021) (Exhibit 027).

⁴² E-mail from AAG Clarke, to Alexis McGill Johnson, Planned Parenthood (Sept. 2, 2021) (Exhibit 028).

⁴³ *Dobbs*, 597 U.S. at 215. Shortly after the May 2, 2022 *Dobbs* leak, the FACE Task Force agreed to meet "to discuss potential fallout before [hosting] any larger meeting with providers, which [they] suspect[ed] would be loaded with questions." E-mail from Patel, to [Redacted] (FBI) (May 4, 2022) (Exhibit 029); E-mail from Patel, to Laura Cowall (May 4, 2022) (Exhibit 030).

⁴⁴ E-mail from Criminal Section Chief Jim Felte, to Patel (June 24, 2022) (Exhibit 031).

⁴⁵ *Id.*

⁴⁶ E-mail from Weiner, to Bond (July 25, 2022) (Exhibit 032). *See also* E-mail from ASG19 Schedule, to Saeed Mody (Sept. 26, 2022) (Exhibit 008) (circulating a meeting invitation to numerous "reproductive justice groups")

⁴⁷ *Id.*

DOJ's strong commitment to reproductive rights, to the point that [the moderator] asked them to dispense with the thanks because it was taking up too much time."⁴⁸

AAG Clarke continued this outreach, including meeting with NAF. In the meeting request, NAF praised the "amazing relationship with [] NAF Security Director Michelle Davidson and members of the DOJ Civil Right Division," and highlighted its involvement in "several FACE Act investigations, working with AUSAs and FBI in TN, FL, VA, CA, NY, MD and NC[.]"⁴⁹

ii. The Biden DOJ Sought and Relied on Information from Abortion NGOs, Including Ongoing Monitoring of Pro-Life Americans.

NAF's characterization of its relationship with the Biden DOJ was accurate. The Biden DOJ closely coordinated with abortion providers and NGOs, particularly NAF, to identify potential pro-life targets for investigation and build cases against them. Coordination primarily took place between Patel, as Task Force Director, and NAF Security Director, Michelle Davidson, who remained in routine communication. Patel described Davidson as an "MVP" at bringing incidents to his "attention, often in real-time, which usually result in an investigation/ prosecution."⁵⁰ He viewed NAF as a "great resource for any investigation we have that involves clinic violence," and a "wonderful contact for [him] as it relates to FACE Act investigations."⁵¹ Patel's supervisor, Principal Deputy Chief Paige Fitzgerald, described the relationship as follows:

National Abortion Federation [is] one of the three main reproductive health care provider (RHCP) groups in the country (the others are Planned Parenthood and Feminist Majority). We have worked with NAF for decades. NAF regularly refers potential FACE Act violations and other threats to RHCPs, helps us liaise with clinics and staff, lets us know about upcoming events that might result in security concerns so we can notify FBI and USMS, etc. Because they are NGOs, they can poke around on the internet in ways we can't, and they have shared leads with us, etc.⁵²

At Patel's request or encouragement, NAF provided the Biden DOJ with substantial information that aided in identifying investigation targets and substantiating warrants and

⁴⁸ *Id.*

⁴⁹ E-mail from AAG Clarke, to Robert Ledogar, NAF (Jan 10, 2023) (Exhibit 033); Invitation from Bridget Cheung-Smith, to AAG Clarke and Ledogar (Jan 17, 2023) (Exhibit 034); E-mail from Weiner, to Ledogar, NAF (Jan. 17, 2024) (Exhibit 035); E-mail from Weiner, to Principal Deputy Chief Fitzgerald (Jan. 17, 2024) (Exhibit 036).

⁵⁰ See E-mail from Patel, to [Redacted], FBI (Nov. 17, 2021) (Exhibit 037).

⁵¹ *Id.*; E-mail from Patel, to Davidson (July 16, 2021) (Exhibit 038) ("Michelle is an all-around superstar who has been a valuable resource for me in my role as the national FACE Act guy.").

⁵² E-mail from Principal Deputy Chief Fitzgerald, to John Buchko (Oct. 31, 2023) (Exhibit 039).

prosecutions.⁵³ NAF alerted Patel to social media posts that made violent threats against clinics⁵⁴ and concerns about protest activities that could constitute blockades in violation of the FACE Act.⁵⁵ In the *Handy* matter, Patel emailed NAF: “I can’t recall if you ever shared anything with me (either through an attachment or via Dropbox) about Jonathan Darnell’s arrest . . . If you did, can you resend that to me?”⁵⁶

NAF, Planned Parenthood, and FMF not only flagged concerns about possible violations of the FACE Act, but also monitored the activities and locations of pro-life activists and shared updates about their First Amendment activities with the Biden DOJ and FBI *in case* chargeable conduct occurred. The Biden DOJ later charged many of the individuals surveilled by abortion NGOs. The types of information provided to DOJ for law enforcement efforts included, for example:

- In advance of a national event by Operation Save America, NAF compiled a law enforcement resource guide on the group and its event.⁵⁷ The guide broke down the schedule of events—including protests and meetings at local churches—before providing detailed dossiers of “anti-choice individuals” expected to attend, including pro-life pastors and speakers. These dossiers included significant amounts of personal identifying information, such as birthdates, addresses, contact information, physical descriptions and photographs, names of family and close associates (including photographs of minor children), affiliated groups, history of pro-life and faith-based activities, and drivers’ license numbers.⁵⁸ The guide included information about prior protests that ultimately were the basis for the Biden DOJ’s FACE Act charges.⁵⁹
- NAF forwarded DOJ “anti-choice social media posts” by Cal Zastrow.⁶⁰ The posts included statements such as: “This is what loving your doomed preborn neighbor looks like . . . Sacrificial love, as an act of worship to Jesus.” “Greater love has no one than this, that someone lay down his life for his friends.”⁶¹

⁵³ See, e.g., E-mail from Patel, to Megan Healy (Nov. 16, 2020) (Exhibit 040) (“NAF is obtaining the security video from the vandalism for me.”).

⁵⁴ E-mail from Patel, to Emma Goldberg (NAF) (Apr. 12, 2021) (Exhibit 041) (flagging that Patel forwarded the information to the FBI immediately and noting that he was “designated as the DOJ National FACE Act Task force director” and wanted to call about exploring outreach initiatives).

⁵⁵ E-mail from Fleisher, to Patel (Aug. 18, 2020) (Exhibit 042) (responding to a NAF alert about Handy’s pro-life activities in Washington, D.C., a CRT attorney asked NAF to let him know “[i]f she actually ends up causing any obstruction,” and noted that while he could not speak for the Criminal Section, “we on the civil side might be interested in looking further”); E-mail from Davidson, to [Redacted], FBI (Jan. 30, 2021) (Exhibit 043) (alerting DOJ to Handy’s activities in Maryland).

⁵⁶ E-mail from Patel, to Davidson (Dec. 8, 2020) (Exhibit 044).

⁵⁷ See Operation Save America National Event Resource Guide (2021) (Exhibit 045).

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ E-mail from Goldberg, to Patel (May 13, 2021) (Exhibit 046).

⁶¹ *Id.*

- Davidson forwarded news articles about Handy from “Right Wing Watch” and her social media posts.⁶² In response, Patel asked for names and case numbers of her associates who had local cases pending in D.C.⁶³ Davidson then compiled information for Patel about Handy, Fr. Christopher Moscinski, and William Goodman, along with others.⁶⁴ The email included local case numbers involving these individuals and “some articles on Moscinski that go pretty far back,” such as an ACLU news article from 1997 and a law review article by Professor Michael W. McConnell.⁶⁵ Patel forwarded the case numbers to the U.S. Attorney’s Office for the District of Columbia, flagging the information regarding “activists whom I’ve been monitoring over the past few years.”⁶⁶
- Davidson forwarded the FBI social media posts from Handy about pro-life protests and noted that NAF was planning to alert other facilities in the area.⁶⁷ The FBI flagged NAF’s outreach to DOJ and the local USAO, noting that her activities “[a]ppear[] to all be 1st Amendment protected activity, so [we are] being mindful of that, but figured it made sense to pass along the email.”⁶⁸
- Davidson notified Patel that Cal Zastrow and other pro-life activists had traveled to Montana. Davidson said, “I would bet they might try to block a clinic this week so I’m reaching out to clinics and my few local PD contacts to see if I could bring some awareness.”⁶⁹ A week later, Patel responded asking if NAF had “any info on Zastrow and Co’s travel to Montana.”⁷⁰
- NAF obtained an audio recording of Handy speaking to pro-life activists and corresponding documents from the Progressive Anti-Abortion Uprising. NAF forwarded them to Patel and other DOJ attorneys.⁷¹
- Planned Parenthood provided DOJ and FBI with a Request for Information about a pro-life activist who belongs to a pro-life religious order, the Franciscan Brothers of Peace.⁷² The Request for Information explained that the subject “is a devout Catholic” and that the penalties for his pro-life protests had so far been “limited to fines or community service.”

⁶² E-mail from Davidson, to Patel (Aug. 20, 2020) (Exhibit 047).

⁶³ E-mail from Patel, to Davidson (Aug. 20, 2020) (Exhibit 048).

⁶⁴ E-mail from Davidson, to Patel (Aug. 18, 2020) (Exhibit 049).

⁶⁵ *Id.*

⁶⁶ E-mail from Patel, to Joseph Cooney (Sept. 1, 2020) (Exhibit 050).

⁶⁷ E-mail from Davidson, to [Redacted], FBI (Dec. 29, 2020) (Exhibit 051).

⁶⁸ *Id.*

⁶⁹ E-mail from Davidson, to Patel (Sept. 9, 2021) (Exhibit 052) (notifying Patel that Cal Zastrow was in Montana, along with other pro-life activists).

