



## Motion Filed to Lift Gag Order Barring the Release of “Damning” Abortion-industry Videos

The Center for Medical Progress (CMP) claims to have a dozen more undercover videos exposing Planned Parenthood’s organ harvesting practices but has been prohibited from releasing them as a result of a 2016 gag order. The organization’s founder, David Daleiden, filed motions last week to have the order lifted so he can release what he has dubbed “some of the most damning and incriminating footage we ever recorded.”



Since 2015, the CMP has released a number of undercover videos that exposed Planned Parenthood’s controversial sale of fetal tissue. The videos included secretly recorded comments from executives of Planned Parenthood and StemExpress (the latter organization a premier source of human primary cells), as well as undercover footage from clinics. Planned Parenthood officials were featured prominently in the videos, some of whom admitted to even altering abortion procedures to procure fetal tissue and selling fetal tissue for profit, legally ambiguous but utterly unethical practices. Another video also revealed that StemExpress did not always obtain consent from mothers to use fetal tissue.

The videos raised questions about the legality of the fetal organ harvesting scheme and showcased the barbarity with which the officials approached the practice. In one such video, a former procurement technician recalled her supervisor had referred to a still-beating fetal heart as “cool.”

The National Abortion Federation, NAF, the organization that hosted the conferences at which CMP investigative journalists captured much of the footage, sued Daleiden for illegally recording the videos and accused him of fraud, conspiracy, and invasion of privacy, the *Washington Examiner* reports. As a result of that federal suit, a gag order has been placed on the CMP, prohibiting the organization from releasing any more videos. Meanwhile, the NAF has since dropped seven of the 11 claims it made against Daleiden.

Last week, the Center for Medical Progress filed three motions in a San Francisco federal court to dismiss the remaining motions and lift the gag order. It asserts that the federal courts no longer have jurisdiction over the case because the only claims against CMP are state ones, and those are completely meritless. Moreover, California has a law that bars lawsuits against others strictly to attack their First Amendment protections, which is what Daleiden is accusing the National Abortion Federation of doing. Daleiden was acting as an undercover reporter when he filmed the abortion meetings, which news agencies do on a regular basis.

“We’re pressing for the entire thing to be dismissed,” said Daleiden, according to the *Washington Free Beacon*. “You could expect a solid dozen more videos really in the same vein as the original undercover [material].... This gag order should be dissolved in October, and we should be able to release the tapes at that time.”

“The facts on the ground [have] changed so completely and so significantly ... that the original



Written by [Raven Clabough](#) on August 21, 2018

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justifications for that gag order don't stand," Daleiden added.

According to the *Washington Examiner*, the videos could become public as early as October if the court rules in Daleiden's favor.

Unfortunately, Daleiden is fighting against the powerful abortion industry, for which the law does not seem to apply. He has asked for the recusal of Obama appointee Judge William Orrick, who once held a leadership position on a nonprofit that hosts a Planned Parenthood clinic, to no avail. Orrick is the judge who issued the gag order in 2016 that has since been upheld by the Ninth Circuit U.S. Court of Appeals. And in April of this year, the U.S. Supreme Court refused to consider an appeal to remove the gag order, and deferred to that court's ruling.

In the ruling, a majority of Ninth Circuit judges wrote: "The defendants claim that they were released from their contractual obligations because they obtained evidence of criminal wrongdoing. But the district court, having reviewed the recordings, concluded as a matter of fact that they had not. That determination is amply supported by the record."

The lone dissenting judge, Consuelo Maria Callahan, reasonably argued that while it may be inappropriate for the CMP to share its videos with the general public, law enforcement should at least have access to them, since the videos potentially expose undercover practices.

"Accordingly, our system of law and order depends on citizens being allowed to bring whatever information they have, however acquired, to the attention of law enforcement," wrote Callahan. "This case is no exception and the district court erred in preventing Defendants from showing the tapes to law enforcement agencies."

CMP's videos have prompted scrutiny of a law that bans anyone from profiting from the exchange of fetal tissue, but permits organizations to receive "reasonable payments" for the tissue. The broadly defined term undermines the ban, according to one medical ethicist, who [told the \*New York Times\*](#) in 2015, "It appears to be legal, no matter how much you charge. It's a very gray and musty area as to what you can charge."

But critics argue that there has to be some sort of limit. A Senate report on the fetal harvesting scheme found that according to one organization's own records, it paid \$60 for an aborted infant from a Planned Parenthood clinic, then sold the various body parts for \$2,275.

Yet, Planned Parenthood has adamantly denied any wrongdoing, stating that the organization had not sought any payments beyond what is legally permissible.

As noted by the Daily Wire, the videos released by the CMP over the years have been largely ignored or criticized by the mainstream media, and Daleiden was targeted with lawsuits and was even charged in the state of California for his undercover reporting — the first and only time in the history of the state that an undercover journalist had been prosecuted for taping.

The NAF's federal suit has successfully forced Daleiden into silence, at least for now.



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