

The Fanatical Crusade Against Planned Parenthood: Decades of Doctored Videos, Failed Entrapments, and False Accusations

Throughout its history, Planned Parenthood and the women it serves have repeatedly come under attack from ideologues opposed to family planning, birth control, and safe and legal abortion. These attacks have often been fueled by doctored "evidence" attempting to smear Planned Parenthood and its patients as immoral, criminal, or worse. The videos released by anti-abortion extremist David Daleiden and the subsequent politically motivated attacks are just the latest installment in this long-running crusade.

Each episode seems to follow the same bankrupt pattern. A few extremists spend months — even years — trying to entrap Planned Parenthood health centers into unethical or illegal conduct. Then they release recordings that purport to support their sensationalized accusations and accuse reporters of ignoring their findings. Extensive coverage by major newspapers and television networks follows, along with outrage and condemnation by legislators who oppose Planned Parenthood.

Planned Parenthood investigates the accusations. When it releases the facts, it becomes clear the initial accusations and promised evidence are without merit. But the facts don't get nearly the media coverage as the sensational accusations did. And congressional hearings are held as if the initial accusations weren't already discredited.

The current smear campaign against Planned Parenthood and its patients continues this unfortunate trend. The claims of anti-abortion extremists, some members of Congress, and Republican presidential candidates are crumbling as the facts come to light. The heavily doctored Daleiden videos provide no evidence of wrongdoing, and the ongoing investigations have found no violations. But as recently as this week, Senator Ted Cruz is circulating a letter to Majority Leader Mitch McConnell that says, "In light of recent and horrific revelations that Planned Parenthood is trafficking in fetal tissue and body parts from abortions, we urge you not to schedule or facilitate the consideration of any legislation that authorizes or appropriates federal dollars for Planned Parenthood."¹ And the House Judiciary Committee is holding a hearing on September 9 focused on Planned Parenthood.

The facts are worth repeating. Less than 1% of Planned Parenthood's nearly 700 health centers are involved in tissue donations for fetal tissue research. And for those few centers that do help patients donate tissue, all the evidence indicates they are scrupulously implementing the 1993 law concerning donations of tissue for fetal tissue research. In contrast, there are clear indications of unethical, fraudulent, and perhaps even illegal conduct by Mr. Daleiden, and he has already indicated he will plead the Fifth Amendment in court proceedings.

This document provides a summary of just some of the false and misleading attacks on Planned Parenthood in recent decades. It details nine times since 2000 that

¹ <u>http://www.washingtonpost.com/news/powerpost/wp/2015/09/04/republicans-wont-be-able-to-defund-planned-parenthood-but-they-might-shut-down-the-government-anyway</u>





hidden camera videos or other unsubstantiated allegations have led to congressional investigations and political assaults against Planned Parenthood. In each instance, the doctored "evidence" behind the vitriolic attacks fell apart upon closer inspection. All the smoke manufactured by extremists revealed no fire—just another desperate attack on Planned Parenthood and the millions of women and men who depend on it for health care.

2013: Videos Falsely Claim Planned Parenthood Conducts Illegal Abortions

In 2013, a group released videos claiming to show Planned Parenthood was conducting abortions on viable fetuses. The heavily edited videos actually depicted Planned Parenthood staff discussing a hypothetical situation that they had never faced. There was no evidence of clinical staff failing to follow the law or the appropriate clinical guidelines.²

One of the videos included an actor inquiring about a legal abortion. The video was edited to make it appear that a clinician described a scenario in which a baby survived an abortion and then was placed in a toxic solution. The anti-abortion group that released the video called upon the state's attorney general to launch a homicide investigation.

However, the group had edited out key portions of the video where the clinician indicated that the hypothetical she discussed had never occurred and that medical professionals would attempt to provide appropriate care to any live born fetus. The group edited out the following key statements:

"[The doctor] cannot do a termination once it's outside of the body, OK? He has to resuscitate it; he has to send it to the hospital. That's the law."

