



Written by [Bob Adelman](#) on July 15, 2023

Battle Over Planned Parenthood's Harvesting Baby Parts for Profit Enters 9th Year

Officially, the exposure of Planned Parenthood's haggling over the prices it was willing to pay for parts of aborted babies [began with the publishing on July 14, 2015](#) of videos exposing the dark underside of the abortion industry.

It really began earlier, when Sandra Merritt watched ABC's 20/20 undercover investigation of an abortion doctor bragging about how much money he was making aborting babies and then selling their body parts. The broadcast ended with this: "This is illegal but nobody's doing anything about it."



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This so shocked Merritt that it galvanized her into action and, working with investigative journalist David Daleiden, she spent months in an undercover investigation into the abortion industry and its primary beneficiary, Planned Parenthood.

Representing themselves as employees of a false front company, Merritt and Daleiden video-taped conversations with the abortion giant's employees in public places (in compliance with the law) and learned the horrors behind the harvesting of baby parts for profit.

The continuing revelations as the videos were released sparked an uproar that reached into every corner of the country, including moves by Congress to defund the murderous outfit.

Rather than celebrating the revelation, however, the industry itself focused on the investigators, bringing lawsuits against them for committing "fraud" and "deceit" while gathering the devastating facts behind the façade of "health services."

As Liberty Counsel, the public-interest law firm defending Merritt, [noted in September last year](#):

The undercover videos, some of which were recorded at the National Abortion Federation's (NAF) 2014 and 2015 abortion convention and trade shows, exposed Planned Parenthood's illegal involvement in harvesting and selling aborted baby body parts to companies such as StemExpress.

The recordings capture Planned Parenthood executives haggling over the prices of baby body parts, picking through bloodied arms and legs of aborted babies in a pie tray, and discussing how to alter abortion methods to obtain better body parts for sale.

In one episode of the videos, Dr. Deborah Nucatola, at the time the senior director of "medical services" for Planned Parenthood, described in stomach-churning detail the procedure:

We've been very good at getting heart, lung, liver, because we know that, so I'm not gonna



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crush that part, I'm gonna basically crush below, I'm gonna crush above, and I'm gonna see if I can get it all intact....

I'd say a lot of people want liver. And for that reason, most providers will do this case under ultrasound guidance, so they'll know where they're putting their forceps.

In the most recent court ruling, Merritt and Daleiden were convicted of illegally recording those conversations — “a charge that is unprecedented for citizen journalists,” notes Liberty Counsel — and fined some \$16 million as punishment.

Both Liberty Counsel and the Thomas More Society, which is defending Daleiden in the case, are claiming that no other journalist or journalist organization has ever been charged with a crime for making undercover recordings in the public interest. In fact, they are the first undercover journalists to be criminally prosecuted in California history.

As Joe Barnas, writing for the Thomas More Society, [noted](#):

In nearly every prior case, undercover journalists have received strong First Amendment protections, which is why we are asking the U.S. Supreme Court to hear this appeal.

If the financially ruinous judgment against David [and Sandra] is allowed to stand, every undercover journalist in the country will face the threat of ruinous damages for critical investigative reporting—chilling speech nationwide no matter the issue at stake.

That, of course, is why this exposure of the dark underbelly of the abortion industry has taken so long: those profiting from it don't want any more evidence of their dastardly and horrific deeds brought to light.

In its appeal to the Supreme Court on behalf of Merritt, Liberty Counsel is asking the high court to consider “whether the First Amendment’s Free Speech Clause protects newsgathering journalists, who operate under an alias to document and expose what they reasonably believe to be unlawful conduct, from being subjected to punitive liability for ‘fraud.’” It added:

This case concerns whether, and to what extent, the press may raise the First Amendment as a defense against generally applicable tort laws when undercover journalists gather and publish truthful news of significant public importance.

Accordingly, the First Amendment not only protects the publication of news; it also protects the newsgathering process, including undercover investigations, because “without some protection for seeking out the news, freedom of the press could be eviscerated.”

The Supreme Court has not yet announced whether it will take the case on appeal.

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