⁷⁰ *Id.*

⁷¹ E-mail from Eduardo Serrano, NAF, to Patel (Jan. 31, 2023) (Exhibit 053).

⁷² Planned Parenthood, Request for Information re: [Redacted] (Aug. 27, 2021) (Exhibit 054).

- Planned Parenthood compiled a Security Advisory on “Red Rose Rescues,” which it characterized as “trespass/blockade” “tactics used by the anti-abortion movement designed to avoid federal FACE Act violations.”⁷³ The advisory flagged its assessment that this pro-life group was likely to recruit like-minded “opposition.” Planned Parenthood assessed that “should this movement grow, it will have a direct impact on Planned Parenthood operations.” The advisory highlighted Handy, Goodman, and Fr. Moscinski as some of the “core group of organizers and participants.” The advisory concluded with a list of arrests at abortion clinics across the country, including many of the individuals whom the Biden DOJ later charged.⁷⁴
- FMF sent a letter and memorandum “urging the DOJ to pursue criminal charges and nationwide injunctive relief to prevent ongoing and future violations” of the FACE Act.⁷⁵ Both documents cited the activities of Bevelyn Beatty Williams, Handy, Darnell, Fr. Moscinski, along with all of the *Gallagher* defendants, as supporting evidence for their request.⁷⁶ Principal Deputy Chief Fitzgerald thought the request for nationwide injunctions “seems like a good idea to me.”⁷⁷ FMF called Patel, flagging that she was “getting ready to make some noise” about the letter, after which the Biden DOJ “tr[ie]d to move things along on our end.”⁷⁸ CRT then pursued a consent decree against a different pro-life activist that would have imposed a nationwide injunction. AAG Clarke approved the effort, but the consent order ultimately was never imposed.⁷⁹

DOJ later charged many of these same individuals with FACE Act violations. In each of the six FACE Act cases that President Trump pardoned, DOJ had learned of the underlying acts from the three abortion NGOs.⁸⁰ Biden DOJ attorneys forwarded information from the abortion NGOs to the FBI (when the FBI was not already included in the communications), and the Task

⁷³ Planned Parenthood Global Safety and Security, Overview of Emerging Trend: “Red Rose Rescues” and blockade tactics (July 14, 2019) (Exhibit 055).

⁷⁴ *Id.*

⁷⁵ E-mail from duVergne Gaines, FMF, to Patel (Aug. 25, 2022) (Exhibit 056); Letter from FMF, to AG Garland (Aug. 25, 2022) (Exhibit 057); Memorandum from FMF (Exhibit 058).

⁷⁶ Memorandum from FMF at 20 (Exhibit 058).

⁷⁷ E-mail from Principal Deputy Chief Fitzgerald, to DAAG Moossy (Sept. 8, 2022) (Exhibit 059).

⁷⁸ E-mail from Laura Cowall, to Patel (Feb. 27, 2023) (Exhibit 060).

⁷⁹ *See* Request for Settlement Authority under the FACE Act, 18 U.S.C. § 248 (Feb. 14, 2024) (Exhibit 061) (requesting authorization from AAG Clarke for a consent decree to resolve FACE Act claims to “ensure both [defendants] maintain distance from clinics nationwide and are prohibited from violating FACE in the future”).

⁸⁰ E-mail from NAF Security Department, to Patel (Oct. 22, 2020) (Exhibit 062) (alert about *Handy*); E-mail from Davidson, to Patel (Mar. 5, 2021) (Exhibit 063) (alert about *Gallagher*); E-mail from Davidson, to Fleisher (Aug. 27, 2020) (Exhibit 064) (alert about *Zastrow* Sterling Heights protest); E-mail from Patel, to Carlson (Apr. 16, 2021) (Exhibit 065) (forwarding NAF’s alert about *Zastrow* Saginaw protest); E-mail from Patel, to [Redacted] (Oct. 18, 2021) (Exhibit 066) (forwarding an e-mail from Planned Parenthood alerting him to *Houck*-related activities); E-mail from Patel, to David Kennedy (July 14, 2022) (Exhibit 067) (forwarding alert about *Moscinski*).

Force relied on information from NAF to identify demonstrators⁸¹ and compile evidence that DOJ used to investigate and charge pro-life demonstrators.⁸²

Abortion NGOs sent DOJ more information about one pro-life activist than all the rest: Bevelyn Beatty Williams. Based in large part on this outreach, the Biden DOJ and FBI monitored Beatty's activities across jurisdictions and several considered whether her conduct was chargeable under the FACE Act. The USAO in the Southern District of New York ultimately charged her with a felony violation. After Beatty was sentenced, Patel updated his contacts at NAF, FMF, and Planned Parenthood, who were "[g]rateful for the update and hard work behind the case."⁸³ The NGOs' ongoing requests to the Biden DOJ about Beatty included:

- On January 8, 2021, Davidson flagged for Patel and the FBI that NAF was "gathering and compiling a lot of video and intel from Wednesday's events at the Capitol," along with the Abortion Access Front.⁸⁴ Davidson explained that with the upcoming March for Life, NAF was "very concerned that the individuals that participated in the invasion at the Capitol will continue similar actions at this event," and they wanted to provide as much information as possible in light of "growing concerns that these types of extremists now pose an even greater threat to Homeland Security than [Foreign Terrorist Organizations]." Several days later, NAF followed up with a dossier listing "the names of our well known antis" as "[p]eople of interest," including Beatty.⁸⁵ Patel looked for the correct contacts at the FBI with whom to share the information from NAF.⁸⁶ An hour later, Principal Deputy Chief Fitzgerald signed off on one of Patel's proposed FACE Act grand jury memoranda, reacting that "[t]his is a great case to be bringing now . . . we should make sure that the extremists know that we still have this tool and will use it."⁸⁷
- On January 28, 2022, an intelligence analyst for Planned Parenthood contacted her local sheriff's office about a demonstration in Florida, to which she appended several advisories compiling information about the views, activities, and known whereabouts of several Christian pro-life activists, including Beatty, Cal Zastrow, Eva Zastrow, and Chet Gallagher.⁸⁸ In her email, she emphasized: "*What can we do to push FACE Act charges*

⁸¹ See, e.g., E-mail from Patel, to Aloï (Aug. 9, 2022) (Exhibit 068) (flagging that NAF was trying to identify individuals involved in demonstrations in Grand Rapids, Michigan); Email from Davidson, to [Redacted], FBI (Jan. 4, 2021) (Exhibit 069) (identifying pro-life activists involved in the DC matter at the FBI's request). See also E-mail from Davidson, to [Redacted], FBI (Oct. 18, 2022) (Exhibit 070).

⁸² See, e.g., E-mail from Patel, to James McNally (Sept. 14, 2020) (Exhibit 071); E-mail from Patel, to Healy (Nov. 16, 2020) (Exhibit 041).

⁸³ E-mail from Gaines, to Patel (July 24, 2024) (Exhibit 072).

⁸⁴ E-mail from Davidson, to Patel (Jan. 8, 2021) (Exhibit 073).

⁸⁵ E-mail from Gannon, to [Redacted], FBI (Jan. 12, 2021) (Exhibit 074) (emphasis added) (enclosing attachment "Anti_Abortion_Insurrectionists_at_US_Capitol_Overview.docx" (Exhibit 075)).

⁸⁶ E-mail from Patel, to Principal Deputy Chief Fitzgerald (Jan. 8, 2021) (Exhibit 076).

⁸⁷ E-mail from Principal Deputy Chief Fitzgerald, to Patel (Jan. 8, 2021) (Exhibit 077).

⁸⁸ E-mail from Alicia Davis, Planned Parenthood, to Sheriffs (Jan. 28, 2022) (Exhibit 078). The email enclosed advisories from March 22, 2021 (Exhibit 079); January 7, 2022 (Exhibit 080); and January 27, 2022 (Exhibit 081).

again for those involved...?”⁸⁹ Those materials were shared with the FBI, who in turn sent them to Patel.⁹⁰ Planned Parenthood’s January 27, 2022 advisory noted that Beatty and Edmee Chavannes were not arrested and did not blockade.⁹¹ Nonetheless, it appended a photo of them, along with other pro-life activists, and labeled Beatty and Chavannes as their “opposition identified.”⁹²

- On July 7, 2022, NAF notified the FBI and Patel about Beatty’s recent activities,⁹³ attaching a dossier containing Beatty’s photograph, contact information and address, information about her husband and infant child, her affiliated ministries, and a list of her arrests.⁹⁴
- A week later, a representative for the Georgia clinic emailed Patel at the Clinic Violence email account, copying the FBI and a long list of abortion NGOs and providers, to ask for help to “stop these [] habitually criminal extremists from coming onto our properties,” inquiring whether Beatty was on a domestic terror watchlist.⁹⁵ Patel addressed the concerns over a telephone call and stayed in touch with the clinic contact, who thanked Patel in real time for obtaining convictions in the *Handy* matter.⁹⁶

iii. DOJ Provided NAF Internal Department Information and Coordinated with NAF on Pro-Abortion Outreach and Civil FACE Act Litigation.

Patel provided significant amounts of information to NAF, seemingly unbeknownst to CRT supervisors who thought that the “information flow ha[d] always been a one-way street.”⁹⁷

- When NAF requested a list of all active FACE charges, “including [crisis pregnancy centers] and churches,” Patel sent a complete list back within the hour.⁹⁸
- When NAF and FMF requested information about the “Terms of Release for several OSA extremists (Gallagher, Cal, James, and Eva Zastrow, Edl, and Place) as well as the DC ([Progressive Anti-Abortion Uprising]) crew Terms of Release,” Patel and AUSAs shared

⁸⁹ E-mail from Alicia Davis, Planned Parenthood, to Sheriffs (Jan. 28, 2022) (Exhibit 078) (emphasis in original).

