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ENERGY AND COMMERCE COMMITTEE
SUBCOMMITTEE ON OVERSIGHT AND
INVESTIGATION

SUBCOMMITTEE ON COMMERCE, TRADE
AND CONSUMER PROTECTION

SUBCOMMITTEE ON HEALTH

Congress of the United States
House of Representatives
Washington, DC 20515-4329

July 28, 2015

The Honorable Tim Murphy
Chairman
Subcommittee on Oversight and Investigations
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Murphy,

I am writing to you regarding your recently launched investigation into the practices of Planned Parenthood Federation of America. I am disappointed that you have decided to open an investigation based on a clearly manipulated, deceptively edited video by an organization using ethically and legally questionable tactics. However, since your public statements make clear that you plan to pursue this investigation, we ask that you ensure that the information that the Committee is relying on is authentic and complete, including any exculpatory footage that may be in the possession of the Center for Medical Progress.

The video footage released by the Center for Medical Progress does not indicate that Planned Parenthood Federation of America violated any applicable laws in its tissue donation practices. Viewing the video of Dr. Deborah Nucatola and the so-called sales representatives from “BioMax” reveals that she was not “selling” fetal tissue, as its proponents and as some members of Congress have alleged. Dr. Nucatola makes clear at 10 different points throughout the nearly three-hour video that it is not the practice of Planned Parenthood to sell tissue or profit from tissue donations.¹ A second video, documenting a meeting with Dr. Mary Gatter, further underscores that Planned Parenthood does not “sell” fetal tissue.²

The misleading editing brings into question the reliability of any information provided by the Center for Medical Progress. The Center for Medical Progress deceptively misrepresented its goals and objectives to Planned Parenthood employees on a consistent basis to get access to information they otherwise would not have been privy to.³ Additionally, as other members of

¹ *Transcript by the Center for Medical Progress* (July 25, 2014) (online at www.centerformedicalprogress.org/wp-content/uploads/2015/05/PPFAtranscript072514_final.pdf).

² *Transcript from the Center for Medical Progress* (February 6, 2015) (online at www.centerformedicalprogress.org/wp-content/uploads/2015/05/PPFA020615_transcript.pdf).

³ This organization is described in its own Internal Revenue Service filings innocuously as a “a non-profit organization dedicated to informing and educating both the lay public and the

Congress have pointed out, the organization may have violated state and federal laws in submitting false statements to state and federal governmental entities and filming individuals without their consent.⁴ Moreover, according to a complaint filed by the American Democracy Legal Fund, the Center for Medical Progress may have violated California criminal laws in soliciting charitable donations under the guise of operating as a “non-profit organization dedicated to informing and educating both the lay public and the scientific community about the latest advances in regenerative medicine, cell-based therapies, and related disciplines,” while misrepresenting the true purpose of the “charitable” organization.⁵ California Attorney General Kamala Harris has also announced an investigation into whether the Center for Medical Progress violated California state law.⁶

A third video, released today, further calls into question the operations of the Center for Medical Progress and the legality of its tactics.⁷ The video includes footage from inside a laboratory of a technician analyzing fetal tissue. The laboratory staff seem unaware that they are being recorded. This video raises issues with how the Center for Medical Progress staff misrepresented themselves in order to gain access to the lab, and whether they informed lab personnel that they were recording while inside. Furthermore, it brings up serious questions of egregious violations of patient privacy and consent.

Recent press reports indicate that some Committee members had seen the Center for Medical Progress videos weeks in advance of their public release and have specific knowledge of additional non-public video footage.⁸ Additionally, press reports suggest that the Center for Medical Progress “has thousands of hours of these tapes” that have not yet been publicly released.⁹

scientific community about the latest advances in regenerative medicine, cell-based therapies, and related disciplines. We take a special interest in the lab-to-clinic translational dynamic and tracking its implications for academics, advocacy, private sector players, and the individual patient.”

⁴ Letter from Rep. Jan Schakowsky et. al., to The Honorable Loretta E. Lynch, Attorney General, U.S. Department of Justice and The Honorable Kamala Harris, Attorney General, California Department of Justice (July 21, 2015).

⁵ Letter from Brad Woodhouse, President, American Democracy Legal Fund, to Kamala Harris, Attorney General, California Department of Justice (July 21, 2015) (online at americandemocracy.org/american-democracy-legal-fund-requests-full-investigation-into-the-center-for-medical-progress).

⁶ *Kamala Harris to review group behind Planned Parenthood abortion videos*, Sacramento Bee (July 24, 2015).

⁷ *Human Capital: Episode 1*, Center for Medical Progress (July 28, 2015).

⁸ Samar Khurshid, *Lawmakers Knew About Planned Parenthood Video Weeks Ago (Video)*, Roll Call (July 16, 2015).

⁹ Anna Palmer and John Bresnahan, *Planned Parenthood does damage control as GOP demands answers*, Politico (July 22, 2015).

I ask that you provide all Energy and Commerce Committee members with any and all video footage, documentation, or other materials you and other members of the Committee may have received from the Center for Medical Progress, either electronically or in hard copy. As this is a Committee investigation, pursuant to House Rule XI(e)(2)(A), all members of the Committee, and in fact all members of the House of Representatives, are entitled to have full access to these materials.¹⁰

Additionally, I ask that you request that the Center for Medical Progress provide the following to the Committee for immediate inspection: any and all footage taken by the Center for Medical Progress, and any of its employees, contractors, or affiliates, of any employees of Planned Parenthood Federation of America or its affiliates. It is critically important that all members of the Committee be given access to the full story, given the questions surrounding the reliability of the Center for Medical Progress and the legality of their practices, as well as the distinct possibility that hundreds or even thousands of hours of exculpatory video footage are otherwise unlikely to ever see the light of day.

Those running the Center for Medical Progress appear to be part of a coordinated campaign to discredit Planned Parenthood by extremists who believe that women should not be able to exercise their legal right to safe reproductive health care. The Oversight and Investigations Subcommittee should not be used as a platform to elevate this private agenda. However, if this Committee chooses to continue to pursue this investigation, I ask that members on both sides have unequivocal and equal access to the full, complete record.

Sincerely,



Diana DeGette
Ranking Member
Subcommittee on Oversight and Investigations

¹⁰ House Rule XI(e)(2)(A) provides: “Except as provided in subdivision (B), all committee records (including hearings, data, charts, and files) shall be kept separate and distinct from the congressional office records of the member serving as its chair. Such records shall be the property of the House, and each Member, Delegate, and the Resident Commissioner shall have access thereto.”