

FOR IMMEDIATE RELEASE
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**KENNEDY CALLS FOR MORE INFORMATION ON POLITICAL APPOINTEES IN THE
OFFICE OF THE SURGEON GENERAL AND HHS**

WASHINGTON, D.C.— Today, Senator Edward M. Kennedy, Chairman of the Senate Health, Education, Labor and Pensions Committee, sent the following letter to Secretary Michael Leavitt requesting information on the interactions of political appointees at the Department of Health and Human Services and the Office of the Surgeon General, specifically during tenure of Dr. Richard Carmona.

The letter is below.

August 30, 2007

Secretary Michael Leavitt
Department of Health and Human Services
200 Independence Avenue, SW
Washington, D.C. 20201

Dear Secretary Leavitt:

I am writing to follow up on my letter of July 11 requesting information concerning interactions between political appointees at the Department Health and Human Services ("HHS") and the Office of the Surgeon General – specifically, during the tenure of Dr. Richard Carmona. I appreciate the Department's cooperation with my request for documents as they are important to the Committee's oversight responsibilities.

Improper Efforts to Politicize the Office of the Surgeon General

Documents provided by your office and uncovered by my investigation bear out the concerns that motivated my initial request. This evidence shows that HHS officials sought to censor and suppress certain projects undertaken by the Surgeon General, and promote the Administration's agenda, for purely political purposes.

- For example, in an April 14, 2003 email to Regina Schofield (then Director of Intergovernmental Affairs at HHS), William Turenne, then Consultant to the Secretary, writes that Surgeon General Carmona "needs to be the SG with specific speeches, to specific audiences, on specific topics addressing the Secretary's and the President's agenda – which will become more political as the re-elect gets underway." Schofield responds later that day that officials in the Secretary's office are "hammering [Surgeon General Carmona] everyday."
- Another email from Turenne to Schofield on September 25, 2002 demonstrates that Turenne viewed the Surgeon General as little more than an extension of the White House communications office: "my level of concern about the SG is growing and a few words are inadequate. In a few short words, and with a few exceptions he seems to be wandering, is not focused on the President's/Secretary's agenda, and has not moved to organize his office....RECOMMENDATIONS: So here are a few recommendations that are aimed at getting him to focus on that which he was hired for:....(a) Strengthening the public health infrastructure as the President laid out two years ago....(c) Defending the President's position on Stem Cell Research, the President's position on smallpox vaccine."

Other documents reveal that the White House was directly involved in efforts to politicize the

Surgeon General's office. Specifically, emails indicate that the White House Office of Political Affairs pushed Surgeon General Carmona to attend certain events, including a Republican Party fundraiser. For example, after the National Fraternal Order of Police invited the Surgeon General to speak at a February 2006 conference, the Associate Director of Scheduling in the White House Office of Political Affairs began an insistent string of emails to Dr. Carmona from her RNC account, making clear that there was a "huge push" from the White House for him to attend the event.

- January 23, 2006: "The WH Political Office is following up to see if you are planning to accept an invitation to speak on 2/11 at a Fraternal Order of the Police event in Nashville, TN."
- And later the same day: "Just found out this is a HUGE push from WH – can you do this event?"

A few days later, on February 1st, the HHS White House Liaison began sending similar emails to Dr. Carmona:

- "Can you do this event on 2/11 in Nashville, Very big push from WH"
- And the next day: "TIME SENSITIVE...WH is still pushing on this...if you can do this it would be greatly appreciated by WH."

Sara Taylor, then Director of the White House Office of Political Affairs, wrote a memo to Dr. Carmona seeking his participation in the Alabama Republican Council's Annual Fundraiser. The HHS White House Liaison also emailed Dr. Carmona in February of 2006 that the "WH would be grateful if you could do this event."

Finally, a February 2006 document entitled "WH Post SOTU [State of the Union] Surrogate Travel" shows that, like Turenne, the White House viewed Surgeon General Carmona as a political "surrogate" to be deployed to communicate the President's message – a completely inappropriate role for the nation's doctor.

Importantly, many of the emails from White House officials were sent from Republican National Committee email accounts, a practice that the Chairmen of the House and Senate Judiciary Committees, and the Chairman of the House Committee on Oversight and Government Reform, have criticized as violating transparency provisions of the Presidential Records Act.

These documents confirm that White House and HHS officials improperly sought to influence the activities of the Surgeon General to achieve political goals. As Chairman of the Committee of jurisdiction, it is my duty to thoroughly investigate the extent of such improper activity.

Therefore, I have broadened the scope of my July 11 document request to include additional issues and document custodians (please see the attachment for specifics).

