

# Congress of the United States

Washington, D.C. 20515

February 8, 2018

The Honorable Alex Azar  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, DC 20201

Dear Secretary Azar:

As you begin your tenure as the Secretary for the Department of Health and Human Services (HHS), we are encouraged by steps you have already taken to address potential conflicts of interest and to ensure that all HHS employees fulfill their critical responsibilities in an impartial and fair manner. For that reason, we want to bring to your attention our serious concerns about the current Chief of Staff to the Office of Civil Rights (OCR), March Bell. Mr. Bell previously served as Staff Director and Chief Counsel for the Select Investigative Panel of the House Energy and Commerce Committee (“the Select Panel”). As members of that Panel, we were concerned about Mr. Bell’s service at the time, we are deeply disturbed about evidence we learned about later that Mr. Bell may have acted improperly during that investigation by secretly coordinating with outside groups. Mr. Bell’s reported statements and actions call into question his conduct, judgment, and ability to meet professional standards of impartiality and fairness.

The Select Panel was created in the wake of highly-edited and fraudulent videos created by David Daleiden and the Center for Medical Progress that targeted reproductive health care providers. At many points during the investigation, the Democratic Members of the Panel raised concerns about the possibility that Majority staff and Members were improperly receiving documents and other information from David Daleiden and his associates, and that those documents were never shared with Democrats. We voiced those concerns in letters to Select Panel Chairman Marsha Blackburn, which are attached here, and which went unanswered by Chairman Blackburn.<sup>1</sup> In addition, after the Select Panel’s hearing on April 20, 2016, Chairman Blackburn stated that she did not believe any of the documents in the Panel’s possession were provided by David Daleiden, instead contending that the documents were from “whistleblowers” and were obtained through other investigative means.

In fact, during a discussion at the Law of Life Summit held in January 2017, Mr. Bell allegedly stated that the Panel Republican’s investigation relied on “lots of phone calls with David Daleiden,” and also noted that he spoke with Troy Newman of Operation Rescue and Mark Crutcher of Life Dynamics during the Select Panel’s investigation.<sup>2</sup> Mr. Newman and Mr. Crutcher are well known anti-abortion advocates who worked closely with Mr. Daleiden to release

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<sup>1</sup> April 7, 2016, Letter to Chair Blackburn from Ranking Member Schakowsky and Select Panel Members.

<sup>2</sup> <http://www.rightwingwatch.org/post/at-anti-choice-event-hope-that-planned-parenthood-clinics-will-fall-like-dominoes/>

the fraudulent videos. Mr. Newman was a founding board member of the Center for Medical Progress, and his organization, Operation Rescue, has led targeted campaigns against reproductive health care providers for many years. Moreover, Democratic Members of the Select Panel specifically called for David Daleiden to testify under oath in our investigative plan, but yet again, the Chairman refused to meet with us to discuss the scope and rules governing the investigation and never responded to our request that Mr. Daleiden be brought in to testify<sup>3</sup>. Mr. Daleiden is currently under indictment in the State of California, where he has been charged with fifteen felonies for illegally recording confidential communications and committing a conspiracy.<sup>4</sup> Finally, in his comments at the Law of Life Summit, Mr. Bell reportedly said that the ultimate goal of the Select Panel was to weaken Planned Parenthood, despite claims made by Republicans regarding the purpose of this investigation<sup>5</sup>.

The Select Panel's investigation was wrought with improprieties, procedural abuses, and unprofessional conduct.<sup>6</sup> However, if it is true that Mr. Bell spoke with those individuals throughout the investigation, it calls into question any remaining legitimacy of the Panel as well as Mr. Bell's professional integrity. Given the ethical questions surrounding Mr. Bell's conduct and actions during the Select Panel's investigation, we respectfully request that, at the very least, Mr. Bell be recused from any case pending before OCR pertaining to fetal tissue or abortion services. It is clear that Mr. Bell is not an impartial investigator on those topics, and we do not believe he can be trusted to fairly adjudicate any related cases.

Thank you for your prompt attention to our concerns. We look forward to receiving your response.

Sincerely,

  
JAN SCHAKOWSKY  
Member of Congress

  
DIANA DEGETTE  
Member of Congress

  
SUZAN K. DELBENE  
Member of Congress

  
JERROLD NADLER  
Member of Congress

  
JACKIE SPEIER  
Member of Congress

  
BONNIE WATSON COLEMAN  
Member of Congress

<sup>3</sup> November 2, 2016, Letter to Chair Blackburn from Ranking Member Schakowsky.

<sup>4</sup> [https://oag.ca.gov/system/files/attachments/press\\_releases/Complaint%20Affidavit\\_SF.PDF?](https://oag.ca.gov/system/files/attachments/press_releases/Complaint%20Affidavit_SF.PDF?)

<sup>5</sup> <http://www.rightwingwatch.org/post/at-anti-choice-event-hope-that-planned-parenthood-clinics-will-fall-like-dominoes/>

<sup>6</sup> Report of the Democratic Members. *Setting the Record Straight: The Unjustifiable Attack on Women's Health Care and Life-Saving Research, Section IV*, December 2016.