

REVISITING THE IMPLICATIONS OF THE FACE ACT

HEARING BEFORE THE SUBCOMMITTEE ON THE CONSTITUTION AND LIMITED GOVERNMENT OF THE COMMITTEE ON THE JUDICIARY U.S. HOUSE OF REPRESENTATIVES ONE HUNDRED EIGHTEENTH CONGRESS FIRST SESSION

TUESDAY, MAY 16, 2023

Serial No. 118–19

Printed for the use of the Committee on the Judiciary



Available via: <http://judiciary.house.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

WASHINGTON : 2023

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REVISITING THE IMPLICATIONS OF THE FACE ACT

Tuesday, May 16, 2023

HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON THE CONSTITUTION AND LIMITED GOVERNMENT

COMMITTEE ON THE JUDICIARY

Washington, DC

The Committee met, pursuant to notice, at 10:12 a.m., in Room 2141, Rayburn House Office Building, Hon. Mike Johnson [Chair of the Subcommittee] presiding.

Members present: Representatives Johnson of Louisiana, Jordan, Roy, Bishop, Kiley, Hageman, Hunt, Fry, Scanlon, Nadler, Cohen, Escobar, Jackson Lee, and Johnson of Georgia.

Mr. JOHNSON of Louisiana. The Subcommittee will come to order. Without objection, the Chair is authorized to declare a recess at any time.

We welcome everybody to today's hearing on the FACE Act. It is a really important issue. I now recognize myself for an opening statement.

We want to thank our witnesses for being here this morning. Some of you came a long way, and we really appreciate your time. Today is our Committee's first hearing regarding the Biden Administration's use of the Freedom of Access to Clinic Entrances Act, or the FACE Act, as we call it.

Since the *Dobbs* decision was leaked over a year ago now, there have been more than 100 attacks on pregnancy resource centers and churches across America, more than 100.

These attacks have included fire bombings and vandalism that includes phrases written in graffiti like, "If abortions aren't safe, neither are you." Including smashing of windows, targeted online harassment, protesters threatening violence outside pregnancy resource centers and churches, and many other acts.

Federal law obviously prohibits all this conduct. The FACE Act states that,

... threats of force, obstruction, and property damage intended to interfere with pregnancy resource centers are illegal.

It also states that,

... force or threat of force to intentionally 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 is prohibited.

However, here is the problem. The Biden Administration has rarely enforced the statute to protect these organizations that are covered. For example, on June 7, 2022, last summer, vandals associated with a group called Jane's Revenge firebombed the CompassCare Pregnancy Services in Buffalo, New York.

Half a million dollars in damages were done to that facility. To this moment, the FBI has done nothing to bring charges in the CompassCare case.

That is just one example among many. The Justice Department to date has brought only four indictments against pro-abortion activists, all of which were related to a single Jane's Revenge attack in Florida.

Four indictments, just four indictments are not even a drop in the bucket when you compare the hundreds of attacks that have occurred against pro-life organizations and churches since this law's inception.

Here is the worst part, and this is a glaring fact, and it is impossible to overlook. While these radical left-wing groups go unpunished, the Justice Department at the same time has unleashed Federal law enforcement on pro-life advocates.

Here's just a couple of examples. In October 2022, Eva Edl, an 87-year-old pro-life advocate and survivor of a communist concentration camp, was charged with a FACE Act violation for singing and praying near an abortion clinic. In February, Ms. Edl was again charged under the FACE Act for "standing in front of a door" of a Michigan abortion clinic in August 2020.

Ms. Edl was confined to a wheelchair at that time. The Justice Department claimed that the 87-year-old woman was charged because she "intimidated patients and employees."

Then, there is Mark Houck, who we will hear from shortly. He will share his testimony today. His home was raided at dawn by more than 20 FBI agents with guns drawn in front of his wife and seven young children for an alleged FACE Act violation.

Thankfully, despite the FBI's brazen and unwarranted and tactics, a 12-person jury unanimously and very quickly acquitted him of those Federal charges that were brought against him.

The targeting of advocates like Ms. Edl and Mr. Houck compared to the lack of enforcement against those who attack pregnancy resource centers and churches are striking. Pregnancy resource centers serve millions of women annually across this country with a multitude of services virtually free of charge. Most of them are non-profits, of course, and they should be able to operate without fear.

They provide care to pregnant women and distribute necessary items like clothing and diapers to mothers, and the women that seek these services should not be able—should be able to do so obviously without facing any danger. Churchgoers should be able to exercise their First Amendment right to religious freedom at places of worship without being terrorized.

Unfortunately, this has not been the case under Attorney General Garland's Justice Department. This Committee is concerned with the apparent unequal application of the FACE Act by the Biden Administration. It is our job to monitor this.

The application and enforcement of this act is an important matter of Congressional oversight, and this hearing will provide Mem-

bers of our Committee and our Full Committee in the Judiciary with the opportunity to reexamine the FACE Act and explore ways that Congress might reform the statute.

We believe in justice for all, and the FACE Act should be used to prosecute crimes committed against all entities covered by the law. I look forward to hearing from our witnesses today, and I yield back.

I now recognize our Ranking Member, the gentlewoman from Pennsylvania, Ms. Scanlon, for her opening statement.

Ms. SCANLON. Thank you, Mr. Chair.

Today's hearing on revisiting the implications of the FACE Act, that is the Freedom of Access to Clinic Entrances Act, gives us an opportunity to consider the deeply troubling, decades-long history of violence, threats, and intimidation of people providing or accessing reproductive health services.

The FACE Act was passed in 1994 in response to a decades-long campaign of threats and violence by anti-abortion forces against facilities and providers of abortion services, and shortly after a doctor who provided such services was murdered by these extremists in 1993. The bill had bipartisan support in both houses, passing by voice vote in the House, and with bipartisan support in the Senate.

In the past few years, we have seen a disturbing rise in political violence in this country, particularly, from right-wing extremists. Just yesterday, we learned of an attempt to attack one of our House colleagues, which resulted in injuries and hospitalization for two of his staff members.

This attack occurs amid a tenfold rise in threats of violence against Members of Congress since 2016. Also, a rise in threats and attacks against public officials, law enforcement, school board members, and other elected officials.

Therefore, against the background of rising political violence, it might make sense to hold a hearing to examine how Congress can reduce political violence, particularly in the wake of the *Dobbs* decision, which overruled 50 years of precedent in *Roe v. Wade*.

That is not the purpose of this hearing. This majority has stacked the hearing with witnesses to testify about only threats and violence impacting anti-abortion facilities, while ignoring the far more numerous and ongoing threats against individuals and facilities that provide abortion care and other reproductive health services.

Despite overwhelming evidence to the contrary, since the start of this Congress, the extremist Members of the House majority have sought to highlight only the reprehensible attacks against pro-life organizations and to suppress evidence of far greater and more longstanding attacks against abortion providers.

This false equivalency and disinformation feeds into the division and chaos afflicting our country and encourages more violence. This hearing continues the narrative pushed by the House majority since the start of this Congress, a narrative of manufactured outrage to stigmatize and distract from the deeply unpopular efforts of an extremist minority to enact or enforce a nationwide abortion ban.

One of the first bills passed by this Congress was H. Con. Res. 3, rammed through in the first week with no regular order, no proc-

ess. That resolution condemned the recent attacks on pro-life facilities while conspicuously failing to condemn any of the thousands of acts of violence, threats, and intimidation faced by abortion providers and patients, whether in the aftermath of the *Dobbs* decision or over the course of preceding decades.

Violence, threats, and intimidation tactics should have no place in our political discourse, including in our Nation's ongoing debate over abortion access. We must condemn all political violence and threats of violence, whatever the beliefs or motivations of those who engage in it, and regardless of who the target may be.

Experts on political violence and threat it poses to our democracy say that one of the primary things that must happen is leaders must condemn such political violence. Just as pernicious as normalizing or advocating for such violence is those who twist the facts to excuse or minimize such violence when it supports their cause.

So, yes, the FACE Act's scope does include anti-abortion facilities, but let's be clear. The overwhelming majority of such violence, threats, and intimidation has been and continues to be directed against abortion providers and patients by anti-abortion extremists. So, any attempt to revisit the implications of the FACE Act have to consider that history and the ongoing facts of such violence.

Now, we have just heard that the Republican majority is trying to show that there is some kind of selective enforcement by the Biden Administration in enforcing the FACE Act to target anti-abortion activists, but I think the facts speak for themselves.

FBI Director Wray testified to the Senate last summer that when it was reported the Supreme Court intended to reverse *Roe v. Wade*, the FBI put out a directive to its field offices to be actively looking for potential threats. He said that the Joint Terrorism Task Forces were specifically focused on attacks and threats against churches, pro-life organizations, pregnancy resources centers, and similar organizations.

Wray went on to say there's too many people that seem to think that passions running high justifies engaging in violence and destruction of property. Sorry, I had an extended quote, I don't think we need to go into all of it, but it says,

On abortion or anything else, you don't get to use violence or threats of violence to act on it. And we are going to go after that contact aggressively. I feel very strongly about that. I have communicated that very strongly to all of our field offices and our workforce.

In fact, earlier this year, the Department of Justice successfully obtained indictments in the Middle District of Florida against two people for violating the FACE Act after they allegedly vandalized an anti-abortion crisis pregnancy center.

The Department has also reached out to the United States Conference of Catholic Bishops, among other groups, to ask for their assistance to let the anti-abortion facilities know that the FACE Act protects them. Further, in December of last year, the FBI offered a \$25,000 reward to obtain evidence concerning attacks against such facilities.

So, my colleagues on the other side of the aisle continue to push a false narrative that the Federal government is out to get them, but the facts are not on their side. The clear majority of Americans believe we must protect access to abortion and the freedom to make

such healthcare decisions in consultation with one's doctor, not politicians.

At this point, I would seek unanimous consent to introduce a report from the National Abortion Foundation entitled, "2022 Violence and Disruption Statistics."

Mr. JOHNSON of Louisiana. Without objection.

Ms. SCANLON. Thank you. I yield back.

Mr. JOHNSON of Louisiana. Thank you. I now recognize the Chair of our Full Judiciary Committee, Mr. Jordan, for his opening statement.

Chair JORDAN. Thank you, Mr. Chair.

Politics is driving the agenda in our Federal agencies. If you don't believe me, just read the Durham Report from yesterday. No probable cause, no predicate, no evidence whatsoever, and yet they used a fake dossier from the Clinton campaign to open an investigation into a Presidential campaign. They spied on American citizens.

Here is what the Durham Report said, "the FBI failed to uphold their mission of fidelity to the law. They didn't follow the law."

In 2020, we have just learned in the last couple weeks, it was the Biden campaign working with 51 former intelligence officials to put together a letter that was not accurate to interfere with a Presidential election.

Politics is driving the agenda in far too many agencies in our government, and today it is not limited to Presidential campaigns. Today they come after American citizens. You could be a Catholic attending a Mass. You could be a parent showing up at a school board meeting.

Or you can be like Mr. Houck, a pro-lifer praying at a clinic. You will be targeted; you could be targeted by our government. That is how scary the situation has become.

So, I want to thank Mr. Houck and the other witnesses for being here today. God bless you, Mr. Houck, what you had to go through. Twenty agents showing up at your house in front of your wife and your seven children. Arresting you when you were willing to turn yourself—that is how ridiculous it has become in our country.

So, Mr. Chair, thank you for this hearing. We are sick of the double standard. We are sick of politics driving who gets prosecuted, who gets pursued and who doesn't. It is wrong. It is not supposed to happen in the greatest Nation ever, where we have a Bill of Rights, where we have a Constitution and where we have the rule of law.

It is. This hearing is going to help expose all the ridiculous things going on, and why frankly this Congress should look at the appropriations process and what we have to do there to begin to rein in these Federal agencies that are trampling on American citizens' rights.

With that, I yield back to the Chair.

Mr. JOHNSON of Louisiana. Thank you, Mr. Jordan. I now recognize the Ranking Member of the Full Committee, Mr. Nadler, for his opening statement.

Mr. NADLER. Thank you, Mr. Chair.

Mr. Chair, I should be astonished, but I am not, that the Chair of the Committee would quote from the discredited Durham Report

and the discredited Mr. Durham, who filed I think a 300-and-something report—

Chair JORDAN. Would the gentleman yield?

Mr. NADLER. No. Who filed a something 300-page report giving his opinions, but whose two prosecutions both resulted in acquittals and jurors saying why did we ever even have to take this.

Mr. Chair, I would like to begin by saying that I condemn violence in all its forms, including threats, vandalism, and property destruction against any person or organization, regardless of their position on abortion rights.

I would also like to reiterate my condemnation of the attempted murder of Supreme Court Justice Brett Kavanaugh. I am grateful that law enforcement took Justice Kavanaugh's would-be assassin into custody before he could complete an act of violence.

In a democracy, violence is never in a political dispute, and it should be roundly and unreservedly condemned. Yet, for decades, anti-abortion extremists have used violence, threats, and disruption to curb access to abortion.

According to the National Abortion Federation, or NAF, since 1977, anti-abortion extremists have been responsible for 11 murders, 42 bombings, 200 arsons, 531 assaults, and thousands of incidents of criminal activities directed at patients, providers, and volunteers.

Nearly 30 years ago, in response to this disruptive violence, including the murder of Dr. David Gunn, Congress passed the Freedom of Access to Clinic Entrances Act. I have been unequivocal in my support for the FACE Act, as well as for the First Amendment rights of anti-abortion protesters, with whom I deeply disagree, so long as that speech does not cross the line into violent conduct or disruption.

As a cosponsor of the bill in 1993, which our former Judiciary Committee colleague and now-Senate majority leader Chuck Schumer introduced in the House, I remarked on the floor that,

Anti-abortion protesters have an absolute right to say don't do it or anything else they want to say. They do not have any right to say by means of physical force or intimidation, we won't let you do it.

Today's Subcommittee hearing, however, is a lost opportunity to focus on the real, longstanding problem of violence and disruption that doctors, nurses, patients, and volunteers face in providing or accessing abortion, which appear have to have spiked follow the Supreme Court's decision in *Dobbs*.

Instead, the apparent purpose of today's hearing is to provide yet another platform for the majority's inflammatory, anti-Federal law enforcement rhetoric, which I fear will only further contribute to a political climate where anti-abortion extremists believe their violent conduct is justified, particularly in States where abortion remains protected by law.

According to NAF's latest report on the matter, in 2022, States that are protective of abortion rights saw a disproportionate increase in violence and disruption targeting doctors and their patients.

This includes a 538 percent increase in obstructions, which NAF defines as causing a delay or attempting to cause a delay in the conduct of business or preventing people from entering or exiting

an area, textbook examples of the conduct prohibited by the FACE Act.

Despite this surge in incidents and the long history of violence and disruption perpetrated by anti-abortion extremists, which necessitated Congress to pass the FACE Act in the first place, today's hearing is designed to further majority's misleading political narrative that the Biden Administration is using Federal law enforcement to target conservatives.

There is zero evidence that Federal prosecutors are selectively targeting anti-abortion protesters under the FACE Act. To the contrary, it appears that DOJ is enforcing the law without regard to defendants' viewpoints.

At a recent bipartisan briefing provided to Judiciary Committee staff, FBI representatives stated that approximately 75 percent of FACE Act investigations concern incidents against anti-abortion facilities.

Yet, Republicans insist on devoting the Subcommittee's time to this manufactured controversy to placate a minority of anti-abortion MAGA Republicans who would like this Congress to pass a total nationwide ban on abortion.

Let me be clear. Democrats stand with the majority of the American public and will always oppose such a radical position. Regardless of your position on abortion rights, we must condemn all acts of violence, regardless of who is the ultimate target, make clear that any individual who violates the FACE Act should be subject to prosecution.

Unfortunately, by refusing to acknowledge the problem of violence against providers and patients and focusing only on this false narrative of malevolent Federal law enforcement, today's hearing will inadvertently send the wrong message to anti-abortion extremists at a critical moment in our Nation where reproductive freedom and abortion access is in crisis.

This hearing is in a sense a repeat of a resolution we passed the first week of this session, first week of Republicans' control of the House, when we passed a resolution condemning violence at anti-abortion facilities, pregnancy crisis centers, but rejected a Democratic Amendment to add a condemnation of violence at abortion providers also.

So, they rejected an Amendment. They said we will condemn violence against anti-abortion clinics, but we will not condemn, maybe say OK to, could not condemn violence at abortion clinics.

Mr. Chair, I believe today's hearing is a wasteful and ultimately irresponsible use of this Subcommittee's time. With that, I yield back.

Chair JORDAN. Mr. Chair, Mr. Chair?

Mr. JOHNSON of Louisiana. Yes, sir.

Chair JORDAN. I would ask unanimous consent to enter into the record in response to Mr. Nadler's quote and manufactured crisis the list of over 100 crisis pregnancy centers and churches that have been vandalized in the aftermath of the leak of the *Dobbs* opinion and the *Dobbs* decision.

Mr. JOHNSON of Louisiana. Without objection.

I will also offer into the record, seeking unanimous consent to include the Family Research Council Report and its Supplemental

Report. It is entitled, “Hostility Against Churches Is on the Rise in the United States,” Analyzing Incidents from 2018–2022. It was prepared by Ms. Arielle Del Turco, who is going to testify here shortly.

Just one headline, key point, at least 420 acts of hostility against occurred between January 1918–September 2022 across 45 U.S. States and Washington, DC. Without objection, these will all be entered into the record.

Without objection, all other opening statements will be included in the record as well.

We now introduce today’s witnesses.

I will begin with Mr. Mark Houck. He is a father, husband, and pro-life advocate. In October 2021, he was standing on a street corner praying outside a Planned Parenthood facility. After Mr. Houck and his 12-year-old son were approached and harassed by a Planned Parenthood escort, Mr. Houck pushed the escort away from his young son.

Nearly a year later, he was charged with violations of the FACE Act. Despite his lawyer offering to have him turn himself in, Mr. Houck’s home was raided in the early morning by approximately 20 FBI agents and other law enforcement officers. Mr. Houck was unanimously acquitted of the charges by a jury.

Ms. Tammy Kocher is the Executive Director of New Life Family Services in the Minneapolis—St. Paul area. In March 2023, one of her facilities had its windows broken and its building was defaced by this group Jane’s Revenge and their graffiti. One of those messages read, “If abortions aren’t safe, neither are you.”

