



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Senator Grassley:

This responds to your letter, dated September 28, 2022, to the Department of Justice (Department) and Federal Bureau of Investigation (FBI), regarding the September 23, 2022, indictment of Mark Houck. We are sending similar responses to the co-signers of your letter.

On September 23, 2022, a federal grand jury in Pennsylvania returned an indictment charging Mr. Houck with twice assaulting a reproductive health care clinic escort in Philadelphia. The two-count indictment charges Mr. Houck with violating the Freedom of Access to Clinic Entrances (FACE) Act, which makes it a federal crime to injure, intimidate, or interfere with anyone by force because that person is a consumer or provider of reproductive health services. As an FBI spokesperson indicated in a statement at the time,¹ Mr. Houck was subsequently arrested by FBI agents who knocked on his front door, identified themselves as FBI agents, and asked him to exit the residence. He did so and was taken into custody without incident.

Congress enacted the FACE Act in 1994 in response to an increase in violence toward providers and patients of reproductive health services. Notably, the FACE Act does not distinguish among types of reproductive health services. As the Department states on its website, "The FACE Act is not about abortions. The statute protects all patients, providers, and facilities that provide reproductive health services, including pro-life pregnancy counseling services and any other pregnancy support facility providing reproductive health care."² The FACE Act also protects individuals exercising their First Amendment right of religious freedom and places of religious worship. Working with state and local law enforcement partners, the Department will investigate and, where supported by the facts and the law, prosecute the use of force, threats of force, or obstruction intended to interfere with reproductive health care or

¹ See "Pennsylvania pro-life activist arrested by FBI, charged with assaulting clinic escort," New York Post (Sept. 25, 2022), available at <https://nypost.com/2022/09/25/pennsylvania-pro-life-activist-arrested-by-fbi-charged-with-assaulting-clinic-escort>.

² *Protecting Patients and Health Care Providers*, <https://www.justice.gov/crt/protecting-patients-and-health-care-providers>.

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religious worship, regardless of the type of service or worship at issue. Federal or state civil actions, in certain circumstances, can also be filed by either the government or private individuals to obtain remedies not available through a criminal prosecution.

Since the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*, the Department has received multiple reports of potentially unlawful conduct directed at pregnancy centers, their staff, and their patients. Federal authorities are investigating these reported incidents and are working to identify the perpetrators. As in every investigation, the Department will follow the facts and the law wherever they lead and will take appropriate action at the conclusion of these ongoing investigations, which may include prosecution under the FACE Act.

In addition, the Department has reached out to groups representing pregnancy centers and religious groups to ensure their awareness of FACE Act protections and to facilitate open lines of communication. This outreach includes meetings in October among Department attorneys, investigators from the FBI and other law enforcement agencies, representatives of pregnancy centers and affiliated groups, and the United States Conference of Catholic Bishops.³

We would welcome your assistance in ensuring that threats and incidents of violence or obstruction targeting pregnancy centers and places of religious worship are reported to the FBI. Members of the public who observe any suspicious activity or have information about potential threats or unlawful conduct should report to law enforcement immediately, including by calling their local FBI field office or submitting a tip to tips.fbi.gov.

We hope this information is helpful. Please do not hesitate to contact the Office of Legislative Affairs if we may provide additional assistance regarding this or any other matter.

Sincerely,

Carlos Felipe Uriarte
Assistant Attorney General

³ See "DOJ: Attacks on Pro-Life Pregnancy Centers 'Can Be Prosecuted,'" The Daily Signal (Nov. 2, 2022), available at <https://www.dailysignal.com/2022/11/02/doj-attacks-on-pro-life-pregnancy-centers-can-be-prosecuted>.