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Fetal Tissue Hearing Thrown Into Chaos

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Abstract

The House Commerce subcommittee on health and environment hearing was slated to deal with illegal underground traffic of fetal tissue, which had apparently been exposed on ABC's "20/20" Wednesday night. But Democrats trumped Republicans by pulling the rug out from under witness Dean Alberty.

Alberty appeared in a video on fetal tissue sales produced by Life Dynamics, an anti-abortion group, which was used by the committee for research. But committee Democrats obtained a deposition in which Alberty contradicted statements he made on the video and used the materials to back him into a corner during the hearing.

When Rep. Henry Waxman (D-Calif.) questioned Alberty on the discrepancies between the Life Dynamics video and his affidavit, Alberty said, "I would go by the affidavit, when I was under oath I told the truth. Anything I said on the video when I was not under oath, that is a different story."

Full Text

Democrats and Republicans were left pointing fingers over who was to blame for Thursday's botched hearing on fetal tissue sales after the panel's star witness left with his credibility in tatters.

The House Commerce subcommittee on health and environment hearing was slated to deal with illegal underground traffic of fetal tissue, which had apparently been exposed on ABC's "20/20" Wednesday night. But Democrats trumped Republicans by pulling the rug out from under witness Dean Alberty.

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"There was a very loud gasp in the room," said Waxman Chief of Staff Phil Schiliro. "What he has said has been the basis for this whole investigation."

"In the videotape he talked about clinic doctors killing viable fetuses, but in his sworn deposition he said he didn't have an understanding of whether a fetus was alive or not," Waxman said.

Democrats believe that, while the alleged fetal tissue sales should be investigated, Republicans' entire basis for holding the hearing dissolved when the videotape was revealed to be false.

"I have never witnessed a witness whose credibility fell apart so rapidly," Waxman observed.

Republicans also took their shots at the discredited witness.

Rep. Jim Greenwood (R-Pa.) asked Alberty about a portion of the video featuring a "woman" wearing a green dress and long brown wig speaking in a digitized voice about the alleged fetal tissue sales.

"I said, 'Mr. Alberty, was that you?'" Greenwood recalled in an interview, adding that Alberty confirmed it was him wearing a wig. The Republican then asked if he was also wearing a dress. "He said, 'I don't recall.'"

"I think I'd remember if I were wearing a dress," Greenwood retorted.

The exchange, according to Members and staff who were present, set the tone for a humorous - although embarrassing - demonstration of incomplete research by committee staff.

Now Republicans are seeking to turn the tables on Democrats, arguing that the only reason they appeared unprepared was because Democratic staffers withheld Alberty's deposition.

Commerce Committee spokesman Steve Schmidt said the panel staff could not interview Alberty prior to the hearing because he was under a gag order. Schmidt said the staff requested a copy of his deposition from the Anatomical Gift Foundation, but was refused.

Democratic committee staff, however, had obtained a copy of the deposition, and Republicans allege that Democrats did not give the majority staff a copy until Thursday.

"That seems to be the case that the deposition was not provided to Commerce Committee staff until 9:30 [Thursday morning] when it appears they might have had it for up to two weeks," Greenwood said.

"Which raises the question: Are the Democrats acting as defense counsel for the Anatomical Gift Foundation?" Schmidt said. "Had the Democrats shared with us the information, we would have been happy to excuse him as a witness," he said.

Meanwhile, Democrats claim Republicans had the affidavit first, a fact that also illustrated the discrepancies.

"Clearly we agree that Alberty's testimony left his credibility in shatters," Schmidt conceded. "He's clearly a liar and clearly Life Dynamics' ... credibility is also in shatters."

"This Life Dynamics group duped '20/20' and they duped the Congress," Waxman said. "It appears that they and all the other groups that they're aligned with went to the House leadership and demanded they hold this hearing."

The Republicans' other main witness was Miles Jones, the Missouri doctor who was allegedly running the business and was the subject of the "20/20" investigation.

Jones did not comply with the committee's subpoena and the panel voted unanimously to hold Jones in contempt of Congress.

Republicans now want to investigate Jones and the Anatomical Gift Foundation and find out for certain when Democrats obtained the deposition.

Schmidt said the hearing was investigative and worthwhile. "It was a first step looking at this issue. We saw evidence pretty clearly that the Democrats will go to all lengths possible to try and prevent this from going forward."

Democrats deny they're trying to block the investigation.

"It's a legitimate subject for inquiry," said a Democratic Commerce Committee spokesman. "If in fact these practices are being carried out then it's a subject for the law enforcement community. It is even more important a subject for serious committee inquiry. This was a slipshod, amateurish, half-baked, incompetent investigation."

"I went into this hearing with some concern as to whether they had some real evidence of abuse and whether ... there was a political agenda at work," Waxman said. "But I do think it's legitimate for our subcommittee to have oversight on this issue."

Waxman - along with Reps. John Dingell (D-Mich.), Sherrod Brown (D- Ohio), Ron Klink (D-Pa.), Diana DeGette (D-Colo.), Bart Stupak (D- Mich.) and Fred Upton (R-Mich.) - signed a letter asking the Justice Department and the FBI to investigate Jones' company, Opening Lines.

While Upton agrees that Albery's credibility was "destroyed," he still believes the committee should pursue Jones' business.

"Based on what I saw [on '20/20'], I believe it would be a pretty airtight case against him," Upton said. "I would hope that the law can be enforced."

Upton called Deputy Attorney General Eric Holder Thursday morning to discuss the issue, and later received a reply indicating the Justice Department was willing to look into the evidence.

"20/20" Chief Correspondent Chris Wallace said he stands by the story, despite Albery's testimony. "He said under oath that everything he told '20/20' was the truth."

"We were well aware that Mr. Albery carried some baggage, that he was paid by a right-to-life group ... but we believe that parts of his story were true and we believe that because we were able to verify them with other sources," Wallace said.

"The bottom line is that we absolutely stand by every point made in our stories," Wallace said.

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Details