⁹⁰ *Id.*

⁹¹ Planned Parenthood Advisory from January 27, 2022, *supra* note 88 (Exhibit 081).

⁹² *Id.*

⁹³ E-mail from Davidson, to Patel (July 7, 2022) (Exhibit 082).

⁹⁴ NAF Dossier on Beatty (Exhibit 083).

⁹⁵ E-mail from [Redacted], to Patel (July 14, 2022) (Exhibit 084).

⁹⁶ *Compare* E-mail from [Redacted], to Patel (Aug. 29, 2023 3:38PM) (Exhibit 085), with E-mail from Criminal Chief Felte, to Weiner (Aug. 29, 2023 3:28PM) (Exhibit 086).

⁹⁷ E-mail from Principal Deputy Chief Fitzgerald, to Buchko (Oct. 31, 2023) (Exhibit 039).

⁹⁸ E-mail from Patel, to Davidson (May 15, 2023) (Exhibit 087).

it quickly.⁹⁹ Two days later, NAF shared those terms for the Gallagher defendants with its membership Security Update email list.¹⁰⁰ After sharing this information, NAF flagged protests by defendants as possible violations of their sentencing terms.¹⁰¹

- At NAF’s invitation, Patel attended its national conference and presented an update to abortion clinics and providers about the FACE Act. In his read-out of the NAF Conference, he noted that his presentation on FACE Act was “well received.” “The big takeaway – many providers are scared with the Dobbs anniversary fast approaching; and they are frustrated that we are using FACE to protect ‘fake clinics.’ There were many other providers who fired back during some cross-audience debating, recognizing that if we don’t enforce the statute even-handedly, we’ll likely lose it.”¹⁰²
- NAF asked Patel whether the defendants in *Zastrow* would plead and for information about why the case schedule was shifted. Patel responded, “I’m pretty sure the continuance was to accommodate the attorneys’ schedules, and to provide sufficient time before trial . . . The part regarding pleas might be standard language . . . I’ll check with the prosecutors about that.”¹⁰³

The Task Force also coordinated with NAF when preparing for meetings with outside advocacy groups.¹⁰⁴ For example, before a meeting with numerous pro-abortion groups, Patel consulted with NAF about questions from clinics that he could raise with his supervisor, including ideas about how to possibly extend the scope of the FACE Act’s protections to “constructive phys[ic]al obstruction.”¹⁰⁵ NAF specifically flagged that meeting guests would want to talk about pro-life activist Bevelyn Beatty and recent case updates in state court.¹⁰⁶

Additionally, the Task Force coordinated with NAF on civil, private-party litigation against many of the pardoned defendants, which ultimately resulted in the United States filing a statement of interest on behalf of the clinic. In February 2022, Patel, NAF, and FMF discussed the local

⁹⁹ E-mail from Patel, to Davidson (Oct. 31, 2022) (Exhibit 088); E-mail from Klopff, to Gaines (Oct. 11, 2022) (Exhibit 089) (sharing the terms of pre-trial release with NAF and FMF).

¹⁰⁰ Email from NAF Security Department, to Fitzgerald (Oct. 13, 2022) (Exhibit 090).

¹⁰¹ E-mail from Patel, to Laura-Kate Bernstein (Aug. 29, 2024) (Exhibit 091) (forwarding questions from NAF about whether Eva and Cal Zastrow were violating their house arrest by “protesting outside a NAF member facility in Flint, MI”); E-mail from Serrano, to Patel (May 11, 2023) (Exhibit 092) (forwarding a social media post from Lauren Handy about a training on pro-life activity in case it was a violation of her terms of release).

¹⁰² See E-mail from Patel, to DAAG Moosy (May 12, 2023) (Exhibit 093).

¹⁰³ E-mail from Patel, to Davidson (Apr. 19, 2023) (Exhibit 094).

¹⁰⁴ See E-mail from Davidson, to Patel (Nov. 29, 2021) (Exhibit 095); E-mail from Davidson, to Patel (Nov. 9, 2021) (Exhibit 096); E-mail from Patel, to Principal Deputy Chief Fitzgerald (Nov. 26, 2021) (Exhibit 097) (attaching meeting agenda for Task Force meeting with abortion NGOs and clinics (Exhibit 98)).

¹⁰⁵ E-mail from Davidson, to Patel (Nov. 29, 2021) (Exhibit 095).

¹⁰⁶ *Id.*

proceedings stemming out of the Mt. Juliet demonstration,¹⁰⁷ and Davidson reached out to Patel separately to request time on his calendar to discuss FACE Act strategies and get an “update on the TN briefing.”¹⁰⁸ DOJ ultimately took a two-pronged approach, bringing criminal FACE Act charges and supporting Carafem in its civil FACE Act suit when many of the same pro-life individuals returned to protest there the following year.

On July 29, 2022, Carafem filed a complaint against Beatty, Chavannes, Gallagher, Operation Save America National Inc., and Operation Save America’s President Jason Storms, among others. Carafem alleged that defendants violated the FACE Act on July 26, 2022, when Coleman Boyd protested at Carafem with approximately 150 members of Operation Save America.¹⁰⁹ Carafem obtained a temporary restraining order and a preliminary injunction preventing any of the defendants from entering the property where Carafem is located during its business hours or otherwise obstructing those seeking reproductive health service from the facility.¹¹⁰

Through NAF, the ACLU and Carafem informed Patel first that they were considering filing the motion for a temporary restraining order,¹¹¹ discussed possible coordination,¹¹² and then notified him of the filing.¹¹³ In a related exchange, a CRT attorney explained that “[c]ivil FACE doesn’t give us any remedies that they cannot get, so I’m not sure filing our own suit makes sense,” but flagged that “I would love to file a[] [statement of interest] to show our support.”¹¹⁴

On September 1, 2022, DOJ filed a Statement of Interest, asserting its “interest in enforcing federal laws that protect access to reproductive health services, including, but not limited to, abortion care,” and seeking “to make clear that the FACE Act prohibits temporary physical obstructions or incomplete blockages of clinic access to reproductive health facilities.”¹¹⁵

¹⁰⁷ See E-mail from Patel, to Gaines (Feb. 3, 2022) (Exhibit 099); *Id.*, E-mail from Gaines, to Patel (Feb. 3, 2022) (attaching Exhibit 100). See also E-mail from Patel, to Klopf (May 10, 2022) (Exhibit 101) (discussing update from Tennessee law enforcement about the resolution of the local proceedings).

¹⁰⁸ E-mail from Davidson, to Patel (Feb. 9, 2022) (Exhibit 102).

¹⁰⁹ Memorandum Order, *Femhealth USA, Inc. v. Williams*, No. 3:22-cv-00565 (M.D. Tenn. Sept. 14, 2022), dkt. no. 65.

¹¹⁰ *Id.* at 2-3, 12; Temporary Restraining Order, *Femhealth USA, Inc. v. Williams*, No. 3:22-cv-00565 (M.D. Tenn. July 29, 2022), dkt. no. 9;

¹¹¹ See E-mail from Davidson, to Patel (July 29, 2022) (Exhibit 103).

¹¹² See E-mail from Brigette Amiri, ACLU, to Patel (July 29, 2022) (Exhibit 104).

¹¹³ E-mail from Ryan Mendias, ACLU, to Patel (July 29, 2022) (Exhibit 104).

¹¹⁴ E-mail from Kerry Dean, to Patel (Aug. 1, 2022) (Exhibit 104).

¹¹⁵ Statement of Interest of the United States, *Femhealth USA, Inc. v. Williams*, No. 3:22-cv-00565 (M.D. Tenn. Sept. 1, 2022).

iv. The Biden DOJ Helped Abortion NGOs Obtain Third-Party Grants.

When abortion NGOs raised concerns about possible violations or requests for contacts with the FBI, the Task Force Director immediately helped and connected NAF with contacts around the country.¹¹⁶ In late 2020, NAF asked if Principal Deputy Chief Fitzgerald would serve as a reference on “a fund proposal (that supports, among other things, their training and threat monitoring services).”¹¹⁷ Patel forwarded the request to her, suggesting that NAF “may be able to list me in your place,” and then followed up stating that absent objection, he would have “NAF use [him] as the reference for their grant application.”¹¹⁸ Before his supervisor responded, Patel agreed to serve as NAF’s reference.¹¹⁹ When his supervisor eventually responded, she recommended that Patel “ask our ethics person[] what we are allowed to do/say re: an NGO with whom we interact.”¹²⁰ DOJ’s review of all custodian emails did not reveal any email where Patel contacted his ethics officer on this matter or retracted his offer to NAF.

Two years later, NAF requested that Task Force Director Patel help them with another grant application, asking that he “write a short impact statement, on DOJ letterhead, and in your own words, on the importance of the NAF Security Departments work and the impact on provider safety in the DMV. You could also talk about how we work together and some of the outcomes of our efforts if you feel inclined.”¹²¹ Patel flagged that he would have to get permission from Principal Deputy Chief Fitzgerald “to write a statement for you (which you know I am otherwise happy to do for you).”¹²² There was no further correspondence on this topic in DOJ records.

¹¹⁶ E-mail from Patel, to Davidson (July 16, 2021) (Exhibit 038) (responding to a request from Davidson for an FBI contact in West Virginia); E-mail from Patel, to [Redacted], FBI (Nov. 17, 2021) (Exhibit 037) (connecting NAF with a California-based FBI contact).