"[O]nce that pregnancy comes out alive [the doctor] will do everything he can to save it."³

2012: Videos Falsely Claim Planned Parenthood Encourage Sex Selective Abortion

In 2012, an anti-abortion group released videos they claimed showed that Planned Parenthood was performing sex-selective abortions — condoning or even encouraging women to terminate a pregnancy strictly based on the sex of the fetus. In the video, an actor posing as a patient tells clinic staff that she would get an abortion if her fetus turned out to be a girl. The clinic staff provides information on the types of tests used to assess the sex of the fetus, they agree to the actor's request to schedule a procedure, and they say, "[I]t's not up to us to decide what is a good or a bad reason for somebody to decide to terminate a pregnancy."⁴

² <u>http://www.huffingtonpost.com/2013/04/29/live-action-abortion-videos_n_3178725.html</u>

³ <u>http://mediamatters.org/blog/2013/04/28/live-actions-latest-abortion-clinic-undercover/193812</u> ⁴ http://www.huffingtonpost.com/2012/05/31/sex-selection-abortion-vote-fails-house-

gop_n_1559827.html



Congressional Republicans used the videos to push a ban on sex-selective abortions. One Republican member claimed the videos showed "Planned Parenthood is okay with exterminating a child in its huge network of clinics simply because she is a girl" and called the videos evidence of "the real war on women."⁵

However, in the unedited footage, it is clear the clinic staff is listening compassionately to the potential patient and counseling her on all the options available, including prenatal care and adoption.⁶ The unedited footage shows the clinic staff recommending the woman purchase insurance so that she can more easily access prenatal care in case she chooses to continue the pregnancy. The clinic staff also asks if the patient has "definitely decided" that she wants to terminate the pregnancy. The clinic staff also suggests adoption as an option, asking, "[B]ecause we're required to discuss all of a patient's options, is adoption something that you were interested in considering?"⁷

2011: Videos Falsely Claim Planned Parenthood Condones Sex Trafficking and Statutory Rape

In early 2011, anti-abortion extremists released a series of heavily doctored videos attempting to show Planned Parenthood staff acting inappropriately. The videos featured actors posing as an underage sex worker and an older male sex trafficker. The actors inquired about obtaining abortions, law enforcement reporting, and parental consent requirements. The full-length videos revealed that the publicly released clips were heavily doctored, often merging together disparate pieces of conversation to create false impressions and remove critical context.⁸

Subsequent actions, both on and off camera, by Planned Parenthood clinicians, staff, and leadership revealed that the appropriate reporting policies were followed.⁹ Staff reported the potentially illegal activity to managers and Planned Parenthood President Cecile Richards proactively wrote to Attorney General Eric Holder alerting him to the potential sex trafficking and requesting an investigation.¹⁰ In the isolated cases where Planned Parenthood staff did not conduct themselves appropriately, they were immediately terminated.¹¹

¹⁰ http://www.plannedparenthood.org/about-us/newsroom/press-releases/planned-parenthoodinforms-federal-authorities-potential-sex-trafficking

⁵ <u>http://www.huffingtonpost.com/2012/05/31/sex-selection-abortion-vote-fails-house-</u>

gop_n_1559827.html

⁶ <u>http://www.huffingtonpost.com/2012/06/01/live-action-planned-parenthood-videos_n_1563241.html</u>

⁷ <u>http://www.huffingtonpost.com/2012/05/31/sex-selection-abortion-vote-fails-house-gop_n_1559827.html</u>

⁸ http://www.huffingtonpost.com/2011/02/24/planned-parenthood-funding_n_827886.html http://mediamatters.org/blog/2011/02/04/why-is-live-action-doctoring-its-planned-parent/175992 http://abcnews.go.com/print?id=12831614

¹¹ <u>http://www.nytimes.com/2011/02/03/us/03parenthood.html?_r=0</u>



Republican members of Congress ignored the clear evidence discrediting the videos and the active role Planned Parenthood took in reporting potentially illegal activity. Instead, they accused Planned Parenthood of criminal activity and cited the videos as grounds for defunding Planned Parenthood and bringing the government to the brink of a shutdown.

Congressman Cliff Stearns supported this effort saying, "[T]hese videos show that Planned Parenthood is willing to use public funds to commit a federal crime."¹² Congressman Mike Pence introduced legislation to strip family planning funding, saying, "[T]he recent release of an undercover video exposing duplicity and potential criminality by an employee of Planned Parenthood is an outrage.... [T]he time to deny any and all funding to Planned Parenthood is now."¹³ Senator Jon Kyl made the now infamous false claim that abortion services are "well over 90% of what Planned Parenthood does."¹⁴ When confronted with the fact that approximately 3% of Planned Parenthood's services are abortion related, Senator Kyl responded that his claim "was not intended to be a factual statement."¹⁵

The partisan attacks surrounding the doctored videos nearly led to a government shutdown. In 2011, the House of Representatives passed appropriations legislation that included an amendment eliminating funding for women's health and Planned Parenthood clinics. The Senate did not take up the measure. House Republicans pushed the government to within hours of a shutdown before abandoning their defunding efforts and passing appropriations legislation with funding for women's health included.¹⁶