Ms. Talcott Camp is with us. She is Chief Legal and Strategy Officer at the National Abortion Federation. She oversees NAF’s legal work and plays a major role in all NAF’s strategic decisionmaking. Prior to joining the Federation, she was the Deputy Director of the ACLU’s Reproductive Freedom Project.

Mr. Jeremy Dys is a Senior Counsel at First Liberty Institute. First Liberty is the Nation’s largest legal organization dedicated exclusively to defending religious liberty for all Americans. In his role, Mr. Dys litigates on behalf of clients in State and Federal courts, including FACE Act cases.

Ms. Arielle Del Turco, referenced earlier, is the Director of the Center for Religious Liberty at the Family Research Council, where she is responsible for religious freedom policy and advocacy efforts, and her recent research includes tracking the number of attacks against churches across the country. We just entered that report in the record.

We welcome our witnesses, and we thank you all again for appearing today. We will begin by swearing you in, so would you please rise and raise your right hand for us.

Do you swear or affirm under penalty of perjury that the testimony you are about to give is true and correct to the best of your knowledge, information, and belief, so help you God?

Thank you. Let the record reflect that the witnesses have answered in the affirmative. Thank you, you can be seated.

So, all of you know that your written testimony will be entered into the record in its entirety, but we ask you summarize that testimony in your five minutes that is allotted.

You have a microphone in front of you. It has a clock and a series of lights. When the light turns yellow, you should begin to conclude your remarks. When the light turns red, that means your time has expired.

So, Mr. Houck, we will begin with you. You can start now. Hit that button for us, there you go.

STATEMENT OF MARK HOUCK

Mr. HOUCK. Thank you, Mr. Chair. Thank you, Ranking Member, Madam Ranking Member, and Jim Jordan, thank you for inviting me to be here today, and all Committee Members, thank you.

Twenty years ago, I began pro-life work in the city of Philadelphia. I did peaceful protests and prayer vigils in front of many abortuary facilities in the Philadelphia. I have always been peaceful.

I want to bring you to October 13, 2021, where I was with my son, 12-year-old son, praying in front of an abortuary in Philadelphia. On that day, a couple women walked out of the facility. I began to offer them literature, as I always do, with compassion, love, and great respect. In fact, I was 50 feet away from the entrance of the building.

I proceeded to walk with these women across the street, making me about 100 feet away from the entrance to building, to a crisis pregnancy center, pregnancy resource center, which was about six feet away from me. At that time, an escort in the building decided to run over, impede my progress, and get in the way of me ministering and talking to the women that had left Planned Parenthood, 12th and Locust Streets in Philadelphia.

At that point, we exchanged some words. We went back to where we were praying, and I continued to pray with my 12-year-old son. About 20 minutes later, the escort, his name is Bruce Love, I have known him for years, I have known him for 20 years, came out of the building.

He made a direct line toward my son, stood right next to my son. Again, we are about 50 feet from the entrance to the building. He stood right next to my 12-year-old boy, who was a little intimidated and scared by this.

I asked him if he could please give him some space. He did not. He has a right to be there. We just continued to pray. He continued to talk to me and offer insults to me, which of course he has done before, and it was never a problem for me. I just, I didn't listen to it.

Then he started to begin to talk to my son. Now, he has talked to my son before. In fact, I believe he taught my son the "F" word. I am a home school dad, and that is the reality of it.

Nonetheless, he begins to talk to my son and badger my son. Starts telling my son how evil his father is and how his father doesn't want to help women. I instructed him to step away, to go back to where he normally stands in front of the building, which he did not.

He continued to badger my son. After repeated requests not to comply—not to stand next to my son, I escorted him back to where he normally stands, which he did comply. I turned around to face

my son and go back to pray, and he turned around and began to badger my son again.

At that point, I became a dad on the street concerned for my son. I did push the man. He did fall down. We went, we prayed for the man, we returned to the scene. I presented my information to the Civil Affairs Department that day, I gave my information.

I want you to know that the Philadelphia PD and the DA in Philadelphia as well as the Civil Affairs Department did not intend to prosecute. They had no interest in that. I was put in a private criminal complaint, which was dismissed.

I want to take you to April 22nd, when it was dismissed. Five days later, this is 2022, I was served a target letter on the same street corner with my 12-year-old boy. A target letter that I was a target of a Federal indictment.

Fast forward to September 23rd. My attorneys reached initially at the target letter, stating that we would peacefully present ourselves to the district. There would be no need to come out to his house and disrupt his family and cause any trauma to them. That he is a peaceful man, he will come in. We said that.

In August 2022, my attorney reached out to me and says have you heard from the Assistant U.S. Attorney. I said no. She won't return my phone calls, he says. I said, "Well, maybe we will just let sleeping dogs lie."

On September 23rd, my home was raided by ten unmarked and marked units, State troopers, Federal law enforcement personnel. I had five Federal agents on my doorstep at 6:30 in the morning, with long guns pointed at me and my seven children.

They banged on the door, and they said, "open up." They did not even declare who they were that day. They didn't even ask me could you please open the door; we are the FBI. They just said, "open up." I went to the door, I was up. I said, "who is it." They said, "it's the FBI, open up." So, I opened up the door peacefully. I said, "please stay calm, I have seven babies in here." They pointed M-16 guns at me and my wife. My wife comes down and says, "Do you have a warrant for his arrest." They said, "we're taking him with or without a warrant." My wife said, "you can't do that, that is kidnapping." We proceeded to go into a 4½-month trial that, as you know and have said previously, that we were acquitted of. That I was facing 11 years in prison, and I had every prospect in my heart that I would be in Federal prison away from my seven children.

Thankfully, we were able to be acquitted, and I am blessed to be able to share the story today. Thank you.

Mr. JOHNSON of Louisiana. Thank you, Mr. Houck. Ms. Kocher, you are next, you may begin.

STATEMENT OF TAMMY KOCHER

Ms. KOCHER. Thank you, Chair Johnson, Ranking Member Scanlon, and Members of the Committee. Thank you for the opportunity to join today.

My name is Tammy Kocher, and I have the privilege of serving as the Executive Director of New Life Family Services in Minneapolis, Minnesota. For 50 years, New Life has served Minnesota families as one of the most comprehensive, faith-based nonprofit or-

ganizations of its kind through its five pregnancy centers in the Minneapolis—St. Paul area, as well as Rochester.

We provide professional, life-affirming care through no-cost pregnancy, parenting, and post-abortion services, as well as licensed adoption services. Every year, we serve more than 6,000 women, men, and children through our five centers.

We are particularly proud of our newest center, a 12,600 square foot building in the heart of urban Minneapolis. This facility houses our largest pregnancy center and a full-service nonprofit medical clinic started by African immigrants. It has been a decade-long vision that came to fruition in 2022.

Our new building is located in the Phillips community of Minneapolis, which is one of the most beautifully diverse and resilient communities in our State. It is also a community filled with numerous challenges, including generational poverty, illegal drugs, and gang activity.

As you may recall, in 2020, Minneapolis was literally on fire after the tragic death of George Floyd. Our new center is about one mile north of George Floyd Square.

This community has endured so much over the past several years. While Minneapolis has struggled greatly since 2020, New Life's love and commitment to this city and to hard-hit communities in particular, has never wavered.

My purpose today is to share about the increasing hostility that pregnancy centers like ours are facing across the country. There are more than 3,000 pregnancy centers in the U.S. that provide compassionate, quality, no-cost medical and social services to hundreds of thousands of women, children, and families every year.

In New Life's 50-year history, we have never experienced the type of attacks as we have this past year. Since the *Dobbs* decision, there have been numerous false narratives and outright lies told about the work of pregnancy centers. Minnesota is sadly one of the many States that have quickly turned into a hostile environment for pro-women, life-affirming organizations like ours.

On August 23rd of last year, Minnesota Attorney General Ellison issued a misleading consumer alert warning Minnesotans about pregnancy centers like ours, using the same false narratives perpetuated by abortion activists.

Words are powerful, especially when spoken by people in position of authority. When those in authority regurgitate these false narratives, it can have devastating consequences for organizations like ours, and it has.

The day after Attorney General Ellison released his consumer alert, we had threatening posters plastered all over the community surrounding our new clinic. You can see Exhibit B in my written testimony.

We were warned, "If abortions aren't safe, neither are you." A few months later, there was a protest outside our center near the University of Minnesota. Then on March 4th of this year, a little after 2 a.m., we were notified by law enforcement that our brand-new building in Minneapolis was badly vandalized.

We had multiple windows smashed in; the front of our building was covered with threatening graffiti messages. Again, we were

warned, "If abortions aren't safe, then neither are you." Other graffiti stated, "Jane was here." "F-12," etc.

The vandals caused more than \$30,000 worth of damage in a matter of two minutes. To add insult to injury, there was a protest planned for later that day at the park across the street.

The protesters, however, couldn't resist the backdrop of our damaged building. So, while we were literally in the midst of boarding up our broken windows, they moved their protest right in front of our center.

We are the fifth organization in Minnesota that has been vandalized in these coordinated attacks. Many more pro-life centers across the country have endured the same threats and violence under the banner of Jane's Revenge.

While these attacks are meant to intimidate and hurt us, the people who are ultimately hurt are our clients, single moms, families who are struggling to make ends meet, and young women who are being pressured into an abortion. They are the real victims here.

The truth is not every woman facing an unplanned pregnancy wants an abortion. Many of the women we serve want to continue their pregnancy but lack the support and practical resources needed to do so. Without pregnancy centers and the important work that we do every day, the three million women who experience an unintended pregnancy each year will be left with fewer options and fewer resources.

Whatever you believe about abortion, we should agree that non-profit organizations like ours that contribute millions of dollars in free services to women, children, families, and their communities, should not be the targets of vandalism and terrorism.

The people we serve should not feel threatened simply for walking through our doors. When pregnancy centers aren't safe, our patients aren't safe.

Thank you for the opportunity to share about the important work of pregnancy centers like ours and the increasing hostility that we are enduring.

[The prepared statement of Ms. Kocher follows:]

**United States House of Representatives
House Judiciary Committee
2138 Rayburn House Building
Tuesday, May 16, 2023**

Revisiting the Implications of the FACE Act

**Written Testimony of Tammy Kocher
Executive Director, New Life Family Services
Minneapolis, MN**

Chairman Johnson, Ranking Member Scanlon, and Members of the Committee:

Thank you for the opportunity to join you today to share about our experience since the Supreme Court's Decision in *Dobbs v. Jackson Women's Health Organization*.

My name is Tammy Kocher, and I have the privilege of serving as the Executive Director of New Life Family Services in Minneapolis, Minnesota. For 50 years, New Life has served Minnesota families as one of the most comprehensive, faith-based non-profit organizations of its kind through its five pregnancy centers spread throughout the Minneapolis/St. Paul area and Rochester. We provide professional, life-affirming care through no-cost pregnancy, parenting, and post-abortion services, as well as licensed adoption services. Every year, we serve more than 6,000 women, men, and children through our five centers. We are privately funded and do not receive any state funding.

We are particularly proud of our newest center, a 12,600 square foot building in the heart of urban Minneapolis. This facility houses our largest pregnancy center and a full-service non-profit medical clinic started by African immigrants. It has been a decade-long vision that came to fruition in 2022. (Exhibit A)

Our new building is located in the Phillips community of Minneapolis, which is one of the most beautifully diverse and resilient communities in our state. It also is a community filled with numerous challenges, including generational poverty, illegal drugs, sex trafficking, violence, and gang activity. As you may recall in 2020, Minneapolis was literally on fire after the tragic death of George Floyd. Our new location is approximately one mile north of George Floyd Square. As you can imagine, this community has endured so much over the past several years. While the city of Minneapolis has struggled greatly since 2020 with increasing crime rates and other significant challenges, New Life's love and commitment to this city – and to hard-hit communities in particular – has never wavered. And that is why we are thrilled to finally have a tangible presence in that community.

I will never forget the words spoken by one of our partnering organizations early last year. Through tears, she said, "Everyone is running away from Minneapolis, and you are running towards us. Thank you." It's an honor it is to be a part of this work.

My purpose today is to share about the increasing hostility that pregnancy centers like ours are facing across the country. There are more than 3,000 pregnancy centers in the U.S. that provide compassionate, quality, no-cost medical and social services to hundreds of thousands of women, children, and families every year.

In New Life's 50-year history, we have never experienced the type of attacks we have this past year. Since the *Dobbs* decision, there have been numerous false narratives and outright lies told about the work of pregnancy centers. Minnesota is sadly one of many states that have quickly turned into a hostile environment for pro-woman, life-affirming organizations like ours.

On August 23, 2022, Minnesota Attorney General Ellison issued a misleading consumer alert warning Minnesotans about pregnancy centers like ours, using the same false narratives perpetuated by abortion activists. He claimed that pregnancy centers "may pose as reproductive healthcare clinics despite not providing comprehensive reproductive healthcare to consumers."

But centers like ours are transparent about the scope of services we do and do not provide to women and families. We provide professional, quality health care to our patients, at no cost. Our medical services include comprehensive STI testing and treatment, pregnancy testing, ultrasounds, prenatal classes, and lactation consulting. We employ four registered nurses and we also have multiple advanced medical providers who provide direct services to our patients. We also have a certified lactation consultant and eight licensed social workers on staff, and we are licensed by the State of Minnesota for adoption services.

General Ellison further accuses pregnancy centers of "attempting to prevent or dissuade pregnant people from accessing their constitutionally protected right under the Minnesota Constitution to a safe and legal abortion." In other words, he objects to our pro-life world view—a view that affirms the value of every single human life from the moment of conception to natural death.

The Attorney General's consumer alert falsely states that pregnancy centers "often make misleading and exaggerated claims about the health risks associated with obtaining an abortion," and that pregnancy centers, "do not counsel or provide accurate information about available abortion services." But the truth is that we provide accurate, up-to-date information taken directly from the Minnesota Department of Health to women about the risks and procedures of abortion—something women have a right to know as they weigh whether or not to undergo an abortion. And it is information that abortion clinics often fail to disclose.

These inaccurate statements are harmful to the reputation of pregnancy centers and are categorically untrue for New Life Family Services.

Words are powerful, especially when spoken by people in position of authority. And when those in authority perpetuate and promote falsehoods about pregnancy centers like ours, it can have devastating consequences for our organization, our hard-working, compassionate employees, and the women and families we dedicate our lives to serving.

The day after Attorney General Ellison released his consumer alert, we had threatening posters plastered all over the community surrounding our new clinic. (Exhibit B). We were warned, "If abortions ain't safe, neither are you." And there were also slanderous statements such as "fake

clinic,” language claiming that we “provide false and misleading health info” and that we support “forced birth.”

Just a few months later, on November 11th, there was a protest outside our center near the University of Minnesota. And once again, we were the target of false narratives, harassing language meant to intimidate our staff and dissuade our clients from coming to us (Exhibit C). Vulgar, offensive language was also written across our logo and projected over our awning.

And, on March 4, 2023, a little after 2:00 a.m. we were notified by law enforcement that our new building in Minneapolis—the Phillips location serving in the heart of a community with high needs, was badly vandalized. We had multiple windows smashed in. The front of our building was covered with threatening graffiti messages. They warned that “if abortions aren’t safe neither are you.” Other graffiti stated, “Jane was here,” “F-12,” and “Abort deez nuts.” The vandalism to our non-profit facility did more than \$30,000 worth of damage in a matter of two minutes (Exhibits D-G).

To add insult to injury, there was a protest planned for later that day at the park across the street. The protestors, however, couldn’t resist the backdrop of our damaged building. While we were in the midst of boarding up our broken windows, they moved their protest right in front of our center (Exhibit H).

We are the fifth organization in Minnesota that has been vandalized in these coordinated attacks. Many, many more pro-life centers across the country have endured the same threats and violence. These community-based pregnancy centers, which already operate on shoe-string budgets, are having to divert funds intended to meet our client’s needs. Instead, they have to buy upgraded security cameras and systems, repair damaged buildings and hire security guards. While these attacks are meant to intimidate and hurt us, the people who are ultimately hurt by these attacks are our clients: single moms; families who are struggling to make ends meet; young women who are being pressured into an abortion. They are the real victims here.

The blatant lies and misinformation about pregnancy centers are being perpetuated not only by grass-root activists, but by our own elected officials, mainstream media and many who are in positions of power.

I find it incredibly ironic that we are continually being called a “fake clinic,” yet even the abortion clinics themselves know that isn’t true.

Abortion clinics in our area are referring their patients to us for medical services. Certainly, they wouldn’t do that if they genuinely believed we were a “fake clinic” that doesn’t provide legitimate health care.

Therein lies why we’re under attack—we provide resources and support that are life-affirming. And apparently, doing so is a threat to the abortion narrative and lobby.

The truth is, not every woman facing an unplanned pregnancy wants an abortion. Many of the women we serve want to continue their pregnancy but lack the support and practical resources needed to do so. In addition to the free medical care, each year, our organization provides more than 100,000 diapers to families in need as well as tens of thousands of dollars’ worth of baby

supplies and equipment. Without pregnancy centers and the important work, they do every single day, the three million women who experience an unintended pregnancy each year will be left with fewer options and fewer resources.

We are proud of the positive feedback we receive from our clients. Here are a few examples from this past year:

Best support and care I have ever received in my life. Never met people as good as this. Such an amazing staff.

You guys are absolutely phenomenal. I went to another clinic and they never treated me like this. AND they charged me \$600.

10/10 excellent, welcoming staff.

Whatever you believe about abortion, we should agree that non-profit organizations like ours—that contribute millions and millions of dollars in free services to women, children, and families in their communities—should not be the targets of vandalism and terrorism. The people we serve should not feel threatened simply for walking through our doors to explore life-affirming alternatives. When pregnancy centers aren't safe, our patients are not safe.

Thank you for the opportunity to share about the important work of pregnancy centers like ours and the increasing hostility we are being subjected to. I would be happy to answer any additional questions committee members may have, or clarify any statements made in my testimony.

Mr. JOHNSON of Louisiana. Thank you, Ms. Kocher. I apologize for mispronouncing your name earlier.

Ms. KOCHER. That is OK.

Mr. JOHNSON of Louisiana. Sorry for the chaos in the hallway, too. You performed like a pro there.

Let's see, Ms. Camp, you are next, and you may begin.

STATEMENT OF TALCOTT CAMP

Ms. CAMP. Chair Johnson, Ranking Member Scanlon, and distinguished Members of the Subcommittee, my name is Talcott Camp, and I am the Chief Legal and Strategy Officer of the National Abortion Federation, or NAF. I have worked to support providers of abortion care for decades, both in my previous role at the ACLU, and my current role at NAF.

