

**such as increases in “sextortion,” ransomware, and the continued proliferation of child pornography.**

## **DEFENDING THE RULE OF LAW**

The DOJ’s actions over the course of the Biden Administration exhibit scorn for its stated mission: “to uphold the rule of law, to keep our country safe, and to protect civil rights.”<sup>54</sup> The Biden Administration’s unprecedented politicization and weaponization of the department therefore demand a comprehensive response from the next Administration.

Restoration of the department’s values of independence, impartiality, honesty, integrity, respect, and excellence must serve as first principles for its efforts on all fronts. Concretely, the DOJ must identify and address all individuals, policies, and directives that have fueled the destruction of these core values and the American people’s loss of trust in the department and its officials. The next Administration will need to exert significant energy to dismantle the two-tiered system of justice currently in place at the department while simultaneously applying the rule of law evenly and with neutrality.

Specific examples of department corruption, such as the Russia collusion hoax, will need to be tackled, exposed, and addressed head-on. This will require not just winning in a court of law, but also demonstrating culpability to the public and the media in a concrete and nonrefutable manner. These efforts will require commitment and willpower, but they will be essential to restoring the trust of the American people.

**Promptly and Properly Eliminating Lawless Policies, Investigations, and Cases, Including All Existing Consent Decrees.** Few things undermine the DOJ’s credibility more than brazenly partisan and ideologically driven prosecution of an Administration’s perceived political enemies, yet the department has readily indulged in such misadventures during the Biden Administration. Before even entering the Robert F. Kennedy building on January 20, 2025, the next Administration should:

- **Conduct a thorough review of all publicly available policies, investigations, and cases.**
- **In a manner consistent with applicable law, prepare a plan to end immediately any policies, investigations, or cases that run contrary to law or Administration policies.**
- **Ensure that upon the next President’s inauguration, appointees at the department obtain information about anything that was not learned before taking office and conduct the same analysis.**

## Mandate for Leadership: The Conservative Promise

An egregious example of the need for such a review is provided by the department's use of the Freedom of Access to Clinic Entrances (FACE) Act<sup>55</sup> to harass pro-life demonstrators while not pursuing similar investigations of shocking acts of violence committed against pro-life pregnancy resource centers. On the morning of September 23, 2022, pro-life activist Mark Houck was arrested by more than 15 FBI agents at his home in Pennsylvania in front of his wife and small children. Agents came to his door with guns drawn to arrest the 48-year-old father of seven whose alleged crime involved a minor altercation with an activist who was harassing one of his children in front of an abortion clinic almost one year before Mr. Houck's arrest by the FBI.<sup>56</sup> Similarly, Paul Vaughn, a 55-year-old father of 11, was arrested at his home in Mt. Juliet, Tennessee, by armed FBI agents for allegedly participating in a peaceful protest at an abortion clinic one year earlier.<sup>57</sup>

These arrests stand in stark contrast to the department's virtual silence on the wave of vandalism and violence directed at religiously affiliated institutions, including pregnancy resource centers, following the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*.<sup>58</sup> The Catholic News Agency reported more than one hundred such incidents as of September 2022.<sup>59</sup>

By engaging in disparate and viewpoint-based enforcement of an already controversial law like the FACE Act against pro-life activists, the DOJ has needlessly undermined its credibility with law-abiding people of faith. The department should make every effort to uphold equal protection of the law and avoid politically motivated and viewpoint-based prosecutions. Specifically, it should:

- **Ensure that its review extends beyond ending the absurd double standards embodied in the ongoing campaign of FACE Act prosecutions and instead be a thorough and holistic review of all DOJ activities, including all consent decrees and settlement agreements currently in force.**
- **Seek to terminate any unnecessary or outdated consent decree to which the United States is a party.**
- **Consider pursuing intervention in other matters where consent decrees or settlement agreements continue to bind parties years or decades after the fact.**
- **As its review concludes, and consistent with applicable law, take appropriate action in all cases, including those on appeal.**
- **Enact policies and regulations that prohibit settlement payments to third parties.**