¹¹⁷ E-mail from Patel, to Principal Deputy Chief Fitzgerald (Dec. 23, 2020) (Exhibit 105)

¹¹⁸ *Id.*

¹¹⁹ E-mail from Patel, to Tara Gannon (Dec. 23, 2020) (Exhibit 106) (agreeing to serve as a reference).

According to its website, the “the Lisa and Douglas Goldman Fund is a private foundation committed to providing support for charitable organizations that enhance our society.” See *ABOUT US*, LGDFUND.ORG (last visited Feb. 17, 2026), <https://perma.cc/25C8-VXN6>. NAF ultimately received \$90,000 in grant funding from the Lisa and Douglas Goldman Fund in 2021 and \$100,000 in grant funding in 2022. *Grants Database*, LGDFund.org (last visited Feb. 17, 2026), <https://perma.cc/5LA9-FVLS>. Davidson later informed Patel that this foundation was one of “the main funder[s] of [NAF’s] security work.” E-mail from Davidson, to Patel (Nov. 9, 2021) (Exhibit 096).

¹²⁰ E-mail from Principal Deputy Chief Fitzgerald, to Patel (Dec. 30, 2020) (Exhibit 105).

¹²¹ E-mail from Principal Deputy Chief Fitzgerald, to John Buchko (Nov. 1, 2023) (Exhibit 039); E-mail from Davidson, to Patel (Oct. 31, 2023) (Exhibit 107).

¹²² E-mail from Patel, to Davidson (Oct. 25, 2023) (Exhibit 107).

IV. THE BIDEN DOJ'S INAPPROPRIATE PROSECUTORIAL CONDUCT

DOJ prosecutors engaged in inappropriate conduct and comments directed toward pro-life defendants. Prosecutors disparaged defendants' religious beliefs, Catholic judges, and defense counsel. Prosecutors sought to exclude religious jurors. They declined to allow some defendants to self-surrender, instead authorizing aggressive arrest tactics. And, when defense counsel requested data on historic FACE Act prosecutions, Patel asserted that he did not maintain those records, referring counsel to the FOIA process, although he had the data on hand and had provided similar information to abortion NGOs a year prior. The following three examples provide case studies of these inappropriate prosecutorial decisions and conduct.

A. *United States v. Gallagher: The Biden DOJ Claimed to Defense Counsel That It Did Not Keep Information Requested for a Selective Prosecution Defense, Despite Giving Materially Identical Information to NAF.*

On March 5, 2021, Gallagher, Heather Itoni, Calvin Zastrow, Davis, Paul Vaughn, Eva Edl (an approximately 87-year-old Soviet death camp survivor), Eva Zastrow, James Zastrow, and Paul Place gathered in the hallway outside Carafem Health Center, in Mt. Juliet, Tennessee. They met at approximately 7:45 a.m., before the facility opened. Dennis Green and Boyd subsequently joined them.¹²³ NAF alerted Patel that there was an “active blockade at Carafem in Mt. Juliet, TN” while it was still ongoing, and that NAF would monitor and download the demonstrator’s live stream.¹²⁴

The Task Force reengaged on the matter shortly after the *Dobbs* leak.¹²⁵ On October 3, 2022, DOJ secured a two-count indictment. It charged Gallagher, Itoni, Calvin Zastrow, Boyd, Davis, Vaughn, and Green with violating 18 U.S.C. § 241 (conspiracy against rights). And it charged each defendant with violating the FACE Act.¹²⁶

In January 2023, one of the defense counsel contacted the AUSA requesting information about “how many FACE Act criminal prosecutions there have been in the last ten years, including both reproductive right clinics, churches etc.”¹²⁷ The counsel flagged that “[i]t is no secret that we will make a selective prosecution type argument,” and anticipated that this information would be necessary to help the judge assess the defense.¹²⁸

The Biden DOJ prosecutors had this information readily available, having compiled it before defense counsel’s request. They refused to share it. A month later, after several more requests as defendants’ filing deadline was approaching, Patel responded, stating:

¹²³ Indictment, *United States v. Gallagher*, No. 3:22-cr-00327 (M.D. Tenn. Oct. 3, 2022).

¹²⁴ E-mail from Davidson, to Patel (Mar. 5, 2021) (Exhibit 063).

¹²⁵ Patel e-mailed the USAO to “get the [grand jury] memo moving [on this case] so that we can figure out what our likely target indictment date is.” E-mail from Patel, to Klopf (May 8, 2022) (Exhibit 101).

¹²⁶ Indictment, *United States v. Gallagher*, No. 3:22-cr-00327 (M.D. Tenn. Oct. 3, 2022).

¹²⁷ E-mail from Jodie Bell, to Klopf (Jan. 27, 2023) (Exhibit 108).

¹²⁸ *Id.*

As the national clinic violence coordinator, I do not keep the kind of records you requested and, as a result, I do not believe that we will provide them to you. However, I expect that much of what you seek is publicly available. For example, there are press releases on the DOJ's public website that address FACE Act prosecutions. With those press releases, you would be able to obtain additional materials through the courts' online databases.¹²⁹

Patel's representation to defense counsel was false.¹³⁰ At Patel's request, in October 2022, CRT compiled a spreadsheet of all DOJ actions under the FACE Act.¹³¹ The FBI provided him monthly updates about the number of FACE Act investigations and prosecutions, broken down by pro-life and pro-choice valence.¹³² Additionally, he had previously compiled and shared a full list of FACE Act prosecutions to NAF when that team requested similar data.¹³³

The First Assistant United States Attorney was inclined to provide the data, but Patel decided "we should not provide her with anything," reasoning that "[p]roviding her with the requested information may open gates we will struggle to close later."¹³⁴

¹²⁹ E-mail from Patel, to Bell (Feb. 22, 2023) (Exhibit 108).

¹³⁰ Under the Rules of Professional Conduct, attorneys are obligated to truthfulness: "In the course of representing a client, a lawyer shall not knowingly [] make a false statement of material fact or law to a third person." Am. Bar Ass'n, Model Rules of Professional Conduct 4.1(a) (2019). The Justice Manual mandates that DOJ employees "must comply with the rules on Government ethics" and "applicable rules of professional conduct." U.S. Dep't of Just., Just. Manual § 1-4.010, <https://perma.cc/L3GU-6SPS>.

¹³¹ E-mail from Miller, to Patel (Oct. 19, 2022) (Exhibit 109).

¹³² E-mail from [Redacted], FBI, to Patel (May 31, 2024) (Exhibit 110); E-mail from Patel, to Criminal Chief Felte (May 28, 2024) (attached as Exhibit 111) (summarizing the FACE Act charges brought since January 2021).

¹³³ *See supra*, at 16 & n.98.

¹³⁴ E-mail from Patel, to Klopff (Feb. 2, 2023) (Exhibit 112).

B. *United States v. Zastrow: The Biden DOJ Allowed Abortion NGOs to Drive Charging Decisions and Engaged in Blatant Anti-Christian Bias in the Jury Pool.*

On August 27, 2020, Calvin Zastrow, Gallagher, Idoni, Davis, Joel Curry, Justin Phillips, Edl, and Eva Zastrow demonstrated at a women’s clinic in Sterling Heights, Michigan. Before the demonstration, the Defendants and other demonstrators gathered near the clinic and prayed. The Defendants then walked to the clinic’s entrance area while others demonstrated from the public sidewalk, carrying signs, singing hymns, and praying. Several defendants spoke to women at the clinic, and several stood or sat in front of the doors while praying or singing hymns. Law enforcement officers responded and asked the Defendants to move. When the Defendants refused to move, they were arrested and charged with a 30-day misdemeanor trespass offense by the local prosecutor.

On August 27, 2020, while the demonstration was still underway, Davidson notified Patel that there was an active “blockade” occurring and that Gallagher was among the demonstrators “sitting in front of the doors.”¹³⁵ Davidson’s colleague forwarded Patel videos of the demonstration the next day, which Patel immediately sent to his deputy chief in CRT, noting that he would be “happy to jump on this if you’d like.”¹³⁶

On September 1, 2020, Patel contacted Frances Carlson, an AUSA from the United States Attorney’s Office for the Eastern District of Michigan and forwarded her an e-mail chain that he received from NAF, containing an earlier e-mail from the clinic’s owner to the FBI describing the demonstrators as “terrorists;” explaining that the demonstration was “distressing, illegal[,] and [the clinic was] not happy with the way it was handled[;]” and noting that they “want[ed] to move forward with a FACE prosecution and are sending all this information over to the Department of Justice.”¹³⁷ Patel told Carlson that he thought there was a good misdemeanor FACE Act charge for each demonstrator who blocked the entrance.¹³⁸ He reached out to Davidson to ask her to “help coordinate” getting him copies of witnesses statements, video footage, and photographs the clinic gathered.¹³⁹

In December 2020, the United States Attorney’s Office declined to bring federal misdemeanor charges because the prosecution was being handled via local arrests.

On April 16, 2021, Idoni and Edl sat in front of an abortion clinic doors in Saginaw, Michigan. Idoni wanted to stay there as long as possible “to prevent babies from dying.” Edl wedged a door stop under the door, and Idoni chained herself to a second door using a bike lock.

¹³⁵ E-mail from Davidson, to Fleisher (Aug. 27, 2020) (Exhibit 064).

¹³⁶ E-mail from Patel, to CRT Deputy Chief Bobbi Bernstein (Aug. 28, 2020) (Exhibit 113).

¹³⁷ E-mail from Patel, to Carlson (Sept. 1, 2020) (Exhibit 114).

