



Written by [Raven Clabough](#) on May 5, 2011

## DOJ Targets Pro-Life Activists

According to the U.S. Department of Justice, when members of the New Black Panther Party stood outside voting booths on Election Day '08 wearing military-type uniforms, bearing clubs and hurling racial epithets at voters, they were not engaged in voter intimidation. But now the same DOJ has determined that pro-life activists standing outside abortion clinics are trying to block access to the clinics. In fact, the Justice Department has sued half a dozen pro-life activists under a federal law that was relatively unused during the Bush administration.



The Freedom of Access to Clinic Entrances Act, the law under which the DOJ has filed the lawsuits, was written to protect Americans who either seek or provide abortions and signed by President Bill Clinton in 1994, following a period of mass sit-ins at clinics, and a number of other anti-abortion activities. Though it was relatively dormant during the Bush administration, it was brought back to life after the 2009 murder of Kansas abortion provider George Tiller. Barry Grissom, U.S. Attorney for Kansas, remarks that Tiller's death "brought home to many of us the terrible potential for violence and the need to use every legal means at our disposal to prevent it."

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Since President Obama's election in 2008, a number of federal lawsuits have been filed against over-zealous pro-life activists, such as a West Palm Beach, Florida, woman who blocked a car from entering a local abortion clinic and a Texas man who attempted to prevent entrance to a patient waiting area of a San Antonio abortion clinic by obstructing the doorway with his body. A total of six lawsuits have been filed by Obama's DOJ, as opposed to one lawsuit filed during the Bush administration.

According to Carl Tobias, a law professor at the University of Richmond in Virginia, it makes sense that the DOJ processed more lawsuits under the Obama administration than under the Bush administration, as the behavior of the Justice Department is often representational of the current administration. He explained:

I think President Bush was pretty clear about his position on that type of issue. It is less clear what the present administration's position is, but maybe it is partly reflected in their willingness to be more rigorous about enforcing it.

Thomas Perez, Assistant Attorney General for the Civil Rights Division, asserts that the DOJ will ensure that the law is enforced. He declares that the Department "will continue to aggressively enforce the FACE Act against those who seek to violate the rights of their fellow Americans to safely provide or obtain such services."

Kathy Spillar, executive vice president of the Feminist Majority Foundation, a group that fights to protect abortion rights, believes the lawsuits are a positive step, as they "send a very strong message



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that extremists are not going to be able to make threats, much less carry out threats, without consequences.”

Hans von Spakovsky, counsel to the Assistant Attorney General in the Justice Department’s Civil Rights Division from 2001 to 2005, asserts that the current Department of Justice may be somewhat overambitious in its pursuit of lawsuits. *The Blaze* writes:

Von Spakovsky, now manager of the Civil Rights Reform Initiative for the Heritage Foundation, a conservative think tank, said the Justice Department’s decision under Obama to bring numerous civil lawsuits raises two issues: It brings up First Amendment questions because some protests are protected speech. And it suggests authorities are pursuing civil action “because they know they don’t have the evidence” to file criminal charges.

Similarly, Operation Rescue President Troy Newman contends, “You don’t just go around filing injunctions against people that you believe are proponents of violence. Domestic violence cases have proven that little injunctions don’t stop people from committing acts of violence.... They are pretty weak cases all around the country.”

Newman asserts that if it has proof of criminal misconduct, the government should file criminal charges under broadly written criminal statutes, instead of pursuing lawsuits against mostly peaceful pro-life activists under an act that specifically targets them.

*Photo: Two clinic defenders observe an anti-abortion demonstration in front of the Jackson Women’s Health Organization clinic, July 18, 2006, in Jackson, Miss.: AP Images*



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