

## Inside the Beltway Blog

### FBI weighs criminal inquiry over fetal tissue

By Michael Coleman / Journal Washington Bureau

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Anti-abortion activists over the years have protested outside Albuquerque's Southwestern Women's Options at 522 Lomas NE. In recent months, the protest effort has focused on fetal tissue that the clinic furnishes the University of New Mexico for use in medical research. (Marla Brose/Journal)

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WASHINGTON – The FBI is considering criminal investigations of the University of New Mexico Health Sciences Center and the Southwestern Women's Options abortion clinic in Albuquerque over a long-running controversy surrounding the use of aborted fetus tissue in medical research.

In December 2016, the Republican-led House Select Investigative Panel on Infant Lives asked the U.S. Justice Department and various state and local law enforcement agencies to open criminal inquiries into Planned Parenthood and other abortion providers, including Southwestern Women's Options in Albuquerque.

Steven E. Boyd, assistant attorney general for legislative affairs in Washington, wrote Rep. Steve Pearce, R-N.M., a letter Friday confirming that the FBI is looking into the matter.

"We can confirm that the Criminal Investigative Division of the FBI Headquarters has received this information, including the two referrals made to the New Mexico Attorney General regarding practices of the UNM HSC and SWO, and sent the materials to the relevant FBI field offices for review and any action deemed appropriate," Boyd wrote.

Pearce, who has raised questions about Health Sciences Center's protocols for fetal tissue research over the past two years, asked the Justice Department in September and November for updates on the criminal referrals made by the House Select Investigative Panel on Infant Lives.

"I applaud today's action by Attorney General Jeff Sessions to take up the criminal referrals in New Mexico regarding violations made by the University of New Mexico and the Southwestern Women's Options," Pearce wrote on his Facebook page after receiving Boyd's letter Friday. "Even more, DOJ will be investigating all fifteen criminal referrals that were sent out but not acted upon at the conclusion of the Select Panel's investigation."

Health Sciences Center spokeswoman Alex Sanchez said the organization learned of Boyd's letter on Monday.

"The UNM Health Sciences Center has not been contacted by the FBI and only today became aware of the assistant attorney general for legislative affairs' letter to Rep. Pearce," Sanchez said. "As is our practice, if we are contacted, we will cooperate fully."

Sanchez said that Health Sciences Center research has proved extremely valuable and that its staff is trained to follow regulations.

Boyd also last week asked the Senate Judiciary Committee for "unredacted documents underlying a 2016 investigation by the committee into the exchange of human fetal tissue that had been donated for research by women who get abortions," according to a New York Times report.

Under federal law, abortion providers can't sell fetal tissue, but they can donate it for medical research. Abortion providers can recover the cost of processing and transferring the tissue, although those costs are not specified or capped by law.

Southwestern Women's Options – one of the nation's few providers of late-term abortions – has in the past provided the UNM Health Sciences Center with tissue from aborted fetuses for medical research. The Albuquerque clinic and Health Sciences Center officials contend the fetal tissue transfer is legal and integral to the study of human diseases.

Sanchez said the Health Sciences Center's "critical research has already resulted in dramatic improvements in the health of extremely premature babies."

"As we have previously stated, we have trained and instructed staff and faculty to conduct their research in compliance with all applicable state and federal regulations and laws and in accordance with the highest ethical standards," Sanchez said.

Among the complaints forwarded to the Justice Department was that women electing to receive abortions at Southwestern Women's Options did not have enough information to consent to the procedure.

Elisa Martinez, executive director of New Mexico Alliance for Life, said the Select Panel relied in part on documents the alliance obtained through open records requests of both the Health Sciences Center and Southwestern Women's Options.

"We are thankful that the findings from our work with the Select Panel on Infant Lives are now being investigated by the Department of Justice before the statute of limitations runs out," Martinez said. "The (panel) could not have completed their investigation resulting in two criminal referrals for the University of New Mexico and Southwestern Women's Options without the documents provided by New Mexico Alliance for Life, obtained through open record requests."

Boyd told Pearce in his letter that the FBI could not "confirm or deny" an actual criminal investigation because of long-standing protocol that prohibits public discussion of ongoing inquiries.

"However, please be assured that the Department is committed to bringing enforcement action wherever the facts and evidence demonstrates prosecutable violations of federal law," the letter said. The House Select Investigative Panel on Infant Lives has also asked New Mexico Attorney General Hector Balderas to open investigations into the matter. Balderas has said only that his office has the matter under review.

Southwestern Women's Options spokeswoman Heather Brewer said the clinic "will cooperate fully – as we have always done – with any public investigation of the high-quality, compassionate care that we have provided New Mexico women for more than 40 years."

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