NAF is the professional association of abortion providers with a mission to unite, represent, serve, and support abortion providers in delivering patient-centered, evidence-based care. Since 1977, NAF has compiled an invaluable data base of statistics on anti-abortion extremist violence, allowing us to track patterns and trends.

Last week, we released our 2022 violence and disruption statistics, a copy of which is attached to my written testimony, which I believe Ranking Member Scanlon has moved into the record.

Since 1977, there have been 11 murders, 26 attempted murders, 42 bombings, 200 arsons, 531 assaults, 492 clinic invasions, 375 burglaries, and thousands of other criminal incidents targeting abortion patients, providers, and volunteers.

Each of these incidents involves a real person with a real family and often real children. Every one of these incidents means that every provider of abortion care and every patient trying to access abortion care lives in terror.

NAF's 2022 statistics show increases in major incidents. Comparing 2022 with 2021, the number of death threats or threats of harm rose from 182–218. Stalkings rose 229 percent, from 28–92. Burglaries rose 231 percent, and four clinic arsons occurred in 2022 alone.

The statistics also show a sharp increase in violence and disruption in very specific States. The Supreme Court decision overturning *Roe* and the subsequent proliferation of State abortion bans emboldened anti-abortion extremists to travel specifically to States where abortion remains legal to target clinics, clinicians, and patients there.

We must stand against violence at clinics providing abortion care in States where it remains legal and recognize that a national ban on abortion would be an even greater public health catastrophe. No one should fear violence in the workplace or when seeking healthcare.

Abortion providers, patients, and volunteers face violence and harassment every day. Here are a couple examples from 2022. In that year, we saw a 100 percent increase in arsons, compared to 2021. One of those arsons was at a clinic set to open in Casper, Wyoming in June 2022.

In May, shortly after reporting on the Supreme Court's expected decision in *Dobbs*, an arsonist broke into the clinic and set it on

fire. The arson devastated staff, delayed the clinic's opening by nearly a year, and caused hundreds of thousands of dollars in repairs.

A few months earlier, an anti-abortion extremist stood outside a NAF member clinic on the East Coast with a flaming torch, holding a photo of one of the clinic's abortion providers, including his full name, personal information, and the word "wanted" printed on it. Through a megaphone, they shouted details about his family, his wife's name, how many children he had.

They then posted a video of these threats on a public social media page, ensuring that their menacing message reached a wide audience.

The use of that wanted poster was not singular or new. That extremist tactic harkens back to the terrifying circumstances surrounding Congress's enactment of the FACE Act, the Freedom of Access to Clinic Entrances Act, in 1994 with bipartisan support.

For many years, anti-abortion extremists had used clinic blockades to intimidate and prevent access to clinics. The first clinic arson was in 1976, followed by a series of bombings in 1978, and the attacks and threats escalated. In the 1990's, extremists began using butyric acid attacks and anthrax threat letters.

In 1993, Dr. David Gunn was murdered outside his clinic, the first abortion provider killed by anti-abortion extremists. He, too, was featured on a wanted-style poster before his murder, as were other now-slain abortion providers. Since Dr. Gunn's murder, there have been ten more murders and 26 attempted murders, most recently in Colorado Springs in 2015.

It was in response to this escalating violence that Congress passed the bipartisan FACE Act, which has been an important tool in addressing extremist violence over the last three decades. Every administration has enforced the FACE Act, Republican and Democratic alike. Nonetheless, abortion providers and their patients face unrelenting threats of violence and disruption to care.

I am here today because no one should fear violence at their workplace or when they are trying to access healthcare. For decades, abortion providers and their patients have faced escalating harassment and violence. In the post-*Dobbs* world, that atmosphere had only intensified, making FACE and the protections it offers all the more critical.

Thank you.

[The prepared statement of Ms. Camp follows:]

**Testimony of Talcott Camp before the House
Subcommittee on the Constitution and Limited Government
May 16, 2023**

Chairman Johnson, Ranking Member Scanlon, and distinguished members of the subcommittee:

My name is Talcott Camp, and I am the Chief Legal and Strategy Officer of the National Abortion Federation, or NAF. I have worked to support providers of abortion care for decades, both in my previous role at the ACLU, and in my current role at NAF. NAF is the professional association of abortion providers; NAF's mission is to unite, represent, serve, and support abortion providers in delivering patient-centered, evidence-based care. Since 1977, NAF has compiled an invaluable database of statistics on anti-abortion extremist violence, allowing us to track patterns and trends. Last week, we released our 2022 violence and disruption statistics, a copy of which is attached to my written testimony.

Since 1977, there have been 11 murders, 26 attempted murders, 42 bombings, 200 arsons, 531 assaults, 492 clinic invasions, 375 burglaries, and thousands of other criminal incidents targeting abortion patients, abortion providers, and abortion volunteers. NAF's 2022 violence and disruption statistics show increases in major incidents. Comparing 2022 with 2021, the number of death threats or threats of harm rose from 182 to 218; stalkings rose 229% from 28 to 92; burglaries rose 231%; and four clinics suffered arsons. The statistics also show a sharp increase in violence and disruption in very specific states: The Supreme Court decision overturning *Roe* and the subsequent proliferation of state abortion bans emboldened anti-abortion extremists to travel specifically to states where abortion remains legal – to target clinics, clinicians, and patients there. We must stand against violence at clinics providing abortion care

in states where it remains legal, and recognize that a national abortion ban would be an even greater public health catastrophe.

No one should fear violence at the workplace or when seeking health care, yet abortion providers, patients, and volunteers face violence and harassment every day. Let me provide a few examples: In 2022, we saw a 100% increase in arsons compared to 2021. One of those arsons was at a clinic set to open in Casper, WY, in June 2022. But in May, shortly after reporting on the Supreme Court's expected decision in *Dobbs*, an arsonist broke into the clinic and set it on fire. The arson devastated staff, delayed the clinic's opening by nearly a year, and cost hundreds of thousands of dollars in repairs. A few months earlier, an anti-abortion extremist stood outside a NAF member clinic on the east coast with a flaming torch, holding a photo of one of the clinic's abortion providers including his full name, personal information, and the word "WANTED" printed on it. Through a megaphone, they shouted details about his family: his wife's name, how many children he had. They then posted a video of these threats on a public social media page, ensuring that their menacing message reached a wide audience.

The use of that "WANTED" poster was not singular or new. That extremist tactic harkens back to the terrifying circumstances surrounding Congress's enactment of the FACE Act – the Freedom of Access to Clinic Entrances Act – in 1994 with bipartisan support. For many years, anti-abortion extremists had used clinic blockades to intimidate and prevent access to abortion clinics; the first clinic arson was in 1976, followed by a series of bombings in 1978, and the attacks and threats escalated. In the 1990s, anti-abortion extremists began using butyric acid attacks and anthrax threat letters. In 1993, Dr. David Gunn was murdered outside his clinic – the first abortion provider killed by anti-abortion extremists. He too was featured on a "WANTED" style poster before his murder, as were other now-slain abortion providers. Since

Dr. Gunn's murder, there have been 10 more murders and 26 attempted murders, most recently in Colorado Springs in 2015.

It was in response to this escalating violence that Congress passed the bipartisan FACE Act, which has been an important tool in addressing extremist violence over the last three decades: every administration has enforced the FACE Act, Republican and Democratic alike. Nonetheless, abortion providers and their patients face unrelenting threats of violence and disruption to care. I am here today because no one should fear violence at their workplace, or when they are trying to access health care. For decades, abortion providers and their patients have faced escalating harassment and violence; in the post-*Dobbs* world, that atmosphere has only intensified, making the FACE Act and the protections it offers all the more critical.

Mr. JOHNSON of Louisiana. Thank you, Ms. Camp. Mr. Dys, you may begin now.

STATEMENT OF JEREMY DYS

Mr. DYS. Thank you, Chair Johnson, Ranking Member Scanlon, and Members of the Committee. I am Jeremy Dys, and I serve as Senior Counsel for First Liberty Institute, a nationwide legal organization dedicated to defending religious liberty for all Americans. Thank you for your very kind invitation to testify here this morning.

The Freedom of Access to Clinic Entrances Act promises to ensure access to the Nation's reproductive health facilities and accountability to those who would unlawfully restrict access to those facilities.

The law is quite clear. If you attempt to injure, intimidate, or interfere with access to a reproductive health facility, then you may face both criminal charges and civil penalties.

The FACE Act is intentionally broad in its scope, affording protection to facilities that provide services "relating to the human reproductive system." Pam Hibbard provides reproductive counseling every day to women at her facility. She also lives there.

One morning she woke to find shattered glass strewn about the ground. Her facility had red paint dripping down the outside walls as if it were blood. On the sidewalks, clients seeking access to reproductive services would have to walk over spray-painted threats. Pam did not know if she was safe, nor if her clients would be safe.

Not far away, a Jill Jorgenson woke to a similar scene at her reproductive health facility. Vandals had shattered the glass front door of her facility. Clients would soon arrive to find spray-painted threats on the threshold.

These scenes played out across the country more than 100 different times following the decision of *Dobbs v. Jackson Women's Health Organization* just last year. Yet, despite these numerous attacks to life-affirming reproductive health facilities, the Department of Justice had indicted just four individuals under the FACE Act in the past year.

More concerning is the response of State Attorneys General. The FACE Act explicitly authorizes State Attorneys General to seek civil penalties on behalf of the citizens of each State against those who engage in such unlawful acts of intimidation. Yet, in Massachusetts, rather than deploy the FACE Act in defense of Pam and Jill's facilities, former Attorney General Maura Healey threatened them with sanctions.

Then the Massachusetts Attorney General issued a consumer advisory against the very centers who suffered broken windows, paint bombs, and spray-painted threats from Jane's Revenge.

Florida tells a very different story. Martha Avila showed up to her reproductive health facility in Hialeah, Florida, on July 4, 2022, only to discover a threat from Jane's Revenge, "If abortion is not safe, neither are you."

Her experience, though, is different from Pam or Jill's. Once Florida Attorney General Ashley Moody knew the name of the vandals who had allegedly attacked Martha's facility, she filed a law-

suit under the FACE Act to impose the maximum civil penalties against them.

The FACE Act and ought to be indifferent to ideology. It is meant to hold accountable those who use violence to express disagreement. Its application should not be withheld because a government official disagrees with a facility's religious beliefs.

In Florida, the DOJ investigated and indicted the alleged vandals under the FACE Act. That allowed the Florida Attorney General to file her suit on behalf of the State, and it also allowed First Liberty to defend Martha and Heartbeat of Miami in a private legal action under the FACE Act.

Had the DOJ and the Commonwealth of Massachusetts similarly identified potential FACE Act defendants, our clients there and perhaps elsewhere may have had recourse under the FACE Act as well.

Violence is never an appropriate response to disagreement. Those who would so express their disagreement with life-affirming reproductive health facilities must be held accountable under the law. Applying the FACE Act equitably simply ensures that our Nation will not tolerate violence as a means to political ends.

Thank you again for this opportunity to testify here this morning. I am happy to answer your questions.

[The prepared statement of Mr. Dys follows:]



Written Testimony of
Jeremy Dys, Senior Counsel
First Liberty Institute
Before the Subcommittee on the Constitution and
Limited Government of the Committee on the Judiciary
May 16, 2023

Chairman Johnson, Ranking Member Scanlon, and members of the Subcommittee on the Constitution and Limited Government of the Committee on the Judiciary, I am Jeremy Dys, Senior Counsel with First Liberty Institute, a nationwide legal organization dedicated to defending religious liberty for all Americans. Thank you for the invitation to provide testimony on this important topic.

The Freedom to Access Clinic Entrances Act (“FACE”) promises to ensure access to the nation’s reproductive health facilities and accountability to those who would intimidate, injure, or interfere with access to those facilities. The FACE Act makes no distinction as to which facilities are deserving of that protection, nor should it. Yet, in recent years, state attorneys general and the United States Department of Justice have deployed the FACE Act inequitably.

Pro-life reproductive health facilities have, in the past year, been defaced, vandalized, paint bombed, had windows broken, staff and volunteers doxxed, and repeatedly threatened in person, in the mail, and online. Far too often, these threats have been explicitly motivated by animosity toward the religious beliefs that inspire many pro-life reproductive health facilities. Formed and operated by like-minded religious citizens seeking to exercise the central tenets of their faith by caring for women and their families facing unplanned pregnancies, these reproductive health facilities are deserving of the equal protection of the laws, including the FACE Act.

In response to more than 100 acts of intimidation, injury, and interference towards those who would seek reproductive health services from a pro-life perspective in just the past year,¹ the United States Department of Justice (“DOJ”) has returned just a single indictment against those who allegedly attacked a string of pregnancy care centers.² In

¹ Emma Colton, *Data show there have been 22 times more attacks on pro-lifers than pro-choice groups since Supreme Court leak*, Fox News (Nov. 1, 2022), <https://www.foxnews.com/us/data-show-there-have-been-22-times-more-attacks-on-pro-lifers-pro-choice-groups-since-supreme-court-leak>.

² Exhibit 1 (Indictment, *United States v. Freestone et al.*, Case No. 8:23-cr-00025-VMC-AEP; Superseding Indictment, *United States v. Freestone et al.*, Case No. 8:23-cr-00025-VMC-AEP).

the same time period, DOJ has moved to indict numerous pro-life advocates who allegedly blocked access to abortion centers.³

Lack of action toward those deploying violence to express their political opposition to pro-life reproductive health centers is not limited to DOJ. State attorneys general have largely turned a blind eye or, if they have engaged, have acted in such a way as to *increase* the vulnerability of pro-life reproductive health facilities. Indeed, in recent memory, only one state attorney general has utilized the FACE Act to bring a cause of action in the name of the citizens of an individual state against alleged vandals of pro-life reproductive health facilities.

Further, only one pro-life reproductive health facility, Heartbeat of Miami, has been able to seek relief under the FACE Act's private right of action, suing those who allegedly vandalized their facilities, intimidated their staff and volunteers, and bullied their supporters.

While the FACE Act is rightly used by Heartbeat of Miami, few pro-life reproductive health facilities are even aware that the FACE Act protects their interests. Sadly, I have spoken to several pro-life reproductive facilities who, even when informed of the protections offered to them by the FACE Act, so greatly fear retribution for the exercise of that protection that they simply refuse to take advantage of the relief Congress authorized for their benefit.

The selective deployment of the FACE Act raises significant concerns. Those who target life-affirming reproductive health facilities should face the legal penalties Congress established for their crimes. No one should suffer violence for simply providing faith-based counseling and baby supplies to women and their babies. Violence is never a lawful response to disagreement.

Congress Intended the FACE Act to Protect All Americans

Enacted May 26, 1994, the FACE Act, 18 U.S.C. § 248, prohibits intentional physical obstruction, injury, intimidation, or interference with clients or providers of "reproductive health services," as well as intentional damage to or destruction of a facility providing reproductive health services. *Id.* § 248(a). One of Congress's stated goals in passing the FACE Act was to:

protect and promote the public safety and health and activities affecting interstate commerce by establishing Federal criminal penalties and civil remedies for certain violent, threatening, obstructive, and destructive conduct that is intended to injure, intimidate or interfere with persons seeking to obtain or provide reproductive health services.

Section 2 of Pub. L. 103–259.

³ Exhibit 2 (Indictment, *United States v. Houck*, Case No. 2:22-cr-00323-GJP; Complaint, *United States v. Moscinski*, Case No. 2:22-cr-00485-ST; Indictment, *United States v. Gallagher et al.*, Case No. 3:22-cr-00327; Superseding Indictment, *United States v. Handy et al.*, Case No. 1:22-cr-00096-CKK).

The FACE Act Protects Access to All Reproductive Healthcare Services

Both the text of the FACE Act and judicial interpretations of the law expressly reject selective, one-sided application of the FACE Act.

The statute intentionally defines the term “reproductive health services” broadly to include “reproductive health services provided in a hospital, clinic, physician’s office, or other facility” and lists examples of such services to include “medical, surgical, counseling or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy.” 18 U.S.C. § 248(e)(5).

The inclusion of non-medical procedures within the definition of reproductive health services could not be clearer: Congress recognized that those providing life-affirming reproductive healthcare are just as entitled to protection as those providing surgical abortion, proscribing chemical abortion, counseling about abortion, or referring for abortion services.

Courts consistently hold that the FACE Act applies to “facilities offering pregnant women counseling about alternatives to abortion.” *American Life League, Inc. v. Reno*, 47 F.3d 642, 649 (4th Cir. 1995); *see also Terry v. Reno*, 101 F.3d 1412, 1419 (D.C. Cir. 1996) (stating the FACE Act protects “facilities providing pre-pregnancy and pregnancy counseling services, as well as facilities counseling alternatives to abortion”); *Riely v. Reno*, 860 F. Supp. 693, 702 (D. Ariz. 1994) (stating the FACE Act applies equally “to an individual who spray paints the words ‘KEEP ABORTION LEGAL’ on a facility providing counseling regarding abortion alternatives as well as to the individual who spray paints the words ‘DEATH CAMP’ on a facility providing abortion services”).

In short, the FACE Act is indifferent to ideology. It seeks to protect all Americans seeking or providing reproductive health services, regardless of ideology, political opinion, or religious belief.

The FACE Act Offers Meaningful Religious Liberty Protections

The FACE Act’s protections go beyond reproductive healthcare. By its plain terms, the statute also prohibits intentional physical obstruction, injury, intimidation, or interference with “any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship” along with any intentional damage to or destruction of a of religious worship. 18 U.S.C. § 248(a)(2)–(3).

Combining the protections given to life-affirming reproductive healthcare and houses of worship, it is clear that Congress intended for the FACE Act to protect all people of faith, along with the religious institutions and houses of worship they form, from violence and intimidation by those who disagree with their religious beliefs.

The FACE Act creates both criminal and civil penalties, with four enforcement methods: 1) federal criminal prosecution, *id.* § 248(b); 2) civil action by “any person aggrieved” by

the prohibited conduct who was involved in providing, obtaining, or seeking “services in a facility that provides reproductive health services,” or by “a person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship or by the entity that owns or operates such place of religious worship.” *id.* § 248(c)(1)(A); 3) civil enforcement action by the U.S. attorney general, *id.* § 248(c)(2); 4) civil enforcement action by state attorneys general (including those of D.C. and territories), *id.* § 248(c)(3), (e)(6).