¹³⁸ *Id.*

¹³⁹ E-mail from Patel, to Davidson (Sept. 1, 2020) (Exhibit 115). On September 14, 2020, Davidson, who received a copy of the police report from the August 27, 2020, arrest, forwarded it to Patel, noting that he should please “let [NAF] know if [they] can assist with anything else.” E-mail from Fleisher, to Patel (Sept. 14, 2020) (Exhibit 116).

The police arrested Edl and Idoni for misdemeanor trespassing after they refused to leave. A local prosecutor charged Idoni and Edl with misdemeanor trespassing, a state jury found them both guilty, and the state court fined each \$225.

On April 16, 2021, shortly after the Saginaw demonstration ended, Davidson notified Patel about the clinic “blockage.” Patel forwarded the information to the U.S. Attorney’s Office asking whether it is a good time to “revisit the Sterling Heights blockade.”¹⁴⁰ Carlson responded that she does “not have the support of [her] unit chief. This may change, however, if the same actors are involved in the Saginaw incident.”¹⁴¹

The Biden DOJ Pursued More Significant Charges after the Texas Heartbeat Bill and *Dobbs*

In December 2021—a year after the USAO’s initial declination—Patel contacted Carlson again about the Sterling Heights case. Carlson e-mailed her supervisor, explaining that Patel’s “management [wa]s very eager to pursue the prosecution now given some events that have occurred since then [Carlson believed this referred to Texas’s Heartbeat Law].”¹⁴² Carlson acknowledged her supervisor’s “strong opinions” against charging the misdemeanor case when it first happened because “there was no violence or damage to the clinic.”¹⁴³ But Carlson explained that she agreed with CRT that the case should be reopened “[g]iven the recent directive from [Deputy Attorney General Lisa Monaco]”¹⁴⁴

Several days later, Carlson confirmed that Patel “[wa]s not aware of any FACE Act prosecutions involving non-violent violations *yet*. But the posture of the administration and his particular office has changed so he expects that there will be. His office definitely plans on moving forward with this and would prefer to do it with us.”¹⁴⁵

In January 2022, Carlson informed her supervisor that CRT “would like to know if our office will do the prosecution with them. I think we should. Either way, CRT will proceed with the prosecution.”¹⁴⁶ Shortly after, Carlson met with her USAO leadership. The then newly confirmed United States Attorney (USA) Dawn Ison expressed concerns about delay, the current state prosecution, and being the first non-violent FACE Act prosecution in the country. USA Ison explained that, if the USAO could maintain some control over the case and CRT obtained a *Petite*

¹⁴⁰ E-mail from Patel, to Carlson (Apr. 16, 2021) (Exhibit 065).

¹⁴¹ *Id.*

¹⁴² E-mail from David Gardey, to Carlson (Jan. 4, 2022) (Exhibit 117).

¹⁴³ *Id.*

¹⁴⁴ *Id.* On October 21, 2022, DAG Monaco issued a protocol for high-profile civil rights incidents, which included “the use or threat of force against a person seeking to provide or obtain reproductive health services” under § 248. See U.S. Dep’t of Just., Just. Manual § 8-3.135, <https://perma.cc/7ASB-DKN8> (last visited Feb. 27, 2026). There was, however, no evidence of force or threats of force for the Sterling Heights or Saginaw demonstration.

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

waiver,¹⁴⁷ she would approve joining the prosecution. Carlson relayed USA Ison's position to Patel, and, on January 28, 2022, the USAO decided to join the prosecution.

In early May 2022, shortly after the *Dobbs* leak, Deputy Chief Bobbi Bernstein contacted Patel about the status of this matter.¹⁴⁸ Shortly thereafter, Patel, Laura-Kate Bernstein, Principal Deputy Chief Fitzgerald, and Deputy Chief Bernstein sought authorization from Deputy Assistant Attorney General Moosy to charge misdemeanor FACE Act violations for both demonstrations.

On May 19, 2022, Deputy Chief Bernstein notified Patel that she had spoken with Principal Deputy Chief Fitzgerald, and that “[Fitzgerald] is very much inclined to” bring charges under 18 U.S.C. § 241, “so that the Ds will have felonies and will be barred from possessing firearms.”¹⁴⁹ Patel initially disagreed, stating that the “best play” would be to pursue FACE Act charges against these defendants because they could proceed to trial quickly and five of the defendants were already facing 18 U.S.C. § 241 charges in Tennessee.¹⁵⁰ Principal Deputy Chief Fitzgerald, however, explained that “Detroit seems like it would have a jury pool that would be more accepting of the FACE Act than TN,” ultimately persuading Patel to move forward with the 18 U.S.C. § 241 charges.¹⁵¹

In early June, Carlson told her supervisor,

[The CRT] bosses feel strongly about the felony charges. If we feel differently, they plan to go forward on their own with the prosecution. Of course, they would prefer to do the case with us so if it would be helpful, they would like to have a call with you and our “front office.”¹⁵²

Around this time, Carlson's supervisor recused himself and stopped supervising the case.¹⁵³ CRT reached out again to the AUSA, reminding that DOJ wanted to charge everyone in the conspiracy if there was evidence of concerted conduct, which was what the Middle District of Tennessee planned to do with their case.¹⁵⁴

In mid-June, USA Ison explained to her staff that, if CRT wanted to go forward with the felony, then she felt the United States Attorney's Office had to join them.¹⁵⁵ USA Ison requested a new prosecution memorandum, to lay out the facts of the case, potential charges and defenses,

¹⁴⁷ See discussion of *Petite* policy, *infra* at 25.

¹⁴⁸ E-mail from Deputy Chief Bernstein, to Patel (May 6, 2022) (Exhibit 118).

¹⁴⁹ E-mail from Deputy Chief Bernstein, to Principal Deputy Chief Fitzgerald (May 19, 2022) (Exhibit 119).

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² E-mail from Gardey, to Carlson (June 2, 2022) (Exhibit 120).

¹⁵³ E-mail from Gardey, to Carlson (Jan. 4, 2022) (Exhibit 117).

¹⁵⁴ See generally E-mail from Patel, to Carlson (Jun. 13, 2022) (Exhibit 121).

¹⁵⁵ See generally *id.*

and the Government's ability to meet its burden of proof at trial.¹⁵⁶ Carlson drafted the memorandum with help from CRT, which sought approval to charge nine defendants with felony conspiracy against rights (18 U.S.C. § 241) violations and two misdemeanor FACE Act violations.

Petite Waiver Request

As previously mentioned, Idoni and Edl were convicted in state court for actions in connection with the Saginaw demonstration. Accordingly, pursuant to DOJ's *Petite* Policy, DOJ attorneys could only pursue federal charges against these defendants if they obtained approval from AAG Clarke and could demonstrate that: (1) the matter involved a substantial federal interest; (2) the prior prosecution left that interest demonstrably unvindicated; and (3) the government believed that the defendants violated a federal statute and that the admissible evidence probably would be sufficient to sustain and maintain a conviction by an unbiased trier of fact.¹⁵⁷

In October 2022, Patel submitted a *Petite* waiver request to charge Idoni and Edl with a federal misdemeanor FACE Act violation for the Saginaw demonstration.¹⁵⁸ Patel explained that the matter involved substantial federal interests, regardless of the state convictions, because the defendants "will continue to engage in obstructive conduct that interferes with the provision of abortion care because of their strongly held ideologies."¹⁵⁹ He explained that "[t]hrough this prosecution, we may be able to bring future felony charges" against them.¹⁶⁰ Patel reasoned that

The Clinic and their corresponding national Non-Governmental Organizations (NGO) stakeholders are very committed to pursuing a federal prosecution. . . . Similarly, NGOs, including the National Abortion Federation and Feminist Majority Foundation, have on several occasions contacted federal authorities and expressed their and the Clinic's strong interest in the Department of Justice pursuing a federal FACE Act prosecution here.¹⁶¹

In November 2022, CRT transmitted a revised version of its *Petite* waiver request to AAG Clarke for her approval.¹⁶² Among other modifications, the revised request omitted this language from Patel's draft, downplaying the role that pro-abortion advocacy groups played in CRT's decision to pursue these charges against the Defendants. He cited to Attorney General Merrick Garland's statements about DOJ's post-*Dobbs* commitment to "tirelessly protect and advance

¹⁵⁶ See E-mail from L. Bernstein, to Carlson (Oct. 18, 2022) (Exhibit 122).

¹⁵⁷ See U.S. Dep't Just., Just. Manual § 9-2.031.

¹⁵⁸ See Draft Memorandum from Criminal Chief Felte, to AAG Clarke (Oct. 28, 2022) (Exhibit 123).

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

¹⁶¹ *Id.*

¹⁶² Compare Memorandum from Criminal Chief Felte, to AAG Clarke (Nov. 30, 2022) (Exhibit 124), with Draft Memorandum from Criminal Chief Felte, to AAG Clarke (Oct. 28, 2022) (Exhibit 123).

reproductive freedom” and use the FACE Act “to protect healthcare providers and individuals seeking reproductive health services.”¹⁶³

Felony Indictment and Arraignment

Patel, Carlson, and a second AUSA, Sunita Doddamani, presented the case to the grand jury. The indictment charged Calvin Zastrow, Gallagher, Idoni, Curry, Phillips, Eva Edl, and Eva Zastrow, with conspiracy against rights, in violation of 18 U.S.C. § 241, and clinic access obstruction, 18 U.S.C. § 248, for their involvement in the Sterling Heights demonstration.¹⁶⁴ It also charged Idoni and Edl with clinic access obstruction under the FACE Act for their involvement in the Saginaw demonstration. In March 2023, the Defendants were arraigned. Carlson complained about the magistrate judge overseeing the arraignment:

Unfortunately, we ended up with a **very Catholic magistrate** on duty this week and he was very particular about the bond conditions and not infringing on their first amendment rights. At the end, we ended up with overly lawyered bond conditions that would be difficult to enforce!¹⁶⁵

Jury Selection

The Biden DOJ prosecutors sought to identify and screen Christian jurors from the jury pool simply because they were Christian, without imperiling pro-abortion jurors.

