

United States Senate

WASHINGTON, DC 20510

February 2, 2023

VIA ELECTRONIC TRANSMISSION

The Honorable Merrick Garland
Attorney General
Department of Justice

The Honorable Christopher Wray
Director
Federal Bureau of Investigation

Dear Attorney General Garland and Director Wray:

I write today with respect to the acquittal of Mark Houck of alleged Freedom of Access to Clinic Entrances Act (FACE Act) violations and the failure of the Biden administration's Justice Department and FBI to answer congressional inquiries with respect to this ill-conceived and politically motivated prosecution. Given the time, effort, and expense to prosecute the matter – a matter that shouldn't have been subject to an FBI raid and Justice Department prosecution to begin with – Congress must know and understand how much taxpayer money has been wasted by the Biden administration. This has certainly tarnished the reputation of the Justice Department as well as your own.

By way of background, on September 28, 2022, I led a letter with my Judiciary Committee colleagues and then-Senator Toomey with respect to the FBI's September 23, 2022, execution of an arrest warrant on Mr. Houck for alleged violations of the FACE Act.¹ In that letter, we noted the flimsy basis for the FBI's raid and the Justice Department's prosecution of Mr. Houck. Our letter also noted the dismissal of the state-level prosecution of Mr. Houck on April 22, 2022, and his receipt of a letter from the Justice Department on April 27, 2022, that he was the target of a federal investigation.

In light of the April 2022 dismissal, our September 28, 2022, letter noted our concerns about the Justice Department's and FBI's extraordinarily heavy-handed tactics against Mr. Houck. Namely, the Houck family didn't expect to be awakened at 7 a.m. with reportedly over

¹ Press Release, Ranking Member Charles Grassley, Judiciary Republicans, Home-State Senator Demand Explanation For Dawn Raid On Pro-Life Activist Family Home (Sept. 28, 2022) <https://www.grassley.senate.gov/news/news-releases/judiciary-republicans-home-state-senator-demand-explanation-for-dawn-raid-on-pro-life-activist-family-home>

20 FBI agents surrounding their home wearing armor plated tactical vests, ballistic helmets and holding ballistic shields and long guns.²

Based on my office's communications with Mr. Houck's attorneys, he was cooperative with the government. Indeed, Assistant U.S. Attorney Anita Eve recommended a "Return on own Recognizance" bond meaning Mr. Houck was free to leave without having to post bail. This indicates that the government did not view Mr. Houck as a threat to the community, which calls into question why heavily armed FBI agents were needed to arrest him in the first place. Furthermore, according to Mr. Houck, on January 6, 2023 – prior to the start of the trial – the Justice Department offered him zero to six months with no probation if he were to plead guilty, which Mr. Houck rejected.

On December 6, 2022, the Justice Department and FBI provided a letter in response to our September 28, 2022 letter; however, that letter failed to address and answer the questions raised.³ In light of Mr. Houck's acquittal, the Biden Justice Department and FBI must provide Congress and the American people detailed information with respect to how much of their money was wasted on this baseless and misguided prosecution. Please provide that information no later than February 16, 2023.

Sincerely,



Charles E. Grassley
U.S. Senator

² See Emma Colton and Brianna Herlihy, FBI arrest of Pennsylvania pro-life activist an attack on 'pro-life Christians,' spox says, FOX NEWS (Sep. 26, 2022), <https://www.foxnews.com/us/fbi-arrest-pennsylvania-pro-life-activist-attack-pro-life-christians-spox-says>

³ Justice Department to Ranking Member Charles E. Grassley (Dec. 6, 2022) https://www.grassley.senate.gov/imo/media/doc/justice_dept.tograssleymarkhouck.pdf