Congress of the United States
Washington, D.C. 20515

July 21, 2015

The Honorable Loretta E. Lynch
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

The Honorable Kamala Harris
Attorney General
California Department of Justice
P.O. Box 944255
Sacramento, CA 94244

Dear Attorney General Lynch and Attorney General Harris:

We are writing to request that you investigate whether any laws were broken by individuals who participated in an elaborate, multi-year scheme to impersonate corporate officials from a fake biologics company, secretly filmed video of a Planned Parenthood physician in California, and make public portions of the video without her consent.

The video at issue was taken by an anti-abortion group based in Irvine, California called the Center for Medical Progress, which was founded by David Daleiden. According to the group's website, the video was taken in California "with actors posing as buyers from a human biologics company."[1]

Press accounts regarding this incident have reported that this group created "fake identification" in order to falsely impersonate corporate executives and "gain access" to meetings with Planned Parenthood officials.[2] It is unclear from these reports what forms of fake identification they created, whether any false statements were made on applications for this fake identification, whether this fake identification purported to be issued by or was processed through any state or federal agency, or whether any fraudulent information was transmitted electronically or through the mail relating to this fake identification.

Press accounts have also reported that Mr. Daleiden's group filed paperwork to create a fake corporate entity. As one press account reported:

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[1] Center for Medical Progress, *Press Release* (July 14, 2015) (online at www.centerformedicalprogress.org/2015/07/planned-parenthoods-top-doctor-praised-by-ceo-uses-partial-birth-abortions-to-sell-baby-parts).

[2] *See, e.g., Planned Parenthood's Client Promised 'Profit,' 'Fiscal Growth' for Harvested Baby Parts,* Breitbart (July 14, 2015) (online at www.breitbart.com/big-government/2015/07/14/planned-parenthoods-client-promised-profit-fiscal-growth-for-harvested-baby-body-parts/).

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> Daleiden also created a fake limited liability corporation (LLC) called Biomax Procurement Services in California, first filing paperwork in October 2013, so that he could pose as a biotech company interested in acquiring fetal tissue.[3]

According to the official webpage maintained by the Secretary of State of California listing registered businesses in the state, Mr. Daleiden's company filed this paperwork on October 11, 2013, listing an address in Norwalk, California, and the company is currently listed as "ACTIVE."[4] Other accounts have reported that this group created "a fake human tissue website that purports to provide services to stem cell researchers."[5]

It is unclear from these reports what specific paperwork Mr. Daleiden's group filed, whether the address listed ever hosted any legitimate business concern, the extent to which this group may have submitted false statements to governmental entities, whether the group transmitted fraudulent information through the mail or electronic communications, or whether this fake company filed tax returns or other documents with the Internal Revenue Service or other federal agencies.

Finally, this group's actions also may implicate California's Invasion of Privacy Act, which prohibits recording individuals without their consent. According to press accounts, Mr. Daleiden is a "friend" of James O'Keefe, the individual who posed as a pimp and secretly videotaped ACORN staff in offices in California and other states.[6]

On April 1, 2010, the Attorney General of California issued a report of its investigation into allegations relating to Mr. O'Keefe's video, concluding:

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[3] *Maker of Planned Parenthood Video Called Abortion 'Genocide,'* Daily Beast (July 15, 2015) (online at www.thedailybeast.com/articles/2015/07/15/who-made-the-planned-parenthood-video.html).

[4] Secretary of State Alex Padilla, *Business Entity Detail: BIOMAX PROCUREMENT SERVICES, LLC* (accessed July 16, 2015) (online at http://kepler.sos.ca.gov/).

[5] *See, e.g., What is the Center for Medical Progress, the Group Behind the Latest Viral Abortion Video,* Slate (July 15, 2015) (online at www.slate.com/blogs/xx_factor/2015/07/15/live_action_distributed_the_planned_parenthood_sting_video_why_aren_t_they.html).

[6] *Student Anti-ACORN Sting in San Bernardino Will Help Bring it Down,* Claremont Conservative (Sept. 15, 2009) (online at www.claremontconservative.com/2009_09_15_archive.html). *See also ACORN Employee Says She Thought Couple Was Part of a Stunt,* Washington Post (Sept. 17, 2009) (online at www.washingtonpost.com/wp-dyn/content/article/2009/09/17/AR2009091703248.html).

The video releases were heavily edited to feature only the worst or most inappropriate statements of the various ACORN employees and to omit some of the most salient statements by O'Keefe and Giles.[7]

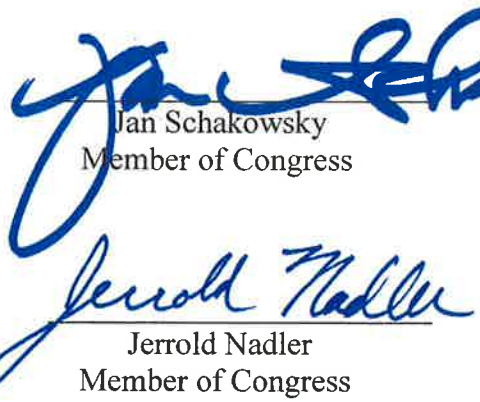
Mr. O'Keefe and another individual who engaged in these activities were given immunity from criminal prosecution "in exchange for providing the full, unedited videotapes." As a result, the Attorney General's office "did not determine if they violated California's Invasion of Privacy Act," but warned that "[i]f the circumstances meet the requirements of the Act, the ACORN employees may be able to bring a private suit."

In 2013, Mr. O'Keefe paid $100,000 in damages to settle the private suit brought by an ACORN employee for recording conversations without his consent in violation of California state law and portraying him untruthfully.[8]

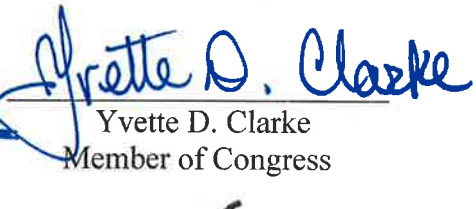
For all of these reasons, we request that you initiate an investigation to determine whether Mr. Daleiden, his organization, or anyone else who participated in, aided, or encouraged these deceptive activities may have violated federal or state laws.

Thank you for your consideration of this request.

Sincerely,



Jan Schakowsky
Member of Congress



Yvette D. Clarke
Member of Congress

Jerrold Nadler
Member of Congress

Zoe Lofgren
Member of Congress

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[7] Office of the Attorney General, California Department of Justice, *Report of the Attorney General of the Activities of ACORN in California* (Apr. 1, 2010) (online at http://ag.ca.gov/cms_attachments/press/pdfs/n1888_acorn_report.pdf).

[8] *See One of the ACORN Employees Caught in Those 2009 Video Stings Has Won $100,000 in Damages,* Slate (Mar. 7, 2013) (online at www.slate.com/blogs/weigel/2013/03/07/one_of_the_acorn_employees_caught_in_those_2009_video_stings_has_won_100.html).