

FOR IMMEDIATE RELEASE

July 11, 2007

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SENATOR EDWARD M. KENNEDY CALLS ATTENTION TO HHS POLITICAL APPOINTEES

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 raising concerns over the conduct of political appointees in the Department of Health and Human Services.

Senator Kennedy said, "Dr. Carmona's strong testimony yesterday is yet another disturbing account of how the Bush Administration has put ideology ahead of the health needs of the American people – this time in the Office of the Surgeon General. Americans want their families to be safe and healthy. As we consider the President's nominee for Surgeon General tomorrow, we owe it to the American people to be sure that he will base his policies on sound science and best medical practices, and not the politics and ideology that have put our health care at risk."

The letter is below.

July 11, 2007

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

Dear Secretary Leavitt:

I am writing about information that has come to my attention which raises concerns about the conduct of political appointees at the Department of Health and Human Services. Specifically, former United States Surgeon General Richard Carmona has indicated that political appointees at the Department inappropriately sought to censor his public comments and restrain his public advocacy for ideological reasons unrelated to the Surgeon General's public health mission.

Specifically, Dr. Carmona stated that administration officials blocked an important report on stem cell research, prevented him from discussing the effectiveness of comprehensive sex education, insisted that he mention the President's name frequently in speeches, and sought to prevent him from testifying about the dangers of tobacco use in the government's lawsuit against tobacco companies. Other information obtained by my office corroborates Dr. Carmona's account, indicating that political appointees hampered the work of the Surgeon General for ideological reasons.

In light of these events, I ask that you provide to my office information and documents concerning certain political appointees' interaction with the Office of the Surgeon General.

Please see the attached Document Request for specifics. I ask that you coordinate the production of documents with Nicholas Bath or Sandra Gallardo, Counsel 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 July 27, 2007.

Documents Requested

1. All documents, including but not limited to handwritten notes, emails, any other correspondence, or records that were created, generated, sent, or otherwise authored by William J. Turenne, Rear Admiral Arthur Lawrence, the Department's White House Liaison, and Dr. Christina Beato referring to, concerning, or discussing speeches, remarks, presentations, or drafts thereof by Dr. Richard Carmona;
2. All documents, including but not limited to handwritten notes, emails, any other correspondence, or records that were created, generated, sent, or otherwise authored by William J. Turenne, Rear Admiral Arthur Lawrence, the Department's White House Liaison, and Dr. Christina Beato referring to, concerning, or discussing travel (whether or not the travel discussed was ever undertaken) by Dr. Richard Carmona in his capacity as Surgeon General of the United States;
3. All documents, including but not limited to handwritten notes, emails, any other correspondence, or records that were created, generated, sent, or otherwise authored by William J. Turenne, Rear Admiral Arthur Lawrence, the Department's White House Liaison, and Dr. Christina Beato referring to, concerning, or discussing Dr. Richard Carmona's attendance at meetings of non-governmental groups in his capacity as Surgeon General of the United States;
4. All documents, including but not limited to handwritten notes, emails, any other correspondence, or records that were created, generated, sent, or otherwise authored by William J. Turenne, Rear Admiral Arthur Lawrence, the Department's White House Liaison, and Dr. Christina Beato referring to, concerning, or discussing Dr. Richard Carmona's involvement in
 - the "Take A Loved One To The Doctor" initiative
 - Global Health Diplomacy initiatives
 - Initiatives, activities, or programs involving comprehensive sex education
 - Initiatives, activities, or programs involving drug reimportation (including the Drug Importation Task Force)
 - Initiatives, activities, or programs involving global warming
 - Initiatives, activities, or programs involving health disparities between ethnic or racial groups
 - Initiatives, activities, or programs involving stem cell research
5. All documents, including but not limited to handwritten notes, emails, any other correspondence, or records referring to, concerning, or discussing Dr. Richard Carmona's possible testimony as a witness in the case United States of America v. Philip Morris USA Inc., et. al.

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.

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