

# EXECUTIVE SUMMARY

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On July 14, 2015, anti-abortion activist David Daleiden and the “Center for Medical Progress” (“Daleiden/CMP”) publicly released the first of their deceptively-edited videos and falsely alleged that providers and others were “profiting” from the sale of fetal tissue. These videos were the product of a multi-year effort to secretly record Planned Parenthood employees and others in order to entrap them into agreeing to violate the law, which proved unsuccessful. Daleiden and his associates used false names and created a fake company (“BioMax Procurement Services”) to carry out their fraudulent scheme.

Anti-abortion lawmakers seized on the false videos to attack Planned Parenthood. They tried repeatedly to pass legislation to “defund Planned Parenthood” by denying the organization federal reimbursement for the preventive health services it provides to millions of Americans.

Three House Committees – Oversight and Government Reform, Energy and Commerce, and Judiciary – also immediately launched investigations. While demanding thousands of documents and testimony from Planned Parenthood, all three Republican Chairs refused to question Daleiden and his associates.

None found wrongdoing by Planned Parenthood. As Republican Chairman Jason Chaffetz admitted following the Oversight and Government Reform Committee’s investigation:

“Was there any wrongdoing? I didn’t find any.”

Nor did thirteen states – Arizona, Florida, Georgia, Indiana, Kansas, Massachusetts, Michigan, Missouri, Nevada, Ohio, Pennsylvania, South Dakota, and Washington – that also investigated. Eight more states found that there was insufficient evidence even to warrant investigation.

A Texas grand jury tasked by Republican lawmakers to investigate Planned Parenthood also cleared the organization of wrongdoing and indicted Daleiden and one of his associates instead. Those charges were later dismissed on technical legal grounds, but Daleiden remains under investigation elsewhere.

House Republicans nonetheless created the Select Investigative Panel (“Select Panel”) in October 2015. Founded on false allegations, this investigation has perpetuated those lies and has been used by Republicans as a political weapon to punish women, their doctors, and researchers.

Adopting McCarthy-era tactics to demand names and bully witnesses, Panel Republicans have conducted an end-to-end attack on fetal tissue donation and women’s health care. Operating largely out of public view, they have abused congressional authority and made repeated inflammatory claims of criminal misconduct in continued reliance on the discredited Daleiden/CMP videos and without any actual evidence of wrongdoing.

Fifteen months and more than \$1.5 million taxpayer dollars later, the American people deserve an accurate accounting of what the Select Panel has learned.

Our report makes 14 findings based on the evidence we obtained, and further discredits the inflammatory Daleiden/CMP video allegations. In general, the report finds:

- Researchers use fetal tissue because it remains an irreplaceable resource for understanding fetal and human development and seeking treatments and cures for a vast array of conditions – including Alzheimer’s disease, diabetes, macular degeneration, and HIV/AIDS – that afflict millions.
- Planned Parenthood affiliates do not profit and actually lose money when they facilitate fetal tissue donation, as do other clinics.
- The key concern for providers is always patient safety, and they do not alter the timing or method of abortions or violate the “partial birth abortion ban” to enhance fetal tissue donation.
- There is no evidence that tissue procurement organizations profit by charging and receiving more for fetal tissue than the costs that they incur for their services.

Our report also documents the harm caused to life-saving research and women’s health care as well as the grave abuses committed by Panel Republicans over the course of this investigation.

In line with our findings, our report makes 5 recommendations. Because the fundamental goal of the Panel Democrats has always been to ensure that public policy is based on facts – not false, manufactured allegations – our recommendations seek to combat the anti-fact, anti-research, and anti-health approach that Panel Republicans have taken.

Those recommendations are to:

- Support fetal tissue research so that this and future generations might benefit from advances in medical research on new vaccines to prevent the Zika virus, Dengue fever and other infectious conditions and debilitating diseases like ALS (“Lou Gehrig’s Disease”), Alzheimer’s disease, and infant and childhood leukemia.
- Protect women and reproductive health care providers from illegal anti-abortion violence so that no woman has to fear going to her doctor and no health professional must risk being killed for ensuring that women get the health care that they need.
- Reject efforts to “defund Planned Parenthood” and ensure that Medicaid beneficiaries can continue to receive quality preventive health care at Planned Parenthood health centers across the country.

- Pass legislation that enhances the health and wellbeing of women and their families by ensuring access to the full range of reproductive health care and providing other protections against improper discrimination.
- Require procedures that ensure bipartisan cooperation and participation in any future select investigations.

Set forth below are some highlights from our report.

