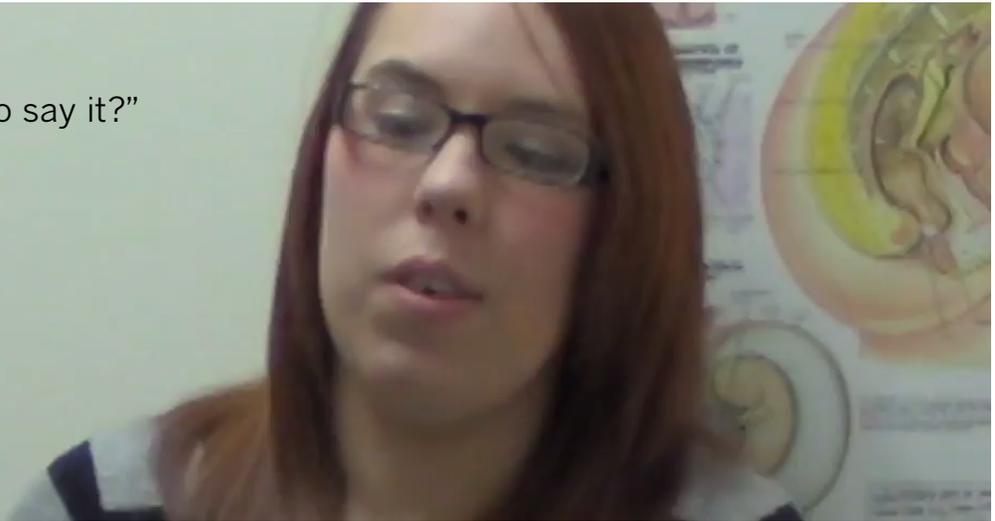




Video 0:25

“How do you want me to say it?”



Over two days of taping, Daleiden coached former fetal tissue technician Holly O'Donnell on her responses.



## How anti-abortion activists used undercover Planned Parenthood videos to further a political cause

By **JEREMY BRENINGSTALL, ELIZABETH D. HERMAN, PAIGE ST. JOHN**  
([HTTP://WWW.LATIMES.COM/LA-BIO-PAIGE-ST-JOHN-STAFF.HTML](http://www.latimes.com/la-bio-paige-st-john-staff.html))

MARCH 30, 2016

**S**he was subdued and sympathetic on camera. Her recollections of collecting fetal tissue and body parts from abortion clinics in northern California lent emotional force to the anti-abortion videos that provoked a furor in Congress last summer.

In footage made public last July, Holly O'Donnell said she had been traumatized by her work for a fetal-tissue brokerage. She described feeling “pain...and death and eternity” and said she fainted the first time she touched the remains of an aborted fetus.

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Unreleased footage filed in a civil court case shows that O’Donnell’s apparently spontaneous reflections were carefully rehearsed. David Daleiden, the anti-abortion activist who made the videos, is heard coaching O’Donnell through repeated takes, instructing her to repeat anecdotes, add details, speak “fluidly” and be “very natural.”

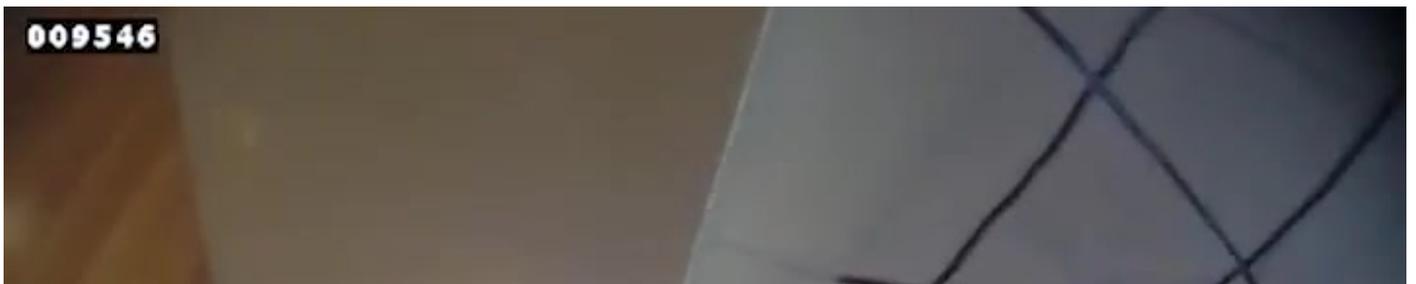
“Let’s try it two more times,” he told her at one point.

