

October 3, 2022

The Hon. Elizabeth Warren  
United States Senator  
United States Senate  
309 Hart Senate Office Building  
Washington, DC 20510

**Re: Protecting Life-Affirming Reproductive Health Facilities**

Sen. Warren, et al.:

First Liberty Institute is the nation's largest law firm dedicated exclusively to defending and restoring religious liberty for all Americans. We represent Heartbeat International in connection with the letter you sent dated September 19, 2022. Please direct all communications concerning this matter to my attention.

Heartbeat International ("Heartbeat") is among the oldest and most expansive network of life-affirming pregnancy resource centers in the country. These life-affirming reproductive health facilities exist with a mission that every woman would feel loved and supported in her pregnancy. Because no woman should feel so alone or hopeless that she turns to abortion, believing it to be her only choice, Heartbeat affiliates provide resources, including adoption, maternity homes, parental education, and provision of free resources—including baby formula, diapers, and clothing—at some 2,000 locations across the country. Most offer medical services, including ultrasound, STD/STI testing and/or treatment, and more. Client confidentiality has been a core principle for life-affirming organizations for decades,<sup>1</sup> and Heartbeat International work hard to protect the privacy of its clients.

Heartbeat exists to serve women and families in their local communities. To that end, Heartbeat does not share personally identifiable information with law enforcement. In fact, no law enforcement official has ever requested, let alone required, Heartbeat to provide personally identifiable information. Heartbeat has never made personally identifiable information public nor sold such information to any third party at any time.

Every woman deserves compassionate care and support when facing an unexpected pregnancy. The tools pregnancy centers use to provide this care are safe and secure, as client safety and confidentiality are of the utmost importance.

While we appreciate your interest in the important work of Heartbeat International, we are aware of no law or legal instrument that would authorize you to

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<sup>1</sup> <https://www.heartbeatinternational.org/about-us/commitment-of-care>

conduct an investigation of this private, religious nonprofit, much less compel them to answer your questions. Rather, your letter appears to be an unwarranted effort to investigate a private organization which holds to a religious and ideological opinion with which you disagree. The United States Supreme Court firmly rebuked such actions over 60 years ago.<sup>2</sup> United States Senators should not use the power of their office to harass private citizens in hopes of creating conflict for legislative solutions otherwise wanting for a problem to solve. Your questions are neither appropriate, nor germane.

In recent months, you, Senator Warren, have called for Congress to “move more aggressively” in regulating life-affirming reproductive health facilities.<sup>3</sup> You applauded Massachusetts Attorney General Maura Healey’s actions to place a “consumer advisory” on pro-life reproductive health facilities in Massachusetts.<sup>4</sup> And, perhaps most unbecoming of all, you accused life-affirming reproductive health facilities of “torturing” pregnant women while calling upon the federal government to “shut them down all around the country.”<sup>5</sup>

Your calculated rhetoric encouraged vandals who have unleashed their criminal activity across the country, including against Heartbeat International affiliates, in an effort to obstruct, injure, intimidate, or otherwise interfere with women making reproductive health decisions at life-affirming reproductive health facilities. Such acts violate the Freedom of Access to Clinic Entrances Act (“FACE”), 18 U.S.C. § 248. Perhaps you are unaware that it was only *after* you announced your anger against these centers on the steps of the U.S. Supreme Court on May 4, 2022, that criminals unleashed the vandalism and destruction of property owned by life-affirming reproductive health facilities as shown below.<sup>6</sup>

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<sup>2</sup> “There is no general authority to expose the private affairs of individuals without justification in terms of the functions of the Congress. . . . Investigations conducted solely for the personal aggrandizement of the investigators or to ‘punish’ those investigated are indefensible.” *Watkins v. United States*, 354 U.S. 178, 187 (1957).

<sup>3</sup> Alison Kuznitz, *U.S. Sen. Elizabeth Warren wants to crack down on ‘deceptive’ crisis pregnancy centers in Massachusetts, across the country*, June 29, 2022, <https://www.masslive.com/politics/2022/06/us-sen-elizabeth-warren-wants-to-crack-down-on-deceptive-crisis-pregnancy-centers-in-massachusetts-across-the-country.html>.

<sup>4</sup> Dialynn Dwyer, *Maura Healey issues warning about ‘crisis pregnancy centers’ in Mass.*, July 6, 2022. <https://www.boston.com/news/politics/2022/07/06/maura-healey-warning-crisis-pregnancy-centers/>.

