



Written by [Raven Clabough](#) on March 2, 2021

David Daleiden, CMP Journalists Appeal Ruling in Favor of Planned Parenthood

David Daleiden and other investigative journalists with the Center for Medical Progress (CMP) who exposed Planned Parenthood's fetal organ harvesting scheme are [appealing](#) the verdict in favor of Planned Parenthood after the abortion giant won its lawsuit against the journalists in 2019.

Since 2015, CMP has released more than a dozen 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, both legally ambiguous but utterly unethical practices. Another video also revealed that StemExpress did not always obtain consent from mothers to use fetal tissue.



AP Images

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 that her supervisor had referred to a still-beating fetal heart as “cool.”

Coalfire Systems, an independent forensics lab, [verified](#) that the CMP videos were authentic and were edited only to remove unnecessary portions such as bathroom breaks and travel time in vehicles. The videos prompted investigations at the state level and by the U.S. House of Representatives and Senate. The House and Senate recommended a Department of Justice investigation, which is still allegedly [in progress](#).

Planned Parenthood denies any wrongdoing and filed suit against Daleiden and CMP in 2016 for the undercover work of exposing its practices. The lawsuit accused the group of “intentionally wag[ing] a multiyear illegal effort to manufacture a malicious campaign,” the *New York Times* reported. Crimes [cited](#) in the lawsuit included trespassing, breaching confidentiality, wiretapping, and conspiracy. Yet the crimes of which CMP was accused did not include defamation.

“Planned Parenthood got caught selling aborted baby body parts in the undercover videos, and their fetal trafficking programs have started to be held accountable,” Daleiden said. “Yet because of a biased



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federal judge, who previously helped run a Planned Parenthood clinic in the fetal trafficking network, Planned Parenthood has been allowed to sue me and CMP for successfully reporting the facts.”

As Daleiden said, Judge William Orrick’s bias was clear in the case. His connections to the abortion giant included opening a Planned Parenthood clinic in San Francisco, by which he was able to funnel \$100,000 per year to a non-profit he directed, according to Life News.

During the trial, Orrick excluded testimony from an abortionist who testified in favor of CMP and asserted the videos revealed evidence of infants being kept alive to harvest their organs at Planned Parenthood. Orrick refused to allow Daleiden’s team to play full videos of the recorded conversations in court.

Harry Mihet, chief litigation counsel for Liberty Counsel, which represented one of the other journalists who had been sued, said Planned Parenthood’s case was “punitive” and was intended to “punish and deter” the journalists from ever exposing Planned Parenthood again. And under Orrick’s watch, they were successful, even as the trial witnessed what CMP [reveals](#) were “damning and incriminating admissions under oath.”

Daleiden’s lawyers filed the appeal with the Ninth Circuit Court over the weekend. The lawyers argue Planned Parenthood never proved in court that the videos were false or defamatory.

“In allowing Planned Parenthood’s case to go forward without proving the video reporting was false, Judge Orrick denied CMP’s First Amendment rights and protections for speech, blocked significant discovery on Planned Parenthood’s fetal research practices, and forbade any defense based on the truth of the video reporting,” Center for Medical Progress wrote in its press release.

Harmeet Dhillon, one of the lawyers representing Daleiden and CMP, said the future of investigative journalism could hinge on the Ninth Circuit’s ruling.

“This unprecedented, draconian treatment of undercover journalists amounts to selective censorship and punishment of pro-life views,” she said.

According to the press release, four different opening briefs were filed at the Ninth Circuit. They contend Judge Orrick was compromised by his relationship with Planned Parenthood and as such conducted the trial with [extreme bias](#) that disregarded the law and the Constitution.

Daleiden contends, “The animus against free speech about abortion and fetal trafficking was palpable in Judge Orrick’s courtroom, where no evidence against Planned Parenthood would be admitted and the real ‘crime’ is being pro-life. This judgment does not reflect equality or fairness and puts freedom of the press and the rule of law at risk for all Americans. This judgment must be reversed.”



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