



Written by [Dave Bohon](#) on April 4, 2018

Supreme Court Won't Remove Gag Order Against Undercover Videos Exposing Abortion Industry

The U.S. Supreme Court has refused to consider the appeal of a lower federal court ruling that placed a gag order on undercover videos showing abortion industry operatives talking openly about the selling body parts and tissue of aborted babies.

As reported last year by [The New American](#), David Daleiden, lead investigator for the pro-life group Center for Medical Progress (CMP), released a series of undercover videos the group shot in 2014 and 2015 at meetings of the National Abortion Federation (NAF), America's leading abortionist trade group. The videos clearly show Planned Parenthood functionaries and assorted abortionists discussing their trade in grisly detail. The conversations, done with joking and lighthearted banter, include abortionists talking about the sale of body parts from aborted babies.



Following the release of the first round, the NAF filed a lawsuit to prevent the release of further damning video evidence. In 2016, Judge William Orrick of the United States District Court for the Northern District of California issued an order blocking the release of more CMP videos.

While Daleiden and CMP appealed that ruling, in March 2017 a three-judge panel from the Ninth U.S. Circuit Court of Appeals upheld Orrick's gag order, ruling that the CMP had violated the NAF rules prohibiting the video-taping of its meetings.

On April 2 of this year, the Supreme Court refused without comment to hear an appeal of the case, *David Daleiden et al v. National Abortion Federation*, deferring to the Ninth Circuit 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."

In the lone dissenting opinion, Ninth Circuit Judge Consuelo Maria Callahan pointed out that while it might be inappropriate for CMP to share its undercover videos with the general public, law enforcement should have access to them, since selling body parts of aborted babies is against the law. "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."



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As reported by [The New American](#), based in part on the CMP videos, the Department of Justice launched an investigation of Planned Parenthood over charges that its abortionists were selling the tissue and body parts of its aborted victims to the highest bidder.

In a prepared statement, the Thomas More Society, the public policy law firm representing David Daleiden and the CMP, noted that the High Court's refusal to consider an appeal of the gag order means that hundreds of hours of video that is potentially incriminating for Planned Parenthood and other NAF abortionists will be buried for the time being. "We are disappointed with what appears to be the Supreme Court's decision that these problems are better addressed at lower court levels at this time," said Tom Brejcha, president and chief counsel of Thomas More Society. However, he added, "when the smoke finally clears, we believe David Daleiden will be completely vindicated for exposing the truth about the abortion industry."

Troy Newman of the pro-life group Operation Rescue noted that he and at least 20 state attorneys general had joined in the appeal against the gag order. Following the High Court's refusal to hear the case, Newman said through his attorney, Jay Sekulow of the American Center for Law and Justice, that he and others would continue to work to get the videos released for law enforcement agencies to review for possible criminal charges against individuals associated with Planned Parenthood and the abortion industry.

"While appealing the gag order before the entire Supreme Court would have been preferable, we continue to fight the two oppressive lawsuits brought by the NAF and Planned Parenthood, which aim to silence us and conceal the truth about their involvement in the grisly illegal sale of aborted baby tissues and organs for profit," said Newman. "We pray that one day the full truth will come out, and those who have committed crimes will be held accountable in a court of law."

Newman, who was a founding board member of CMP, is a defendant in a separate case, *NAF v. Center for Medical Progress, et al*, which was filed previous to the case in which the CMP's David Daleiden is specifically named.

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