Later, O’Donnell protested: “I don’t want to tell that story again. Please don’t make me again, David.”

For more than two years, Daleiden and a small circle of anti-abortion activists went undercover into meetings of abortion providers and women’s health groups. With fake IDs and tiny hidden cameras, they sought to capture Planned Parenthood officials making inflammatory statements. O’Donnell cooperated with the filmmakers, offering an inside view of the fetal tissue trade.

## “We are so good”

David Daleiden and Sandra Merritt discuss how abortion providers trust them so much they could enter a clinic to sift through “product of conception,” the term used for an aborted fetus. (Center for Medical Progress / Los Angeles Superior Court)





The videos sparked numerous investigations into Planned Parenthood and efforts in Congress to strip the organization of its federal funding.

Now, Daleiden, head of the Irvine-based Center for Medical Progress, and his associates contend that they were acting as investigative journalists, seeking to expose illegal conduct. That is one of their defenses in lawsuits brought by Planned Parenthood and other groups, accusing them of fraud and invasion of privacy.

But unpublicized footage and court records show that the activists' methods were geared more toward political provocation than journalism.

The Times and the Investigative Reporting Program at UC Berkeley took a detailed look at published and unreleased video footage, sworn declarations, excerpts of recorded dialogue and other court records from the lawsuits against Daleiden.

The videos and court records show that Daleiden and his associates — posing as representatives of a fetal tissue brokerage — tried to loosen the tongues of abortion providers with alcohol.

In conversations, they tried to plant phrases such as “fully intact baby” and to elicit statements suggesting that fetuses were alive when their tissue and organs were harvested for use in medical research.

A comparison of raw footage and the videos he released shows that Daleiden edited out material that conflicted with his premise that Planned Parenthood-affiliated clinics profit from the sale of fetal tissue for research purposes.

Daleiden, asked for comment, said: “I think our methods are really credible.” His lawyers have said Daleiden employed common tools of investigative reporting.

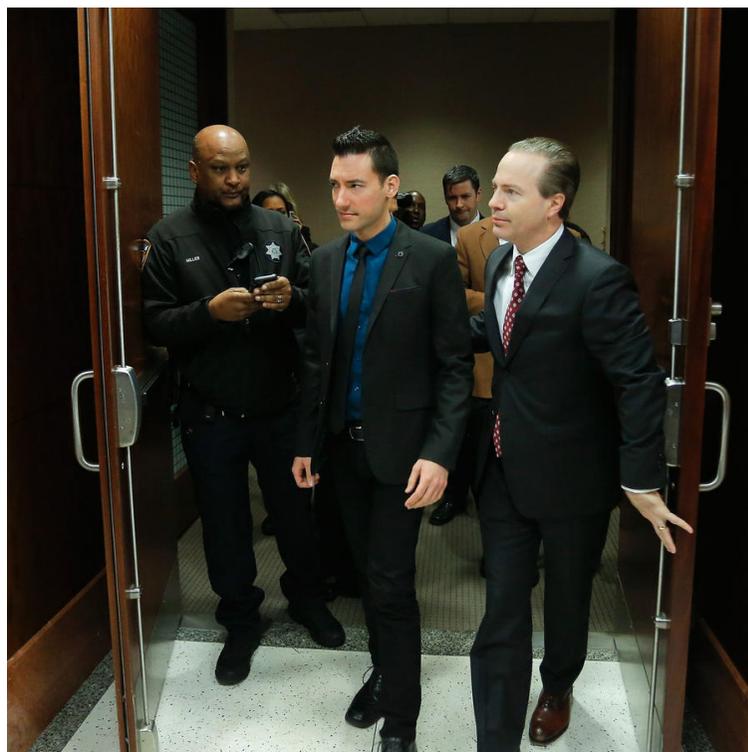
Abortion clinics can recoup costs they incur in supplying donated fetal tissue to medical researchers but they are not allowed to profit from the exchange.

Eight months after the release of the videos, investigations in a dozen states have found no wrongdoing by Planned Parenthood. Nevertheless, the organization apologized for callous remarks caught by Daleiden’s cameras, and it has barred affiliated clinics from accepting even legal reimbursement for making fetal tissue available for research.

In January, a Houston grand jury that had been investigating the videos cleared Planned Parenthood and instead indicted Daleiden and fellow activist Sandra Merritt on felony charges of tampering with government records — using fake California driver’s licenses to arrange meetings with Planned Parenthood officials in Houston. Through their lawyers, Daleiden and Merritt have said they will fight the charges.



