

**Congress of the United States**  
**Washington, DC 20515**

October 12, 2022

Director Christopher Wray  
Federal Bureau of Investigation  
U.S. Department of Justice  
935 Pennsylvania Avenue, NW  
Washington, D.C. 20530-001

Director Wray,

We write to you today deeply concerned with the continued politicization of The Federal Bureau of Investigation (FBI). The recent rise in high-profile FBI investigations into pro-life Americans raises well-founded concerns that the FBI has amassed too much power and has become a partisan cudgel wielded by the Biden Administration at the behest of progressive activists against political opponents and dissenters.

Just this last Wednesday, the Middle District of Tennessee reported the indictments of eleven pro-life activists under the FACE Act for engaging in non-violent civil disobedience at a Tennessee abortion center. On September 23, 2022, pro-life activist Mark Houck was arrested by the FBI at his home for allegedly pushing an abortion clinic volunteer, who had harassed his son. His arrest occurred despite the fact the charges had been dismissed by local authorities. On September 27, 2022, the Daily Signal reports that FBI agents questioned pro-life activists outside a Planned Parenthood in Minnesota regarding an incident, where it is alleged that a Planned Parenthood client attempted to cut up a pro-life sign and an activist pushed her away, after charges were dismissed in Minnesota state court. On September 29, 2022, the Eastern District of New York announced FACE Act charges against Father Fidelis Moscinski, a pro-life activist and Franciscan monk, for padlocking an entrance to an abortion facility and engaging in non-violent civil disobedience, for which local authorities previously sentenced him.

These are not federal law enforcement matters and represent an abuse of the FACE Act. During floor debate on the legislation, Representative Schroeder of Colorado, a co-sponsor of the FACE Act, argued that empowering the federal government through the FACE Act was necessary only “if the states cannot help, then we have a duty to move in. But we do not do it unless it appears the states cannot handle it” and that “The Federal Government does not move in until it appears that in some parts of the country there is a breakdown.”

Overzealous prosecutions under the FACE Act weaponize the power of federal law enforcement against American citizens in what should firmly be state and local matters. Further, these abuses of federal power against pro-life Americans based solely on their beliefs undermine the American people’s trust in the FBI. This is particularly true since there have been no reports of FBI investigations or DOJ prosecutions in relation to the more than 72 pregnancy resource [centers](#) and 80 Catholic [churches](#) that have been attacked or vandalized since the Dobbs leak – heinous, violent, and organized crimes across state lines that are also subject to prosecution under the FACE Act.

It is clear that congressional scrutiny of the FBI's use of the FACE Act is needed to ensure the FBI is applying it as Congress intended and, if not, to determine whether the FBI can continue to be trusted with this authority. Therefore, we request a briefing by October 20, 2022, on the FBI's use of the FACE Act, and specifically request answers to the following questions:

1. How many FACE Act investigations has the FBI opened in 2022, 2021, 2020, and 2019 respectively?
2. Of the FACE Act investigations opened in 2022, 2021, 2020, and 2019, how many of these cases involve:
  - a. Abortion facilities?
  - b. Pregnancy centers?
  - c. Churches or houses of worship?
3. How many of these cases involve subjects with charges previously dismissed or sentenced by state courts?
4. What criteria does the FBI use when determining whether to open a case under the FACE Act that was previously dismissed by state courts?
5. What resources are the FBI currently committing to FACE Act investigations?
6. Has the Department of Justice issued any new guidance, memos, or internal correspondence regarding FACE Act investigations since the Dobbs decision was handed down by the Supreme Court? If yes, please provide such documents.

Sincerely,



Chip Roy  
Member of Congress



Michael S. Lee  
U.S. Senator



Christopher H. Smith  
Member of Congress



Steve Daines  
U.S. Senator



Rogers Marshall, M.D.  
U.S. Senator



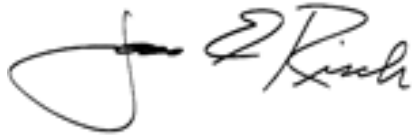
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Tom Tillis  
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Tom Cotton  
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James E. Risch  
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Mike Braun  
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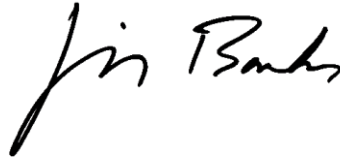
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Randy Feenstra  
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