Improper Efforts to Politicize the CDC and NIH

In addition, my office has uncovered information tending to show that HHS officials engaged in similar politically motivated conduct with regard to scientists and researchers at the National Institutes of Health (NIH) and the Centers for Disease Control and Prevention (CDC).

Specifically, former NIH officials have indicated that HHS sought to limit scientists' participation in an important international conference on HIV/AIDS. Information obtained by my office also shows that HHS officials and NIH leadership instructed scientists that the Administration intended to censor, edit, or otherwise control statements by NIH scientists and researchers to ensure that those statements hewed to Administration ideology.

Similarly, information has come to my attention indicating that HHS officials blocked or censored several important CDC initiatives, including the Health Education Curriculum Assessment Tool (HECAT), the product of an expensive and exhaustive process of scientific research and stakeholder consultation. Information obtained by my office also indicates that

the Department delayed or cancelled grant and procurement requests that concerned child and family health.

In light of these events, I ask that your Department provide to my office information and documents concerning certain political appointees' interaction with NIH and CDC. Please see the attachment for specifics. The production of documents may be coordinated with Nicholas Bath or Sandra Gallardo, Counsels to the Committee, at (202) 224-3112.

Thank you for your consideration.

Sincerely,

Edward M. Kennedy
Chairman

Enclosure: Document Request and Instructions

Please produce the documents described below by delivering such documents to the offices of the Committee on Health, Education, Labor and Pensions, Hart Senate Office Building, Suite 615, Washington D.C. 20510, attention: Nicholas W. Bath, at or before 5 p.m. on September 13, 2007.

Documents Requested Concerning the National Institutes of Health

1. All documents, including but not limited to handwritten notes, emails, any other correspondence or records, that were created, generated, sent, authored, or received by the persons listed in Appendix A referring to, concerning or discussing any international conference, congress, symposium, or other event concerning HIV/AIDS;
2. All documents, including but not limited to handwritten notes, emails, any other correspondence or records, that were created, generated, sent, authored or received by Raynard Kington in August or September of 2003 concerning the work of the Department of Bioethics at the National Institutes of Health ("NIH");
3. All documents, including but not limited to handwritten notes, emails, any other correspondence or records, that were created, generated, sent, authored, or received by Raynard Kington concerning
 - protection of human subjects of scientific research, including any presentations, papers, or speeches on the topic;
 - genetic screening of human embryos, including any presentations, papers, or speeches on the topic.
4. All documents, including but not limited to handwritten notes, emails, any other correspondence or records, that were created, generated, sent, authored, or received by the persons listed in Appendix A referring to, concerning or discussing
 - protection of human subjects of scientific research;
 - genetic screening of human embryos.

Documents Requested Concerning the Centers for Disease Control and Prevention

5. All documents, including but not limited to handwritten notes, emails, any other correspondence or records, that were created, generated, sent, authored, or received by the persons listed in Appendix A referring to, concerning or discussing the Health Education Curriculum Assessment Tool ("HECAT");
6. All documents, including but not limited to handwritten notes, emails, any other correspondence or records, that were created, generated, sent, authored, or received by the persons listed in Appendix A referring to, concerning or discussing initiatives or projects (or proposed initiative or projects) of CDC's Coordinating Office for Global Health and its predecessor and subordinate agencies;
7. All documents, including but not limited to handwritten notes, emails, any other

correspondence or records, that were created, generated, sent, authored, or received by the persons listed in Appendix A referring to, concerning or discussing CDC grant proposals, procurement requests, requests for proposals, or similar documents that reference children's health or family health.

Additional Documents Requested Concerning the Office of the Surgeon General

1. All communications, including but not limited to handwritten notes, letters, emails, and electronic or written correspondence, sent by Regina Schofield to Cristina Beato or to Richard Carmona during the period in which Dr. Carmona served as Surgeon General of the United States.
2. All documents from additional custodians listed in Appendix A that are responsive to document requests 1-5 in the July 11, 2007 letter
3. Add the "Call to Action on Correctional Health" to the bulleted list in document request 4 in the July 11, 2007 letter.
4. All communications, including but not limited to handwritten notes, letters, emails, and electronic or written correspondence, from the White House Office of Political Affairs to Department officials during the period in which Dr. Carmona served as Surgeon General of the United States.

