



July 23, 2015

The Honorable Fred Upton, Chairman
House Energy and Commerce Committee
2125 Rayburn House Office Building
Washington, DC 20515

RE: Planned Parenthood Response to Request for Information

Dear Chairman Upton:

In your letter of July 17, 2015, the U.S. House of Representative's Committee on Energy and Commerce has rightly requested information and a briefing regarding Planned Parenthood's practices relating to fetal tissue collection and sale or donation. The video footage recorded by the Center for Medical Progress (CMP), which shows Planned Parenthood Senior Medical Director, Dr. Deborah Nucatola, discussing how she harvests the hearts, livers, and lungs from the babies she aborts, demands investigation into potential unethical and illegal activity. The need for a thorough investigation has been reinforced by the CMP's subsequent release of a second recorded conversation with another senior level Planned Parenthood abortion doctor, Mary Gatter, who serves as President of the organization's Medical Directors' Council.

The July 20, 2015 letter addressed to you by Planned Parenthood Federation of America (PPFA) Senior Counsel, Roger Evans, reinforces many of the Committee's expressed concerns. While Americans United for Life (AUL) does not represent the CMP and thus some of Planned Parenthood's accusations are beyond our purview to address, we are compelled to bring to the Committee's attention serious problems raised by the Planned Parenthood letter. As will be explained below, Planned Parenthood's letter:

- Elevates concern that “the process and timing of an abortion is manipulated for purposes of collecting fetal tissue;”
- Confirms the necessity of a thorough investigation into “the price or fee collected by Planned Parenthood for fetal tissue, including what guidance or criteria, if any, Planned Parenthood

provides to its affiliates on prices and fees...;” and

- Suggests that the unethical and illegal activity appears to go well beyond an individual and may be organization-wide.

Planned Parenthood’s long history of unethical activity provides further support for a complete investigation by the Committee. As AUL has documented, several former Planned Parenthood employees from across the country have testified to its dangerous and corrupt practices.

I. Planned Parenthood’s letter elevates concern that “the process and timing of an abortion is manipulated for purposes of collecting fetal tissue.”

Federal law prohibits “alteration of the timing, method, or procedures used to terminate the pregnancy...solely for the purposes of obtaining the tissue.” **42 U.S.C. 289g-1.**

PPFA’s Senior Counsel writes to the Committee: “We also believe there are multiple taped interactions initiated by [the undercover investigative group] discussing whether and how a physician could adjust an abortion if the patient has requested to donate tissue for medical research, and we believe that these extremists will manipulate those videos to make more false claims.”

However, the already-public conversation by its Senior Medical Director, Dr. Deborah Nucatola, raises concerns that Planned Parenthood is unethically—and illegally—altering its abortion procedures to harvest hearts, livers, lungs and other body parts.

In the recorded conversation, Dr. Nucatola explained that in a “research case” (where a baby’s organs are to be harvested) she will strategically “crush” (her word) live, healthy babies to preserve their hearts, lungs, and livers:

So then you’re just kind of cognizant of where you put your graspers, you try to intentionally go above and below the thorax, so that, you know, we’ve been very good at getting heart, lung, liver, because we know that, so I’m not going to crush that part, I’m going to basically crush below, I’m going to crush above, and I’m going to see if I can get it all intact.

This was not a theoretical conversation. Planned Parenthood’s Senior Medical Director described how she, in fact, treats abortions differently based on whether or not she intends to harvest a baby’s body parts.

When asked “how much of difference can that actually make if you know kind of what’s expected or what [body parts] we need?” Dr. Nucatola replied: “It makes a huge difference.”

Subsequently, the Center for Medical Progress has released a second recorded conversation with another senior level Planned Parenthood employee that supports the concern that harvesting of aborted baby parts at Planned Parenthood relies on altering an abortion procedure.