Criminal penalties include both fines and imprisonment that vary based on repeat offense and level of violence involved, but generally a second FACE Act conviction is a felony. *See id.* 248(b). Organizations, including unincorporated associations like Jane’s Revenge, are viable FACE Act defendants.⁴

Civil remedies under the FACE Act include injunctive relief, compensatory and punitive damages, court costs, and “reasonable fees for attorneys and expert witnesses.” *Id.* § 248(c)(1)(B). Prior to a final judgment, the plaintiff may elect an award of \$5,000 per violation in lieu of actual damages. *Id.*

Federal and state attorneys general may also seek additional civil penalties: up to \$10,000 for a first nonviolent physical obstruction violation and up to \$15,000 for other first violations; up to \$15,000 for subsequent nonviolent physical obstruction violations and up to \$25,000 for subsequent violations. *Id.* § 248(c)(2)(B), (c)(3)(B).

Despite the clear protections that the FACE Act offers to pro-life reproductive health facilities, its subsequent use since its enactment in 1994 demonstrates that governments at the state and federal levels have applied the law in a manner that disproportionately favors abortion providers. While state attorneys general in states such as New York have a history of using the FACE Act to bring civil claims against pro-life individuals and organizations,⁵ no corresponding claims have been brought by any state attorney general against abortion extremists who have attacked, or who have allegedly attacked, pregnancy care centers. The lone exception appears to be Florida Attorney General Ashley Moody.

Likewise, despite the nationwide wave of violence against pro-life reproductive health facilities in the last year carried out by extremist groups like Jane’s Revenge, DOJ has indicted only a handful of individuals for these crimes.⁶ Accordingly, despite the powerful protections offered by federal law to protect people of faith operating pregnancy care centers, the FACE Act remains a sorely underutilized law for protecting pro-life individuals from violence and intimidation, even while it being routinely used against the pro-life community.

⁴ *See, e.g., New York State Nat. Org. for Women v. Terry*, 159 F.3d 86 (2d Cir. 1998); *People of State of New York ex rel. Spitzer v. Operation Rescue Nat.*, 69 F. Supp. 2d 408, 413–414 (W.D.N.Y. 1999), *aff’d* 273 F.3d 184 (2d Cir. 2001) (collecting cases).

⁵ *See, e.g., New York by James v. Griep*, 11 F.4th 174 (2d Cir. 2021); *New York ex rel. Spitzer v. Operation Rescue Nat’l*, 273 F.3d 184 (2d Cir. 2001); *New York ex rel. Spitzer v. Cain*, 418 F. Supp. 2d 457 (S.D.N.Y. 2006) *People of State of New York ex rel. Spitzer v. Kraeger*, 160 F. Supp. 2d 360 (N.D.N.Y. 2001).

⁶ *See* Exhibit 1.

The FACE Act in the States: Contrasting Deployments of the FACE Act

Soon after the leak of *Dobbs*, vandals lashed out at pro-life reproductive health facilities from Massachusetts to Florida. The response by state officials has been stark. Massachusetts and Florida offer helpful examples. Where Florida has taken advantage of the attorney general-specific cause of action provided by Congress in the FACE Act, Massachusetts appears to have not only declined to use the FACE Act in defense of pro-life reproductive health facilities, but the Massachusetts Attorney General also targeted already-vandalized pro-life centers for public opprobrium and legal jeopardy.

Massachusetts Targets Pro-Life Reproductive Health Facilities.

Bethlehem House, a pregnancy care center—a reproductive health facility, as defined by the FACE Act—housed in the former rectory of a Catholic Church, provides hand-knitted baby blankets, sweaters, and caps to the babies of mothers facing an unplanned pregnancy. In addition to clothing, baby formula, car seats, and pack-and-plays, Bethlehem also provides counseling and pregnancy testing.

Bethlehem’s director is never far from the ministry she leads. Indeed, she resides in a humble apartment on the top floor. In the middle of the night, not long after the leak of *Dobbs*, vandals trespassed onto Bethlehem House’s property, lobbed light bulbs filled with red paint, shattering the paint bombs against the walls of the center to mimic blood. They then spray-painted threats including, “If abortions aren’t safe, neither are you!” on the sidewalk surrounding a statue of the Virgin Mary mere feet from their front door. Understandably, the director of Bethlehem House fears for her safety, and would-be clients have grown nervous to seek services.

This is a repetitive pattern. Not far away at Clearway Clinic, vandals threw bricks through the glass doors of that pro-life reproductive health facility and scrawled threats in spray paint. Abundant Hope Pregnancy Resource Center and Your Options Medical, also Massachusetts organizations qualified for protection from the FACE Act, likewise faced broken windows and spray-painted threats—all signed by anarchist symbols and “Jane’s Revenge.”

The Commonwealth of Massachusetts has neither identified the vandals, nor even implied it would use the FACE Act to hold these attackers accountable to the rule of law. Rather, Massachusetts threatened sanctions against those pro-life reproductive healthcare facilities that were attacked and vandalized. Further, then-Attorney General Maura Healey issued a “consumer advisory” against pro-life reproductive health facilities.⁷

First Liberty Institute represented each of these religiously-motivated reproductive healthcare facilities. In our response to then-Attorney General Healey’s threats of

⁷ See Exhibit 3 (Letter from Jeremy Dys, Senior Counsel, First Liberty Institute, and Andrew Beckwith, President, Massachusetts Family Institute, to Attorney General Maura Healey (Sept. 13, 2022)).

sanctions and her “consumer advisory,” we queried why she would turn the power of the Commonwealth upon those who humbly serve women and their children as a sincere part of their religious exercise?⁸

The Commonwealth encouraged citizens to report instances of potential “deceptive and coercive trade practices”—like offering pregnancy counseling and free ultrasounds and pregnancy tests—by the largely religious population of those who operate and volunteer with pro-life reproductive health facilities. But for those reproductive health facilities still sweeping up broken glass from their sidewalks and scraping paint from their buildings, then-Attorney General Healey did not so much as create a tip line for citizens to help identify those who committed violence and vandalism against our clients.

It should likewise be obvious that the Commonwealth’s Attorney General took no action pursuant to the FACE Act’s provision in 18 U.S.C. § 248(c)(3) on behalf of the dozens of pro-life reproductive health facilities of Massachusetts. Its actions were, instead, one-sided in defense of the Commonwealth’s abortion centers. But not merely impassively one-sided; the Commonwealth actively and purposefully singled out pro-life reproductive health facilities, targeting them for speech its leaders disliked.

The U.S. Supreme Court warned in *McCullen v. Coakley*, 573 U.S. 464, 477 (2014), that “the government may not selectively shield the public from some kinds of speech on the ground that they are more offensive than others.”

Indeed, just last year the Supreme Court reaffirmed the important principle that the First Amendment protects not only “the right to harbor religious beliefs inwardly and secretly” but also “does perhaps its most important work by protecting the ability of those who hold religious beliefs of all kinds to live out their faiths in daily life through the performance of (or abstention from) physical acts.” *Kennedy v. Bremerton Sch. Dist.*, 142 S. Ct. 2407, 2421 (2022).

State Attorneys General should enforce the law for all of its citizens, not merely the ones expressing views it politically favors. One doubts the Massachusetts Attorney General would have any reluctance using the FACE Act if the vandalism were directed at the Commonwealth’s abortion centers—nor should it. Congress should expect the states to fairly leverage federal law against those who would express ideological opposition toward any reproductive health facility, regardless of its political, ideological, or religious motivations.

Florida Protects Pro-Life Reproductive Health Facilities.

In the State of Florida, at least three pro-life reproductive health facilities faced injury, intimidation, and interference with access to their facilities. In contrast to the actions of the Massachusetts Attorney General, the response of Attorney General Ashley Moody has been to fully utilize the FACE Act for all of the state’s citizens.

⁸ See Exhibit 3.

In January of 2023, a federal indictment issued against two individuals.⁹ According to the indictment, vandals struck at least three facilities in Winter Haven, Hollywood, and Hialeah, Florida. A superseding indictment issued in March 2023 naming two more individuals in the conspiracy to attack pro-life reproductive healthcare facilities in Florida.¹⁰

As soon as the names of the alleged vandals became public, Florida Attorney General Ashley Moody filed a civil suit¹¹ against them on behalf of the citizens of Florida. Her lawsuit, expressly authorized by the FACE Act, seeks hundreds of thousands of dollars to be assessed against the alleged vandals pursuant to the civil penalties authorized by 18 U.S.C. §248 (c)(3)(B) and (2)(B)(i)-(ii).

There was no equivocation by Attorney General Moody. Rather, she upheld the rule of law, seeking to hold accountable those “attempting to intimidate and threaten law abiding citizens in our state.”¹²

Following Attorney General Moody’s lead, First Liberty filed a FACE Act lawsuit¹³ against alleged vandals who struck Heartbeat of Miami, our client, in Hialeah, Florida. Our legal action was made possible, in part, because law enforcement in Florida, as well as the Florida Attorney General, identified the alleged perpetrators of violence against our client. Had similar actions been undertaken by the Commonwealth of Massachusetts to identify potential FACE Act defendants, Bethlehem House, Clearway Clinic, Abundant Hope Pregnancy Resource Center, Your Options Medical, and perhaps others may have had recourse under the FACE Act.

Like many pro-life reproductive health facilities, Heartbeat of Miami provides pregnancy testing, counseling, and free ultrasounds, while also providing spiritual care, resources, and services to expectant mothers and their families.

On the evening of July 3, 2022, vandals came on to their property, disabled their security systems, and scrawled threats in spray paint across the walls of their facility. Once again, “Jane’s Revenge” claimed credit for the attack. Months later, on September 17, 2022, protestors interrupted Heartbeat of Miami’s annual gala. While protestors gathered outside the gala, two individuals deceptively gained access to the event inside and seated themselves with attendees—donors to Heartbeat of Miami of all age groups. The protestors then interrupted the event, shouting obscenities and threats while tossing propaganda in a clear effort to intimidate those gathered in support of the work of our client.

⁹ See Exhibit 1.

¹⁰ See Exhibit 1.

¹¹ See Exhibit 4 (Amended Complaint, *People of the State of Florida ex rel. Moody v. Freestone et al.*, Case No. 8:23-cv-00701-SDM-MRM).

¹² Press Release, “Action Against Antifa and Jane’s Revenge,” (March 30, 2023), available at <https://www.myfloridalegal.com/newsrelease/action-against-antifa-and-janes-revenge>.

¹³ See Exhibit 5 (Amended Complaint, *Heartbeat of Miami, Inc. v. Jane’s Revenge et al.*, Case No. 8:23-cv-00705-KKM-AAS).

The fear instilled by these alleged criminals forced Heartbeat of Miami to pay for heightened security at all their clinics and events, replace security equipment, and manage the fear inflicted upon its staff and volunteers. We hope to recover the maximum in statutory damages authorized by the FACE Act.

U.S. Senators Undermine FACE's Equal Application

While the vandalism of pro-life reproductive health facilities spread across the country, rather than insist that the DOJ enforce the FACE Act, and haul its leadership into hearings for why it had not yet done so, several United States Senators targeted entire networks of reproductive health facilities they disliked.

Seven pro-abortion Senators attempted to interrogate our client¹⁴ Heartbeat International—the nation's largest network of pro-life reproductive health facilities. As First Liberty pointed out in our response on behalf of our client, investigations launched for the personal aggrandizements of Senators are simply indefensible.

Worse, rather than insist that the FACE Act be applied evenly, these pro-abortion Senators forcefully made known that they wished to “shut down” pro-life reproductive health facilities “all around the country.”¹⁵ This is hardly the protection of reproductive health facilities at one time contemplated by Congress in passing the FACE Act.

Moreover, though we asked,¹⁶ none of these Senators identified a single public statement by which they had repudiated the heinous acts of intimidation against pro-life reproductive health facilities.

It is to be expected for United States Senators to act according to their political agenda. However, when Congress passes a law that equally holds accountable those who attempt to injure, intimidate, or interfere with access to reproductive health facilities—whether pro-life or an abortion center—the American people expect their elected officials to support the laws Congress has passed. Furthermore, Americans should expect its leaders to at least inquire into why laws it has duly passed have either not been fully utilized or selectively enforced.

Yet, none of these Senators have called either Attorney General Merrick Garland or FBI Director Christopher Wray to Congress to answer why some receive the FACE Act protections and others do not. At a minimum, the American people have a right to expect that its leaders will not actively undermine the laws Congress passed in an effort to score cheap political points.

¹⁴ See Exhibit 6 (Letter from Senator Elizabeth Warren et al. to Jor-El Godsey, President, Heartbeat International (Sept. 19, 2022)).

¹⁵ See Exhibit 7 (Letter from Jeremy Dys, Senior Counsel, First Liberty Institute, to Senator Elizabeth Warren et al. (Oct. 31, 2022)).

¹⁶ See Exhibit 8 (Letter from Jeremy Dys, Senior Counsel, First Liberty Institute, to Senator Elizabeth Warren et al. (Oct. 1, 2022)).

Conclusion

Abortion is undoubtedly an issue dividing across political preferences and religious beliefs. Yet, the American tradition has been to submit our disagreements to the best of arguments. Violence has never been sanctioned, nor should it be, to express opposition to the practice of abortion or those who seek to preserve unborn life.

President Calvin Coolidge once remarked that “if all the folks in the United States would do the few simple things they know they ought to do, most of our big problems would take care of themselves.” Likewise, if all the leaders of the United States would deploy laws like the FACE Act without regard to the political, ideological, or religious motivations of a reproductive health facility, perhaps some of our “big problems” would likewise take care of themselves.

The selective deployment of the FACE Act should end. Those who target life-affirming reproductive health facilities should face the legal penalties Congress established for their actions. No one should suffer violence for simply providing faith-based or pro-life reproductive health services to women and their babies.

Thank you again for the opportunity to testify on this important topic. I am pleased to answer your questions.

The complete statement from Mr. Dys, Senior Counsel, First Liberty Institute, including the exhibits can be found at <https://docs.house.gov/meetings/JU/JU10/20230516/115924/HHRG-118-JU10-Wstate-DysJ-20230516.pdf>.

Mr. JOHNSON of Louisiana. Thank you, Mr. Dys. Ms. Del Turco, you may begin.

STATEMENT OF ARIELLE DEL TURCO

Ms. DEL TURCO. Chair Johnson, Ranking Member Scanlon, and Members of the Subcommittee, thank you for the opportunity to testify. My name is Arielle Del Turco, and I am the Director of the Center for Religious Liberty at Family Research Council.

Our organization desires all people to have the freedom to exercise their faith. This freedom is significantly undermined whenever houses of worship are the targets of violent or destructive acts.

It would be appropriate at this time to note that the FACE Act specifically includes protections for places of religious worship. It protects the faithful exercising their right of religious freedom in these places while also protecting such places from efforts to damage or destroy their property.

In December 2022, FRC releases a report analyzing publicly documented acts of hostility against churches over the past five years. We identified 420 incidents that occurred in 45 States and Washington, DC, between January 2018–September 2022.

We noted a recognizable increase in frequency over the course of that reporting period. These acts include vandalism, arson, bomb threats, gun-related incidents, and interruption of worship services. All these are punishable under the FACE Act.

FRC updated our report in April and found additional incidents in the final months of 2022 and 69 in the first quarter of 2023. If the trend continues, this year will be on track to have the highest number of church attacks over the last six years. All told, FRC has observed 565 attacks against churches from January 2018–April 2023.

I would now like to highlight a few examples for you. In February 2023, vandals broke into the Delabrook Presbyterian Church in Winston-Salem, North Carolina. They sprayed a fire extinguisher all over the church and into the ventilation system, causing \$40,000 in damage.

One church staff member told a local news station,

I keep wondering why. It shows a great deal of anger. Are they angry at us? Were they angry at churches? Were they angry at God?

In these attacks, many churches are defaced with obscene or hateful messages. In October 2021, vandals spray-painted anti-Catholic messages on the front of Denver's Cathedral Basilica of the Immaculate Conception, including the words "Satan lives here."

In March and April 2019, three historically Black Baptist churches in or near Port Barre, Louisiana, were set on fire by the same individual within a 10-day span.

Following the leak of the Supreme Court's *Dobbs* decision last May, at least 57 acts of hostility against churches were directly related to abortion. On June 25th, the day after the *Dobbs* announcement, St. Patrick Catholic Church in Philadelphia was spray-painted outside with the phrase, "Abort the church."

On June 26th, pro-abortion protesters interrupted Mass at St. Joseph Catholic Church in Chicago and began chanting slogans and distributing leaflets. At least one protester held up a sign that read, "The Catholic Church has blood on its hands."

Not only Christian churches are subjected to such attacks. The Anti-Defamation League reported hundreds of antisemitic incidents against Jewish institutions in 2022, including synagogues and Jewish schools. The American Civil Liberties Union has tracked nearly 400 anti-mosque incidents since 2005.

Violent attacks against places of worship are completely unacceptable, and it should concern those of all faiths and political persuasions. As long as the FACE Act is on the books, it should be used to go after perpetrators of attacks on places of worship. Antireligious hostility has no place in our society or any country that wants to call itself a land of freedom.

This issue deserves the full attention of the American public and the full weight of law enforcement. We appreciate the Subcommittee's interest in learning about attacks on places of religious worship as it considers the effectiveness and application of the FACE Act.

Thank you for your time and consideration.

[The prepared statement of Ms. Del Turco follows:]



**Written Testimony of
Arielle Del Turco, Director of the Center for Religious Liberty
Family Research Council**

**Before the Subcommittee on the Constitution and Limited Government
of the Committee on the Judiciary
Hearing on “Revisiting the Implications of the FACE Act”
May 16, 2023**

Chairman Johnson, Ranking Member Scanlon, and members of the Subcommittee, thank you for the opportunity to testify today. My name is Arielle Del Turco, and I am the Director of the Center for Religious Liberty at Family Research Council (FRC) in Washington, D.C. Our organization desires all people to have the freedom to exercise their faith. This freedom is significantly undermined whenever houses of worship are the targets of violent or destructive incidents meant to intimidate the faithful or interrupt the normal work of the religious community. Last year, FRC began to monitor acts of hostility against churches in the United States as a religious freedom concern.

