

United States Senate

June 25, 2024

Alamdard S. Hamdani
United States Attorney
U.S. Attorney's Office for the Southern District of Texas
1000 Louisiana, Suite 2300
Houston, Texas 77002

Dear U.S. Attorney Hamdani,

I am writing to express my concern regarding the ongoing prosecution of whistleblower Dr. Eithan Haim by the United States Department of Justice, in particular, by the United States Attorney Office you lead.

On June 4, 2024, at 7 a.m., three armed Deputy U.S. Marshals presented themselves at Dr. Haim's door to inform him that he has been indicted on four felony counts of HIPAA violations.¹ As you should know, the basis upon which this investigation was launched and the manner in which it has since been conducted invite serious questions about selective prosecution and the weaponization of the Department of Justice against political opponents.

On May 16, 2023, *City Journal* published an article by journalist Christopher Rufo, revealing that a Texas hospital was performing invasive and irreversible transgender medical procedures on minors, including children as young as eleven years old. These procedures marked an apparent resumption of transgender procedures which the hospital had previously halted in March 2022 in response to state investigations of criminal child abuse. The public would have remained unaware of the resumption of these procedures if not for the courageous actions of Dr. Haim. Dr. Haim revealed that over the following year, the hospital actually increased the frequency of these

¹ Germania Rodriguez Poleo, *Surgeon Eithan Haim who blew whistle on 'secret trans procedures on Texas kids' is hit with four felony charges – as he claps back with scathing response*, DAILY MAIL (June 7, 2024), <https://www.dailymail.co.uk/news/article-13507065/Surgeon-blew-whistle-secret-trans-procedures-Texas-kids-hit-four-felony-charges-claps-scathing-response.html>

procedures, stating that “potentially hundreds more children received hormone interventions for gender dysphoria.”² Less than a week after the *City Journal* story broke, the Texas Legislature passed legislation confirming that transgender medical procedures for minors were illegal under Texas law.³ Rufo, for his part, confirmed that all the information he received was carefully redacted, and did not identify any individuals.⁴

On June 23, 2023, the day of his medical residency graduation, armed agents from the Department of Health and Human Services Office of the Inspector General descended on Dr. Haim’s home, interrogating him about “medical records” and demanding to interview him on the spot. After Dr. Haim took his wife’s advice not to submit to the interview without an attorney, the agents served him a target letter signed by your office, stating that Dr. Haim was a potential target in an unspecified criminal investigation.

This investigation appears to bear the markings of a politically-driven prosecution, which has unfortunately been the stock-in-trade of the present Department of Justice. For example, in September of 2022, pro-life activist Mark Houck was arrested by approximately 20 heavily-armed FBI agents at his home, in front of his family, for a purported offense that had already been dismissed by local authorities.⁵ Similarly, on May 14, 2024, pro-life activist Lauren Handy was sentenced to nearly five years in federal prison for conducting a non-violent protest at a Washington, D.C. abortion clinic likely involved in the illegal practice of partial-birth abortion.⁶ This severe punishment starkly contrasts with the virtual impunity enjoyed by criminals who have firebombed pregnancy resource centers and vandalized hundreds of churches

² Patrick Reilly, *Doctor who blew whistle on Texas hospital providing gender-affirming care to kids charged with HIPAA violation by DOJ*, N.Y. POST (June 7, 2024), <https://nypost.com/2024/06/07/us-news/doctor-who-blew-whistle-on-texas-hospitals-gender-affirming-care-for-kids-charged-by-doj/>.

³ Christopher F. Rufo, *DOJ Indicts Doctor Who Exposed the Barbarism of “Gender-Affirming Care”*, CITY JOURNAL (June 6, 2024), <https://www.city-journal.org/article/doj-indicts-doctor-who-exposed-the-barbarism-of-gender-affirming-care/>.