Dr. Mary Gatter, Planned Parenthood Federation of America’s Medical Directors’ Council President, stated a willingness to alter abortion procedures for the purpose of tissue procurement:

“I wouldn’t object to asking Ian, who’s our surgeon who does the cases, to use an IPAS [manual vacuum aspirator] at that gestational age in order to increase the odds that he’s going to get an intact specimen.”

Dr. Gatter describes as “kind of a specious little argument” that some may consider this problematic because:

“if our usual technique is suction at 10 to 12 weeks, and we switch to using an IPAS [manual vacuum aspirator] or something with less suction, or to increase the odds that it will come out as an intact specimen, then we’re kind of violating the protocol that says to the patient ‘we’re not doing anything different in our care of you.’”

What Dr. Gatter considers a “specious little argument” has broader implications than violating the protocol for patients—it implicates violations of federal law.

Planned Parenthood’s expectation that “multiple” similar statements from other Planned Parenthood employees will be disclosed speaks volumes. Planned Parenthood apparently knows that the already public shocking admissions by its senior level employees are not isolated aberrations.

Planned Parenthood’s letter corroborates the need to thoroughly investigate whether Planned Parenthood affiliates violate federal law’s prohibition on “alteration of the timing, method, or procedures used to terminate the pregnancy...solely for the purposes of obtaining the tissue.”

II. Planned Parenthood’s letter confirms the necessity of a thorough investigation into “the price or fee collected by Planned Parenthood for fetal tissue, including what guidance or criteria, if any, Planned Parenthood provides to its affiliates on prices and fees...”

Federal law prohibits any person to “knowingly acquire, receive, or otherwise transfer any fetal tissue for valuable consideration if the transfer affects interstate commerce.” **42 U.S.C. 282g-2(a).**

PPFA’s Senior Counsel writes to the Committee that “[i]n fact, ten times during the conversation, Dr. Nucatola said Planned Parenthood would not sell tissue or profit from tissue donations, and all ten instances were cut out of the video, misleading the public into thinking she said something she didn’t.”

Dr. Nucatola’s full comments, however, make it clear that Planned Parenthood’s paramount concern is about creating a *perception* that they are not selling aborted baby parts (the “tissue” in question) for profit.

For example, Planned Parenthood’s Dr. Nucatola stated:

- “*They just want to do it in a way that is **not perceived as**, ‘this clinic is selling tissue, this clinic is making money off this.’”*
- “*They want to come to a number that **doesn’t look like** they’re making money.”*
- “*They want to come to a number that **looks like** it is a reasonable number for the effort that is allotted on their part.”*

Even what PPFA’s Senior Counsel cites as an “important passage” in which it asserts Dr. Nucatola “explain[s] that the amount had to be based on the clinic’s costs” is framed in terms of concern about perception: “***It’s really just about if anyone were ever to ask them, well what do you do for this \$60, how can you justify that?...***”

Planned Parenthood’s claim also selectively ignores the admissions by its Senior Medical Director that the “guidance” it gives to affiliates (which Dr. Nucatola specifically notes they have deliberately refused to commit to writing) prohibits only flag-raising exorbitant profits.

Planned Parenthood’s Dr. Nucatola stated:

- “*If [Planned Parenthood affiliates] can do a little **better than break-even** and do so in a way that seems reasonable, they’re happy to do it.”*
- “*Really, the guidance [from Planned Parenthood Federation of America] is this is not something that you should be making **an exorbitant amount of money on.***”
- “*If anything, you can make it better to their bottom line by giving them services in kind instead of money.”*

PPFA’s Senior Counsel, Roger Evans, writes to the Committee that the video was misleading because “[n]early all the references to ‘tissue donation’ were edited out of the video excerpt.” Whether

Planned Parenthood references its activity as “tissue donation” fails to answer the question at hand of whether its affiliates are violating federal law by doing “better than break-even” on the harvesting of baby parts.

Contrary to Planned Parenthood’s claims, the full recorded conversation with its Senior Medical Director raises serious concerns that what Planned Parenthood considers allowable compensation is in violation of the law’s bar on *any* valuable consideration.