The first effort was in May 2024, when they prepared a proposed voir dire to submit to the court. In preparing the document, the trial team struggled with what questions to ask, with a CRT Deputy Chief at one point cautioning his subordinate that “conservative judges” could be “upset by some of” questions they were considering as some “seem very one-sided.”¹⁶⁶

The Biden DOJ trial team considered ways of asking about potential jurors’ religion, with Bernstein noting that she could not think of an “anodyne way to ask” questions about “religion, how often people go to services, etc.”¹⁶⁷ They contemplated asking whether potential jurors had ever “contributed to any group” that “advocates for any aspect of reproductive health care,” but a CRT attorney ultimately expressed concern that the question could lead to the “court excusing for-cause” individuals with pro-abortion views.¹⁶⁸ The team ultimately did not raise those specific

¹⁶³ Memorandum from Criminal Chief Felte, to AAG Clarke (Nov. 30, 2022) (Exhibit 124).

¹⁶⁴ Indictment, *United States v. Zastrow*, No. 2:23-cr-20100 (E.D. Mich. Feb. 15, 2023).

¹⁶⁵ E-mail from Carlson, to Patel (Mar. 10, 2023) (Exhibit 125) (emphasis added).

¹⁶⁶ E-mail from Deputy Chief Bernstein, to L. Bernstein (Mar. 17, 2024) (Exhibit 126).

¹⁶⁷ E-mail from L. Bernstein, to Carlson (May 15, 2024) (Exhibit 127). The use of peremptory strikes to exclude a potential juror on the basis of actual or perceived protected classes violates the Equal Protection Clause. *See Batson*, 476 U.S. at 89; *J.E.B. v. Alabama ex rel. T.B.*, 511 U.S. 127, 143 (1994). Strikes based on purposeful discrimination “undermine public confidence in the fairness of our system of justice” and violate the defendants’ right to “be tried by a jury whose members are selected pursuant to nondiscriminatory criteria.” *Batson*, 476 U.S. at 86-87.

¹⁶⁸ *See* Draft Proposed Voir Dire Questions, *United States v. Zastrow*, No. 2:23-cr-20100 (Exhibit 128).

questions in the voir dire filed with the court, reasoning that they could be “less concerned about the proposed voir dire” once the judge allowed a jury questionnaire, which would give the information they wanted.¹⁶⁹

The judge adopted questions into the jury questionnaire that the Biden DOJ proposed. While the final phrasing was unremarkable, internal drafts indicate what types of information the trial team hoped to glean from the answers, such as how frequently the jurors attend services¹⁷⁰ or whether their children attend religious schools.¹⁷¹

Throughout the process, they searched for “an indirect way to get some more info about religion without directly asking it.”¹⁷² The trial notes are consistent with this approach. The Biden DOJ prosecutors flagged several Christian jurors for peremptory and for-cause strikes from the jury pool because of their faith.¹⁷³

Trial

The trial team requested that the court limit the defendants’ ability to wear “Jesus buttons” to the trial.¹⁷⁴ For example, on the day that Carlson asked for a limiting instruction, C. Zastrow was wearing a button that says, “Jesus is Lord.” Doddamani raised concerns about “improper messaging” to the jury. The judge was skeptical, as the trial testimony and exhibits offered by both sides would involve the defendants’ religious views.¹⁷⁵

In closing argument, Carlson made the following numerous statements about the Defendants’ religious beliefs and pro-life views:

- “If the defendants were looking for meaningful conversation, they sure didn’t act like it. [] What the defendants cared about was **their own version of reality**. What they cared about was depriving the women in the parking lot of their right to obtain reproductive health services. What they cared about was the supremacy of their beliefs about women who came to reproductive health clinics and their -- **the supremacy of their beliefs over the law**. What they cared about was deciding for women, deciding for women that they should not be able to exercise a legal right that they have. [] The defendants were in that parking lot

¹⁶⁹ E-mail from L. Bernstein, to Carlson (May 15, 2024) (Exhibit 127).

¹⁷⁰ Draft Proposed Juror Questionnaire Instructions, *United States v. Zastrow*, No. 2:23-cr-20100 (Exhibit 129).

¹⁷¹ *Id.*

¹⁷² *Id.*

¹⁷³ The responses to juror questionnaires are sealed for juror privacy. See Juror Questionnaire Instructions, *United States v. Zastrow*, No. 2:23-cr-20100 (E.D. Mich. May 15, 2024), dkt. no. 254 (“The questions are not intended to unnecessarily inquire into personal matters; all information obtained will be kept confidential.”). As a result, DOJ is treating internal deliberations and summaries of the responses as subject to the same seal as the juror questionnaire responses.

¹⁷⁴ Transcript of Hearing Regarding Potential Juror Responses to Questionnaires, at PageID.2351-56, *United States v. Zastrow*, No. 2:23-cr-20100 (E.D. Mich. Aug. 19, 2024), Dkt. No. 371.

¹⁷⁵ *Id.*

because **they believed they knew better**. They knew better than [Patient 1] about the choices that she should make in her life. The defendants didn't care about [Patient 1] and they certainly did not care about the law. **They didn't care about anything but their own beliefs.**"¹⁷⁶

- “We are here today because the defendants believed that they are above the law. [] We are here because **they believe that they have a right to oppress and intimidate by imposing their will on others and that they can violate the law without being held accountable.**”¹⁷⁷

During rebuttal argument, Doddamani made the following statements:

- “And like when the defendants were taking video of people in their cars without their permission, it's an **expected result** that that would make them **feel fearful** and that they would **turn away from that clinic. I'd be turning away from that if I saw that at the grocery store. Let alone a medical clinic.** The same thing with the people who they were calling baby murderers or telling them to repent for their sins.”¹⁷⁸
- “There's a version of the argument we heard from the defense. These women basically overreacted to what we were politely doing. Right? **They're essentially here calling the witnesses, the employees, and the patients snowflakes. Right? In their view, these women were just overreacting. Like women do. Right? Which is stereotypical nonsense.**”¹⁷⁹

While drafting her rebuttal, Doddamani compared pro-life Christians to cult members, describing them and the terms they used as “culty.”¹⁸⁰

¹⁷⁶ Transcript of Jury Trial, Volume 10, at PageID.4283-84, *United States v. Zastrow*, No. 2:23-cr-20100 (E.D. Mich. Aug. 19, 2024), Dkt. No. 382 (emphasis added).

¹⁷⁷ *Id.* at PageID.4288-89 (emphasis added).

¹⁷⁸ *Id.* at PageID.4391-92 (emphasis added). Inviting jurors “to place themselves in the victim’s shoes violates the ban on Golden Rule arguments.” *United States v. Hall*, 979 F.3d 1107, 1119 (6th Cir. 2020). A “Golden Rule” appeal asks the jury “to put itself in the [victim’s] position” and “is *universally recognized as improper* because it encourages the jury to depart from neutrality and to decide the cases on the basis of personal interest and bias rather than the evidence.” *Id.* (emphasis in original) (internal quotations omitted).

¹⁷⁹ *Id.* at PageID.4392 (emphasis added).

¹⁸⁰ E-mail from L. Bernstein, to Carlson (Aug. 18, 2024) (Exhibit 130).

C. *United States v. Houck: The Biden DOJ Used Aggressive Arrest Tactics Against a Pro-Life Defendant Who Was Subsequently Acquitted.*

On October 13, 2021, Mark Houck, “a devoted pro-life Catholic and father of seven,” took his twelve-year son with him to speak outside of a Planned Parenthood location.¹⁸¹ While speaking outside of the facility, Houck encountered a Planned Parenthood escort. When the clinic escort confronted his son with ridicule and profanity, Houck stepped in to protect his child and pushed the escort, scraping his arm.¹⁸²

That week, Planned Parenthood’s local Senior Director of Security contacted the FBI, requesting assistance and stating the “objective of this would be to obtain an injunction similar” to a 2011 civil action filed by DOJ.¹⁸³ The FBI forwarded this email to Patel,¹⁸⁴ who forwarded the Planned Parenthood inquiry to one of the deputy chiefs, saying that this “looks like a good felony FACE matter” and that he would open a new matter and assign it to himself.¹⁸⁵ Patel spent the next several months persuading his supervisors to allow him to file charges against Houck. Supervisors voiced concerns that the incident seemed unrelated to any intent to interfere with clinic access.¹⁸⁶ They agreed that Patel’s additional investigation mitigated litigation risk and noted that the “USAO really wants to proceed in this matter, and the FBI is on board.”¹⁸⁷

In other exchanges, AUSAs in the Eastern District of Pennsylvania wanted to confirm that the Houck matter would be the “first post-Dobbs FACE indictment.”¹⁸⁸ In an email chain discussing the plan to arrest Houck and prep press releases, an AUSA disparaged Houck’s defense counsel, expecting them “to be particularly . . . Unpleasant.”¹⁸⁹ In a separate email chain, Patel derogatorily described these attorneys—a pro-life public interest law firm—as “quite the racket.”¹⁹⁰ Houck’s attorneys offered to accept a summons and bring him in voluntarily if DOJ proceeded with a criminal case,¹⁹¹ but DOJ and the USAO declined to pursue a summons and

¹⁸¹ Indictment, *United States v. Houck*, No. 2:22-cr-00323 (E.D. Pa. Sept. 20, 2022).

¹⁸² See E-mail from Patel, to Principal Deputy Chief Fitzgerald (Nov. 19, 2021) (Exhibit 131).