⁴ *Id.*

⁵ Margot Cleveland, *Is The Abortion Escort Who Went After Pro-Lifer Mark Houck The Real FACE Act Violator? Court Filing Suggests Yes*, THE FEDERALIST (Dec. 9, 2022), <https://thefederalist.com/2022/12/09/is-the-abortion-escort-who-went-after-pro-lifer-mark-houck-the-real-face-act-violator-court-filing-suggests-yes/>.

⁶ Andrew Beaujon, *Lauren Handy Sentenced to Nearly 5 Years in Prison*, WASHINGTONIAN (May 14, 2024), <https://www.washingtonian.com/2024/05/14/lauren-handy-sentenced-to-nearly-5-years-in-prison/>.

in the wake of the *Dobbs* decision, and the lack of arrest or prosecution of mobs of protestors that harassed Supreme Court Justices at their homes in clear violation of the law.⁷⁸⁹

These glaring disparities reveal a justice system that is not merely blind but rather selectively harsh, targeting those with opposing views while allowing others to flout the law with effective impunity. It is for this reason that I am concerned about the prosecution of Dr. Haim, a respected member of the medical community who has devoted his career to saving lives. Now, because he acted to expose the barbaric and illegal practice of minor gender transition surgery, Dr. Haim faces the prospect of federal prison, substantial fines, and the loss of his medical license.

In light of Dr. Haim's whistleblower status, and to ensure that he is not the subject of political reprisal from the Department of Justice, I request that you comprehensively respond to the following questions and requests by July 11, 2024:

1. Please provide the number and case names of all felony HIPAA cases indicted by the U.S. Attorney's Office for the Southern District of Texas in the past twelve months.
2. Please provide the number and case names of all felony HIPAA cases indicted by the U.S. Attorney's Office for the Southern District of Texas in the past twenty-four months.
3. Did you personally approve felony criminal charges in this case?
4. Did you communicate with anyone from the Department of Justice outside the U.S. Attorney's Office for the Southern District of Texas, to include, but not limited to, Main Justice, about this case prior to charging Dr. Haim? If so,

⁷ Mary Margaret Olohan, *EXCLUSIVE: Catholic Churches Attacked 400 Times Since 2020, Tracker Finds*, THE DAILY SIGNAL (Feb. 27, 2024), <https://www.dailysignal.com/2024/02/27/exclusive-catholic-churches-attacked-400-times-since-2020-tracker-finds/>.

⁸ Aaron Blake, *Yes, experts say protests at Supreme Court justices' homes appear to be illegal*, WASH. POST (May 11, 2022), <https://www.washingtonpost.com/politics/2022/05/11/protest-justice-home-illegal/>.

⁹ Stephen Dinan, *U.S. Marshals told not to arrest protesters outside justices' homes, documents reveal*, WASH. TIMES (Mar. 28, 2023), <https://www.washingtontimes.com/news/2023/mar/28/us-marshals-told-not-arrest-protesters-outside-jus/>.

please list the person(s), the dates of contact, and provide a summary of your communications. If the communication concerned charging decisions regarding Dr. Haim, please provide the communication in full.

5. Did you communicate with anyone outside the Department of Justice about this case prior to charging Dr. Haim? If so, please list the person(s), the dates of contact, and provide a summary of your communications. If the communication concerned charging decisions regarding Dr. Haim, please provide the communication in full.
6. Can you explain why HIPAA violations, typically treated as misdemeanors, were pursued as felonies in this case without significant aggravating factors?

I have had longstanding concerns with the impartiality of the Department of Justice under the leadership of Attorney General Merrick Garland. As such, while the present prosecution of Dr. Haim is troubling, it is also not surprising. Political prosecution of whistleblowers not only undermines the integrity of the Department of Justice, but also sets a dangerous precedent for intimidating others from exposing wrongdoing. It has no place in our system of justice.

I look forward to your detailed response.

Sincerely,



Ted Cruz
Ranking Member, Subcommittee on the Constitution
United States Senate Committee on the Judiciary