2011: Baseless Investigation Claims Planned Parenthood Misuses Government Funds

In the months following the release of the videos and the near shutdown, House Republicans launched a baseless investigation into Planned Parenthood.¹⁷ Congressman Stearns demanded huge volumes of documents, including more than a decade worth of audit reports and internal documents from dozens of Planned Parenthood affiliates. Rep. Stearns repeatedly justified his investigation by making unsupported claims about Planned Parenthood's practices and its use of public funds.¹⁸

¹² Rep. Cliff Stearns, Defund Planned Parenthood (Feb. 2011) online at http://www.breitbart.com/big-government/2011/02/12/defund-planned-parenthood/

¹³ https://www.congress.gov/congressional-record/2011/02/08/house-section/article/H518-4

¹⁴ <u>http://www.politifact.com/truth-o-meter/statements/2011/apr/08/jon-kyl/jon-kyl-says-abortion-</u> services-are-well-over-90-pe/

¹⁵ http://thinkprogress.org/politics/2011/04/08/157415/kyl-walks-back-claim-about-plannedparenthoo/

¹⁶ http://www.washingtonpost.com/politics/reid-says-impasse-based-on-abortion-fundingboehner-denies-it/2011/04/08/AFO40U1C_story.html

¹⁷ http://www.scribd.com/doc/66564569/Stearns-Planned-Parenthood

¹⁸http://democrats.energycommerce.house.gov/sites/default/files/documents/Stearns-Planned-Parenthood-2011-9-27.pdf



He launched his investigation with the rationale that "[a]lthough Planned Parenthood is barred from using federal funds to perform abortions, these funds are fungible and allow the group to use funds from other sources ostensibly for abortions." He also claimed that Planned Parenthood has an "extensive record of violating state sexual assault and child abuse reporting laws, and or encouraging young girls to lie about their ages to circumvent state reporting laws."¹⁹ After months of investigation with no findings to show for it, Rep. Stearns conceded that the "undercover videos often times might lack a credibility," but continued to assert without evidence that "[t]hese Planned Parenthood clinics were aiding and abetting the sex trafficking of children."²⁰

Ultimately, with no evidence to support his claims, no hearings were held and no inappropriate use of funds was ever demonstrated.

2010: Videos Falsely Claim Clinic Workers Push Women to Have Abortions

In 2010, an anti-abortion group released videos claiming to show that Planned Parenthood clinic staff inappropriately "emphasizes the difficulties of adoption [and] urges the woman to obtain an abortion as soon as possible."²¹ A review of the full footage actually revealed that the clinic staff repeatedly counseled the woman to think seriously about her decision and reminded her numerous times that she could change her mind.

For example, the clinic staff stated, "[E]ven if you're sure now, you could always have your first appointment and change your mind. Nothing's set in stone until that day." That statement was edited out of the video released to the media. Similarly, the anti-abortion group removed the staff's statement that "[I]t's up to you, if you decide you want to continue with the pregnancy... that's why there's that 24-hour waiting period. So, they do an ultrasound and a counseling appointment, they'll answer any questions you have about the procedure and you'll be able to talk with the nurse there. They'll do an ultrasound so you know exactly how far along you are so you know what your options are, and if you decide after that ultrasound you want to continue with the pregnancy you can do so, nothing's set in stone, ya know, and we don't force you either way, it's your decision completely."²²

The edited video also removed the staff's statement that "I always recommend adoption first, but if you can't do that — if you can't let people know you're pregnant, and you're considering abortion, really sit down and think about it."²³

¹⁹ <u>http://www.foxnews.com/politics/2011/09/28/house-panel-launches-probe-planned-parenthood/</u> ²⁰ <u>http://www.tampabay.com/news/health/medicine/us-rep-cliff-stearns-adamant-about-planned-</u> parenthood-inquiry/1215159

 ²¹ http://www.huffingtonpost.com/2011/02/24/planned-parenthood-funding n 827886.html
²² http://www.huffingtonpost.com/2011/02/24/planned-parenthood-

funding_n_827886.html

²³ http://www.huffingtonpost.com/2011/02/24/planned-parenthood-funding_n_827886.html http://big.assets.huffingtonpost.com/Omittingfootage.pdf



2009: Videos Falsely Claim Planned Parenthood Violates Informed Consent Laws

In 2009, an anti-abortion group released a series of videos claiming that Planned Parenthood counseling practices violated informed consent requirements, induced women to obtain abortions under duress, and inappropriately worked to avoid parental consent requirements. A video shot in an Indiana clinic was edited to make it appear that the potential patient was being rushed or that key information was being left out of discussions. In one video, the anti-abortion group edited out statements such as "Are you sure this is the best thing for you?" and "[Y]ou're going to talk to a counselor because we have you sign a consent form."

