



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Office for Civil Rights

Enforcement Division • Humphrey Building
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Washington, DC 20201
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Sent Via Electronic Mail Only

May 28, 2026

William A. Jacobson, Esq.
President
Legal Insurrection Foundation
The Equal Protection Project
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Barrington, RI 02806
Email: Contact@legalinsurrection.com

Robert J. Fox
Attorney
Legal Insurrection Foundation
The Equal Protection Project
18 Maple Avenue #280
Barrington, RI 02806
Email: Robert.Fox@legalinsurrection.com

Re: OCR Transaction Number: 26-645834

Dear Mr. Jacobson and Mr. Fox:

On October 16, 2025, the U.S. Department of Health and Human Services (HHS), Office for Civil Rights (OCR) received your complaint alleging that the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) has engaged in discriminatory grantmaking practices. Specifically, you allege three SAMHSA-funded fellowships require the use of race-based selection criteria.¹ This allegation could constitute a violation of Section 1557 of the Affordable Care Act² (Section 1557).³

OCR enforces Federal civil rights laws that prohibit discrimination in the delivery of health and human services based on race, color, national origin, disability, age, sex, religion, and the exercise of conscience. OCR also enforces the Health Insurance Portability and Accountability Act (HIPAA) Privacy, Security, and Breach Notification Rules and 42 C.F.R. Part 2 (Confidentiality of Substance Use Disorder Patient Records).

¹ https://www.usaspending.gov/award/ASST_NON_H79SM090069_075; https://www.usaspending.gov/award/ASST_NON_H79SM090068_075; and https://www.usaspending.gov/award/ASST_NON_H79SM090071_075.

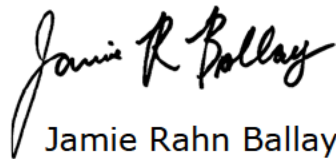
² 42 U.S.C. § 18116, as implemented by 45 C.F.R. Part 92.

³ Please note, the complaint alleged a violation of Title VI of the Civil Rights Act of 1964 (Title VI). Title VI only applies to recipients of Federal financial assistance (FFA) and in this instance the complaint is against a Federally conducted program. Therefore, Title VI is not applicable here.

OCR is responsible for enforcing Section 1557 and other Federal civil rights laws. OCR has determined that this office has jurisdiction over your allegation pursuant to the regulation listed above. Section 1557 provides that an individual shall not be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the grounds prohibited under law, including race, color, and national origin. Section 1557, and its implementing regulations, applies to health programs and activities administered by HHS.⁴ Therefore, OCR will initiate an investigation. When OCR has reached a determination regarding your complaint, we will advise you of our findings.

If you have questions regarding this matter, you may contact [REDACTED] at [REDACTED]@hhs.gov (Email) or at [REDACTED] (Phone). When contacting this office, please remember to include the transaction number, referenced above, that we have given this file.

Sincerely,



Jamie Rahn Ballay
Regional Manager

⁴ See 45 C.F.R. § 92.2(a)(2).