¹⁸³ E-mail from [Redacted], FBI, to Patel (Oct. 18, 2021) (Exhibit 066) (forwarding e-mail from Planned Parenthood).

¹⁸⁴ *Id.*

¹⁸⁵ E-mail from Patel, to Sheldon Beer (Oct. 18, 2021) (Exhibit 132).

¹⁸⁶ E-mail from Principal Deputy Chief Fitzgerald, to Patel (Nov. 18, 2021) (Exhibit 133).

¹⁸⁷ E-mail from Beer, to Principal Deputy Chief Fitzgerald (Aug. 10, 2022) (Exhibit 134); E-mail from Principal Deputy Chief Fitzgerald, to Beer (Aug. 18, 2022) (Exhibit 135).

¹⁸⁸ E-mail from Patel, to Eve (Aug. 31, 2022) (Exhibit 136).

¹⁸⁹ E-mail from Gibson, to Eve (Sept. 16, 2022) (Exhibit 137).

¹⁹⁰ See E-mail from Patel, to Ashley Martin (Jan. 21, 2023) (Exhibit 138).

¹⁹¹ E-mail from Matt Heffron, Thomas More Soc’y, to Eve (June 9, 2022) (Exhibit 139).

allow Houck to self-surrender, instead deferring to the FBI's plan to arrest.¹⁹² DOJ, the USAO, and the FBI coordinated in advance and approved of the plan to arrest.¹⁹³

On September 20, 2022, the USAO for the Eastern District of Pennsylvania secured a two-count indictment against Houck under the FACE Act.¹⁹⁴ At 7:03 A.M. on September 23, 2022, sixteen FBI agents arrived at Houck's home in seven vehicles. The officers were visibly armed. They arrested and handcuffed Houck outside his front door while his family watched from inside.¹⁹⁵ Shortly after the arrest, the Special Agent notified Patel and the AUSA that Houck was in custody.¹⁹⁶

Public outcry about the arrest and show of force was swift. When CRT leadership wanted to understand what happened, the Task Force Director pointed at the FBI, stating that he and the USAO "urged FBI to allow [Houck] to self-surrender."¹⁹⁷ No emails in the contemporaneous record support that statement. In a later assessment of lessons learned for upcoming Tennessee FACE indictments, Patel gave his view that the FBI's "main reason" for arrest rather than allowing self-surrender was to seize phones for search warrants, but that "I think the unspoken reason is bc the FBI really likes to make arrests."¹⁹⁸ When the DOJ team began to receive emails from the public about the arrest, one AUSA complained about the defendant's family: "The tragedy is that Mrs. Houck is attempting to taint the public's view of the arrest and prosecution."¹⁹⁹

At trial, Houck's attorneys argued that the abortion escort was the aggressor in the encounter, and, on January 30, 2023, the "jury returned a verdict of 'not guilty,' acquitting Mark Houck."²⁰⁰ Houck and his wife subsequently filed lawsuits "against the FBI and DOJ for malicious and retaliatory prosecution, abuse of process, false arrest and assault."²⁰¹ The United States recently reached a settlement agreement with Houck.²⁰²

¹⁹² E-mail from Patel, to Eve (Sept. 17, 2022) (Exhibit 140).

¹⁹³ E-mail from [Redacted], FBI, to Eve (Sept. 20, 2022) (Exhibit 141); E-mail from [Redacted], FBI, to Eve (Sept. 22, 2022) (Exhibit 142).

¹⁹⁴ Indictment, *United States v. Houck*, No. 2:22-cr-00323 (E.D. Pa. Sept. 20, 2022).

¹⁹⁵ See E-mail from Sparkle Sooknanan, to Anders Folk (Sept. 27, 2022) (Exhibit 143).

¹⁹⁶ E-mail from Patel, to [Redacted], FBI (Sept. 23, 2022) (Exhibit 144).

¹⁹⁷ E-mail from Patel, to Criminal Chief Felte (Oct. 17, 2022) (Exhibit 145). See also E-mail from Patel, to Criminal Chief Felte (Oct. 18, 2022) (Exhibit 146).

¹⁹⁸ E-mail from Patel, to Criminal Chief Felte (Oct. 4, 2022) (Exhibit 147).

¹⁹⁹ E-mail from Eve, to Patel (Sept. 26, 2022) (Exhibit 148).

²⁰⁰ Docket, *United States v. Houck*, No. 2:22-cr-00323, at Dkt. No. 68 (E.D. Pa.); Judgment of Acquittal/Not Guilty, *United States v. Houck*, No. 2:22-cr-00323 (E.D. Pa. Jan. 30, 2023), Dk. No. 70; E-mail from Patel, to Criminal Chief Felte (Jan. 30, 2023) (Exhibit 149); E-mail from DAAG Moossy, to Sooknanan (Jan. 30, 2023) (Exhibit 150).

²⁰¹ Peter Pinedo, *Mark Houck and Wife Sue FBI and DOJ for Malicious Prosecution: Era of Targeting Pro-Lifers 'Is Over'*, NAT'L CATHOLIC REG. (Nov. 8, 2023), <https://www.ncregister.com/cna/mark-houck-and-wife-sue-fbi-and-doj-for-malicious-prosecution-era-of-targeting-pro-lifers-is-over>.

²⁰² Amended Joint Status Report of Parties, *Houck v. United States*, No. 25-1433 (3d Cir. Jan. 7, 2026).

V. THE BIDEN DOJ'S SENTENCING DISPARITIES

The Biden DOJ routinely pursued comparatively harsher sentences against pro-life FACE Act defendants. In cases involving non-violent conduct under the FACE Act, DOJ pursued significantly higher sentences against pro-life defendants than pro-choice defendants: on average, 26.8 months for the former versus 12.3 months for the latter. The individual sentencing requests and sentences are summarized in the following chart:²⁰³

Pro-Life Defendants	Request (in months)	Sentence (in months)	Pro-Abortion Defendants	Request (in months)	Sentence (in months)
<i>United States v. Handy</i>			<i>Florida/Jane's Revenge</i>		
Handy	78	57	Freestone	12	12
Darnel	51	34	Smith-Stewart	16	1
Harlow	41	24	Rivera	16	1
Marshall	41	24	●ropesa	24	4
Hinshaw	33	21	<i>United States v. Durant</i>		
Idoni	41	24	Durant	0	0
Goodman	41	27	<i>United States v. Skorick</i>		
Bell	41	27	Skorick	6	0
Geraghty	41	27	<i>Average</i>		
<i>United States v. Gallagher</i>				12.3 months	3 months
Gallagher	20	16			
Idoni	18	8			
C. Zastrow	24	6			
Boyd	15	0			
Vaughn	12	0			
Green	15	0			
Edl	0	0			
E. Zastrow	0	0			
J. Zastrow	0	0			
Place	0	0			
<i>United States v. Moscinski</i>					
Moscinski	6	6			
<i>United States v. Williams</i>					
Beatty	46	41			
Average	26.8 months	14.7 months	<i>See Table Notes.</i> ²⁰⁴		

²⁰³ Cf. E-mail from Patel, to L. Bernstein (Sept. 3, 2024) (Exhibit 151) (providing sentencing data but noting they lack reliable statistics on “criminal activity targeting reproduction health providers” because “NGOs, particularly NAF who tracks these stats, won’t admit clinic criminal activity is trending down (even though it actually is)”).

²⁰⁴ This chart does not include the sentencing recommendations of FACE Act defendants who committed violent attacks, but rather assesses the closest possible comparators, whose cases this report discusses. The data presents the Biden DOJ’s high-end sentencing request.

Vaughn and Green were sentenced to time served. Boyd, Davis, Edl, Eva Zastrow, James Zastrow, and Place were sentenced to probation. For purposes of calculating average sentences, Vaughn and Green were treated as if they had served sentences of zero days.

Several of the pardoned cases had additional relevant notes regarding sentencing:

- ***United States v. Calvin Zastrow, et al., Case No. 2:23-cr-20100 (E.D. Mich.)***: The jury returned guilty verdicts on all counts in August 2024. After the 2024 presidential election, the judge sua sponte stayed the post-trial briefing given the possible likelihood that DOJ’s position on the issues in the case could change. On January 23, 2025, President Trump issued a full and unconditional pardon for all Defendants, and the United States Attorney’s Office for the Eastern District of Michigan moved to dismiss the case.
- ***United States v. Christopher Moscinski, Case No. 2:22-cr-00485 (E.D.N.Y.)***: Fr. Moscinski’s attorney requested a sentence of time served, given his “lifetime of service to the poor and lack of any personal benefit from the offense of conviction,” but DOJ prosecutors asked the court to “impose the maximum term of six month’s imprisonment,” highlighting Fr. Moscinski’s “long history of violating the law.”²⁰⁵ The court sentenced Fr. Moscinski to six months’ imprisonment.
- ***United States v. Bevelyn Beatty Williams et al., Case No. 1:22-cr-00684 (S.D.N.Y.)***: Beatty was sentenced to 41-months in prison.²⁰⁶ Patel congratulated the team on the “incredible result” and the “top end guidelines sentence.”²⁰⁷

In total, during the four years under President Biden, DOJ charged “more than 45 [pro-life] defendants in over 20 cases” with violating the FACE Act in connection with pro-life demonstrations.²⁰⁸ This was a significant increase in FACE Act prosecutions compared to prior administrations.²⁰⁹ CRT’s Special Litigation Section also brought numerous civil FACE Act cases against many of these same pro-life Christians.²¹⁰ The Special Litigation Section did not bring any

Regarding E. Zastrow, DOJ stated that, “[b]ut for the sentencing disparity it would create with other defendants [due to the court’s downward variance in imposing sentences], the government would submit that a sentence of three months of incarceration and no fine would be sufficient.” DOJ requested a sentence of probation.

