

Congress of the United States

Washington, DC 20515

July 10, 2024

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

Dear Assistant Attorney General Clarke,

Thank you for your efforts to enforce the Freedom of Access to Clinic Entrances (FACE) Act, which protects individuals receiving or delivering reproductive health services, including abortions. Since its enactment, the FACE Act has prohibited the use of force, obstruction, or property damage that interferes or attempts to interfere with access to family planning and reproductive care.¹ According to the National Abortion Federation, after the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*, patients, providers, and clinics saw a drastic increase in invasions, death threats, and stalking incidents in 2022 relative to 2021.² While we recognize the U.S. Department of Justice's Civil Rights Division's (DOJ) commitment to enforce the FACE Act, including the litigation of several criminal and civil cases, and the recent convictions of ten individuals in a FACE Act case in Washington, DC, we urge you to utilize your authority to the fullest extent to ensure patients and providers can safely access and administer reproductive care.

In the early 1990s, Congress enacted the FACE Act with broad bipartisan support to protect the rights of patients to safely access reproductive health services in response to violence at abortion clinics, and against abortion providers. Federal law prohibits violent, threatening, damaging and obstructive conduct intended to injure, intimidate or interfere with an individual's right to seek, obtain or provide reproductive health services.³ The Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*, and subsequent state efforts to ban or severely restrict access to sexual and reproductive care, have threatened or eliminated access to the full spectrum of reproductive care -- including abortion, contraception, and IVF. Patients and providers have increasingly become the frequent targets of violence and harassment, ranging from threats to deadly attacks.

The National Abortion Federation reported a significant increase in violence and disruptions against abortion providers in 2022 compared to 2021. The findings showed a 229% increase in stalking, a 231% increase in burglary, and a 25% increase in invasions targeting abortion clinic staff, patients, and providers. In the past decade, abortion clinics experienced a 100% rise in anthrax and bioterrorism threats.⁴ Furthermore, the number of clinic blockades more than doubled in recent years and incidents of picketing at facilities have been growing exponentially for years.⁵ Nonetheless, last year, very few defendants were charged for violations of the FACE Act.⁶ It is concerning that, despite the alarming increase in violence and threats directed toward patients and

1 Cornell University. Freedom of Access to Clinic Entrances Act (1994).

2 National Abortion Federation. (2023, May 11). *2022 Violence & Disruption Statistics*. Prochoice.org. <https://prochoice.org/wp-content/uploads/2022-VD-Report-FINAL.pdf>

3 Cornell University. Freedom of Access to Clinic Entrances Act (1994).

4 National Abortion Federation. (2023, May 11). *2022 Violence & Disruption Statistics*. Prochoice.org. <https://prochoice.org/wp-content/uploads/2022-VD-Report-FINAL.pdf>

5 National Abortion Federation. (2022, May 19). *2021 Violence and Disruption Statistics*. Prochoice.org. https://prochoice.org/wp-content/uploads/2021_NAF_VD_Stats_Final.pdf

6 Civil Rights Division, US Department of Justice. (2023, May 30). *Recent cases on violence against Reproductive Health Care Providers*. Civil Rights Division. <https://www.justice.gov/crt/recent-cases-violence-against-reproductive-health-care>

providers, we are not seeing commensurate enforcement of one of the few federal provisions protecting people’s right to safely access health care facilities.

Considering the increasing threats faced by patients and providers in recent years, we ask that you promptly respond to the following questions:

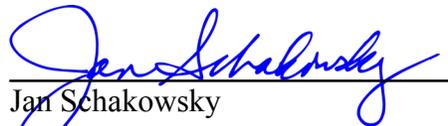
1. What is the DOJ’s current process for determining when to initiate an investigation or bring a FACE Act charge?
2. What barriers does the DOJ encounter in enforcing the FACE Act, including those that Congress may be able to alleviate?
3. We recognize that the enforcement of the FACE Act involves cooperation between the DOJ, state, and local law enforcement. Hence, the National Task Force on Violence Against Reproductive Health Care Providers was established to improve training for law enforcement by facilitating briefings on best practices for prosecuting FACE Act violations.⁷ Nonetheless, providers report that law enforcement officers within state and local agencies are not equipped with sufficient guidance to determine whether behavior intended to block access to or damage reproductive health care facilities, or harass patients and providers, may be criminal. What steps does the National Task Force take to ensure information is promulgated to state and local law enforcement in a clear, accessible manner?
4. Providers report that police response, and enforcement of state and local bubble laws, and other measures intended to protect access to care vary wildly. What guidance and assistance does the DOJ provide to state and local governments on the enforcement of bubble zone violations?