## **FETAL TISSUE RESEARCH**

The Panel received overwhelming evidence of the indispensable role that fetal tissue research plays in advancing our understanding and treatment of a staggering array of conditions. These include, as highlighted in our report: Alzheimer’s disease, ALS, diabetes, HIV/AIDS, infant and childhood leukemia, macular degeneration, preterm birth, spinal cord injury, vaccine research, and the Zika virus.

At the Panel’s first hearing, Dr. Lawrence Goldstein – a neuroscientist at the University of California, San Diego – testified about his work using fetal tissue to study Alzheimer’s disease and multiple sclerosis (“MS”). That work involves the use of reprogrammed stem cells along with fetal cells to make Alzheimer’s-type brain cells in order to “understand what is going wrong and develop drugs that curtail the problems that happen biochemically.”

He highlighted the real-world consequences of Republican attacks on fetal tissue research, explaining that an MS research project that he was working on “is basically seeing a supply of fetal material dry up completely and it was a very promising therapy for MS.” Another researcher whose work on MS was postponed because of the lack of fetal tissue needed to proceed noted that “this kind of delay . . . results in the additional deaths of people who could have been rescued.”

Evidence obtained by the Panel confirmed their experience. Fewer providers now facilitate donation, with only two of the six Planned Parenthood affiliates that had been facilitating donation still providing this service. Three stopped because of the threats and controversy caused by the Daleiden/CMP videos.

Tissue procurement organizations have been similarly affected. One reported to the Panel that “due in large part to the costs born from having to respond to these congressional inquiries, [the company] is no longer doing business. It has come to the end of the line in terms of resources.”

As a result, promising research into conditions and diseases that afflict millions of Americans has been halted or delayed. Doctors and researchers who conduct this life-saving research – who have been compared to Nazi war criminals by witnesses and Panel Republicans – fear for their personal and professional wellbeing.

As the University of California, Los Angeles, told the Panel, one laboratory “reduced their effort on studies that require fetal tissues, despite the importance of this research, due to concerns about personal safety.”

## **SAFETY AND ACCESS TO CARE**

The threats against Planned Parenthood – and particularly the providers and clinics identified in the fraudulent Daleiden/CMP videos – were immediate and so severe that after release of the first video one affiliate stopped its donation program that same day.

Death threats required a 24-hour security detail for some doctors; and, for security reasons, one has never returned to the clinic where she was working when the videos were released. As she explained to the Panel:

I still fear for my safety when I’m out in public. More importantly, I fear for the safety of my family members, members who have been harassed simply because they share my name, including some who are even too young to understand what is happening.

In light of the violence directed against providers and researchers, almost everyone contacted by Panel Republicans was reluctant to provide names and personal information without protective rules in place.

Despite this, Panel Republicans used unilateral subpoenas – or the threat of subpoenas – to demand that universities and clinics turn over the names of doctors, researchers, students, and staff involved in reproductive health care or fetal tissue research. Republicans refused to put any rules in place, reneged on public and private promises to safeguard the names that they demanded and – instead – publicly revealed the identities of some of the key targets of their investigation.

Throughout, they refused to explain why they needed to amass a database of names. At the Panel’s first hearing in March 2016, Representative Jerrold Nadler pressed for an answer:

Rep. Nadler: “Madam Chair, will you explain how the names of individual medical or graduate students, researchers, health care providers, and clinic personnel are pertinent to this investigation?”

Chair Blackburn: “No, sir, I am not going to do that.”

Panel Republicans similarly refused to provide any objective basis for demanding documents and testimony from doctors who perform abortions. These witnesses – all of whom were women and half of whom are not even involved in fetal tissue donation – were questioned about lawful, constitutionally-protected activities including, for example: who provides private funds for reproductive health care; what do doctors discuss at provider meetings; who do they consult about taking jobs; and whether and how long they have known each other.

Chair Blackburn even sent a “criminal referral” alleging that the relationship between the University of New Mexico (“UNM”) and a nearby clinic, Southwestern Women’s Options, was “too close” and warranted investigation by the state’s Attorney General. Panel Republicans expressed displeasure that UNM provides reproductive health care and takes steps to ensure that medical residents and fellows obtain training that is mandated by various accrediting institutions. These activities do not implicate a single criminal law.

In response to this referral, Forbes contributor Charles Tiefer wrote:

Being “too close” – the committee’s accusation – is exactly the routine relationship that universities and community partners, including medical schools and physicians across the spectrum of medical specialties, have, and that the law allows and should encourage for the sake of medical training and research.

