

CMP and Daleiden Sue Planned Parenthood, Kamala Harris, CA AG Becerra for Violating Civil Rights

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UNDERCOVER VIDEOMAKER SUES PLANNED PARENTHOOD, KAMALA HARRIS, CA AG FOR VIOLATING CIVIL RIGHTS

Lawsuit Claims “Content-Based” Selective Enforcement of CA Video Recording Law To Silence First Amendment Speech and Cover Up for Abortion Industry

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IRVINE, May 13—The Center for Medical Progress and its founder David Daleiden, responsible for the undercover video series exposing top Planned Parenthood leadership negotiating the harvesting and sale of aborted fetal body parts, are suing Planned Parenthood, Kamala Harris, and California Attorney General Xavier Becerra in Los Angeles federal court for conspiracy to violate First and Fourteenth Amendment civil rights.

The lawsuit states:

“This complaint seeks justice for a brazen, unprecedented, and ongoing conspiracy to selectively use California’s video recording laws as a political weapon to silence disfavored speech. David Daleiden became the first journalist ever to be criminally prosecuted under California’s recording law, not because of the method of video recording he utilized in his investigation—which is common in investigative journalism in this state—but because his investigation revealed and he published “shock[ing]” content that California’s Attorney General and the private party co-conspirators wanted to cover up.”

California's recording law bans secret videotaping of "confidential" conversations where third parties cannot be expected to overhear the conversation. The lawsuit documents many recent examples of undercover video recording by California news outlets, even recording conversations that could not be overheard by others, that the Attorney General never prosecuted.

The California Attorney General admitted in a filing that Daleiden alone among other undercover recorders was being charged for his videos because **"those recordings were edited to enhance their shock value"** and thus Daleiden was **"culpable to a greater extent"** than other journalists.

And then during questioning about the elements of the video recording law used for prosecution at the preliminary hearing last year, the California Attorney General declared in open court, **"There is no definition of 'confidential' in the statute"** on video recording. The California recording law in fact defines "confidential communication" at 632(c).

"The California Attorney General first admitted that they are enforcing the video recording law solely based on how they feel about the message being published, and then further admitted they are not even trying to follow the text of the law as written," Daleiden notes. **"CMP's undercover reporting has been corroborated by the successful prosecution of fetal body parts sales we reported in southern California, multiple Congressional investigations, and forensic video analysis. It is every reporter's First Amendment right to underscore the gravity of their findings, especially when the politically powerful disagree with them."**

Harmeet K. Dhillon, lead counsel on the complaint, states: **"Our federal civil rights statutes were enacted in the wake of the darkest periods in our nation's history. They are well-suited for the current civil rights crisis we face, a time when powerful politicians allow their special interest patrons to custom-order prosecutions that violate fundamental constitutional rights, and do so even with the knowledge that their actions are *ultra vires*."**

Beginning under the leadership of now-U.S. Senator Kamala Harris, the California Attorney General's office targeted Daleiden's speech under the video recording law at the urging of Planned Parenthood, the National Abortion Federation, and StemExpress, a fetal tissue procurement company with deep ties to the professional abortion industry. While running for U.S. Senate, Harris had a secret in-person meeting with Planned Parenthood executives in Los Angeles, including witnesses in her investigation, to discuss issues in the investigation as part of Planned Parenthood's political agenda in California. Two weeks later, Daleiden's home was raided by the California Department of Justice.

California DOJ reports reveal that they were instructed by Planned Parenthood's attorney Beth Parker, a defendant in the lawsuit, to seize **"the computers used to produce the videos."** Last year, Planned Parenthood and the National Abortion Federation attempted to intervene in the Attorney General's prosecution of Daleiden to dictate how he would be allowed to present his defense. The California recording law includes an absolute protection for recordings made for the purpose of gathering evidence of violent crimes, and Planned Parenthood and NAF wanted to block off any evidence or testimony that would reveal criminality in their fetal tissue programs.

The publication of CMP's undercover videos led to two comprehensive Congressional investigations, one in the Senate Judiciary Committee and one in the House Energy & Commerce Committee's Select Investigative Panel. The two investigations issued dozens of criminal referrals for Planned Parenthood and its business partners for transferring aborted fetal organs and tissues for valuable consideration against the law. In December 2017, the U.S. Department of Justice announced it had opened a federal investigation of Planned Parenthood, StemExpress, and others based on the referrals from Congress. Two of Planned Parenthood's business partners in Orange County, CA then admitted guilt for selling aborted fetal organs and tissues from Planned Parenthood against the law in a \$7.8 million settlement, and the Orange County District Attorney credited CMP's undercover reporting with prompting the successful case.

The case is 8:20-cv-00891, *The Center for Medical Progress and David Daleiden v. Xavier Becerra, Planned Parenthood Federation of America, Planned Parenthood Affiliates of California, National Abortion Federation, StemExpress, Kamala Harris, Jill Habig, Beth Parker, et al.* in the Central District of California.

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Read the complaint [here](#).

To watch the undercover videos, visit: centerformedicalprogress.org/cmp/investigative-footage

To learn more about CMP, visit: CMP.org