Finally, we urge you to bring every resource to bear to fully enforce the FACE Act and protect safe access to reproductive health care facilities.

We would appreciate a response to this letter by August 10, 2024. We are grateful for all the work you have done and look forward to continuing to collaborate with you to protect patients and providers in accessing the health care they need and deserve.

Sincerely,


Sean Casten
Member of Congress


Jan Schakowsky
Member of Congress


Jerrold Nadler
Member of Congress

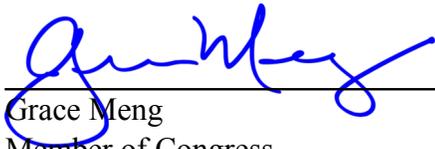
7 providers
U.S. Department of Justice Civil Rights Division. (2023, May 22). *National Task Force on Violence Against Reproductive Health Care Providers*. Violence Against Healthcare Providers. <https://www.justice.gov/crt/national-task-force-violence-against-reproductive-health-care-providers>



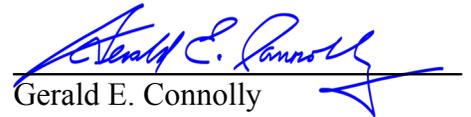
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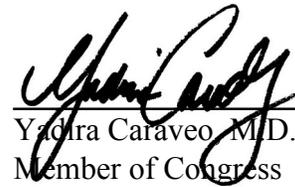
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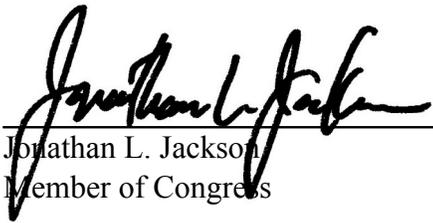
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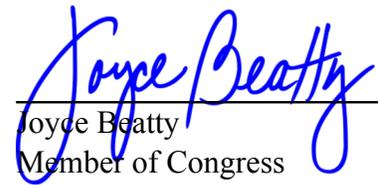
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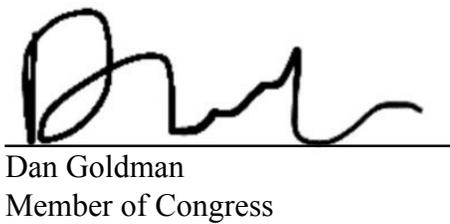
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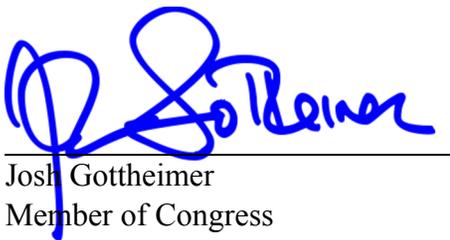

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Member of Congress

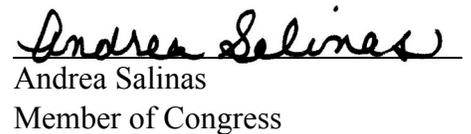

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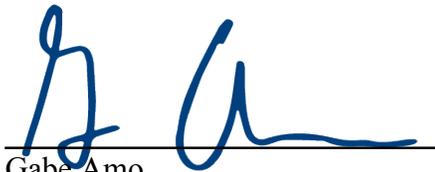
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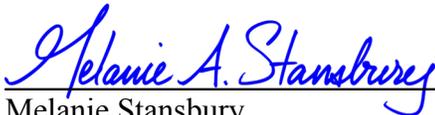
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Salud Carbajal
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CC: The Honorable Merrick Garland, Attorney General, U.S. Department of Justice