



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, DC 20530

The Honorable Jim Jordan
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Jordan:

This responds to your letter to the Department of Justice (Department), dated January 17, 2023, in which you inquired about the indictment of Mark Houck and the Department’s enforcement of the Freedom of Access to Clinic Entrances (FACE) Act. You also inquired about these issues on October 7, 2022, and November 2, 2022, and we responded on December 6, 2022.

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.”¹ 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 FBI will investigate—and, when supported by the facts and the law, the Department will prosecute—those who use force, threats of force, or obstruction intended to interfere with reproductive health care or religious worship. We undertake this work regardless of the type of service or worship at issue.

The FBI is responsible for investigating allegations regarding violations of federal civil rights statutes. These laws are designed to protect the civil rights of all persons within the jurisdiction of the United States. Protecting civil rights is a responsibility the FBI takes very seriously, and The FBI opens hundreds of civil rights cases each year. Within this category of civil rights cases, the FBI investigates violations of hate crime statutes, including the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act; violations of human trafficking

¹ U.S. Department of Justice, Civil Rights Division, Protecting Patients and Health Care Providers, <https://www.justice.gov/crt/protecting-patients-and-health-care-providers> (last visited August 28, 2023).

statutes included as part of the Trafficking Victims Protection Rights Act; and FACE Act violations.

The FBI is committed to investigating violations of the FACE Act—like all other violations—in a fair and objective manner. The FBI takes these cases very seriously. Although we cannot comment on ongoing investigations, the FBI will use every tool within its authorities to identify and bring perpetrators to justice. Following the May 2022 leak of the U.S. Supreme Court’s draft opinion in *Dobbs v. Jackson Women’s Health Organization (Dobbs)*, the FBI observed an increase in abortion-related threats of violence and activity targeting pro-life entities. A significant portion of the FBI’s FACE Act or abortion-related violent extremism assessments and investigations since then involve some type of offense against a pro-life facility or a religious institution.

The Department’s Civil Rights Division, along with U.S. Attorneys’ Offices around the country, prosecute FACE Act violations. The Department’s prosecutions rest on the straightforward proposition—which we have stated repeatedly—that violence and threats of violence have no place in the national discussion of reproductive health care. Since the *Dobbs* decision, the Department has met with pro-choice groups and pro-life groups, including Care Net, Heartbeat, the National Institute of Family and Life Advocates, and the U.S. Conference of Catholic Bishops, to discuss the protections afforded under the FACE Act. During these discussions, we encouraged them to report to the FBI any violence or threats of violence they encounter. The Civil Rights Division has brought FACE Act cases involving both abortion providers and pregnancy resource centers. In January 2023, the Department secured indictments against two Florida residents for spray-painting threats on pregnancy resource centers in the state. A superseding indictment at the end of March 2023 added charges against two defendants.

A federal grand jury in Pennsylvania returned an indictment on September 20, 2022, charging Mr. Houck with twice assaulting a reproductive health care clinic escort in Philadelphia. The two-count indictment charged Mr. Houck with violating the FACE Act, which prohibits the use of force, threats of force, physical obstruction and property damage intended to injure, intimidate, or interfere with the provision of reproductive health care services. On the morning of the indictment, Federal Bureau of Investigation (FBI) agents arrived at Mr. Houck’s residence. The FBI agents knocked on Mr. Houck’s front door, identified themselves as FBI agents, and asked him to exit the residence. Mr. Houck did so and was taken into custody without incident pursuant to the indictment. The FBI has confirmed that the number of personnel and vehicles on scene were appropriate. Moreover, the FBI personnel’s tactics were professional, in line with standard practices, and intended to ensure the safety of everyone present in and outside the residence. On January 30, 2023, Mr. Houck was found not guilty by a jury of his peers, and the Department respects the jury’s verdict.

We welcome your assistance in ensuring that threats and incidents of violence, obstruction, or property damage targeting pregnancy resource centers 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. The Department is committed to

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upholding the rule of law, to keeping our country safe, and to protecting civil rights. We will continue to do everything possible to fulfill these vital missions.

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

Sincerely,

Carlos Felipe Uriarte
Assistant Attorney General

cc:

The Honorable Jerrold L. Nadler
Ranking Member
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515