It would be appropriate at this time to observe that the Freedom of Access to Clinic Entrances (FACE) Act extends explicit protections to places of religious worship. It protects people lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship. It also protects places of religious worship from intentional efforts to damage or destroy their property, providing that “whoever . . . by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts 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 intentionally damages or destroys the property of a place of religious worship,” shall be subject to the penalties and civil remedies found in the law.¹

In December 2022, FRC released a report (submitted as Appendix A) analyzing publicly documented acts of hostility against churches over the past five years. We identified 420 incidents that occurred in 45 states and Washington, D.C. between January 2018 and September 2022. There also appeared to be an increase in frequency over the course of the reporting period.²

The types of acts identified include vandalism, arson, bomb threats, gun-related incidents, and interruption of worship services—all of which are punishable under the FACE Act. Most of the incidents covered in our December 2022 report were vandalisms; the report identified 342 occurrences of vandalism, 58 arson attacks or attempts, 12 gun-related incidents, 11 bomb threats, and 19 other incidences (assault, threats, interruption of worship services, etc.). Twenty incidents (4.76 percent) fell into more than one category.³

In April 2023, FRC published a supplemental update to our report (submitted as Appendix B), which found an additional 54 incidents in the final months of 2022 and 69 in the first quarter of 2023

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(January-March).⁴ Since releasing that supplemental report, we catalogued another 22 acts of hostility in the month of April. If this trend continues, 2023 will be on track to have the highest number of church attacks over the past six years. All told, FRC has observed 565 attacks against churches from January 2018 to April 2023. And that is based on the public documentation we have found. There are almost certainly more incidents.

The full list of incidents is available in our reports submitted in Appendix A and B. But I would like to highlight a few examples for you. In February 2023, vandals broke into the Dellabrook Presbyterian Church in Winston-Salem, North Carolina. They sprayed a fire extinguisher all over the church and into the ventilation and air conditioning system, causing \$40,000 in damage. One woman who works at the church told a local news station, “I keep wondering why. It shows a great deal of anger. And were they angry at us? Were they angry at churches? Were they angry at God?”⁵

In these attacks, many churches are defaced with obscene or hateful messages. In October 2021, vandals spray-painted hateful anti-Catholic messages on the front of downtown Denver’s Cathedral Basilica of the Immaculate Conception, including the words, “Satan lives here.”⁶ In March 2022, Journey Church of Sonora, a small church in California, was set on fire and completely destroyed, forcing the church to temporarily gather outside for weekly services.⁷

Following the leak of the U.S. Supreme Court’s *Dobbs v. Jackson Women’s Health Organization* decision last May, at least 57 acts of hostility against churches were directly tied to anti-religious animus related to the abortion issue. These incidents involved vandalism, destruction of property, and interruption of worship services. On June 25—the day after the Supreme Court announced the *Dobbs* decision, St. Patrick Catholic Church in Philadelphia was vandalized with the phrase “Abort the church” spray painted on the side of the building.⁸

On June 26, abortion-related protestors interrupted Mass at St. Joseph Catholic Church in Chicago and began chanting slogans and distributing leaflets in the middle of the service.⁹ At least one protestor held up a sign that read, “The Catholic Church has blood on its hands.” Father Lawrence Lisowski reflected on the incident, saying, “Sadly, this is a sign of our times, and a reflection of the fragile world that we live in.”

On June 27, dozens of abortion-related protestors vandalized a church office building belonging to Hinson Baptist Church in Portland, Oregon, that included offices for a pregnancy resource center. The protestors wore masks and carried umbrellas to evade security cameras.¹⁰ They broke windows and left obscene and hateful graffiti messages behind, including the phrase “abort yourself [expletive redacted].”

Such anti-religious animus isn’t limited to one faith. Other houses of worship are also experiencing vandalism and other attacks. The Anti-Defamation League reported dozens of antisemitic incidents against synagogues in 2022.¹¹ The American Civil Liberties Union has tracked nearly 400 anti-mosque incidents across the country since 2005.¹² This trend of increasing hostility and violent attacks against places of worship is completely unacceptable, and it should concern those of all faiths.

As long as the FACE Act remains law, it should be used as a tool to go after perpetrators of attacks such as those mentioned above. Anti-religious hostility like the incidents I mentioned has no place in our society or any country that wants to call itself a land of freedom. This issue deserves the full attention of the entire American public and the full weight of law enforcement.

We appreciate the Subcommittee's interest in learning about attacks on places of religious worship as it considers the effectiveness and application of the FACE Act. Thank you for your time and consideration.

Respectfully submitted,



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¹ 18 U.S.C. 248, <https://www.law.cornell.edu/uscode/text/18/248>.

² Arielle Del Turco, "Hostility Against Churches Is on the Rise in the United States: Analyzing Incidents from 2018-2022," Family Research Council, December 2022, <https://www.frc.org/issueanalysis/hostility-against-churches-is-on-the-rise-in-the-united-states>.

³ Ibid.

⁴ Arielle Del Turco, "Hostility Against Churches: Supplemental Report - First Quarter 2023," Family Research Council, April 2023, <https://www.frc.org/issuebrief/hostility-against-churches-supplemental-report-first-quarter-2023>.

⁵ Louie Tran, "'It's horrifying': Winston-Salem church vandalized on Valentine's Day and left with \$40K worth of damage," WXII 12 News, last updated February 17, 2023, <https://www.wxii12.com/article/its-horrifying-winston-salem-church-vandalized-on-valentines-day-and-left-with-dollar40k-worth-of-damage/42942019>.

⁶ Jonah McKeown, "Denver cathedral vandalized with anti-Catholic slogans," Catholic News Agency, October 11, 2021, <https://www.catholicnewsagency.com/news/249250/denver-cathedral-vandalized-with-anti-catholic-slogans>.

⁷ Guy McCarthy, "Tuolumne County faith community rises from the ashes of Journey Church fire," *The Union Democrat*, last updated March 25, 2022, https://www.uniondemocrat.com/news/article_f59deb54-ab06-11ec-ac22-3383c3efc887.html.

⁸ Joe Bukuras, "Attacks on churches, pro-life pregnancy centers continue," Catholic News Agency, June 30, 2022, <https://www.catholicnewsagency.com/news/251687/attacks-on-churches-pro-life-pregnancy-centers-continue>.

⁹ Joe Bukuras, "Pro-abortion protesters disrupted Mass at Catholic church in Chicago," Catholic News Agency, July 7, 2022, <https://www.catholicnewsagency.com/news/251743/pro-abortion-protesters-disrupted-mass-at-catholic-church-in-chicago>.

¹⁰ Michael Lawrence, "When the Mob Shows Up the Monday After *Roe*," The Gospel Coalition, June 29, 2022, <https://www.thegospelcoalition.org/article/the-monday-after-roe/>.

¹¹ Anti-Defamation League, "Analysis: Recent Threats to Jewish Institutions," blog, December 9, 2022, <https://www.adl.org/resources/blog/analysis-recent-threats-jewish-institutions>.

¹² "Nationwide Anti-Mosque Activity," American Civil Liberties Union, last updated December 2022, <https://www.aclu.org/issues/national-security/discriminatory-profiling/nationwide-anti-mosque-activity>.

The complete statement from Ms. Del Turco, Director, Center for Religious Liberty, Family Research Council, including the appendices is available at <https://docs.house.gov/meetings/JU/JU10/20230516/115924/HHRG-118-JU10-Wstate-DelTurcoA-20230516.pdf>.

Mr. JOHNSON of Louisiana. Thank you, Ms. Del Turco.

We will now proceed under the five-minute rule with questions, and I recognize myself first for five minutes.

Look, I said in the opening, and I will reiterate here again as we begin the questioning period that we believe that the facts show that the Biden Administration has shown a clear double standard of enforcing the FACE Act in a way that protects pro-abortion activists and facilities while substantially ignoring attacks on pro-life advocates, facilities, and churches.

It is a disgrace. The Justice Department would rather cater to the pro-abortion political movement than protect places that assist pregnant women in need.

I am going to start just with a brief question of Mr. Dys. From your observation and first-hand experience in litigating these matters, do you agree with our assessment that the current Department of Justice is engaged in selective enforcement of Federal law based purely on political motivation?

Mr. DYS. Thank you, Chair Johnson. Congress passed the Freedom to Access Clinic Entrances Act to uphold the rule of law in this country.

After a year in which we have seen over 100 different instances of attacks on life-affirming reproductive health facilities, and as Ms. Del Turco just testified about, even more against houses of worship, it is incumbent upon our leadership to ensure that the full weight of the Federal government and the law is being applied.

I think the American people would have no less expectation of this Committee than to insist that its laws be applied equitably and across the board. What we have—the problem that we have, if I may just wrap up, I am sorry, is that to prosecute these claims, the most difficult part of the entire process for us as lawyers is to have a name of someone to prosecute.

That starts with General Garland. If his DOJ is able to provide to us a name after an investigation, we are happy to utilize the laws that you have passed to defend these reproductive health facilities from the noxious attacks that they have had to withstand over the past year.

Mr. JOHNSON of Louisiana. Very good. Ms. Del Turco, thank you for researching and reporting on the rise of attacks against churches that we have seen in recent years. It is especially concerning that in the first three months of this year, there were approximately three times as many attacks on churches as in the same timeframe in 2022.

Sadly, although many of these acts of violence could be charged under the FACE Act, they have gone unprosecuted. So, what do you think is spurring this increased violence against churches in America?

Ms. DEL TURCO. Well, I think there are a lot of factors. We certainly see increasing secularism in the United States, an increasing lack of respect for religion, understanding for religion or religious traditions.

In addition, I think it is motivated as well by these political battles that tend to fall along religious lines. When you see Catholic churches being blamed for the *Dobbs* decision and attacked, that is clearly a problem, right.

It is very much a problem when, in our political system for democracy, when one side loses a political battle, and they go and attack churches. This is a horrendous problem.

Mr. JOHNSON of Louisiana. Yes, I am going to ask for unanimous consent to enter into the record this letter that First Liberty, a correspondence with Senator Warren.

In it is some photographs of some of these abuses. This is Jane's Revenge and other groups. They graffiti on the side of churches "Abort the church," and "If abortions aren't safe, neither are you." "Jane's Revenge" all over the place.

Then they go to the pregnancy care centers and they vandalize them. Again, nothing is being done about this. I think every person watching this hearing should recognize that you could be next.

Right now, it is churches and pro-life groups and people being targeted that are pro-life, but that doesn't mean that other Americans wouldn't be targeted tomorrow.

It is a disturbing reality that the Federal government has gotten too big, too powerful, and it is improperly wielding that power against the American people to appease a political base.

The Durham Report, as Mr. Jordan noted earlier, makes clear the FBI, for example, the FBI in the Durham Report, "failed to uphold their important mission of strict fidelity to the law." My friends, that is a serious problem in a constitutional republic, and it is one that we aim to fix and will be about that.

I have got less than a minute, but I wanted to turn to Mr. Houck really quick about speaking of disparate treatment, your story is so compelling and what the FBI did there to arrest you is astounding.

Isn't it true that once you learned, get this clear for the record, once you learned that law enforcement was interested in questioning you, you offered to appear voluntarily, right?

Mr. HOUCK. That is correct, Mr. Chair.

Mr. JOHNSON of Louisiana. So, they did this big raid with 20 agents with long guns pointed at you and your seven young children and your wife, even though you offered to go in without issue, that is correct.

Mr. HOUCK. That is correct.

Mr. JOHNSON of Louisiana. It was about a year after the event actually took place, right?

Mr. HOUCK. That is right.

Mr. JOHNSON of Louisiana. It seemed to correspond, in our view, with the *Dobbs* decision that overturned *Roe v. Wade*, and it was released there. It sent the pro-abortion allies into a frenzy. Do you have an opinion on the timing of why they came to your house and raided you that way?

Mr. HOUCK. Sure. Well, really quick, my indictment target letter was—preceded the *Dobbs* leak. Then of course the *Dobbs* leak was early May. Then of course the *Dobbs* in June. Then we saw a series of arrests.

Then of course I was not expecting that myself because my attorney said that we would—and I will read right from the letter,

... rather than put Mr. Houck and his family through needless disruption, we will accept a summons on my client's behalf and bring him to you.

Mr. JOHNSON of Louisiana. Thank you. I am out of time. I yield. The Chair recognizes Mr. Nadler for five minutes.

Mr. NADLER. Thank you, Mr. Chair.

We have heard examples of violence against anti-abortion clinics. Ms. Camp, what are some examples of violence and disruption that doctors and patients have faced in recent years?

Ms. CAMP. Thank you for the question, Congressman. If I may, I would like to just review some examples, quite recent examples from 2022 in fact. The first are essentially news reports. Again, every person here, real person, real family, and real kids.

In Michigan 2022, this is from *ABC News*:

Officials said the suspect breached the fence outside the clinic then used a fuel to ignite bushes surrounding the building before lighting a fireplace starter log that he threw onto the building's roof.

In California 2022, this is from the FBI:

Two unknown suspects were captured on surveillance video throwing a Molotov cocktail at the front door of a medical building used by Planned Parenthood in Costa Mesa, California.

Anthrax, letter leaking white powder reported to be anthrax in Ohio 2022. Inert ricin, according to the FBI, in New Mexico 2022. A Texas clinic had all the wires cut, all the electrical wires going into the clinic, cut in 2022.

In Michigan again, in March 2022, a large group of extremists entered the clinic, harassed patients and staff. Additional people outside were shouting through megaphones, making it very hard to provide medical care inside.

In North Carolina, this is quite typical, extremists opened the car doors of patients driving into a clinic parking lot and got into their cars.

If helpful, I could read just a couple of the personal, short personal testimonies of folks who have experienced violence in 2022.

This is from California, in March,

We experienced a clinic invasion where a group of anti-abortion protesters posed as a patient. Once our door was open, three other extremists rushed in past staff. It was terrifying. You are trying to figure out are their weapons. What is going to take place here, is it going to be a speech or is it going to be physical violence?

Just read one more, from Texas.

This is Texas. People have guns. There are school shootings. You have that fear because you don't know that this person is just standing there waiting to pull a weapon, or if they are standing there just praying for you.

Folks providing and accessing abortion care never know. The violence has been so relentless. They just don't know when a gun is going to get pulled.

Mr. NADLER. Thank you for those examples. Let me ask you this: Should Americans, even those who live in States that continued to protect reproductive freedom, should they be concerned that violence, threats, and intimidation against abortion providers could effectively ban abortion access in their States, regardless of what their State law provides?

Ms. CAMP. Absolutely, Congressman. Just as *Dobbs* left open the door for a nationwide ban on abortion, *Dobbs* also emboldened anti-abortion extremists to go specifically to clinics in States that protect abortion rights.

So, NAF's 2022 violence and disruption statistics show a particular increase in those States. So, for example, stalkings went up

overall, 230 percent in 2022. They went up 900 percent, a 900 percent increase in stalkings, at clinics providing abortion care in haven States. States that protect access to abortion care saw a 130 percent increase in bomb threats.

Directly to your point, Congressman, clinics offering abortion care in States that protect access saw a 540 percent increase in obstructions. So, yes, we all need to fear the effect of violence on people's ability to access this fundamental care.

Mr. NADLER. Finally, my last question now, just to be clear as to stakes, what impact would a total nationwide ban on abortion have on women's reproductive health and well-being?

Ms. CAMP. Congressman, a nationwide ban would be a catastrophe, a public health catastrophe, yes, for people's reproductive health, and for public health generally. It would add to the ongoing crisis of lack of access to healthcare in this country, which absolutely includes lack of access to appropriate high-quality pregnancy-related and labor and delivery care.

We have an exceedingly high maternal mortality rate, pregnancy-related death rate, that is, for a wealthy, industrialized country. Let's drive that down, especially for the Black community, which suffers so disproportionately.

Mr. NADLER. In States which have banned abortion, have we found a higher mortality rate for pregnant women?

Ms. CAMP. I am not a clinician and I think it is too soon to tell. We know internationally, yes, that banning abortion is associated with higher maternal mortality, of course.

Mr. NADLER. Thank you. I yield back.

Mr. JOHNSON of Louisiana. The gentleman from California, Mr. Kiley, is recognized for five minutes.

Mr. KILEY. I yield back to the Chair.

Mr. JOHNSON of Louisiana. Thank you for yielding. Ms. Kocher, you just heard testimony from Ms. Camp and her organization, the National Abortion Federation, recently issued a report that labels crisis pregnancy centers as, quote, "fake clinics use deceptive practices to dissuade people from seeking abortions," unquote. The organization claims that pregnancy resource centers such as yours lie and trick patients and force them to carry unwanted pregnancies to term. How do you respond to the provocative claim by Ms. Camp's organization.

Ms. KOCHER. I would say that's ridiculous. We do not lie to women. We are very clear about the services we provide and what we don't provide.

We have four registered nurses on staff. We have professional licensed staff. We are also a licensed adoption agency.

We have eight social workers on staff, and we provide excellent quality healthcare for women, children, and their families. As a matter of fact, I think it's quite ironic that we are called fake clinics when the abortion clinics themselves in our area do not believe that. We receive referrals from abortion clinics in our area for medical—for health services.

They refer their patients to us for health services. So, why would they do that if we are truly a fake clinic? So, I just think it's ridiculous. It's a false narrative that's been created. Any provider—any pregnancy center that provides medical services has licensed reg-

istered nurses on staff who are providing those services. They are absolutely bound by their medical license.

Mr. JOHNSON of Louisiana. I agree with you 100 percent. In my law practice many years ago, I represented a number of pregnancy resource centers in my State and others. I never knew one of them to force any woman to carry a pregnancy to term and give birth. Have you ever forced anyone to carry a pregnancy to term?

Ms. KOCHER. We have not ever.

Mr. JOHNSON of Louisiana. Despite the valiant efforts of pregnancy resource centers under the Biden Administration as we noted, the Justice Department has selectively enforced the FACE Act in a manner that caters to the radical pro-abortion movement and fails to adequately protect facilities like yours. After the leak of the *Dobbs* opinion and overturning of *Roe*, what kind of threats and violence were directed at you in your pregnancy resource centers? I know you've addressed a little bit of this. How did the violence and the damage impact the ability of organizations like your to offer their services?

Ms. KOCHER. Sure. So, again, we are the fifth center in Minnesota. I am very well connected with the other pregnancy center directors in our area as well as across the country. All the centers that I know are having to increase security to purchase security cameras, to just take extra cautious measures with everything that we do.

