

September 30, 2022

**VIA ONLINE PORTAL**

The Honorable General Merrick Garland  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

CC: Assistant Attorney General Kristen Clarke  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Kevin Krebs  
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Washington, D.C. 20530-0001

Federal Bureau of Investigation  
Attn: Initial Processing Operations Unit  
Record/Information Dissemination Section  
200 Constitution Drive  
Winchester, VA 22602

**Re: Freedom of Information Act Request:  
Communications Pertaining to the Ongoing Attacks Against Pro-Life Organizations**

Dear Attorney General Garland:

Advancing American Freedom (AAF)<sup>1</sup> and the undersigned organizations submit this Freedom of Information Act (“FOIA”) request (the “Request”), pursuant to 5 U.S.C. § 552(a), for records pertaining to the U.S. Department of Justice (“DOJ”)’s internal and external communications about the ongoing violent attacks against pro-life organizations.

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<sup>1</sup> Advancing American Freedom, Inc. is a 501(c)(4) non-profit organization. AAF advocates for conservative values and policy solutions by developing innovative policy solutions, strategies, coalitions, and messaging that builds upon the accomplishments of the last administration and expands freedom for all Americans.

## **Background**

We are following up on our June 16, 2022 letter to request for an update on the investigation into the attacks on pro-life institutions, including pregnancy resource centers, and churches. Because the DOJ has repeatedly failed to respond, we are now filing a FOIA request with the DOJ to obtain more information via our legal avenues for recourse. Even months prior to the June 16, 2022 letter, CatholicVote, an undersigned organization, had already asked the DOJ how it was investigating these attacks in a letter dated December 15, 2021. In that letter, CatholicVote asked you to take appropriate actions, not least in pursuit of whomever damages religious property or obstructs our fellow citizens in the free exercise of religious beliefs (18 USC § 247). We are now approaching nearly a year since that initial request was made, and yet there has been nothing but silence from the DOJ and this Administration.

We have serious concerns that the work of DOJ is being inappropriately politicized, as investigations into these acts of violence against organizations disfavored by the current administration are being slow-walked or outright ignored. The execution of justice requires fair and equal treatment under the law here, regardless of the Biden Administration's sympathies.

As we outlined in the June 16, 2022 letter, these acts of violence have intensified in the wake of *Dobbs v. Jackson Women's Health Organization's* leaked draft and final opinion. Pro-life organizations have been threatened, their buildings vandalized, defaced, and even firebombed. Extremist groups have continued to call for violence, and gleefully taken credit for these wicked actions. In one instance, a deranged activist attempted to "change the vote for decades to come" by "shooting for 3" Supreme Court Justices. Providentially, he was apprehended outside of the home of Justice Brett Kavanaugh before he could follow through on his assassination attempt.

This continued assault against pro-life Americans, pro-life institutions, and even the Supreme Court of the United States is a manifest injustice that requires a prompt, comprehensive, and public response. These coordinated acts of domestic terrorism and political intimidation are flagrant violations of the Ku Klux Klan Act of 1871, which prohibits any conspiracy to interfere with a federal official from discharging his duties, including any attempt "to molest, interrupt, hinder, or impede him in the discharge of his official duties" (42 USC § 1985).

We reiterate our call for you to publicly condemn these unlawful attacks; to commit to vigorous efforts to prevent them, and to investigate and prosecute them; and to proactively engage with the affected faith communities to ensure their concerns and security needs are being met. Once again, we are requesting a meeting with your office as well as the Civil Rights Division to discuss what plans are to ensure that these attacks never happen again.

Our United States Constitution was established "in Order to form a more perfect Union, establish Justice, insure domestic Tranquility." When violence against pro-life organizations goes unpunished, the commitment to a more perfect union is subverted. When investigations are delayed, justice is denied. And when Americans have to live in fear for exercising their First Amendment rights in advocating for pro-life principles, domestic tranquility is destabilized.

## **Requested Records**

Pursuant to 5 U.S.C. § 552, AAF seeks the release of the following records with the timeframe for the Request from December 15, 2021, to the date of the Request's processing:

1. Any and all records relating to or concerning communications internal to the DOJ on the subject of crimes or investigations (potential or otherwise) of crimes against pro-life organizations (including those communications where the DOJ is copied or blind copied).
2. Any and all records relating to or concerning communications between the DOJ and the Domestic Policy Council or the Executive Office of the President on the subject of crimes or investigations (potential or otherwise) of crimes against pro-life organizations (including those communications where the DOJ is copied or blind copied).
3. Any and all records relating to or concerning communications between the DOJ and any other entity (including outreach, as well as communications where the DOJ is copied or blind copied) on the subject of pregnancy resource centers (also known as "crisis pregnancy centers")
4. Any other records which, though not specifically requested, would have a reasonable relationship to the subject matter of this request.

## **Application for Waiver or Limitation of Fees**

AAF requests the waiver of any fees associated with responding to its FOIA request, pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 22 C.F.R. § 171.16. AAF requests the waiver of document search, review, and duplication fees on the grounds that "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii). Additionally, AAF qualifies as a "representative of the news media" and does not seek the Records for commercial use. *See* 5 U.S.C. § 552(a)(4)(A)(ii)(II).

### **A. Disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government.**

Since December 15, 2021, pro-life organizations have been asking the DOJ for more information on what it is doing to protect Americans, churches, and organizations that support pro-life principles. The disclosure of these records would provide resolution for the hundreds of millions of pro-life Americans who are worried that their government is not doing anything at all.

As a nonprofit organization, Advancing American Freedom does not have a commercial purpose and any release of information requested is not primarily in AAF's financial interest. One of the primary purposes of Advancing American Freedom is to inform and educate the public about the activities of the federal government. Therefore, any information disclosed to AAF because of this Request will be made readily available to the public at no cost.

**B. Advancing American Freedom qualifies as a “representative of the news media” which is not seeking records for commercial use.**

Advancing American Freedom qualifies as a “representative of the news media” because it “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.” 5 U.S.C. § 552(a)(4)(A)(ii); *see Nat’l Sec. Archive v. DOD*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). Although AAF is a new organization, it intends to regularly collect, publish, and disseminate information it receives to the general public via its website, social media accounts, and through public appearances by its principal figures. Further, AAF would exercise editorial discretion with respect to all information that it obtains from the Request.

AAF distributes its work widely. It routinely issues press releases that highlight various newsworthy events and amicus legal briefs that it filed; its principal figures make regular appearances in the news media and at conferences and other large events. Indeed, obtaining and distributing information about government activity is a key part of AAF’s purpose and work.

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If the Request is denied in whole or in part, AAF requests justifications for all deletions by reference to specific FOIA exemptions. AAF expects the release of all segregable portions of otherwise exempt material. AAF reserves the right to appeal a decision relating to any portion of this request.

Thank you for your prompt attention to this Request.

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ADVANCING AMERICAN FREEDOM

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Chief Legal Officer  
AMERICANS UNITED FOR LIFE

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