As with the House Un-American Activities Committee and Senator Joe McCarthy, the goal is to punish doctors because they engage in a lawful activity – providing abortion for women who want and need this service – that Panel Republicans oppose. As Representative Nadler remarked “this committee is worse than the McCarthy investigations” because, while McCarthy endangered people’s jobs, this Panel “is knowingly endangering people’s lives.”

The interviews demanded by Panel Republicans did not reveal any wrongdoing. Instead, they confirmed that Planned Parenthood and others provide safe, high-quality, lawful care that affords women a meaningful opportunity to make a fundamentally personal, and constitutionally-protected, decision about pregnancy. As one doctor explained:

Abortion has been as far as we know with us always historically in all societies, and when abortion is illegal . . .that has very little impact on the actual occurrence or even rate of abortion, but it has a huge impact on its safety.

The fact that Planned Parenthood and others provide “this legal service in as safe as possible manner, it is a big improvement in women’s health.”

Witness testimony also confirmed that Planned Parenthood provides a broad range of preventive health services – including counseling and education, contraception, and an assortment of health and infectious disease screenings – sometimes in settings where there is no other option for the women and families who need this care.

## **NO WRONGDOING**

By the time the Select Panel was established in October 2015, Congress already knew that Planned Parenthood was not profiting from the sale of fetal tissue. The organization had already produced more than 25,000 pages of documents; its doctors and staff had briefed the Energy and Commerce Committee; and its President, Cecile Richards, had testified for nearly five hours before the House Oversight and Government Reform Committee.

The Select Panel confirmed what Congress already knew – there was no wrongdoing by Planned Parenthood. In fact:

- Only six of Planned Parenthood’s fifty nine affiliates have facilitated fetal tissue donation since 2010. Of these six, four no longer do so. Two of the six did not receive any reimbursement for costs; the other four affiliates were reimbursed between \$35 and \$60 for each donation.
- As of October 2015, Planned Parenthood Federation of America (“PPFA”) announced that – in “order to completely debunk” the allegations against it – none of its affiliates that elect to facilitate fetal tissue donation will accept any reimbursement for their costs moving forward.
- The key concern for providers is patient safety, and they do not alter the timing or method of abortion or violate the “partial birth abortion ban” to enhance fetal tissue donation.

As one expert in the use of fetal tissue research publicly stated in July 2015, “[in] reality, \$30-\$100 probably constitutes a loss for [Planned Parenthood]. The costs associated with collection, processing, storage, and inventory and records management for specimens are very high.”

Other clinics contacted by Panel Republicans produced documents showing that many receive no reimbursement for costs when they facilitate fetal tissue donation. Others receive similarly minimal amounts, usually ranging between \$50 and \$75.

Tissue procurement organizations – StemExpress, Advanced Biosciences Resources, Inc. (“ABR”), DV Biologics, and Novogenix – consistently explained that costs related to fetal tissue procurement exceeded revenue that they received for this service.

Some also explained that, in addition to transferring unaltered fetal tissue to researchers, they also work with a range of specimens and derivative products. These research products are not subject to the federal ban on profit that applies to fetal tissue.

These companies also offered witnesses to explain their business practices and answer the Panel’s questions. Panel Republicans refused these offers, electing instead to levy allegations – and to send “criminal referral” letters to the Department of Justice and various state entities – based on their own interpretation of documents and staff-created “exhibits.” But the Select Panel uncovered no actual evidence of wrongdoing.

## **REPUBLICAN ABUSES**

On October 25, 2015, and shortly after being named chair, Chair Blackburn stated on FOX News: “you’re going to see us work as a fact-finding information gathering committee” that will “follow where those facts take us in finding answers for the American people.”

Chair Blackburn has broken that pledge.

After refusing to adopt an investigative plan or rules to govern the Panel's work, Republicans issued forty-two unilateral and unjustifiable subpoenas in violation of House rules, denied Democrats access to Committee records, and held Republican-only negotiations, briefings, and interviews.

They reneged on public and private promises to protect individual safety and security and, instead, publicly identified and condemned targets of their investigation. Many of these individuals and entities were never afforded an opportunity to appear and answer the Panel's questions. For the ten women who were commanded to appear, Chair Blackburn did not attend their interviews where they consistently rebutted inflammatory allegations of wrongdoing.

The abuse of more than \$1.5 million additional taxpayer dollars to chase the inflammatory and discredited allegations of anti-abortion extremists for purely partisan and illegitimate purposes – to punish researchers and doctors engaged in lawful activities – dishonors and discredits the House of Representatives.

Section IV of this report sets forth several examples of the abusive conduct of Panel Republicans. This representative list, along with Appendix A – which includes our correspondence with the Chair over the course of this investigation – provides a historical record for Congress to consult before establishing any future select committees or panels.