

Planned Parenthood Scores Another Courtroom Victory

The courtroom battles over the Center for Medical Progress (CMP)'s undercover investigative videos that highlighted Planned Parenthood's profiting from the trafficking of aborted baby tissue and organs continues to rage on.

In California, the National Abortion Federation (NAF) and Planned Parenthood scored a minor victory when a federal judge issued an injunction preventing CMP and investigative journalist David Daleiden from releasing any more footage. According to Life Legal Defense Foundation, which is assisting with the legal battle, the judge's ruling was based in part on the NAF's allegations that the videos were "deceptively edited."

In an amicus brief signed by six members of Congress, however, the findings of an independent forensic report irrefutably established that the videos were not manipulated, altered, doctored or misleadingly edited in any way.

"We find the free speech arguments provided by eleven of the nation's leading constitutional experts to be particularly compelling," Life Legal Executive Director Alexandra Snyder said. "With each day that goes by, the judge's ruling erodes our First Amendment protections by impeding the free flow of information.

"Apart from Daleiden's undercover videos, the public would have no way of knowing about the abortion industry's practice of selling the parts of aborted babies. The public clearly has a right to access this important information."

Thomas More Society attorneys filed an appeal last week with the United States Court of Appeals for the Ninth Circuit, arguing for reversal of the injunction. They argue the

injunction was a “blatantly unconstitutional prior restraint on free speech,” noting several Supreme Court precedents that condemn such gag orders, most notably in the famous Pentagon Papers case in which the justices refused the federal government’s plea to stop publication of top-secret files discussing the Vietnam War which had been leaked to the *New York Times* and *Washington Post*.

The appeal brief also argues that release of undercover video of significant (if not paramount) public interest should not be suppressed, in order to protect the public’s right to know. Congress itself had subpoenaed the suppressed videos and the lower court upheld that subpoena, which in turn led to a public hearing by the House Select Committee on Infant Lives, held last week.

“The National Abortion Federation is working in tandem with Planned Parenthood and other abortion providers and promoters to suppress David Daleiden’s First Amendment rights and to shut down the resulting investigations focused on the abortion groups’ involvement in baby parts trafficking,” said Tom Brejcha, president and chief counsel of Thomas More Society. “This prejudicial censorship targeted at a civilian investigator threatens undercover journalism at large.”

NAF’s principal claim in its lawsuit, filed last summer, is that Daleiden and CMP violated the federal Racketeer Influenced & Corrupt Organizations Act, a 1970 federal law designed to combat organized crime. Brejcha said those claims are “totally inappropriate” in the case and have been “decisively rejected” in Supreme Court precedent.

“Equally as other investigative journalists for so-called mainstream news media, such as CBS’s ‘60 Minutes,’ regularly resort to undercover journalism tactics to ferret out hidden crime, citizen journalists like David Daleiden have every right to penetrate the criminal underworld to bring to light and open to public scrutiny evidence of potential criminal

wrongdoing,” he added.

Life Legal has also filed two new motions in the case of *Planned Parenthood v. Center for Medical Progress and David Daleiden*. The first was a motion to dismiss Planned Parenthood’s case against Daleiden and the second was a motion to quash—or dismiss—subpoenas served by Planned Parenthood.

Additionally, six amicus briefs were submitted on behalf of Daleiden in the National Abortion Federation’s lawsuit against CMP. Among those who submitted briefs were the American Catholic Lawyers Association, the Charlotte Lozier Institute, the Justice and Freedom Fund and the attorneys general of 14 states.