In another video the anti-abortion group claimed that Planned Parenthood counselors attempted to help a minor avoid parental consent requirements. The video did not feature a counselor, but instead featured a translator who explicitly told the potential patient that clinicians would be able to provide more complete information. The video also excluded footage where the translator repeatedly tells the fake patient she needs a guardian's signature for an abortion. The video removed statements from the translator such as, "[A]s far as I know it is a state law, you have to have a parent's consent. Or a legal guardians consent if you are under the age of 18." The video also removed the translator's statement, "No that's the law. Period. Anywhere you go, if you are under the age of 18 you're going to have to have a parent's consent."²⁴

2008: Video Falsely Claims Planned Parenthood Staff Condone Statutory Rape

In 2008, an anti-abortion group released a video claiming to show that a Planned Parenthood clinic failed to report minor abuse. The video featured a 20-year-old antiabortion activist claiming to be age 13. The full video revealed that Planned Parenthood staff immediately asked, "[D]o you have a parent or someone ... minors need to have their parent with them." The staff then later stated, "I want to be sure you know that if you're a minor we have to have either a parent or a guardian and if your parent or guardian is not available you have to get something called a judicial bypass — you have to get a judge to approve an abortion if you're a minor and you don't want the parent or something like that. You have to have a parent or a guardian."²⁵

The video was also edited to suggest Planned Parenthood staff would not take appropriate action in a case where a 13-year-old claimed to be impregnated by a 31-year-old. However, the anti-abortion group edited out the fact that the actor posing as a patient told one staff member she was 13 and told another that her boyfriend was 31. The actor was over age 18 and would have been asked for identification had the consultation process moved forward.²⁶

²⁴ <u>http://big.assets.huffingtonpost.com/Omittingfootage.pdf</u>

²⁵ http://big.assets.huffingtonpost.com/Indianapolis.pdf

²⁶ http://www.huffingtonpost.com/2011/02/24/planned-parenthood-funding_n_827886.html



2002: Attempted Telephone "Sting" Operation

In 2002, an anti-abortion group placed over 800 phone calls to women's health clinics across the country attempting to show the clinics did not comply with state statutory rape reporting requirements. The caller posed as a 13-year-old girl and claimed she had been impregnated by her 22-year-old boyfriend. The anti-abortion activists claimed that Planned Parenthood staff agreed to "conceal the sexual exploitation of children and protect the men who commit" statutory rape.²⁷

The recordings prompted a criminal investigation in Connecticut and attacks around the country. The criminal investigation quickly collapsed due to lack of evidence that any actual victims were harmed. Further investigation of the tapes revealed that the recordings presented an extremely limited portion of the actions a Planned Parenthood clinic would take when presented with an actual patient and the full facts of the case. The recordings often presented conversations with clinics' administrative staff, not with the physicians who would actually see a patient who was considering a procedure and who would be in the position of determining whether an abuse report was necessary or legally mandated.

The clinical staff's efforts to make the caller feel comfortable and to encourage her to come in for a consultation were appropriate steps before potential abuse could be reported. As the executive director of the California Women's Law Center explained, "If you're concerned about incest, statutory rape or abuse, the most important thing is to get a child to see a doctor. There's nothing reportable about an anonymous phone call, because realistically what would the police do with that information?" Furthermore, since doctors and nurses are the parties with the duty to report actual evidence of abuse, receptionists' statements and assurances of confidentiality to an anonymous caller were not legally relevant.²⁸

Following the release of the recordings a congressional subcommittee wrote to the HHS Office of Inspector General expressing "concern that organizations receiving Title X program funds may not be fully complying with State laws regarding potential sexual abuse, including statutory rape."²⁹ The HHS Office of Inspector General subsequently conducted a nationwide review of federally funded family planning centers and their compliance with State reporting requirements for child abuse, child molestation, sexual abuse, rape, and incest. The Inspector General's report did not reveal any violations and found that all grantees were regularly informed of and aware of their responsibilities and that HHS officials tracked grantees compliance through site visits and patient chart reviews. In one of its key conclusions, the Inspector General's report stated:

Based on the comprehensive program reviews in the past year, the 10 regional program consultants report that they have not marked any

²⁷ <u>http://www.foxnews.com/story/2002/05/31/pro-life-group-launches-undercover-sting.html</u>

²⁸ http://www.salon.com/2006/11/04/parental_notification/

²⁹ http://oig.hhs.gov/oei/reports/oei-02-03-00530.pdf



grantees as "not compliant" or "unacceptable" in the State reporting requirement element in the assessment tool in the past year.³⁰