Sandra Merritt arrives at the Harris County Criminal Courthouse in Houston in February. (Eric Kayne / Getty Images)



David Daleiden leaves the courtroom in Houston after turning himself in to authorities in February. (Bob Levey / AP)

In response to civil lawsuits filed by the National Abortion Federation (NAF) and StemExpress, a fetal-tissue brokerage in Northern California, Daleiden has asserted that because he was seeking to prevent murder, he had the right to break confidentiality agreements he signed to gain access to abortion meetings.

(Planned Parenthood has filed a separate civil fraud lawsuit against Daleiden.)

On Feb. 5, U.S. District Judge William Orrick in San Francisco issued an injunction requested by the NAF to keep more than 500 hours of Daleiden's unreleased footage under seal.

Orrick said the videos Daleiden has made public so far "have not been pieces of journalistic integrity, but misleadingly edited videos and unfounded assertions... of criminal misconduct."

Daleiden's "fraud" was so extensive and his videos so misleading that his still-unpublished recordings of private conversations do not warrant 1st Amendment protection as free speech, the judge said. In his order, Orrick used the words "fraud" or "fraudulently" 13 times in referring to Daleiden's methods.

Daleiden and his associates are appealing the injunction in a bid to unseal the tapes. Meanwhile, the case is headed to trial, with the NAF seeking unspecified damages for fraud, trespassing, invasion of privacy, racketeering and other alleged offenses.

Daleiden, 27, who graduated from Claremont McKenna College with a degree in government studies, has been involved in undercover operations against abortion clinics for years.

In sworn testimony, he said the objective of his most recent operation was to prove the fetal tissue trade encourages illegal abortion procedures.

In a memo to supporters, Daleiden said he wanted to generate "political pressure" on Planned Parenthood, focusing on "Congressional hearings/investigation and political consequences," such as new restrictions on abortion in the U.S.

As he and his associates prepped in hotel rooms before entering closed-door meetings of the NAF in San Francisco and Baltimore, Daleiden told the undercover activists to lead their "targets" into "saying something really, like, messed up — like 'Yeah, like, I'll give them, like, 'live' everything for you.'"

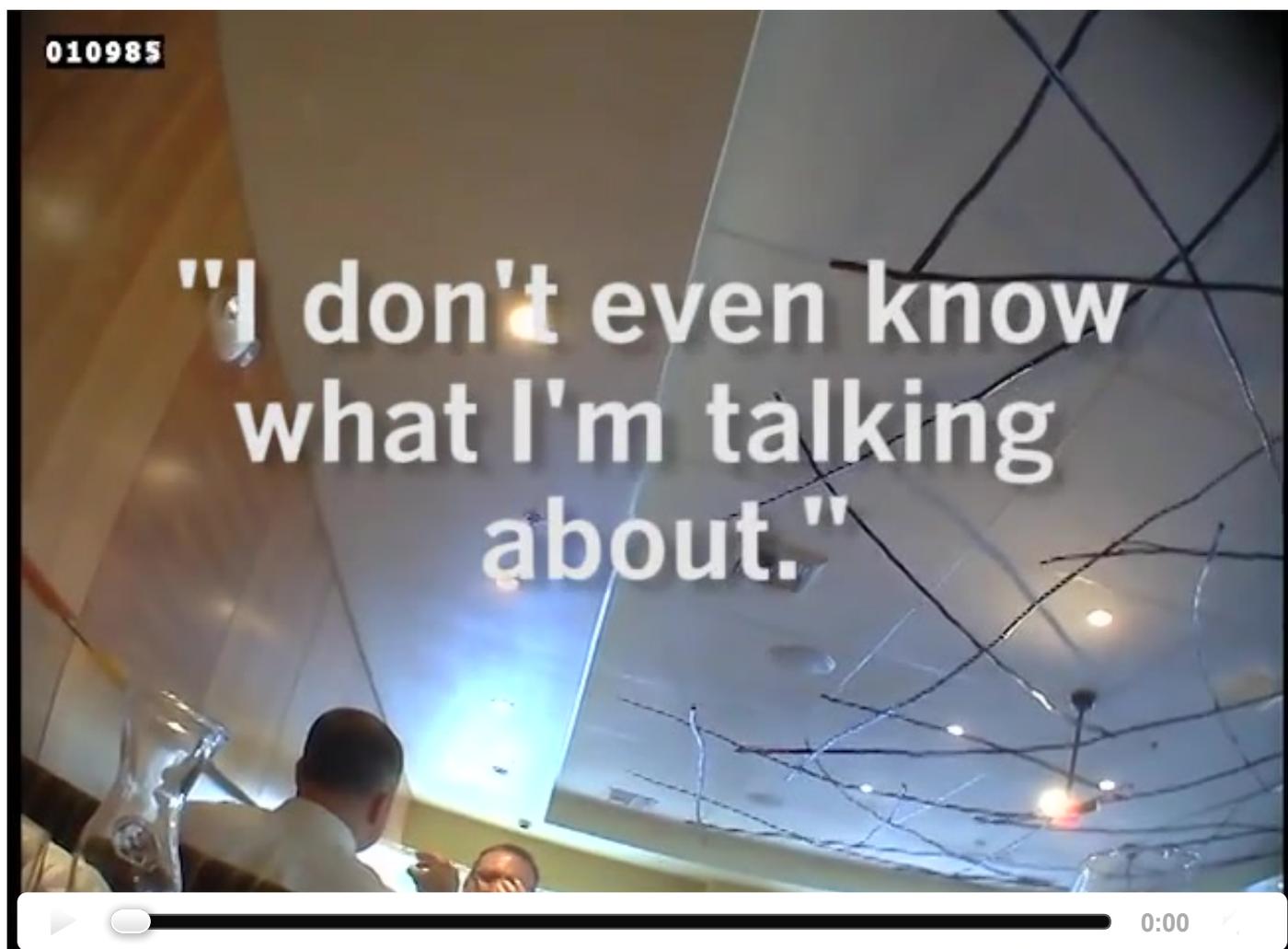
“If they say something like that, it would be cool,” he said.