The Center for Medical Progress’ second released video, in which Dr. Gatter is recorded negotiating the costs her Planned Parenthood affiliate could receive for aborted baby parts, reinforces these concerns.

Whether Planned Parenthood affiliates are actually being reimbursed for costs, or merely creating a paper trail to “look” reasonable, demands a thorough investigation at both the federal and state levels.

III. Planned Parenthood’s letter suggests that the willingness to engage in unethical and illegal activity may be organization-wide.

PPFA’s Senior Counsel writes to the Committee that the video “conveyed the impression that all Planned Parenthood affiliates have tissue donation programs. In fact, only a very small number of affiliates have programs...”

Dr. Nucatola’s comments make clear that later-term abortions are a growing business at Planned Parenthood and that there are active discussions about how its current harvesting of the hearts, livers, lungs and other body parts of the babies aborted can be expanded.

Discussing the possibility of future expansion, Planned Parenthood’s Dr. Nucatola stated “I will tell you that behind closed doors, these conversations are happening with affiliates,” and “This is something we need to continue the conversation because this is something we are always re-evaluating.”

And Planned Parenthood’s letter suggests that the willingness to engage in unethical and illegal activity may be organization-wide. PPFA Senior Counsel writes: “[w]e don’t know what the Center [for Medical Progress] will release next, but we know enough to be deeply concerned about the infiltration of Planned Parenthood and its affiliates.”

The already-public conversations with Planned Parenthood’s senior level doctors make it clear that taking money for the harvesting of baby parts is an actual practice at many affiliates. For example, while negotiating for what she would consider “big enough that it is worthwhile” compensation for her affiliate, Planned Parenthood’s Dr. Gatter said:

“let me agree to find out what the other affiliates in California are getting, and if they’re getting substantially more, then we can discuss it then.”

Whether it was one clinic or all, an unethical or illegal practice of harvesting body parts from aborted babies is a serious concern, which merits investigation by the Committee.

IV. Planned Parenthood has a long history of unethical activity.

Planned Parenthood’s letter to the Committee raises another point of concern: this is not the heavily-subsidized abortion chain’s first scandal to be exposed.

PPFA’s Senior Counsel writes to the Committee that the undercover investigator, David Daleiden, “[p]reviously worked for the discredited anti-abortion group Live Action. Over the last eight years, Mr. Daleiden has participated in at least 10 separate attacks on Planned Parenthood...”

Being dismissed by abortion-friendly media outlets is not the same thing as ‘discredited.’

As the Planned Parenthood letter reminds the Committee, the investigative organization [Live Action has exposed several Planned Parenthood scandals](#), including an apparent willingness at Planned Parenthood to partner with sex-traffickers, recommend that minors patronize abortion facilities that violate state laws, and provide misleading information to abortion patients.

PPFA’s Senior Counsel claims that Planned Parenthood’s 59 affiliates and 10,000 employees “provide high-quality health care and information with compassion and a deep commitment to women’s health, wellbeing, and dignity.” He writes that “Planned Parenthood complies with all state and local laws and has extremely high medical and ethical standards...”

Planned Parenthood’s bold claims are more than unsubstantiated, they are disproved. Several former Planned Parenthood employees from across the country have testified to its dangerous and unethical practices.

For example, in 2012, [two nurses left Planned Parenthood in Delaware](#), not because of a change of heart regarding abortion, but—as they testified before the Delaware Senate—because of the abortion clinic’s deplorable safety conditions including “meat-market-style, assembly-line abortions.”

Sue Thayer, a former Planned Parenthood of the Heartland employee, was fired in 2008 after she began to voice safety concerns surrounding Planned Parenthood’s “telemedicine” abortion practice. [As she](#)

[recalls](#), her supervisors rationalized this practice of dispensing abortion drugs to patients after a video-conference with the abortionist (rather than an in-person exam) by pointing to their lower overhead costs. In her [“whistleblower” lawsuit](#), Ms. Thayer alleges that, lacking the ability to care for these women at their own facilities, Planned Parenthood’s telemedicine abortion patients who later experienced significant bleeding were told “to go to an emergency room and report that they were experiencing a spontaneous miscarriage.”