For us, our facility that was damaged, the windows are still boarded up because one of the things that we found important is to purchase intrusion-resistant film. Thank God that we have that because otherwise they would've gotten into our building and they would've done a lot more damage than what was done. So, that's very costly.

For our building, in particular, it was 60,000 dollars to add the film. So, to fix our windows, not only did we have to order the windows, but we have to have the timing correct to apply the film as well. So, every center that I know and I have been connecting with needs to get this film on your windows or do bullet-resistant windows. It's a real threat.

Mr. JOHNSON of Louisiana. I know that organizations like yours operate on a very thin margin. You're a nonprofit. You have to raise the funds that use to serve women. Sixty-thousand dollars could go a long way in helping women in crisis pregnancies.

Ms. KOCHER. Exactly.

Mr. JOHNSON of Louisiana. To your knowledge, have the perpetrators that damage your pregnancy resource centers been prosecuted under the FACE Act or otherwise held accountable?

Ms. KOCHER. No, they have not. We have been in touch with the FBI. There have been no arrests. There have been—nobody has been identified to my knowledge.

Mr. JOHNSON of Louisiana. Yes, and I want to point out because it's been mentioned here this morning. The FBI did absolutely nothing with regards to these more than 100 documented attacks on pregnancy resource centers all the way through until the Republican majority took the House again. We passed a resolution authored on the floor.

I guess it was in early February. Six days after that is when the FBI magically came to this conclusion that they might need to pay attention to some of this. They offered this supposed reward for information leading to the arrest or prosecution of people involved.

It took them a long, long time to pay attention to that. It took a resolution of the House of Representatives to force the action. What would you like to see from the Justice Department to make pregnancy resource centers feel safe?

Ms. KOCHER. Well, I think the same thing we all want, right? We all want to feel like we can go to work and be safe and that our patients are protected. The same is true for all of us, no matter what side of the aisle you are on. I think if people are breaking the law and damaging buildings and threatening your safety, they should be prosecuted.

Mr. JOHNSON of Louisiana. Thank you very much. I am out of time, yield back. The Chair recognizes Ms. Scanlon for her five—no, I'm sorry, Ms. Jackson Lee. I apologize. The gentlelady from Texas is recognized.

Ms. JACKSON LEE. Mr. Chair, I'm delighted to welcome you back to the Committee you love and we all love, the Constitutional Committee and you as Chair. I know that we have an abiding faith and love in the Constitution. Let me acknowledge Mark Houck, I hope I'm getting it almost right, Jeremy Dys, Tammy Kocher, and Arielle Del Turco. I just want to acknowledge them because there's nothing that I want to have associated with myself and I know my colleagues in opposition to the freedom of their positions or the work that their agencies are doing.

I represent the Gulf Coast Catholic Diocese in my Congressional district. I have had bishops and cardinals in my Congressional district. We have a wonderful working relationship in actuality.

I have had no encounters of the type that we seem to be presenting here. At the same time, I want to thank Ms. Camp for the work of the National Abortion Federation that all I can see is certainly attempting to do its work. So, my time is brief.

I'm going to ask you to be meteoric in your answers. I must take a moment for my good friend, the Chair, to indicate that special prosecutor, Mr. Durham, was appointed by Attorney General Barr. He didn't have any critique on the actual results of that particular investigation of the FBI and the succeeding special counsel but commented on the basis on which the FBI proceeded, two different things.

We wouldn't expect anything from Mr. Durham, but to walk in the tracks of who appointed him. That would be the likes of his work. So, we thank him for the service that he gave. Let me just—if you would take just a brief moment to respond to the comment about crisis clinics and anything that your organization would do inappropriately. Did you hear me?

Ms. CAMP. I'm sorry, Congresswoman.

Ms. JACKSON LEE. You have a moment to respond very quickly about the crisis clinics. Someone said you do something to crisis clinics? Can you just respond? Is that what—your organization attacks crisis clinics?

Ms. CAMP. Absolutely not, Congresswoman.

Ms. JACKSON LEE. All right. So, I want you to respond that you would be against them and that is not the case of your work. Is that correct?

Ms. CAMP. Congressman, thank you for the question. We are not against any particular facility. We are in support of providers of abortion care and patients trying to access it. Our 2022 report does not practice by some of the centers that have delayed and even obstructed care for patients.

Ms. JACKSON LEE. You do it in that context? You do not do it in an attempt to incite anyone to go against these clinics?

Ms. CAMP. Unequivocally not. We just know that patients need unbiased counseling and transparency when they're trying to access services.

Ms. JACKSON LEE. As a FACE Act in a lifesaving provision for many of the clinics—freestanding clinics that are familiar with dealing with the right to choose and reproductive rights?

Ms. CAMP. Absolutely, Congressman. The FACE Act has been a really important tool. There are so many acts of violence at clinics offering abortion care that so many of the acts of vandalism just don't even get reported even if they violate FACE because it's just so frequent. It requires herculean efforts on the part of clinic administrators and clinicians—

Ms. JACKSON LEE. I have a short period of time. So, let me just continue to ask you questions. I might put into the record that the FACE Act deals with any activity that blocks access to the interest or obstructs the exit from a facility, trespassing at a clinic, vandalizing reproductive healthcare facilities, or stalking a clinic employee.

We know that the bill from Texas called the *Dobbs Act* arose from S.B. 8, the Texas six-week ban on abortion. It had a provision that allowed a civilian to stalk a provider and some woman, some young person that may be a college student and stalk them and get 10,000 dollars. Is that something that is outrageous in terms of denying and threatening someone who is attempting to make a decision with their God, their family, and their provider?

So, the FACE Act would keep that kind of activity from occurring. Let me back up so you can answer it. Chair will give me just additional seconds, is that historically, do you remember the case in Alabama where the doctor was killed, the nurse was killed, and the bombing of an abortion clinic? That's how far back these abortion bombings go. You can go ahead, please, quickly.

Ms. CAMP. Texas S.B. 8 was an abomination, a threat to providers of care and those accessing it and absolute antithetical to the structure of our republic.

Ms. JACKSON LEE. The FACE Act that helps in other places to stop that stalking and threatening?

Ms. CAMP. FACE does make it illegal to stalk and threaten folks providing access to abortion care, yes.

Ms. JACKSON LEE. I thank you. I yield back.

Mr. JOHNSON of Louisiana. I thank the gentlelady. Chair recognizes gentleman from Ohio for five minutes, the Chair of the Full Committee.

Chair JORDAN. Thank you, Mr. Chair. Mr. Houck, why do you think they did it? Local police saw this incident. They weren't going to prosecute you.

My guess is they probably exercised some common sense and said, this guy has been praying in front of this clinic for 20 years. This guy harassed his son. He did what a dad would do.

They chose not to come after you. You volunteer to turn yourself in, and yet they show up at your house, 20 agents, guns drawn in front of your family. Why do you think they did it?

Mr. HOUCK. Thank you, Congressman Jordan, for the question. I've been thinking about that for many months. I can only come up with that the intention was to humiliate me, to scare my children, and to instill fear in pro-life America.

Chair JORDAN. Yes, I think they want to make an example of you, right?

Mr. HOUCK. I believe so.

Chair JORDAN. They told us why they did it. They actually put it in writing. All you go to do is look at the memorandum from the Richmond Field Office. I mean, you were, like, front and center. Look at this memorandum.

Now, thank goodness they rescinded it. FBI has rescinded this memorandum. They call it a domain perspective. I don't know why they can't use normal terms. It's a memorandum.

They rescinded it because a brave whistleblower came and gave us this information. If you look at page—I think at page 4, has this sentence: "Events in which extremists and radical traditional Catholics will remain"—excuse me,

Events in which extremist and radical traditional Catholics might have common cause include legislation or judicial decisions in areas such as abortion rights, immigration, affirmative action, and LGBTQ protections.

So, if you're pro-family, pro-life and you want a border, you're a target. Your family fit all of that. You're a pro-life, pro-family Catholic for goodness sake. They're going to come—you got seven kids.

You're not allowed to have seven kids today. We're trying to save the planet. You can't do that in America today according to—you were the example.

That is how pervasive this political attitude is at the highest levels of our agencies. In this case, it was the FBI so much so, they put together a memo and said, we want to put informants and snitches inside the Catholic Church, inside the parish to go rat out people like Mark Houck and his family. Think that's what was going on here?

Mr. HOUCK. I would agree with you 100 percent that my family was targeted, that I've been on a watch list. I am a Novus Ordo Catholic. I'm not a traditional mass, Latin mass goer. None the less, I embrace our faith and I live it.

Chair JORDAN. Still thought you were radical. They still thought you were radical, right? You may not go to Latin mass, but they thought you were radical.

Local police wouldn't investigate, but we're going after this guy because he's pro-life and he's Catholic and he prays. Man, he's got seven. We're coming after him.

Mr. HOUCK. Right. Yes, my children were down range of many guns, and they screamed through the whole process. The Committee should know that they were traumatized. I proceeded to be shackled in front of them and chained to a table for six hours in the Federal building.

Chair JORDAN. They were wrong because you went in front of a jury and the jury said no, he didn't do anything wrong. Isn't that right?

Mr. HOUCK. That's correct.

Chair JORDAN. They prosecuted this case after the local people said, no, we're not going to do it. Federal government says, we're going to. We're going to make this guy an example. He's an RTC, a radical traditional Catholic, and we're going to come after him.

You did and you went through the process. God bless you for going through it. This should send a—this is what's so scary. Again, we've had a number of whistleblowers come forward and talk about this kind of attitude displayed in this memorandum existing in the Justice Department. This is as wrong as it gets.

Mr. HOUCK. Yes, I would agree with you. Yes, my children, I see it on their face every day. I see it in my wife, the fear in their eyes. Certainly, they have fear of law enforcement now, because the law enforcement guys become the bad guys, not the good guys.

Chair JORDAN. Yes, some—

Mr. HOUCK. So, my children are confounded by that.

Chair JORDAN. Some guy gets in your kid's face, you do what a dad does. That's scary enough. Then they find out, oh, your dad is going to get prosecuted for standing up and defending his son.

It's wrong. Everyone knows it's wrong, and it needs to stop. Frankly, as I said in our opening statement, the only way we can actually begin to stop this, is we got to do what legislatures do. You got to look at the money.

You got to look at the money. You got to say, look, if the FBI is going to do this kind of stuff to good people like you and your family, they may not be getting the funds that they've gotten before. They certainly won't be using funds in certain ways.

That's something we have to—we have an obligation, a constitutional duty to do that. I know Chair Johnson is going to be working on that with us to try to make that happen. With that, I yield back.

Mr. JOHNSON of Louisiana. Thank you. The gentleman yields back, and the Chair recognizes the gentlelady from Texas, Ms. Escobar, for five minutes.

Ms. ESCOBAR. Thank you, Mr. Chair. Many thanks to our witnesses for being here today. I think it's really important for women in America to understand what's happening here.

This is yet another example of how one of our parties in the two-party system, the Republican party, is hell-bent on making sure that women do not have access to reproductive healthcare and cannot make decisions about their own future. This is just yet another example of the messaging and the efforts to try to control women. Let me remind everyone again the different between the two sides.

Our side believes that we've got to take care of families and that we've got to make sure that children have a good future. We did that by voting for paid family and medical leave. We voted for the expanded child tax credit.

We voted for universal pre-K. We voted for affordable childcare. All of this was just last Congress.

To a person, my Republican colleagues voted against all of that. So, this is—let's lift the—end the charade. In fact, right now part of the negotiations that are ongoing, both on the farm bill and in appropriations as well as in the efforts for my Republican colleagues to default on our debt involves taking SNAP away from families. In other words, taking food away from the mouths of children.

As part—if they can't limit women legislatively, they will bully and threaten those providers who help women and the women who use services. In fact, last year because of the—and let me be clear. I don't believe anyone should be engaging in any violence or intimidation.

All of us should reject all that. We're here really because we're chasing another conspiracy theory that is being put out there by my Republican colleagues. Last Congress and again this January, I introduced the Healthcare Providers' Safety Act which would amend the Public Health Service Act to authorized grants to healthcare providers to enhance the physical and cybersecurity of their facilities, personnel, and patients.

This bill would give providers the needed resources to ensure patients and providers are safe and able to continue providing and receiving this essential reproductive healthcare. I'd like to ask Ms. Camp a question. Ms. Camp, in your view, has the FACE Act been effective in helping to mitigate some of the violence, threats, and intimidation faced by abortion providers and patients? Do you think that the FACE Act—do you think that FACE Act enforcement to protect abortion providers and patients could be stronger?

Ms. CAMP. Thank you for the question, Congresswomen. Yes and yes. FACE has been an important tool in addressing the relentless violence including murders and death threats against those who provide access to abortion care. Absolutely as I said before this violence is just relentless. It's so run of the mill. Plenty of things that violate FACE our members just simply don't report because it's so run of the mill for them.

Ms. ESCOBAR. It really has become run of the mill. I met with a provider in Texas, one of the last few before Texas passed its historic and awful ban in our State who talk to me about how routine the threats and the intimidation had gotten. I spoke with a mother who had to undergo an abortion because the fetus was not going to survive, and it threatened her life and would render her existing children motherless.

She had to face intimidation as she walked into the clinic to receive care. I'm running out of time. I would just say that we need more programs to combat the kind of harassment and intimidation and violence that far too many clinicians and patients are seeing across America. Thank you for your testimony today. I yield back.

Mr. JOHNSON of Louisiana. The gentlelady yields back, and the chair now recognizes a gentleman from North Carolina, Mr. Bishop, for five minutes.

Mr. BISHOP. Thank you, Mr. Chair. Mr. Houck, I just want to see if we can sum up. It sounds like the facts out of which your pros-

ecution by DOJ arose involved a squabble between activists. That part is correct, right?

Mr. HOUCK. I would agree with that, Congressman.

Mr. BISHOP. OK. There was one shove that led to somebody falling down, correct?

Mr. HOUCK. Correct.

Mr. BISHOP. That was proceeded by provocation and profanity focused on your child, correct?

Mr. HOUCK. At other times. Not particularly on that day of the incident, but yes.

Mr. BISHOP. OK. Didn't you say that activist was engaging with your child right before you escorted them back and then you had the shove?

Mr. HOUCK. Yes, I did say that.

Mr. BISHOP. Then authorities decided to indict you under the FACE Act, right?

Mr. HOUCK. Correct.

Mr. BISHOP. Do I understand from the other testimony that there's a civil provision of the FACE Act? Somebody could've sued if they wanted to? Do you know that?

Mr. HOUCK. I don't know about that. I can't answer that.

Mr. BISHOP. I believe that's what I heard. Nobody sued. They decided to indict you. They didn't indict you for a misdemeanor charge which is like one year. They indicted you for a felony, right?

Mr. HOUCK. That's correct, two counts.

Mr. BISHOP. Two counts, one felony, maybe one misdemeanor. I think it was a total of 11 years imprisonment they sought?

Mr. HOUCK. That's correct, Congressman.

Mr. BISHOP. Out of the squabble. Then they ignored your offer to surrender. Instead, they used a SWAT team to take you down, right?

Mr. HOUCK. That's right.

Mr. BISHOP. Then they proceed to a jury trial. The only thing that stopped you from going to prison for 11 years is that a jury of Americans acquitted you in the face of that, correct?

Mr. HOUCK. Unanimously, yes, correct.

Mr. BISHOP. So, that strikes me as—that's a data point. Now, I understand my colleagues on the other side who say, well, this sort of pass this away or say people who are shadow-boxing here. That seems to me a data point that is confounding. Ms. Camp, I want to go to you. Does that seem like a disproportionate exercise of prosecutorial judgment to you?

Ms. CAMP. So, thank you for the question, Congressman.

Mr. BISHOP. Real quick because I don't have much time.

Ms. CAMP. I am not a prosecutor. I'm not—

Mr. BISHOP. You don't know? Let me ask you this. You spoke to an arson attack on an abortion facility or something in Texas. Did you talk about that during your testimony in your answers?

Ms. CAMP. I think it wasn't in Texas. Yes, arson, yes.

Mr. BISHOP. Did somebody get prosecuted for that because they damn well should have been.

Ms. CAMP. I agree, Congressman.

Mr. BISHOP. Were they?

Ms. CAMP. I believe not yet, but there's definitely a shortage of resources to prosecute.

Mr. BISHOP. Do you have any insight why they would prosecute Mr. Houck for a squabble with an activist and send the SWAT team and take him to a jury that acquits him if they haven't gotten the person who committed an arson attack on a clinic—on an abortion clinic? Any insight at all?

Ms. CAMP. Congressman, I'm not with the DOJ. I don't have that information.

Mr. BISHOP. Does anybody on the panel have any insight about why they would do that? I think that's the thing that's concerning. Then you hear about—

Ms. SCANLON. Would the gentleman yield? I do have some insight on that.

Mr. BISHOP. If you have an answer, a quick answer, yield for an answer to that real quick.

Ms. SCANLON. Sure. Mr. Houck was a well-known aggressive participant in demonstrations outside facilities in Philadelphia.

Mr. BISHOP. Oh, so they picked him—so they picked him because—

Ms. SCANLON. He did not just push the guy once, 72-year-old man. He admitted he pushed him down twice.

Mr. BISHOP. It's my time, and—

Ms. SCANLON. Oh, sorry. You asked for input on the panel.

Mr. BISHOP. I was giving you the answer—you gave me the answer. You gave me the answer a minute ago. Mr. Houck was an activist.

He was opposed to the killing of children through abortion. He said that, so they made him a target. Let me tell you what that is.

That is called selective prosecution in violation of the Constitution. You cannot make prosecutorial decisions because you want to make an example out of somebody who's a well-known anti-abortion or pro-life activist. You can't do that.

That's unconstitutional. If that is the answer to the question that I posed to Ms. Camp, then it deepens the concern about the Justice Department and the FBI. If that is the answer, then it indicates that we have as the—Mr. Nadler denigrates the Durham Report. Ms. Jackson Lee says, well, "Durham, the special counsel, came to his conclusion just because of who appointed him."

No. We see institutional corruption. Despite for the First Amendment rights of Americans which is expressed through politicized prosecutorial activity is the most grievous crisis that I've ever seen in this country. I cannot believe that I have to be concerned about the FBI and the DOJ and then, frankly, Members of Congress sitting up here and saying, I have the explanation. We picked Mr. Houck because he's a zealous advocate for life.

Ms. SCANLON. Would the gentleman yield? That's not what I said.

Mr. BISHOP. That's exactly what you said.

Ms. SCANLON. No, it is not.

