

Congress of the United States
Washington, DC 20515

September 3, 2015

The Honorable Jason Chaffetz
Chairman, Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Bob Goodlatte
Chairman, Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Chaffetz and Chairman Goodlatte:

As the Ranking Members of two House Committees that have launched congressional investigations against Planned Parenthood, we are writing to request that you suspend these investigations, which are based on the potentially illegal actions of a radical anti-abortion group that has admitted to falsifying documents, lying to their own contributors, and deceptively editing secretly-recorded videos in a three-year crusade against Planned Parenthood.

However, if you choose to move forward, we request that our committees also investigate the actions of David Daleiden and his organization, the Center for Medical Progress, which—in contrast to Planned Parenthood—may have violated numerous state and federal laws in their clandestine effort to roll back the rights of millions of women across the country who rely on the legal and critical healthcare services provided by Planned Parenthood every day.

As more information has come to light about Planned Parenthood's involvement in fetal tissue research, it has become apparent that the allegations against the organization are without merit. Last week, Planned Parenthood sent a detailed letter to congressional leaders providing background on its affiliates' compliance with the laws governing fetal tissue research. This letter detailed that there is no credible evidence of wrongdoing by Planned Parenthood:

All of Mr. Daleiden's efforts to entrap our affiliates into potentially illegal contracts failed. In fact, there is no evidence in any of the videos that our affiliates have ever received anything more than reimbursement for their reasonable costs, as the law permits.¹

The letter continued:

¹ Letter from Cecile Richards, President, Planned Parenthood Federation of America, to Speaker John A. Boehner, Minority Leader Nancy Pelosi, Majority Leader Mitch McConnell, and Minority Leader Harry Reid (Aug. 27, 2015).

[D]espite Mr. Daleiden's three-year effort to entrap Planned Parenthood, he failed to succeed in convincing even a single affiliate to enter into a procurement contract with his fake company.²

The letter also explained that five states that have investigated Planned Parenthood's involvement in fetal tissue research have "cleared Planned Parenthood of any wrongdoing."³

The letter also made clear that supporting legal fetal tissue research is only a small part of Planned Parenthood's work as the country's foremost provider of reproductive healthcare for women. According to the letter, "Despite a deliberate and systematic effort to distort our role, only two of 59 Planned Parenthood affiliates are currently involved with fetal tissue research." The letter further noted that, "Altogether, the health centers at the affiliates involved with fetal tissue research represent 1% of our centers." Finally, the letter explained that Planned Parenthood "adheres to the highest standards and follows all laws," as do its few affiliates that participate in fetal tissue research.⁴

In contrast, Mr. Daleiden and his organization may have violated a host of state and federal laws, including laws against filing false documents with government agencies, falsely impersonating a legitimate business concern, soliciting charitable contributions under false pretenses, and secretly recording Planned Parenthood officials without their consent.

In addition, a forensic analysis recently concluded that the undercover videos released by the Center for Medical Progress "cannot be relied upon for any official inquiries."⁵ This analysis found that even the "full footage" videos contain "cuts, skips, missing tape, and changes in camera angle," as well as "numerous intentional post-production edits" that in one case resulted in "more than 30 minutes of missing video."⁶ This analysis found that the underlying video transcripts contain "numerous errors, discrepancies, and omissions" that "render them useless as 'evidence.'"⁷

It appears that the California Attorney General has launched an investigation of Mr. Daleiden and his organization.⁸ However, within the last two weeks, attorneys for Mr. Daleiden

² *Id.*

³ *Id.*

⁴ *Id.* See also George P. Topulos, M.D., Michael F. Greene, M.D., and Jeffrey M. Drazen, M.D., *Planned Parenthood at Risk*, *New England Journal of Medicine* (Aug. 12, 2015) (online at www.nejm.org/doi/full/10.1056/NEJMe1510281).

⁵ *CMP Analysis*, Fusion GPS (Aug. 25, 2015).

⁶ *Id.*

⁷ *Id.*

⁸ *Kamala Harris to Review Group Behind Planned Parenthood Abortion Videos*, *Sacramento Bee* (July 24, 2015) (online at www.sacbee.com/news/politics-government/capitol-alert/article28666714.html).

The Honorable Jason Chaffetz, Chairman, Committee on Oversight and Government Reform
The Honorable Bob Goodlatte, Chairman, Committee on the Judiciary
Page 3

have indicated that he and others involved in this scheme intend to invoke their Fifth Amendment rights rather than defending the dubious actions of their organization.⁹

Our committees are actively pursuing aggressive investigations of Planned Parenthood even though we have seen no credible evidence that the organization has done anything unlawful: the Oversight Committee sent detailed document requests to Planned Parenthood and the Department of Health and Human Services on August 14, 2015, and the Judiciary Committee sent letters to the Justice Department on July 17 and August 17, 2015, and to 58 Planned Parenthood affiliates on August 19, 2015, and has scheduled a hearing for September 9, 2015. Yet, thus far our committees have taken no action whatsoever to investigate the potentially illegal actions of Mr. Daleiden and his group.

Based on these facts, we call on you to halt these one-sided investigations immediately. Millions of women across the country rely on Planned Parenthood for critical health services, and they should not be denied their rights under the law and the Constitution based on the Center for Medical Progress's warped—and ultimately unsuccessful—effort to entrap Planned Parenthood.

Sincerely,



Elijah E. Cummings
Ranking Member
Committee on Oversight and
Government Reform



John Conyers
Ranking Member
Committee on the Judiciary

⁹ Civil Minutes, *National Abortion Federation v. Center for Medical Progress* (case no. 15-cv-03522-WHO) (Aug. 21, 2015) (online at <http://prochoice.org/wp-content/uploads/2015-08-21-78-Civil-Minutes.pdf>).