

# United States Senate

WASHINGTON, DC 20510

February 2, 2025

Robert F. Kennedy Jr.  
Madonna & Madonna, LLP  
48 Dewitt Mills Rd.  
Hurley, NY 12443

Dear Robert F. Kennedy Jr.:

We write regarding our ongoing concern that, if confirmed as Secretary of the U.S. Department of Health and Human Services (HHS), you will have serious conflicts of interest that could allow you to retain an indirect financial stake in anti-vaccine cases against HHS-regulated companies. These conflicts, combined with your decades-long career casting doubt about the safety and efficacy of life-saving vaccines, give us grave concern about your fitness to serve as Secretary.

On January 21, 2025, you disclosed to the Senate Finance Committee that you refer cases to the law firm WisnerBaum and receive 10% of the money awarded in any successful cases. Your relationship with WisnerBaum has earned you roughly \$2.5 million in the last three years alone.<sup>1</sup> Some of the cases you have referred involve claims against the Human Papillomavirus (HPV) vaccine, Gardasil, which has been proven to protect against several forms of cancer.<sup>2</sup> The ethics plan that you agreed to prior to your confirmation hearing would allow you to retain your stake in Gardasil cases and other cases that you refer to WisnerBaum.<sup>3</sup>

Following this revelation, a chorus of lawmakers, ethics experts, and news outlets sounded the alarm that this arrangement presented an egregious conflict of interest. As Secretary, you would have the power to strengthen plaintiffs' hand in the litigation to increase their chances of winning. By using your authority and bully pulpit as Secretary to sway the outcome of the litigation and secure a big judgment or settlement, you would increase the chances of a large payout for yourself.<sup>4</sup>

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<sup>1</sup> CBS News, "What to know about RFK Jr.'s financial ties with a personal injury law firm," Katie Gibson, January 31, 2025, <https://www.cbsnews.com/news/rfk-jr-confirmation-robert-f-kennedy-merck/>.

<sup>2</sup> U.S. Senate Committee on Finance, Responses to Questions for the Record, January 2025, [https://www.finance.senate.gov/imo/media/doc/responses\\_to\\_questions\\_for\\_the\\_record\\_to\\_robert\\_f\\_kennedy\\_jrpart\\_2.pdf](https://www.finance.senate.gov/imo/media/doc/responses_to_questions_for_the_record_to_robert_f_kennedy_jrpart_2.pdf).

<sup>3</sup> Letter from Robert F. Kennedy to Designated Agency Ethics Official Randall Hall ("Ethics Agreement"), January 21, 2025, pp. 3-4, [https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/F3C8425ED335BB5685258C1A00565D57/\\$FILE/Kennedy%2C%20Jr.%2C%20Robert%20F.%20%20finalEA.pdf](https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/F3C8425ED335BB5685258C1A00565D57/$FILE/Kennedy%2C%20Jr.%2C%20Robert%20F.%20%20finalEA.pdf).

<sup>4</sup> The Wall Street Journal, "Elizabeth Warren Exposes RFK Jr.," The Editorial Board, January 29, 2025, <https://www.wsj.com/opinion/rfk-jr-senate-hearing-health-and-human-services-drugmakers-lawsuits-elizabeth-warren-36691b47>.

Our concerns have only grown since your initial disclosures to the Finance Committee. Specifically, the following events have occurred:

- In your written responses to questions for the record (QFRs) from the Finance Committee submitted on January 31, 2025, you revealed that you referred “hundreds of cases” to WisnerBaum to which the 10% referral fee agreement applies.<sup>5</sup> You have not provided the Finance Committee any clarity about which cases those are and what vaccines are involved.
- In your January 21, 2025 Ethics Agreement, you stated (emphasis added): “I have a consulting arrangement to refer cases to the law firm of WisnerBaum f/k/a Baum Hedlund Aristei & Goldman. Upon confirmation, I resign from that consulting arrangement with WisnerBaum. Pursuant to the referral agreement, I am entitled to receive 10% of fees awarded in contingency fee cases referred to the firm. I am not trying these cases, *I am not an attorney of record for the cases*, and I will not provide representational services in connection with the cases during my appointment to the position of Secretary.”<sup>6</sup> Nevertheless, the Finance Committee identified at least five additional cases related to the Gardasil litigation in which you still appear to be an attorney of record, but that you did not disclose to the Committee. When questioned by the Committee, you did not directly acknowledge this omission or provide clarity about any financial compensation you might receive related to these cases. Nor did you clarify whether you remain an attorney of record on these cases in your Ethics Agreement Amendment submitted on February 1, 2025.
- In response to additional questions from the Finance Committee, you would not commit to recuse yourself from numerous HHS, FDA, and CDC decisions and communications related to Gardasil that could potentially influence the outcome of vaccine litigation in which you have a financial stake. On the contrary, you responded “no” to whether you would commit to recuse yourself from the following types of decisions and communications related to Gardasil: public statements, ACIP proceedings and decisions, Vaccine Injury Claims Prevention (VICP) claims prioritization, development and dissemination of materials such as Vaccine Information Statements, decisions related to the CDC GRADE system, FDA hearings and public meetings, FDA determinations related to safety and effectiveness data, and FDA disclosures of information and records.<sup>7</sup>
- You apparently recognized that this financial conflict was problematic and agreed to the “divestment of [your] interest from Gardasil litigation entirely.”<sup>8</sup> But the details of this

<sup>5</sup> U.S. Senate Committee on Finance, Responses to Questions for the Record, January 2025, [https://www.finance.senate.gov/imo/media/doc/responses\\_to\\_questions\\_for\\_the\\_record\\_to\\_robert\\_f\\_kennedy\\_jrpart\\_2.pdf](https://www.finance.senate.gov/imo/media/doc/responses_to_questions_for_the_record_to_robert_f_kennedy_jrpart_2.pdf).