Mr. BISHOP. I think that's the answer that most Americans has regrettably come to the conclusion that's what happened. My time is expired.

Mr. JOHNSON of Louisiana. Thank you. The gentleman yields back, and the Chair recognizes the gentleman from Georgia, Mr. Johnson, for five minutes.

Mr. JOHNSON of Georgia. Thank you, Chair Johnson. The bull Durham Report was released yesterday. Trump has promised us that to look forward to that bull Durham Report. When it came out, it would prove that the Russia investigation was a witch hunt.

Unfortunately, the bull Durham Report yesterday amounts to a crock of BS. Two prosecutions, two acquittals. We know how rare acquittals are in the Federal system. He's batting zero.

No conclusion that Trump was the victim of a witch hunt, a four-year investigation that petered out as a waste of time and taxpayers money. That is the legacy of the bull Durham Report. Now, Ms. Turco, your testimony is that between January 2018–September 2022 there had been over 420 acts of hostility against pro-life pregnancy centers. Is that correct?

Ms. DEL TURCO. No, that was against churches.

Mr. JOHNSON of Georgia. Against churches? Not against pro-life pregnancy centers? Is that right?

Ms. DEL TURCO. Yes, because my report was focused on churches. I did, however—

Mr. JOHNSON of Georgia. Are we here conflating hostility, acts of hostility against churches to acts of violence against these pregnancy centers that you all talk about? Is that what we're conflating today?

Ms. DEL TURCO. No, these are both covered in the FACE Act.

Mr. JOHNSON of Georgia. What relevance does acts of hostility against churches have when it comes to the assertions on this Committee that there have been acts of violence against these so-called pro-life pregnancy centers?

Ms. DEL TURCO. Churches and houses of worship are also covered in the FACE Act as well as abortion clinics.

Mr. JOHNSON of Georgia. OK. We're here today talking about pro-life pregnancy centers, not churches. You were not brought here to talk about churches. Maybe you were brought here to confuse the public.

The confusion, we're not going to go for that. We're not going to have that. By the way, as far as the acts of hostility against churches, did you note any acts of murder?

Ms. DEL TURCO. No, these were—

Mr. JOHNSON of Georgia. Any acts of bombings?

Ms. DEL TURCO. Yes, yes.

Mr. JOHNSON of Georgia. Bombings?

Ms. DEL TURCO. Bomb threats.

Mr. JOHNSON of Georgia. Bomb threat.

Ms. DEL TURCO. Yes.

Mr. JOHNSON of Georgia. No actual bombings.

Ms. DEL TURCO. This year in the supplemental report that covers—

Mr. JOHNSON of Georgia. No actions of bombings, right?

Ms. DEL TURCO. —January through—there was a pipe bomb.

Mr. JOHNSON of Georgia. No bombing, correct?

Ms. DEL TURCO. I guess no.

Mr. JOHNSON of Georgia. OK. No acts of physical assault against anybody. All these things that you're talking about, these 420 acts occurred at churches. Of those, looks like of the 420, it looks like only 62 of them were abortion-related. Is that correct?

Ms. DEL TURCO. Fifty-seven from January 2018–September 2022

Mr. JOHNSON of Georgia. Fifty-seven of the 420 was abortion-related. So, ma'am, I abhor violence against anyone and anything. My point is that perhaps your testimony would've been good for another hearing, not this hearing.

Mr. JOHNSON of Louisiana. Would the gentleman yield for just a moment?

Mr. JOHNSON of Georgia. Yes.

Mr. JOHNSON of Louisiana. So, the title of our hearing just for clarification revisiting the implications of the FACE Act which specifically covers—

Mr. JOHNSON of Georgia. I recognize that.

Mr. JOHNSON of Louisiana. —exercising the First Amendment right of religious freedom and place of religious worship.

Mr. JOHNSON of Georgia. Reclaiming my time.

Reclaiming my time. The tone and thrust of this hearing have been toward what is alleged to have been violence directed at these so-called pregnancy—pro-life pregnancy centers. The fact is there has not. The case has not been made that there have been acts of violence against these centers.

On the other hand, there has been a need for the FACE Act because in the last 50 years, anti-abortion extremists have committed 11 murders, 42 bombings, over 500 incidents of assault and battery. Post-*Dobbs*, the threats and the violence are escalating.

Mr. JOHNSON of Louisiana. The gentleman is out of time. I believe you had a schedule conflict and walked in a little bit late today. I just point out that Ms. Del Turco's report also includes reports of at least 57 pro-abortion acts of hostility against churches between January 2022–September 2022 and that this extends to pregnancy centers as well. It's all related. The Chair now recognizes the gentleman from Texas, Mr. Roy, five minutes.

Mr. ROY. I thank the Chair.

Mr. Houck, after your family was raided in the early morning in front of your family, has the Biden Administration in any way, shape, or form apologized for what they did to you or your family?

Mr. HOUCK. No, Congressman.

Mr. ROY. No apology?

Mr. HOUCK. No.

Mr. ROY. None? As we have heard today, you were specifically targeted because you're an activist; you are a pro-life activist?

Mr. HOUCK. Correct.

Mr. ROY. Question for Ms. Camp. Earlier, you mentioned in your report—you were quoting articles in which the FBI made statements about attacks on abortion clinics. How many statements by the FBI have there been on attacks on crisis pregnancy centers?

Ms. CAMP. Thank you for the question, Congressman. I don't have that information.

Mr. ROY. Right. Because I'm not aware of there being any.

What percentage of abortion-related violence cases or threats cases, or cases of violence or threats against pro-life organizations?

Ms. CAMP. I'm sorry, could you repeat the question?

Mr. ROY. What percentage of abortion-related violence cases or threats cases are cases of violence or threats against pro-life organizations? The answer is 70 percent, according to FBI Director Wray, that well-known pro-life activist—70 percent, according to FBI Director Wray.

Another question. You serve as the Chief Legal and Strategy Officer at the National Abortion Federation, correct?

Ms. CAMP. Yes.

Mr. ROY. In this role, have you ever spoken with anyone in the Biden Department of Justice or Biden Administration specifically about FACE Act enforcement or abortion?

Ms. CAMP. I have not.

Mr. ROY. OK. So, you, as the Chief Legal and Strategy Officer for the National Abortion Federation, you have had no contact with President Biden's Abortion Task Force?

Ms. CAMP. Let me be accurate. I believe I may have had contact. I don't think so, but I may have. On the issue of FACE enforcement, no, I have not.

Mr. ROY. OK. In 2015, the Center for Medical Progress released a video on which you stated, quote,

I'm like, oh, my God, I get it. When the skull is broken, that's really sharp. I get it. I understand why people are talking about getting that skull out, that calvarium.

"Calvarium" being an incomplete skull.

When abortion has crushed the skulls of babies to kill them, what physical risks are there for the baby?

Ms. CAMP. So, Congressman, thank you for the question. It allows me to clarify that the media products you're referring to stoked a massive uptick in violence. Those heavily edited, misleadingly edited media products caused three murders and nine woundings in Colorado Springs in 20—

Mr. ROY. No, the question was about the baby and the skull crushing that is a direct quote attributed to you.

Ms. CAMP. Well, the folks who distributed those media products may have attributed something to me. I can't speak to what it—

Mr. ROY. So, true or false, did you say that? "I'm like, oh, my God, I get it. When the skull is broken, that's really sharp." Did you say that?

Ms. CAMP. It's impossible to know, Congressman.

Mr. ROY. Would you have said that? Is that something you would have said?

Ms. CAMP. I don't know, Congressman.

Mr. ROY. You don't know? You don't know if you talked about the crushing of the skull of a baby? You don't remember having said something like that?

Ms. CAMP. What I do—

Mr. ROY. I'm pretty confident I've never said something like that. I'm quite confident my colleagues here have never said something like that. Have you ever said something about crushing the skull of the baby, particularly, in that kind of a setup?

Ms. CAMP. I believe, Congressman, that we all came here today to agree that violence is never an appropriate response to policy differences.

Mr. ROY. That seems pretty violent, the crushing of the skull of a baby. I think that, actually, is the definition of "violence." I think the question here is whether or not we are going to acknowledge and recognize that reality, and the extent to which now the Federal government has been weaponized against the people who want to acknowledge that reality. That's the question.

Mr. Houck has stood up and said, "I'd like to recognize the reality of the violence against a baby." By the way, the violence against the mother who has been sold a myth by radical leftists in the name of baby-killing. They have been sold a myth that it is somehow healthy and good for them or better for them.

If someone dares stand up like Mr. Houck, then, he's been targeted, as my colleague acknowledged from this very dais, targeted by the Federal Bureau of Investigation, which we saw was weaponized, specifically, against the President of the United States, as we just saw in the Durham Report; is weaponized against average citizens.

Mr. Houck, do you think \$38.5 billion is sufficient funds for the Department of Justice? Do you think maybe it's too many funds, if they are carrying out actions against people like you?

Mr. HOUCK. I would think it was too many funds.

Mr. ROY. I yield back.

Mr. JOHNSON of Louisiana. Thank you.

The Chair now yields to the gentleman from Tennessee, Mr. Cohen, for five minutes.

Mr. COHEN. Thank you, Mr. Chair.

A lot of discussion has been on the Durham Report this morning. People have commented on it, the weaponization of the Justice Department and the FBI—the same FBI that issued the incorrect and inappropriate and extraordinary statement about Hillary Clinton in the last 10 days of the 2016 election, that the Trump and the Clinton people agreed was the cause of Donald Trump winning what was otherwise an election that she would have won.

So, if you want to talk about the FBI being weaponized, what Christopher Wray did in releasing—what Comey did in the last few days, the last 10 days or so, about Hillary Clinton and the questions about her, caused an election to be switched. I mean, there's no weaponization.

What we've got is a weaponization of the political system to destroy a woman's choice, women's right to choose. I was in law school when *Roe* was passed. *Roe* was the law for almost 50 years. It was established law.

We have three Justices that were put on the Supreme Court because of *The Federalist Society*, and went to Donald Trump, a man who had been pro-choice, and proclaimed his idea of being pro-choice on some radio show, some shock jock guy in New York, but was susceptible to influence. When *The Federalist Society* came to him and said, "We'll help you get the evangelical vote if you will appoint folks that we recommend to you for the Supreme Court," Trump did it—one of the most controversial decisions people have differences of opinion in this country.

I'm pro-choice. I respect the people who are pro-choice, and I respect people who are pro-life. Each group has a position that they're wedded to because of their philosophy, their morality, or

whatever. Trump had none of that. It was all about being President, and he gave up his position which he earlier had to become President.

They gave him Gorsuch, and they gave him Kavanaugh, and they gave him Barrett. All of them in their hearings said they believed in precedent, established precedent, in the dealings with *Roe v. Wade*. Then, they got on the Court and they all changed their positions, decided to be activist judges and eradicate *Roe v. Wade*.

They got on the Court through some very unusual and, I would say, should be illegal, but was permissive, actions of the Senate.

First, you had a vacancy in Barack Obama's last term, 11 months before he finished it. Senator McConnell said you shouldn't appoint anybody in the last year of a term, "So, we're not going to even give a hearing to Merrick Garland," who was President Obama's nominee. I think that's the first time, or one of the very few times at least, but I thought the first time that a President had not been allowed to have a hearing, at least on a nominee for the Supreme Court, 11 months into his last year of his first term, or at any time. They did; they stopped him because, "Oh, no, you can't put anybody on in your last year. You let the voters decide at the election."

When a vacancy came up within a month or two of the election of Donald Trump, it was all OK to get Amy Coney Barrett put through, I think about three weeks before the election. So, hypocrisy? Maybe. Maybe just lying to the public and saying nobody should be appointed in the last year. Because they did it with Barrett, and that's how we got a couple of our appointees, Mr. Gorsuch and Ms. Barrett.

Then, Mr. Kavanaugh, of course, the FBI did not follow through on all the questions about his alleged assaults, and they didn't do a complete investigation on his alleged assaults and a particular lady that testified against him. So, they weren't weaponized against the Republicans or weaponized against anything. In fact, their lack of action resulted in Mr. Kavanaugh being nominated and approved.

Those three judges—Mr. Kavanaugh, who had a weak to non-existent investigation of the sexual assault allegations; Gorsuch, who got on because they said you shouldn't put anybody on in the last year, and Barrett who got on, despite that fact—resulted in the repealing of *Roe v. Wade*.

What we've had is a failure of the legislative process, a failure of the Constitution, and while within the parameters of legality, an abrupt act against the Constitution and what it suggests for President nominees to the Supreme Court.

I yield back the balance of my time.

Mr. JOHNSON of Louisiana. The gentleman yields back.

The Chair recognizes the gentlelady from Wyoming, Ms. Hageman, for five minutes.

Ms. HAGEMAN. Thank you, Mr. Chair.

Ms. Camp, are you familiar with the FBI's use of DVE, or domestic violent extremism, threat tags?

Ms. CAMP. Thank you, Congresswoman. Can you say that again?

Ms. HAGEMAN. Yes. Are you familiar with the FBI's use of DVE, or domestic violent extremism, threat tags?

Ms. CAMP. I am not.

Ms. HAGEMAN. OK. Ms. Camp, can you point to even one situation where the Department of Justice or FBI treated a pro-abortion protestor, arsonist, vandalizer, rioter, or attacker similar to how they treated Mr. Houck?

Ms. CAMP. Thank you, Congressman.

I want to say that I oppose violence in all—

Ms. HAGEMAN. I didn't ask that question. Can you point to even one circumstance where a pro-abortion attacker, protestor, arsonist, vandalizer, or rioter were treated by the DOJ or FBI similar to how they treated Mr. Houck?

Ms. CAMP. Well, I want to be responsive, but I want to reiterate that the National Abortion—

Ms. HAGEMAN. Do you know of even one person?

Ms. CAMP. Ma'am, the National Abortion Federation is a professional organization of abortion providers. We track violence against those who provide and access abortion care. We don't track other kinds of violence.

Ms. HAGEMAN. So, you can't point to even one incidence where a pro-abortion protestor, arsonist, vandalizer, or rioter was treated similar to how the DOJ and the FBI treated Mr. Houck, can you? Is that your testimony?

Ms. CAMP. Well, what I can tell you is that, when the DOJ put out a reward for information on 10 different incidents, nine of them were at anti-abortion—

Ms. HAGEMAN. Did they raid? Did they raid anyone's home and arrest someone in front of their seven children with guns drawn?

Ms. CAMP. Well, no, they're just looking for information.

Ms. HAGEMAN. OK. That's what I thought.

Mr. Dys, I want to thank you for being here today, and your testimony is important, as someone who has firsthand experience working with the victims of these heinous crimes that have been described.

Mr. Dys, are you familiar with the Committee's investigative work and findings about the DOJ and the FBI's weaponizing domestic extremism threat tags and statutes against Americans' constitutionally protected rights?

Mr. DYS. Not beyond what you revealed this morning.

Ms. HAGEMAN. OK. You have represented clients whose clinics, employees, or patients have been subjected to vandalism and violence from pro-abortion groups, haven't you?

Mr. DYS. Yes, ma'am.

Ms. HAGEMAN. How do you respond to the reality of a DOJ which is labeling parents using constitutionally protected speech as domestic violence extremists or padding crime stats to falsify the record about a rise in domestic extremism, but does little to nothing about politically motivated attacks on your clients, which could actually qualify as domestic extremism?

Mr. DYS. It's certainly disconcerting, and I think that exemplifies precisely why the FACE Act is important. Because when we have a situation where speech reaches a tipping point into violence, that's where we find ourselves at with these situations, where we characterize speech as violence, instead of violence as violence.

Violence has no place in our political dialog, and certainly, we should not express our political disagreements with a brick or a crowbar through a window. That's what our clients have had to endure, along with many other instances like that. Yet, there's only been the single indictment with four people indicted under that, in response to the 100-plus attacks in the past year.

Ms. HAGEMAN. Well, then, I was just going to get to that. As you mentioned in your testimony, the Department of Justice has returned just one indictment in response to the over 100 acts of intimidation, injury, and interference toward those seeking service from pro-life organizations in the past year.

Yet, even before the *Dobbs* decision, the DOJ announced the standing up of an abortion rights task force. So, not only is the DOJ, on the one hand, infringing on protected rights connected to peaceful actions, it is not enforcing the law when violations are targeted at the same political groups that the DOJ itself has been targeting. It is, instead, prioritizing the protection of law based on its preferred political narrative, which in this case is the pro-abortion movement.

Are you aware of any task forces, memos, or priorities being set by the DOJ which would also focus attention to protecting pro-life and religious facilities under the FACT Act or any of its other authorities?

Mr. DYS. I am not. My clients would welcome that.

Ms. HAGEMAN. OK. Thank you.

I yield back.

Mr. JOHNSON of Louisiana. The gentlelady yields back.

The Chair recognizes the gentlelady from Pennsylvania, Ms. Scanlon, for five minutes.

Ms. SCANLON. Thank you.

As I stated at the outset, violence and threats have no place in American political discourse, no matter what the cause or who the target. When leaders advocate for such violence or selectively condemn for political gain, they normalize such violence and undermine our democracy.

Congress has an important role to play in protecting and defending our democracy from the corrosive impact of political violence. Those who have studied this issue recommend that we can make sure that anyone who promotes, condones, or turns a blind eye to political violence is held accountable, whether the former President of the United States, to Members of Congress, to those who actually commit such threats or acts of violence, no matter what their political objective.

More importantly, Members of Congress can make sure that they take steps to prevent the normalization of political violence by refraining from using violent images and rhetoric and condemning it, no matter the source. By convening a hearing that inflames grievances and amplifies misinformation concerning the prevalence of violence against anti-abortion forces, this hearing does not advance our Congressional duty to protect and preserve our democracy from the corrosive forces of political disinformation and violence.

My colleagues on the other side of the aisle continue to push a false narrative that the Federal government is out to get them, but the facts are not on their side. In fact, they don't have the evidence

or the public support for their policies or narrative. The clear majority of Americans believe we must protect access to abortion care and the freedom to make reproductive healthcare decisions in consultation with one's doctor, not politicians.

Ms. Camp, obviously, political vandalism and threats aren't acceptable, no matter to whom they are directed. At today's hearing, the majority has cited anecdotal evidence concerning vandalism at anti-abortion facilities, while refusing to acknowledge the far more pervasive and longstanding threats and violence directed at providers and facilities that offer reproductive healthcare, including abortion care.