<sup>5</sup> Jessica Chasmar, *Google to crack down on search results for crisis pregnancy centers after Dem pressure*, August 25, 2022. <https://www.foxbusiness.com/politics/google-crack-down-search-results-crisis-pregnancy-centers-dem-pressure>.

<sup>6</sup> Jeremy Dys and Andrew Beckwith, *Letter to the Honorable Maura Healey Regarding Civil Rights Protections of Pregnancy Resource Centers*, September 13, 2022, [https://firstliberty.org/wp-content/uploads/2022/09/PRC-Letter-to-AG-Healey-with-exhibits\\_Redacted.pdf](https://firstliberty.org/wp-content/uploads/2022/09/PRC-Letter-to-AG-Healey-with-exhibits_Redacted.pdf); Joe Bukuras, *Some Arrests Have Been Made in Connection With Attacks on Catholic Churches and Pro-Life Pregnancy Centers*, July 20, 2022, <https://www.ncregister.com/cna/some-arrests-have-been-made-in-connection-with-attacks-on-catholic-churches-and-pro-life-pregnancy-centers>.





Pro-life reproductive health facilities affiliated with Heartbeat International are protected by federal law. See 18 U.S.C §248; see generally *Life Ctr., Inc. v. City of Elgin, Ill.*, 993 F. Supp. 2d 863, 865 (N.D. Ill. 2013) (describing FACE Act claim brought by a

life-affirming reproductive health facility against ordinances regulating its mobile clinic). Yet they, and many others, have suffered broken windows, property damage, and even fire-bombings—all physical threats and acts of intimidation singularly designed, as you said of your hopes for the federal government, to “shut them down all around the country.”<sup>7</sup>

Heartbeat International and its network of thousands of employees, volunteers, and supporters have been made to feel unsafe, in part, because of your words. We therefore ask that you, and your colleagues copied on this letter, respond within twenty (20) days of the date of this letter to the following questions:

1. Have you issued any public statement repudiating the numerous criminal acts designed to obstruct, injure, intimidate, or interfere with access to pro-life reproductive health facilities?
2. How many press conferences, media events, or speeches from the Senate floor have you held, or participated in, to announce your anger at those who have used bricks, crow bars, spray paint, and fire-bombs to obstruct, injure, intimidate, or otherwise interfere with women making reproductive health decisions at life-affirming reproductive health facilities across the country?
3. Have you requested the President of the United States, U.S. Attorney General, Federal Bureau of Investigation, Bureau of Alcohol, Tobacco, and Firearms, and/or Homeland Security to investigate the crimes perpetrated against these pro-life reproductive health facilities?
4. Have you requested that Attorney General Maura Healey (or any other state attorney general) issue a consumer advisory against the group known as “Jane’s Revenge” in Massachusetts?
5. Have you requested that Google, Yelp, and/or internet service providers flag the website “JanesRevenge.NoBlogs.org” for investigation for its criminal conspiracy against life-affirming reproductive health facilities?
6. What legislation have you introduced that would protect life-affirming reproductive health facilities from further physical and/or cyber attacks?
7. Are you considering legislation that would further protect women seeking to make reproductive health decisions at life-affirming reproductive health facilities?
8. What requests have you made in the last six (6) months of state elected officials, state agencies, or other state actors/agencies to ensure the safety of the volunteers and employees of life-affirming reproductive health facilities across the country?
9. What resources of the federal government is your office presently marshaling to ensure a woman’s right to choose to seek counseling, resources, and/or reproductive health care at life-affirming reproductive health facilities remains undiminished by activists, vandals, and/or politicians?
10. Please provide any letters, memoranda, or documents that complain of, or urge your response to, the work of life-affirming reproductive health facilities.

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<sup>7</sup> See *supra* at footnote 3.

We ask that you construe these above questions as submitted under the United States Freedom of Information Act, 5 U.S.C. § 552, and respond within the statutory deadline. Please conform your responses accordingly. To that end, we further request any and all correspondence (including letters, emails, and/or text messages), memoranda, or documents created by you and/or your staff, or held in your possession, that is responsive to the questions outlined above, including letters, emails, and/or text messages submitted to you by constituents, public interest groups, and/or elected officials.

Respectfully,



Jeremy Dys  
Senior Counsel  
First Liberty Institute

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