



Written by [Raven Clabough](#) on June 1, 2016

## California Moves to Protect Planned Parenthood From Undercover Videos

In response to the controversy surrounding the release of undercover videos that exposed Planned Parenthood's involvement in fetal organ harvesting, the California State Assembly is moving to pass a bill that would criminalize publishing secretly recorded video footage from "healthcare providers" such as Planned Parenthood.



The *Washington Times* [reports](#), "AB 1671, which has been backed by Planned Parenthood, would criminalize the publication of confidential interactions with state-licensed medical personnel, including abortionists and clinic staff, punishable by up to one year in prison and a \$10,000 fine per violation."

Under the bill, anyone who "intentionally discloses or distributes, in any manner, in any forum, including, but not limited to, Internet Web sites and social media, or for any purpose, the contents of a confidential communication with a healthcare provider," would be subject to punishment.

That includes but is "not limited to, videos or still photographs, blogs, video blogs, podcasts, instant and text messages, email, online services or accounts, or Internet Web site profiles or locations."

According to the *Christian Post*, A.B. 1671 also criminalizes reporters who record conversations with staff at abortion clinics regarding their services. The *Post* notes this is troubling because it is through those inquiries that Americans learned that most Planned Parenthood facilities do not actually provide some of the services they claim to, such as mammograms.

The *Christian Post* also observes that this bill, had it been law at the time, would have led to the prosecution of the journalists who "reported on abortion clinics that failed to contact authorities to report the sexual abuse of underage girls who were trafficked to clinics for abortions by their abusers."

The bill is clearly in response to the controversy created by undercover videos released last year involving Planned Parenthood. David Daleiden and the Center for Medical Progress (CMP) released 11 videos that exposed Planned Parenthood's illegal activities connected to fetal organ harvesting, including altering abortion procedures to procure fetal tissue, as well as selling fetal tissue for profit. One particular video also revealed that one of the companies sourcing fetal remains from Planned Parenthood clinics, StemExpress, did not always obtain consent from mothers to use their fetal tissue, a practice that Fox News noted would be "a serious ethical breach."

CMP's released videos have included secretly recorded comments from executives of Planned Parenthood and StemExpress. Videos have featured undercover footage from clinics — including footage of fetal tissue being handled by workers, footage of fetal tissue from aborted pregnancies, and



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on-camera interviews with Holly O'Donnell, a former StemExpress procurement technician who admitted in one of the videos that she has encountered "fetuses" that still had beating hearts.

Daleiden had hoped that the videos would prompt lawmakers to investigate Planned Parenthood and ultimately defund it, but instead authorities have turned their attention to Daleiden and the CMP.

Earlier this year, the California Department of Justice raided Daleiden's home and seized his laptop and hard drives, which contained information obtained during his 30-month investigation into Planned Parenthood.

Last July, California Attorney General Kamala Harris stated that she would review CMP's videos to determine whether CMP violated state charity registration or reporting requirements.

Similarly, a Texas grand jury cleared Planned Parenthood of misusing fetal tissue and instead indicted Daleiden and his colleague, Sandra Merritt, on multiple charges, including using fake driver's licenses to gain access to a Houston clinic.

A.B. 1671 is the latest response to CMP's videos out of California. It was introduced by Los Angeles Assemblyman Jimmy Gomez, who has received \$13,500 in campaign contributions from Planned Parenthood, according to Live Action News.

The bill has provoked public outcry from pro-life groups and others who contend it is a violation of free speech and could negatively impact investigative journalism.

The California Newspaper Publishers Association (CNPA) is among those opposed to the legislation for its impact on the First Amendment-protected rights of journalists. CNPA's legal counsel, Nikki Moore, addressed a letter to Gomez regarding the organization's concerns. "AB 1671 seeks to criminalize the exchange of information," Moore wrote. "It exposes the media and individuals alike to criminal penalties for simply pushing the send button on an email. And it ties the hands of California journalists whose job is to report on issues of public concern."

The *Washington Post* reports that CNPA testified against A.B. 1671 during deliberations, and put out a press release on May 27 calling the bill "content based regulation and presumptively unconstitutional."

The Life Legal Defense Foundation has raised similar concerns. "California legislators are willing to trample on the right to free speech to protect Planned Parenthood's financial interests," said Alexandra Snyder, the executive director of the Life Legal Defense Foundation.

Lila Rose, president and founder of the pro-life Live Action, contends that the bill is part of a concerted effort to further diminish whatever transparency remains at Planned Parenthood. "For years, undercover journalists have documented Planned Parenthood employees covering up for sex traffickers, failing to report child sexual abusers, and trafficking in baby body parts," Rose said in a statement. "Rather than be more transparent with the public, Planned Parenthood wants to make it a crime for the media to publish evidence that it might be doing something illegal."

What's more, Rose asserts that as a publicly funded organization, Planned Parenthood should be expected to make the public aware of its inner workings. "A watchdog media is a cornerstone of a democratic society, and when the public funds half of the abortion giant's operations, it has a right to know that its money isn't being used to break the law or commit abuses," she said.

Predictably, the bill has found support from Planned Parenthood Affiliates of California, whose website called the bill a "key improvement that closes a current loophole in privacy laws around illegal videotaping."



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But opponents contend there should be no expectation of privacy when it comes to illegal activity by a publicly funded organization, particularly if it means violating the principles set forth in the U.S. Constitution.

“This outrageous bill is a direct attack on the freedom of the press and is blatantly unconstitutional,” Rose states. “This bill puts Planned Parenthood’s interests ahead of the First Amendment, its clients, and the public, and it would keep evidence of illegal or abusive activity hidden from nearly everyone’s view.”



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