2000: False Claims of Fetal Tissue Sales and a Discredited Witness

In 2000, a Republican-led congressional committee launched an investigation into allegations that Planned Parenthood health centers sold fetal tissue for profit. The investigation was prompted by video from a hidden camera report and statements from an anti-abortion extremist claiming to have witnessed large-scale violations of federal law. The undercover video included an interview with a pathologist not employed by Planned Parenthood who discussed the permissible reimbursement for fetal tissue by saying "[I]t's a market force.... [I]t's what you can sell it for."³¹

The news report featuring the undercover video also included a supposed "whistleblower," Dean Alberty, who had arranged the meeting between the pathologist and the news crew. Mr. Alberty claimed that he had witnessed widespread violations of the federal prohibition on fetal tissue sales, that he helped create price lists, and that he witnessed viable fetuses outside the womb in a clinic.

When Mr. Alberty appeared before Congress, it was revealed that many of his statements to the media and to Congress were contradicted by a sworn affidavit he had recently signed. Committee Democrats introduced the affidavit at the hearing. It stated, in part, "I have no personal knowledge of any instances in which an employer of mine charged any fees or received compensation for retrieving fetal tissue in violation of any of these laws."

Congressman Waxman asked Mr. Alberty, "So your statements under oath seem to contradict your statements that you gave for purposes of a propaganda piece in which you appeared and were paid for appearing by an anti-abortion organization. Is that an accurate statement?"

Mr. Alberty responded, "[t]hat is an accurate statement. When I was under oath I told the truth. Anything I said on the video when I'm not under oath, that is a different story.³²

Rep. Upton later read a portion of the affidavit that stated, "I have no personal knowledge of any instance in which an employer of mine charged any fees or received compensation." Mr. Upton then said, "I had the sense when you testified, when you called the FBI that you were aware of the illegality of selling fetal tissue for profit, which

³² Hearing before the Subcommittee on Health and Environment, Committee on Commerce, U.S. House of Representatives, "Fetal Tissue: Is it Being Sold In Violation of Federal Law?" 106th Congress (March 9, 2000). (online at: <u>http://www.gpo.gov/fdsys/pkg/CHRG-106hhrg63102/html/CHRG-106hhrg63102.htm</u>)

³⁰ http://oig.hhs.gov/oei/reports/oei-02-03-00530.pdf

³¹ http://www.mcclatchydc.com/news/nation-world/national/article31660535.html#storylink=cpy



is what this hearing was designed to focus on, and ... I had the impression, maybe a mistaken impression, that you were, in essence, reporting the sale of tissue."³³

Following these exchanges, then-Representative Burr addressed Mr. Alberty and stated, "I found there to be so many inconsistencies in your testimony ... your credibility, as far as this member is concerned, is shot."³⁴ *Roll Call* reported in an article titled "Fetal Tissue Hearing Thrown into Chaos" that the members were "left pointing fingers over who was to blame for [the] botched hearing ... after the panel's star witness left with his credibility in tatters."³⁵ An FBI investigation ultimately found no evidence that laws were broken.³⁶

Conclusion

The misleading, inaccurate, and heavily edited "undercover" audio and video attacks recounted above are only a portion of the nearly continuous attacks Planned Parenthood and the women it serves have faced in recent decades. The extreme claims of illegal activity by Planned Parenthood are regularly debunked and the credibility of these anti-abortion extremists rapidly crumbles. Yet anti-choice policy makers repeatedly use this "evidence" to attempt to slash funding for women's health services or to restrict women's access to safe and legal abortion.

The extreme partisanship surrounding women's health issues did not always exist. Prescott Bush, the grandfather of former President Bush and current presidential candidate Jeb Bush, was an active supporter of the American Birth Control League, which was renamed Planned Parenthood in 1942. In fact, Mr. Bush served as treasurer of the organization. His son, former President George H.W. Bush, was a champion of federal funding for groups providing access to family planning, including Planned Parenthood. He had a key role in supporting the Title X family planning legislation that President Nixon signed into law and which provides grants to Planned Parenthood centers and other family planning groups to this day.

Unfortunately, the political attacks that have followed the latest doctored videos are a disappointing example of the partisanship that has surrounded family planning issues in recent decades. Women's health and scientific research are not partisan issues. Misleading and inaccurate videos should not change that.

³³ Id.

³⁴ Id.

³⁵ "Fetal Tissue Hearing Thrown into Chaos," Roll Call (March 13, 2000).

³⁶ <u>http://cjonline.com/stories/090201/usw_tissuesales.shtml#.Ven22LxViko</u>