Instructions and Definitions

- A. All entities named herein shall include any of the directors, members, trustees, officers, employees, agents and representatives thereof, including attorneys, and each of its parent companies, subsidiaries, affiliates and predecessors.
- B. Unless otherwise specified, this request calls for production of documents written, prepared, sent or received from January 1, 2001 to December 31, 2006.
- C. "All" means "any and all" and the word "any" means "any and all."
- D. "And" and "or" shall be construed conjunctively or disjunctively as necessary to make the request or definition inclusive rather than exclusive. The singular shall be construed to include the plural and the plural to include the singular.
- E. "Concerning" means relating to, referring to, describing, reflecting, evidencing or constituting.
- F. "Communicate" or "communication" means every manner or means of disclosure, transfer or exchange, and every disclosure, transfer or exchange of ideas or information, whether orally, by document, or electronically, or whether face-to-face, by telephone, mail, personal delivery, electronic transmission or otherwise.
- G. "Document" shall include all original written, typed, printed, pictorial, reproduced, recorded or other material bearing representations or symbols of any sort, as well as any copies that differ in any way from the original, in respondent's actual or constructive possession, custody, care or control, including without limitation, all writings, account letters, account recommendations, appointment books, books, books of accounts, calendars, CD-ROMs, charts, computer files, computer printouts, contracts, cost sheets, data compilation from which information can be obtained or can be translated through detection devices into reasonably usable form, diaries, drafts, drawings, e-mail, faxes, graphs, hotel charges, invoices, ledgers, magnetic discs, magnetic strips, magnetic tape, memoranda, microfiche, microfilm, minutes, notes, optical characters, papers, photographs, punched cards, punched paper tapes, receipts, recognition characters, reports, sound tapes or recordings, statements, statistical records, stenographer notebooks, studies, telegraphs, time sheets or logs, video tapes or recordings, vouchers, weigh tickets, working papers, or any other tangible thing.
- H. Each request for production of documents herein shall be deemed continuing so as to require prompt supplemental responses if further documents called for herein are obtained or discovered after the time of responding to this request.

I. If any documents, or parts of documents, called for by this request are withheld for any reason, a list shall be furnished setting forth as to each such document the following information: (a) the nature of the document, *e.g.*, letter, memorandum, telegram, etc.; (b) the name, address, occupation, title and business affiliation of each person who prepared, received, viewed and has or has had possession, custody or control of the document; (c) the date of the document; (d) a description of the subject matter of the document; (e) a statement of the basis upon which the privilege or work product claim is made; and (f) the paragraph(s) of this request that call for the production of the document.

J. Responsive documents shall be produced as they have been kept in the ordinary course of business or shall be organized and labeled to correspond with the enumerated requests in this request. If with respect to any category there are no responsive documents, so state in writing.

K. If any documents, or parts of documents, called for by this request have been destroyed, discarded, or otherwise disposed of, a list shall be furnished setting forth as to each document the following information: (a) the nature of the document, *e.g.*, letter, memorandum, telegram, etc.; (b) the name, address, occupation, title and business affiliation of each person who prepared, received, viewed and has or has had possession, custody or control of the document; (c) the date of the document; (d) a description of the subject matter of the document; (e) the date of destruction or other disposition; (f) a statement of the reasons for destruction or other disposition; (g) the name, address, occupation, title and business affiliation of each person who authorized destruction or other disposition; (h) the name, address, occupation, title and business affiliation of each person who destroyed or disposed of the document; and (i) the paragraph(s) of this request which call for the production of the document.

L. If images or OCR records of submitted documents exist as computer file(s) or are created in connection with this request, provide the images and OCR records in machine-readable form.

M. If any information or data is withheld because such information or data is stored electronically, it is to be identified by the subject matter of the information or data and the place or places where such information is maintained.

Appendix A

Note: The Department should produce documents for the personnel listed below and their predecessors and successors during the time period outlined in paragraph B of the Instructions section above unless otherwise noted.

Claude A. Allen

Cristina Beato

Jamie Burke

Martin J. Dannenfels, Jr.

Scott Evertz

Christopher C. Gersten

Sarah J. Gesiriech

Aimee Henneke

Wade F. Horn

Andrew C. Knapp

Lance Leggitt

Carrie B. Loy

Stacie Maass

Mary C. Mantho

Mindy McLaughlin

Willis A. Morris

Richard Parker

Josephine Robinson

Regina Schofield

Tracy Self

Stewart Simonson

William Steiger

Catherine Tyrell

Nicholas J. Tzitzon

Mary Lou Valdez

Scott Whitaker

Jack Whitescarver

Lawrence A. Wiley

and

All other officials working in the Office of the Secretary, the Office of the Deputy Secretary, Office of the Chief of Staff, Office of Global Health Affairs, Office of Intergovernmental Affairs, and Office of the General Counsel who worked on or dealt with the activities, speeches, or travel schedule of the Surgeon General.