The Biden DOJ requested that the court sentence Durant to at least one year of probation.

²⁰⁵ Government’s Sentencing Memorandum, *United States v. Moscinski*, No. 2:22-00485 (E.D.N.Y. Jun. 20, 2023), Dkt. No. 28; Sentencing Memorandum of Christopher Moscinski, *United States v. Moscinski*, No. 2:22-00485 (E.D.N.Y. Jun. 22, 2023), Dk. No. 29.

²⁰⁶ E-mail from Patel, to Criminal Chief Felte (July 24, 2024) (Exhibit 152).

²⁰⁷ E-mail from Patel, to Jacqueline Kelly (July 24, 2024) (Exhibit 153); *see also* E-mail from Patel, to Mitzi Steiner (July 24, 2024) (Exhibit 154).

²⁰⁸ E-mail from Patel, to Criminal Chief Felte (May 28, 2024) (Exhibit 111) (summarizing the FACE Act charges the Department of Justice had brought since January 2021).

²⁰⁹ *See* Leif Le Mahieu, *Biden-Harris DOJ Seeks Jail Time for Pro-Lifers Convicted Over Peaceful Protest*, DAILY WIRE (Aug. 5, 2024), <https://perma.cc/S2VT-8Z7P> (last visited Feb. 27, 2026) (“[T]he Biden-Harris administration has brought a grand total of 25[] percent of all the FACE cases ever brought since its inception in 1994 in the last two years[.]”) (internal quotations omitted).

²¹⁰ *See* Amended Complaint, *United States v. Zastrow*, No. 2:24-cv-00576 (M.D. Fl. Jun. 27, 2024) (seeking injunctive relief against C. Zastrow, Gallagher, and E. Zastrow); Complaint and Jury Demand, *United States v. Citizens for a Pro-Life Society, Inc.*, No. 1:24-cv-00893 (N.D. Ohio May 20, 2024) (seeking injunctive relief against Handy, Fr. Moscinski, and Smith and highlighting their non-violent demonstrations throughout the country).

civil FACE Act cases in response to protests or destruction at pregnancy centers or houses of worship during the Biden administration.

At the same time, the Biden DOJ largely ignored attacks on pro-life pregnancy resource centers, only charging five people for vandalism and attacks against these healthcare facilities.²¹¹ Based on DOJ's review of the related correspondence, it appears that CRT began following up on "allegations of criminal conduct involving abortion alternative facilities" in earnest after the significant public outcry and congressional response to Houck's arrest.²¹² Patel wrote about the Florida matter that, "[f]rom my perspective, I have a very strong interest in charging a Jane's Revenge subject."²¹³ In response to a concern about his bandwidth, Patel explained that "I definitely need to keep the new MDL FACE matter bc it may be the first FACE case we bring with a pro-life victim."²¹⁴ In preparation for the Criminal Chief's upcoming meeting with DAG Monaco, Patel flagged that he was "glad to report that we are actively working ... on three separate Jane's incidents ... in hopes of bringing charges soon."²¹⁵ The *Freestone* indictment was unsealed on the first day of Houck's FACE Act trial, January 23, 2023.²¹⁶

The three FACE Act prosecutions of destruction to pregnancy resource centers involved the following facts:

Florida Attack: Between May and July 2022, Caleb Freestone, Amber Smith-Stewart, and Annarella Rivera engaged in a series of targeted attacks on pro-life pregnancy help centers in Florida," spray painting the facilities with messages, including "If abortions aren't safe than niether [sic] are you,' 'YOUR TIME IS UP!,' 'WE'RE COMING for U' and 'We are everywhere.'"²¹⁷ Below is a photo of one of the threatening messages left by defendants:²¹⁸

²¹¹ E-mail from Principal Deputy Chief Fitzgerald, to DAAG Moosy (Sept. 17, 2021) (Exhibit 155) (circulating a list of the "FACE-related cases" CRT has "done over the past 10 years"; none involved a house of worship or pregnancy resource center).

²¹² See E-mail from Patel, to Criminal Chief Felte (Oct. 17, 2022) (Exhibit 145).

²¹³ E-mail from Patel, to Samantha Trepel (Oct. 3, 2022) (Exhibit 156).

²¹⁴ See E-mail from Patel, to Gibson (Oct. 6, 2022) (Exhibit 157).

²¹⁵ See E-mail from Patel, to Criminal Chief Felte (Oct. 17, 2022) (Exhibit 145).

²¹⁶ Compare Press Release, U.S. Dep't of Just., *Two Defendants Indicted for Civil Rights Conspiracy and FACE Act Offenses Targeting Pregnancy Resource Centers* (Jan. 24, 2023), <https://perma.cc/YV3M-6HXJ>, with Minute Entry: Jury Trial Day 1, *United States v. Houck*, 2:22-cr-00323 (E.D. Pa. Jan. 24, 2023), dkt. no. 64.

²¹⁷ Press Release, U.S. Dep't of Just., *Three Defendants Plead Guilty to a Civil Conspiracy Targeting Pregnancy Resource Centers* (June 14, 2024), <https://perma.cc/AH8X-FYGS>.

²¹⁸ Greg Wehner, *3 Charged in Attacking Florida Pro-Life Pregnancy Center Plead Guilty: DOJ*, FOX NEWS (June 16, 2024), <https://perma.cc/DM2T-B444>.



Freestone, Smith-Stewart, and Rivera were charged with violating the FACE Act, and all three pleaded guilty. Freestone was sentenced to one year and a day in prison, and Smith-Stewart and Rivera each received sentences of 30 days in prison and 60 days in home detention.²¹⁹

Ohio Attack: On April 15, 2023, Whitney Durant vandalized “a reproductive health services clinic located in Bowling Green, Ohio, because the clinic offers pregnancy counseling, free pregnancy testing and ultrasounds, but not abortion services.”²²⁰ Specifically, Durant spray painted the words: “LIARS,” “FAKE CLINIC,” “Fund Abortion,” “Abort God,” and “Jane’s Revenge.”²²¹ Below is a photo of Durant’s graffiti attack on the clinic.²²²

²¹⁹ Press Release, U.S. Dep’t of Just., *Florida Man Sentenced for Civil Rights Conspiracy Targeting Pregnancy Resource Centers* (Sept. 12, 2024), <https://perma.cc/5EZU-XU9H>.

²²⁰ Press Release, U.S. Attorney’s Off., N.D. Ohio, *A Ohio Woman Sentenced for Violation of Freedom of Access to Clinic Entrances (FACE) Act Violation for Damaging Pregnancy Center* (Apr. 12, 2024), <https://perma.cc/2CNA-GLJZ>.

²²¹ *Id.*

²²² Joe Bukuras, *FACE Act Charges Brought Against College Student in Ohio Pregnancy Center Attack*, CATHOLIC NEWS AGENCY (July 11, 2023), <https://perma.cc/N59J-HCWQ>.



DOJ charged Durant with a misdemeanor FACE Act violation.²²³ Whitney pleaded guilty and was sentenced to two years of probation and a \$2,000 dollar fine.²²⁴

Texas Attack: On May 7, 2022, Ethan Skorick “intentionally damaged the property of pregnancy resource centers located in Denton, Texas,” by spray painting the following on the “clinics’ buildings, doors and security cameras:” “NOT A CLINIC,” “FORCED BIRTH IS MURDER,” and “PRO BIRTH [does not equal] PRO LIFE.”²²⁵ Skorick pleaded guilty to a “misdemeanor charge under the” FACE Act. Skorick was sentenced to five years’ probation and ordered to pay \$2,989.05 in restitution.²²⁶

Notably, the FACE Act also prohibits interfering with access to houses of worship. During the Biden Administration, there were numerous violent attacks against religious institutions in connection with those organization’s pro-life views.²²⁷ Indeed, in light of that violence, members of the U.S. Senate specifically requested that Attorney General Garland use the FACE Act to protect houses of worship.²²⁸ Despite the increased hostility faced by houses of worship, the Biden DOJ did not pursue a single FACE Act case involving houses of worship during this time.

²²³ Press Release, U.S. Attorney’s Off., N.D. Ohio, Bowling Green State University Student Charged with FACE Act Violation (July 5, 2023), <https://perma.cc/9DZN-XPHN>.

²²⁴ Press Release, U.S. Attorney’s Off., N.D. Ohio, Ohio Woman Sentenced for Violation of Freedom of Access to Clinic Entrances (FACE) Act Violation for Damaging Pregnancy Center (Apr. 12, 2024), <https://perma.cc/2CNA-GLJZ>.

²²⁵ Press Release, U.S. Dep’t of Just., Texas Defendant Pleads Guilty to Freedom of Access to Clinic Entrances (FACE) Act Violation (Jan. 16, 2025), <https://perma.cc/KPZ3-ZEVF>.

²²⁶ Judgment in a Criminal Case, *United States v. Skorick*, No. 4:24-cr-00255 (E.D. Tex. May 28, 2025).

²²⁷ Expressing the sense of the House of Representatives condemning the recent attacks on pro-life facilities, groups, and churches, H.R. Res. 1233, 117th Cong. (July 19, 2022), <https://perma.cc/Q7YP-NL3G>.

²²⁸ Letter from Sens. Michael S. Lee and Ted Cruz to Attorney General Merrick Garland (Sept. 23, 2022), available at <https://perma.cc/6SM7-3HDM> (pages 16-28). See also E-mail from Patel, to Criminal Chief Felte (Oct. 18, 2022), *supra* 30 n.197 (Exhibit 145).