You've produced a report detailing the level of violence against facilities that provide such care over a period of years. Can you explain how instances of violence, threats, and intimidation that you've documented impact abortion access, even in States like Pennsylvania, where abortion access remains legally protected?

Ms. CAMP. Sure. Well, as we discussed previously, it is in States that have protected access to abortion care that we've seen a really pronounced uptick in violence in the last year—sort of over 500 percent increase in obstructions; 130 percent increase in bomb threats; a 900 percent increase in stalkings. So, the terror that people suffer under in providing this fundamental healthcare holds true across the country.

I'd also say that the stalking of patients and taking pictures of them and their license plates using sort of location data to try to determine their activities, is really terrifying for patients. We see that illustrated just this past weekend in the tragic murder of Gabriella Gonzalez by her boyfriend after she had to travel out of Texas for abortion care.

Folks legitimately fear that, if they can't keep their abortion decision confidential, they'll be killed, leaving their existing children orphaned. So, the need for people now to travel hundreds of miles, or even more, to access abortion care makes it that much harder to maintain their confidentiality. So, folks are really scared.

Ms. SCANLON. Can you speak to the danger of using misleading or inflammatory language where political violence is already a threat to healthcare providers providing abortion care?

Ms. CAMP. Sure. Thank you, Congressman—Congresswoman.

Yes, we know that inflammatory rhetoric creates upticks in violence, threats of violence, all of these major incidents. The selective sort of outrage just normalizes violence against folks providing, and therefore, accessing abortion care. Inflammatory rhetoric I think is really antithetical to the goal, I would think, of all of us here at this hearing today, which is to ratchet down violence.

Ms. SCANLON. Thank you.

We heard testimony about mounting public criticism of pregnancy crisis centers. Therefore, I'd seek unanimous consent to introduce a report by the Alliance entitled, "Designed to Deceive: A Study of the Crisis Pregnancy Center Industry in Nine States."

Mr. JOHNSON of Louisiana. Without objection.

Ms. SCANLON. Thank you. I yield back.

Mr. JOHNSON of Louisiana. The gentlelady yields back.

The Chair recognizes the gentleman from South Carolina, Mr. Fry, for five minutes.

Mr. FRY. Thank you, Mr. Chair. Thank you for having this hearing today.

Radical Democrats have attempted all day to downplay coverup and ignore the reality that crisis pregnancy centers and churches are under attack. I guess their approach is not surprising. In my brief time in Congress every single hearing that we have heard we hear the same narrative that Republicans hearing today about blank is a fantasy, that it is a conspiracy theory. Well, 100 instances in the last couple years are not a fantasy. It is not a conspiracy theory.

They have told us that the border is secure, of course. They have failed to acknowledge and indeed sneer at the weaponization of our Federal government against its own citizens despite most recently the Durham Report that was dropped yesterday. They failed to condemn labeling parents as domestic terrorists for just speaking out at their school board meeting.

The Democrats' own witness today, Ms. Camp, said that every administration has enforced the FACE Act, Republican and Democrat alike. The only caveat that I will say to that, the only asterisk that I would provide is except this one. With over 100 attacks, threats, arsons, spray painting it is very clear that this administration has no intention of enforcing the laws unless it has a political benefit to them.

The Chair talked about this earlier. Look at the dichotomy that we have here. On one hand we have Mr. Houck, right? We have Eva Edl from Aiken, South Carolina, an 87-year-old lady who survived a communist concentration camp in Yugoslavia. She comes to America and her egregious crime is singing hymns in a hallway. Over two years later, about two years later she is charged with a Federal crime with the full weight of the Federal government.

We fast forward here to these instances that we outlined that are now in the record. Mother's Day last year. Suspects reportedly threw two Molotov cocktails into an Oregon Right to Life office. On June 27, 2022, two Molotov cocktails thrown into Two Hearts Pregnancy Center in Everett, Washington. On June 30, 2022, a Molotov cocktail was thrown into the Hope Clinic for Women in Nashville. Federal law enforcement did investigate the crime as attempted arson and vandalism, but not the FACE Act.

Molotov cocktails are thrown repeatedly. Arsons happen repeatedly. The defacing of property, the vandalism of property, the threats against people and property happen repeatedly.

Mr. Dys, can you describe what the FACE Act is supposed to protect?

Mr. DYS. Well, the FACE Act clearly defines what it's supposed to protect by saying that any Service relating to the human reproductive system is protected by the FACE Act.

Mr. FRY. Right. So, the intention of Congress at the time was that not only that they would do this for abortion providers, but also crisis pregnancy centers, churches, things like that on both sides of this equation, right? This is kind of what the intent of the law was supposed to be?

Mr. DYS. Yes, the FACE Act knows no ideology. It simply seeks to protect reproductive health centers/facilities as well as, it should be pointed out, houses of worship.

Mr. FRY. Right. We are not seeing that right now? We are not seeing that right now with the prosecution of these 100 instances of violence against crisis pregnancy centers and churches?

Mr. DYS. Yes, in the past year we have seen over 100 of those instances and yet only a single indictment in the Middle District of Florida.

Mr. FRY. Ms. Camp, you stated in your written and oral testimony that, quote, “no one should fear violence at the workplace or when seeking healthcare.” Given these attacks on crisis pregnancy centers and churches would you agree that they should be entitled to the full protection of the law?

Ms. CAMP. Thank you for the question, Congressman. So, I want to make clear I condemn all acts of violence and—

Mr. FRY. Well, that is great. I appreciate that, but are they entitled to the full protection of the law?

Ms. CAMP. Any entity facing actual real serious threats of harm should have protection.

Mr. FRY. Right. So, Molotov cocktails, right, those would be entitled to protection under the law?

Ms. CAMP. Well, throwing a Molotov cocktail at a reproductive health facility would be a FACE violation, yes, but I’m not in a position as a representative of a professional organization of abortion providers to speak to what’s happening at other kinds of entities. I just don’t have that knowledge.

Mr. FRY. Well, you don’t have knowledge, but you would agree with me that they are entitled to protection and they are entitled to the zealous protection under the law by the DOJ, by the FBI in routing out and identifying the people who commit these acts of violence. Would you agree with that?

Ms. CAMP. Well, yes, DOJ should protect all of us from violence whether we’re abortion providers or patients or others.

Mr. FRY. So, in that case do you find it troubling—like in the case of Ms. Kocher here do you find it troubling that she has not received a fair adjudication of that violence against her facility?

Ms. CAMP. Congressman, as I think I’ve said before, I am just not with the DOJ. I believe there are complex—

Mr. FRY. I am not asking that. What I am asking though is do you think—I mean in her case, in her testimony today there has been extremism lobbed at her and extremism lobbed at her employees, and the property in which she has. Do you think that this is troubling that years later that she has not received really any help from the DOJ?

Ms. CAMP. So, Congressman, I can give you two answers: One is I condemn acts of violence regardless of who may target. The other is I can tell you that acts of violence, intimidation, stalking, threats, murders at providers of abortion—targeting providers of abortion care are terribly under addressed. So, I am not in a position—I mean that I can tell you, but I cannot speak to the various decisions DOJ makes. I would think DOJ could.

Mr. FRY. Before I yield back, just briefly, I just find it really troubling that you talk about these acts of violence against your facilities, but when—she is sitting right next to you. She just testified to this. This isn’t an obscure theory in law that we are talking about or a fact pattern. This happened. So, I am a little bit sur-

prised that you would not encourage the Biden Department of Justice and FBI to prosecute these cases.

With that, Mr. Chair, I yield back.

Mr. JOHNSON of Louisiana. The gentleman is out of time.

Ms. Camp, did you want to respond to that?

Ms. CAMP. No, thank you, sir.

Mr. JOHNSON of Louisiana. OK. The Chair now recognizes the gentleman from Texas, Mr. Hunt, for five minutes.

Mr. HUNT. Thank you, Mr. Chair.

I want to thank the witnesses for appearing here today. I really appreciate it.

For the record I am pro-life, and I thank God that my mom was also pro-life because if not for her I wouldn't be sitting before you as a Congressman today. Since this past Sunday was Mother's Day, I want to thank my mother for choosing life. Good looking out, mom.

If you are a member of the Pro-Life Movement, you will be targeted. If you are a pro-choice protestor, you will be protected. This is how the Biden Administration puts their thumbs on the scales of justice.

What we are really talking about here today is a selective application in enforcement of Federal law. I have brought some receipts.

Under this administration conservatives are being targeted. My first example is the ATF. The ATF has targeted lawful gun owners by crafting a rule that would make 40 million Americans felons overnight.

Of course, there is the FBI. The FBI conducted an unprecedented raid at President Trump's home at Mar-a-Lago. They used FISA research warrants against conservatives. They have attempted to put moles in churches to spy on radical Christians. Of course, we have the recent results of this Durham Report.

Of course, we cannot forget about the CIA. Just this last week this Committee published this report that former intelligence officials colluded with the Biden campaign to discredit the Hunter Biden laptop. This happened just days before the 2020 election, and I say to that, well, hot damn, that sounds like election interference to me. They call this Russian disinformation. That doesn't look like disinformation to me. This looks like Hunter Biden committing a felony.

Now, we have heard a lot of talk on this Committee about crime guns, and I would call this a Biden crime gun. The day after this report was released there was no mention of this in mainstream publications. What did they talk about? George Santos. George Santos. Conveniently George Santos was indicted the day this report was released. Coincidence? Well, you decide. Unfortunately for Democrats there is only one George Santos to keep the Biden family off the front page of *The Washington Post*. So, buckle up.

This is Hunter Biden's gun application. I would like to direct your attention to question 11 echo. It says,

Are you an unlawful user of or addicted to marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?

Now, in the words of the late, great Notorious B.I.G. when referring to the only way to get out of the hood, he famously said, "Either you're slingin' crack rock or you got a wicked jump shot."

Now, Hunter Biden does not have a wicked jump shot, but he definitely slings crack rock. Out of respect for the President I am not going to show any photos of Hunter with prostitutes and grams of crack, but we all know he has a checkered past. Hunter Biden lied on this application about his history of illegal drug use. He obtained a gun anyway and was never prosecuted.

If we saw this behavior from Donald Trump, Jr., he would have been in handcuffs a long time ago. The bottom line is this: The ATF is focused on making 40 million law-abiding citizens felons when they should be worried about Hunter Biden lying on a gun application, which is a felony, by the way.

There is no wonder why the American people have lost faith and trust in the Federal government. If you want to restore trust, stop spying on Americans. Stop targeting conservatives and pro-life people and apply the law equally.

To the FBI, the CIA, the ATF, please put Hunter Biden in jail. I yield back.

Mr. JOHNSON of Louisiana. The gentleman yields back.

Ms. Scanlon and I, the Ranking Member and I are going to do one more quick round of questions just to put a bow on this. I will recognize myself for five minutes.

I just had a question for Ms. Camp, or a couple of questions: You are the Chief Legal and Strategy Officer for the National Abortion Federation. Before that you spent 20 years at the ACLU and I think you were in charge of their Reproductive Freedom Project, right?

Ms. CAMP. No, I was not the director. I was the deputy director.

Mr. JOHNSON of Louisiana. Deputy director. OK. Just for the record, because we have talked a lot about violence here today and violence—I think in your words you said you tracked violence against people providing abortion services, but I have not heard you acknowledge at all the brutal violence committed against children in the womb, as Mr. Roy was asking, when their skulls are crushed and when their limbs are ripped apart to kill and abort them.

I want to know for the record, are there any restrictions at all on abortion that you would support?

Ms. CAMP. So, thank you for the question, Congressman. The question you ask is one of profound moral dimension, one that only the person who's pregnant can answer in consultation with their own soul, their pastor, their God, their doctor, their spouse, and their nurse. That's where the moral authority rests, to answer the question you've asked.

Mr. JOHNSON of Louisiana. So, you have no position on—for example, would you support restrictions on sex-selection abortions, when someone chooses to abort a child just because of its sex?

Ms. CAMP. So, Congressman, I can only reiterate, the person with the moral authority to make a decision about a pregnancy is the pregnant person.

Mr. JOHNSON of Louisiana. I understood that, but on this specific issue would you or your organization support a legal restriction on sex-selection abortion?

Ms. CAMP. My organization supports abortion providers in providing patient-centered, evidence-based care, the care that the pregnant person decides is necessary.

Mr. JOHNSON of Louisiana. OK. Then if that person decides to have an abortion after 20 weeks' gestation, do you support that?

Ms. CAMP. So, Congressman—

Mr. JOHNSON of Louisiana. It is a yes or no question. I understand the morality and the complexity, but do you support an abortion after 20 weeks' gestation, yes or no?

Ms. CAMP. Respectfully, Congressman, it's not a yes or no question. What I support is providers being able to offer the care that patients know they need.

Mr. JOHNSON of Louisiana. You support that in case of an unborn child that is after 20 weeks' gestation, correct?

Ms. CAMP. I support it in situations where the patient has decided in—

Mr. JOHNSON of Louisiana. All right. Do you oppose parental consent laws before a teenager can obtain an abortion?

Ms. CAMP. So, I have to say, Congressman, these questions sound really far afield from the reason—

Mr. JOHNSON of Louisiana. No, ma'am, wait a minute. Hold on. You are the Chief Legal and Strategy Officer for the National Abortion Federation. You are the perfect person to answer these questions. It is not afield. Everything is on the table, ma'am, for a hearing. You came here purporting to be an expert in the field and I am asking you a very simple question, and an important one.

Ms. CAMP. Sure. I just want to point out that I think we're here, all of us together to oppose violence at reproductive healthcare facilities.

Mr. JOHNSON of Louisiana. We are talking about violence to the unborn child now, directly related to the issue at hand. I want to know do you oppose parental consent laws before a teenager can obtain an abortion?

Ms. CAMP. So, the issue of minors' access is complicated. I do not think that—well, we all know that the vast majority of minors do involve at least one parent in their decision. Lawmakers coercing certain family dynamics is not helpful, is not—

Mr. JOHNSON of Louisiana. Is a parental consent law an example of a lawmaker coercing a decision?

Ms. CAMP. Sure. Well, we know from multiple cases that when minors don't involve a parent it's with very good reason.

Mr. JOHNSON of Louisiana. OK. Earlier Mr. Roy was asking you about the crushing of the skull of an unborn child. You acknowledged that this is part of an abortion procedure if it is a later term pregnancy, correct?

Ms. CAMP. I don't think I did do that. I'm not a clinician.

Mr. JOHNSON of Louisiana. Ma'am, you are in charge of the National Abortion Federation. You know that they crush the skulls of unborn children. Come on. You are under oath. You are under oath. Is that true or not?

Ms. CAMP. I completely understand I'm under oath, Congressman, and I am trying to be accurate—

Mr. JOHNSON of Louisiana. Is that the part of the abortion procedure for a late-term abortion, yes or no, crushing the skull?

Ms. CAMP. Well, I—

Mr. JOHNSON of Louisiana. No, ma'am. It is a yes or no question. Is that part of it, yes or no? Under oath. You are under oath. Is that a part of the procedure?

Ms. CAMP. I understand I'm under oath and what I can tell you is that my background is in law and strategy, not medicine.

Mr. JOHNSON of Louisiana. How convenient. Ma'am, if it were true that they crush the skull of an unborn child to take the baby out and complete the abortion, would that be an act of violence to you?

Ms. CAMP. Congressman, the violence I see is the violence of forced abortion and forced birth.

Mr. JOHNSON of Louisiana. OK. All right. I think your non-responses here speak volumes for the record. I yield back.

I recognize the gentlelady from Pennsylvania for five minutes.

Ms. SCANLON. Thank you and thank all your witnesses for coming today. I appreciate your insights on what we need to do across the country to combat violence, whether it is pro-abortion or anti-abortion, or just pro-healthcare.

There is certainly work to be done and Congress should do that work.

Ms. Camp, the National Abortion Federation's report on "2022 Violence and Disruption" notes that post-*Dobbs* anti-abortion activists shifted their focus to States like Pennsylvania where abortion remains legal and protected and that as a result protective States saw a disproportionate increase in violence and disruption against abortion providers and patients. Can you elaborate on those findings?

Ms. CAMP. Sure. So, thank you for the question, Congresswoman. What we know is that the *Dobbs* decision and the proliferation of abortion bans throughout the State mandate pregnancy and child-birth against the will of pregnant folks. Those events emboldened anti-abortion extremists so that we saw a concentration of those extremist tactics at clinics continuing to offer abortion care in States that protect access to abortion care so that—whereas for stalking we saw an overall increase in stalking from—2022 of 230 percent. In States that protect access to abortion care the increase was 900 percent—a 900 percent increase in stalking of providers and patients. In States protecting access to this fundamental healthcare, a 130 percent increase in bomb threats. In those States that are protecting access to this fundamental care a 540 percent increase in obstructions, the core FACE violations.

Ms. SCANLON. Am I correct that in the areas where you saw reduction in threats and obstructions and other harassment of patients and facilities that can be attributed, in part, to the fact that in many States with these post-*Dobbs* ruling—many of the clinics which regularly report issues to you have, in fact, closed and are no longer reporting?

Ms. CAMP. That's absolutely right, Congresswoman. So many of our member clinics have had to close because of bans on abortion care, bans that force people to remain pregnant and give birth against their will. Many of our member clinics have closed. Of those that closed many had reported numerous, voluminous in-

stances of extremist violence, but they weren't open to report it to us at the time we collected the 2020–2022 statistics.

Ms. SCANLON. OK. We have seen some anecdotal reports referenced here. There doesn't appear to have been an actual study by a credible source concerning the incidence of violence and threats regarding anti-abortion facilities. Would you agree though that the bulk of violence, threats, and intimidation related to the provision or obtaining of reproductive health services including post-*Dobbs* have been directed against abortion providers and patients?

Ms. CAMP. Unequivocally. Unquestionably, Congresswoman. The vast majority of bombings, arsons, stalkings, threats, harassment, and death threats have been against providers of abortion care and folks seeking to access that care as patients.

Ms. SCANLON. Thank you. I have no further questions. I yield back.

Mr. JOHNSON of Louisiana. This concludes today's hearing. We thank the witnesses for appearing before the Committee today.

Without objection, all members will have five legislative days to submit additional written questions for the witnesses or additional materials for the record.

Without objection, the hearing is adjourned.

[Whereupon, at 12:23 p.m, the Committee was adjourned.]

All materials submitted for the record by Members of the Subcommittee on the Constitution and Limited Government can be found at: <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=115924>.

