

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
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October 6, 2015

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

Dear Mr. Chairman:

During an appearance last week on CNN's *Situation Room with Wolf Blitzer*, you conceded that after the Committee's intensive, two-month investigation of Planned Parenthood, there is no evidence that the organization has violated any laws.

Your admission came after Planned Parenthood had produced tens of thousands of documents and after Cecile Richards, the head of the organization, voluntarily answered hundreds of questions from Committee Members for nearly five hours during a public hearing at which you praised her for being "very cooperative." Your admission also came after numerous states cleared Planned Parenthood of any violations of law.

Unfortunately, despite your admission, last week your staff sent a new round of highly invasive and completely unjustified document requests to Planned Parenthood that have no link to any allegations of wrongdoing.

We believe it is inappropriate for the Committee to continue harassing Planned Parenthood for political reasons—with no evidence of any wrongdoing—simply to force the group to squander millions of dollars in legal fees that could be going to support breast exams, cancer screenings, and other critical women's healthcare services.

If you decide to continue with this investigation, we request that you now compel David Daleiden and his organization, the Center for Medical Progress, to immediately begin producing documents that have been requested of his group over the past two months relating to his deceptive three-year campaign against Planned Parenthood—none of which have been produced to date.

In addition, since you have refused repeated requests to allow Committee Members to question Mr. Daleiden at a public hearing, we also request that you send the attached interrogatories to Mr. Daleiden on behalf of the Committee.

Unlike Planned Parenthood, Mr. Daleiden and his group engaged in a host of potentially illegal activities, including 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.

Continuing to shield Mr. Daleiden and his organization from accountability creates the unfortunate impression that the Committee is more interested in attacking Planned Parenthood than in an even-handed investigation of potential violations of law.

Failure to Produce Subpoenaed Documents

Planned Parenthood has produced more than 20,000 pages of documents to the Committee in five productions on September 3, 11, 14, 18, and 22, and it is producing additional documents on a rolling basis. In contrast, the Center for Medical Progress has not produced a single document to the Committee, despite receiving a subpoena on September 15, 2015.

On August 20, 2015, Ranking Member Cummings sent a letter to Mr. Daleiden requesting that he produce seven broad categories of documents that were roughly parallel to the seven categories of documents the Committee requested from Planned Parenthood, including documents the group submitted to the Internal Revenue Service and copies of all videos the group had in its possession.¹

Mr. Daleiden produced no documents in response to this request.

On September 9, 2015, you and Rep. Jim Jordan sent Mr. Daleiden a letter which, in addition to requesting video footage, also requested the following documents:

All documents and communications referring or relating to the acquisition, preparation, and sale of fetal tissue, including, but not limited to, documents and communications referring or relating to the involvement of Planned Parenthood and its affiliates in the sale of fetal tissue, manipulation of abortion procedures, and/or related conversations.²

Mr. Daleiden produced no documents in response to this request.

On September 15, 2015, you issued a subpoena demanding that Mr. Daleiden produce video footage, as well as the same set of documents you requested previously:

¹ Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to David Daleiden, Chief Executive Officer, Center for Medical Progress (Aug. 20, 2015) (online at <http://democrats.oversight.house.gov/news/press-releases/documents-sought-from-group-that-may-have-violated-law-in-targeting-planned>).

² Letter from Chairman Jason Chaffetz and Rep. James Jordan, House Committee on Oversight and Government Reform, to David Daleiden, Executive Director, Center for Medical Progress (Sept. 9, 2015).

All documents and communications referring or relating to the acquisition, preparation, and sale of fetal tissue, including, but not limited to, documents and communications referring or relating to the involvement of Planned Parenthood and its affiliates in the sale of fetal tissue, manipulation of abortion procedures, and/or related conversations.³

Mr. Daleiden produced no documents in response to the subpoena.

Instead, on September 22, 2015, Mr. Daleiden's attorney sent a letter disregarding all previous requests and demands for documents. Mr. Daleiden's attorney wrote that he was "compiling and reviewing the requested video footage," and he noted that some of the video footage may be covered by a Temporary Restraining Order issued by the U.S. District Court for the Northern District of California.⁴ However, the letter made no mention of any effort to compile and produce documents.

To date, although Mr. Daleiden may have produced some video footage to the Committee, he has not provided a single page of documents. We request that you compel Mr. Daleiden to begin producing all documents previously requested by letter and required by the Committee's subpoena of September 15, 2015.

Failure to Provide Testimony

On September 29, 2015, Ms. Richards testified voluntarily before the Oversight Committee for nearly five hours. In contrast, you have declined to allow Committee Members to question Mr. Daleiden directly at a public hearing.

On September 3, 2015, Ranking Member Cummings sent you a letter objecting to proceeding with a one-sided investigation that had identified no credible evidence that Planned Parenthood engaged in any illegal activity. He also requested, if you chose to move forward, that the Committee also investigate the actions of Mr. Daleiden and his organization, which—in contrast to Planned Parenthood—may have violated numerous state and federal laws.⁵

You never responded to this letter.

On September 21, 2015, all 18 Democratic Committee Members wrote to you, asking that the Committee invite Mr. Daleiden to testify at the hearing with Ms. Richards on September 29. We wrote:

³ Subpoena to David Daleiden, Executive Director, Center for Medical Progress (Sept. 15, 2015).

⁴ Letter from Peter Breen, Counsel for Center for Medical Progress, to Chairman Jason Chaffetz, House Committee on Oversight and Government Reform (Sept. 22, 2015).

⁵ Letter from Ranking Members Elijah E. Cummings and John Conyers to Chairmen Jason Chaffetz and Bob Goodlatte, House Committee on Oversight and Government Reform and House Committee on the Judiciary (Sept. 3, 2015).

In holding next week's hearing, it is clear that the Committee will be relying extensively on the results of Mr. Daleiden's potentially illegal and covert activities, his secretly-recorded videos, and his documents that have now been subpoenaed. For precisely this reason, it is critical to hear from him directly at next week's hearing.⁶

You never responded to this letter.

On September 25, 2015, Ranking Member Cummings wrote again to you, proposing that the Committee issue a subpoena to compel Mr. Daleiden's testimony if he were unwilling to appear voluntarily.⁷

You never responded to this letter.

At the hearing with Ms. Richards on September 29, you declined to commit to inviting Mr. Daleiden to testify in the future. As a result, we invoked our rights under House rules to seek a minority day of hearings with Mr. Daleiden as the witness, and Ranking Member Cummings entered into the hearing record our letter preserving this right.

Since you have blocked Democratic Committee Members from questioning Mr. Daleiden directly since this investigation began, we now request that you send the attached interrogatories and request Mr. Daleiden's responses by October 20, 2015.

Conclusion

During our hearing last week with Planned Parenthood, you indicated numerous times that the Committee's goal was to obtain "the totality of the record." As you stated, "there is more to this story, there is more that needs to come out."⁸ If this is in fact our goal, we hope you will agree to this request. Thank you for your consideration.

Sincerely,



⁶ Letter from Ranking Member Elijah E. Cummings et al. to Chairman Jason Chaffetz, House Committee on Oversight and Government Reform (Sept. 21, 2015).

⁷ Letter from Ranking Member Elijah E. Cummings to Chairman Jason Chaffetz, House Committee on Oversight and Government Reform (Sept. 25, 2015).

⁸ House Committee on Oversight and Government Reform, *Hearing on Planned Parenthood's Taxpayer Funding*, 114th Cong. (Sept. 29, 2015).

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