<sup>6</sup> Letter from Robert F. Kennedy to Designated Agency Ethics Official Randall Hall (“Ethics Agreement”), January 21, 2025, p. 3, [https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/F3C8425ED335BB5685258C1A00565D57/\\$FILE/Kennedy%2C%20Jr.%2C%20Robert%20F.%20%20finalEA.pdf](https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/F3C8425ED335BB5685258C1A00565D57/$FILE/Kennedy%2C%20Jr.%2C%20Robert%20F.%20%20finalEA.pdf).

<sup>7</sup> U.S. Senate Committee on Finance, Responses to Questions for the Record, January 2025, pp. 39-40, [https://www.finance.senate.gov/imo/media/doc/responses\\_to\\_questions\\_for\\_the\\_record\\_to\\_robert\\_f\\_kennedy\\_jrpart\\_2.pdf](https://www.finance.senate.gov/imo/media/doc/responses_to_questions_for_the_record_to_robert_f_kennedy_jrpart_2.pdf).

<sup>8</sup> *Id.* p. 41.

new divestment agreement are troubling. On February 1, 2025, you submitted an Ethics Agreement Amendment to the Finance Committee that revealed you are divesting your interests in the cases you referred to WisnerBaum to a “non-dependent adult family member.” In your written responses to Finance Committee questions for the record, you said you were divesting the interest to your adult son.<sup>9</sup>

The arrangement outlined in your Ethics Agreement Amendment is plainly inadequate, as it would appear to allow an immediate family member to benefit financially from your position as Secretary. Furthermore, we cannot trust that your disclosures to the Finance Committee are accurate and complete based on the apparent omissions and lack of transparency surrounding how many cases you have referred to WisnerBaum and which specific vaccines are involved. What is clear is that your involvement and financial interests in vaccine litigation are broad and extensive. It seems possible that many different types of vaccine-related decisions and communications—which you would be empowered to make and influence as Secretary—could result in significant financial compensation for your family.

You cannot credibly serve as Secretary without clearly and fully addressing these conflicts. Due to our concerns, we request that you make the following commitments in writing:

1. **If confirmed as Secretary, you will recuse yourself from all vaccine-related communications and decisions.** Given the breadth of your involvement in vaccine litigation, such a recusal would help ensure that you and your family do not benefit financially from official government actions that you will oversee and control. Such recusal will also ensure vaccine-related policymaking and communications are not inappropriately skewed by your personal views at the expense of scientific evidence.
2. **If confirmed as Secretary, you will recuse yourself from all matters related to HHS-regulated entities that are involved in cases or litigation that you or your family have an interest in.** This will help ensure, for example, that you could not leverage your position as Secretary by conditioning a company’s request regarding an unrelated matter (e.g., an FDA approval) on such company agreeing to settle an anti-vaccine case in which you or your family have a financial interest.
3. **If confirmed as Secretary, you will not litigate cases involving vaccines, represent parties in VICP-related cases, or have a financial interest in such litigation or cases for at least 4 years after leaving office.** As Secretary, you would be in a position to influence future anti-vaccine cases and litigation in ways that would benefit you after leaving HHS. For example, you could direct the CDC to remove a vaccine from the vaccine schedule, change vaccine labeling requirements, or make procedures in special vaccine court more advantageous for plaintiffs. Then, if you leave HHS and immediately return to litigating against vaccine makers, you would stand to profit from rules you helped reshape. This commitment would further mitigate the appearance of a conflict of interest while you are in office.

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<sup>9</sup> U.S. Senate Committee on Finance, Further Response to Senator Wyden Questions for the Record, January 2025, [https://www.finance.senate.gov/imo/media/doc/further\\_response\\_to\\_senator\\_wyden\\_question\\_for\\_the\\_record\\_to\\_robert\\_fkennedyjr.pdf](https://www.finance.senate.gov/imo/media/doc/further_response_to_senator_wyden_question_for_the_record_to_robert_fkennedyjr.pdf).

These commitments will help ensure that you do not have a direct or indirect financial incentive to interfere with HHS's vaccine proceedings or other matters involving the manufacturer of Gardasil or any other HHS-regulated entity.

In addition, as noted above, your February 1, 2025 signed Ethics Agreement Amendment does not address whether you are an attorney of record on the cases Senator Wyden pointedly asked about in his QFRs that you responded to on January 31, 2025. Nor does your Ethics Agreement Amendment amend your prior agreement with regard to whether you were an attorney of record on those cases or any other cases. We therefore request that you provide immediate answers to the following:

1. Please state whether you were an attorney of record for the following cases on the Gardasil MDL Docket: Case No. 3:22cv382; Case No. 3:22cv384; Case No. 3:22cv386; Case No. 3:22cv392; Case No. 3:22cv397. If you were an attorney of record, please amend your Ethics Agreement as appropriate to account for this.
2. Please identify any additional cases in which you are an attorney of record.

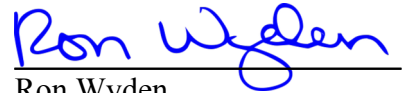
We look forward to your response.

Sincerely,



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Elizabeth Warren  
United States Senator



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Ron Wyden  
United States Senator