Former Planned Parenthood officers and employees from across the nation have [previously written](#) to the E&C Committee that they are “prepared to testify to incidents [they] have witnessed” in which Planned Parenthood affiliates and employees have, among other things, failed to:

- “Notify parents when a vulnerable girl is seeking an abortion, including instances when the minor girl is the victim of an act of statutory rape under applicable state law;”
- “Detect and act upon instances where a girl or woman was brought to the clinic under some degree of coercion, up to and including where the girl was subjected to human trafficking and was a victim of a crime.”

PPFA’s Senior Counsel writes to the Committee that: “We insist that all our staff adhere to the highest standards, and if we learn that they are not met, we take swift action.”

However, the testimony of former Planned Parenthood employees demonstrates that Planned Parenthood has a history of ignoring—and perpetuating—serious problems.

In her [testimony before the Delaware senate](#), Jayne Mitchell-Werbrich, a registered nurse for over 26 years and a former employee at Planned Parenthood’s Delaware clinic, described serious health hazards that she reported to Planned Parenthood officials which were never addressed:

I was forced to resign on August 8, 2012 as **the conditions at Planned Parenthood continued to be unsafe and potentially life threatening for the patients despite the numerous reports I provided to Planned Parenthood Administrators**, State of Delaware: Division of Professional Regulation, State of Delaware Health and Social Services: Division of Public Health and Occupational Safety and Health Administration (OSHA).

In their letter to the E&C Committee, several former Planned Parenthood officers and employers “personally attest” that Planned Parenthood “has operated as a law unto itself, gladly accepting tens of millions of dollars in taxpayer support while using the rubric of ‘reproductive rights’ to claim an exemption from the normal standards of accountability that every other recipient of public funds is expected to meet.”

In its ongoing effort to expose the truth about Planned Parenthood, AUL has documented these and other cases of Planned Parenthood abuses in

- *The Case for Investigating Planned Parenthood,*
- *The Planned Parenthood Exhibits,*
- *Abortion Inc.—Cecile Richards’ Planned Parenthood,* and
- *The New Leviathan: How Planned Parenthood Has Become Abortion, Inc.*

The AUL reports are available at <http://www.aul.org/new-leviathan/>

V. Planned Parenthood’s letter is an unacceptable response to the Committee.

Planned Parenthood’s letter in response to the Committee is a compilation of strawmen and red herrings. It is an utterly unacceptable response, especially for an organization that takes [half a billion dollars each year](#) from government programs that are either fully or partially funded by the federal government.

Planned Parenthood must be held accountable for any unethical and illegal activity.

If the Committee has any questions or needs further information, Americans United for Life would be happy to provide assistance.

Sincerely,

A handwritten signature in blue ink that reads "Charmaine Yoest". The signature is written in a cursive style and is enclosed in a thin black rectangular border.

Charmaine Yoest, Ph.D.
President & CEO
Americans United for Life

Ovide Lamontagne, J.D.
General Counsel
Americans United for Life

cc: The Honorable Frank Pallone, Jr., Ranking Member
House Energy and Commerce Committee

The Honorable John Boehner, Speaker
United States House of Representatives

The Honorable Kevin McCarthy, Majority Leader
United States House of Representatives

The Honorable Mitch McConnell, Majority Leader
United States Senate

The Honorable Bob Goodlatte, Chairman
House Judiciary Committee

The Honorable Chuck Grassley, Chairman
Senate Judiciary Committee

The Honorable Joe Pitts, Chairman
Subcommittee on Health

The Honorable Tim Murphy, Chairman
Subcommittee on Oversight and Investigations

The Honorable Diana DeGette, Ranking Member
Subcommittee on Oversight and Investigations

The Honorable Gene Green, Ranking Member
Subcommittee on Health