The activists were given key phrases to elicit from their targets. “Fully intact baby” was one.

Daleiden, in an interview, said he trained his associates to “build in a certain number of repetitions and redundancies, clarification, so it’s absolutely clear what is going on to someone who’s just like Joe Schmo off the street.”

## “We finished the whole bottle”

Daleiden sometimes recorded targets over drinks. At one meeting, the owner of a tissue brokerage refused the wine that was ordered and Daleiden’s fellow activist, Sandra Merritt, says she drank most of the bottle. (Center for Medical Progress/Los Angeles Superior Court)



The undercover activists zeroed in on those they thought might be susceptible to alcohol. According to excerpts quoted in court records, Daleiden told Merritt at an NAF meeting that it “would be really good to talk tonight” with one doctor, “now that she’s been drinking.”

At another point, he proposed “a little chat” with a physician who had consumed “a little wine,” and suggested that Merritt “invite her to lunch in the next two days. I think she’s the one for our purposes.”

Excerpts of recorded conversations cited in court records indicate that another effort to lead a target to drink was foiled when a tissue broker refused the wine Daleiden and Merritt ordered.

Merritt joked that she had consumed most of the bottle herself, and as they walked out of the restaurant, she said she was too inebriated to read a message on Daleiden’s phone.

“I don’t even know what I’m talking about. Oh, my God.... We finished the whole bottle, too!” she said. “Good thing you brought someone who can hold their liquor.”

Repeated attempts to reach Merritt by phone and at her home were unsuccessful.

In the publicly released videos, Daleiden made extensive use of testimony from O’Donnell, a former technician for StemExpress.

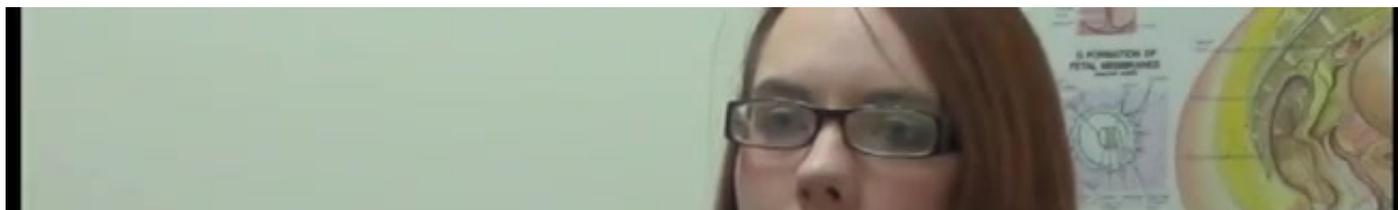
Daleiden became aware of her through Facebook, and she met with him six times over two years, turning over boxes of StemExpress records and her company email password.

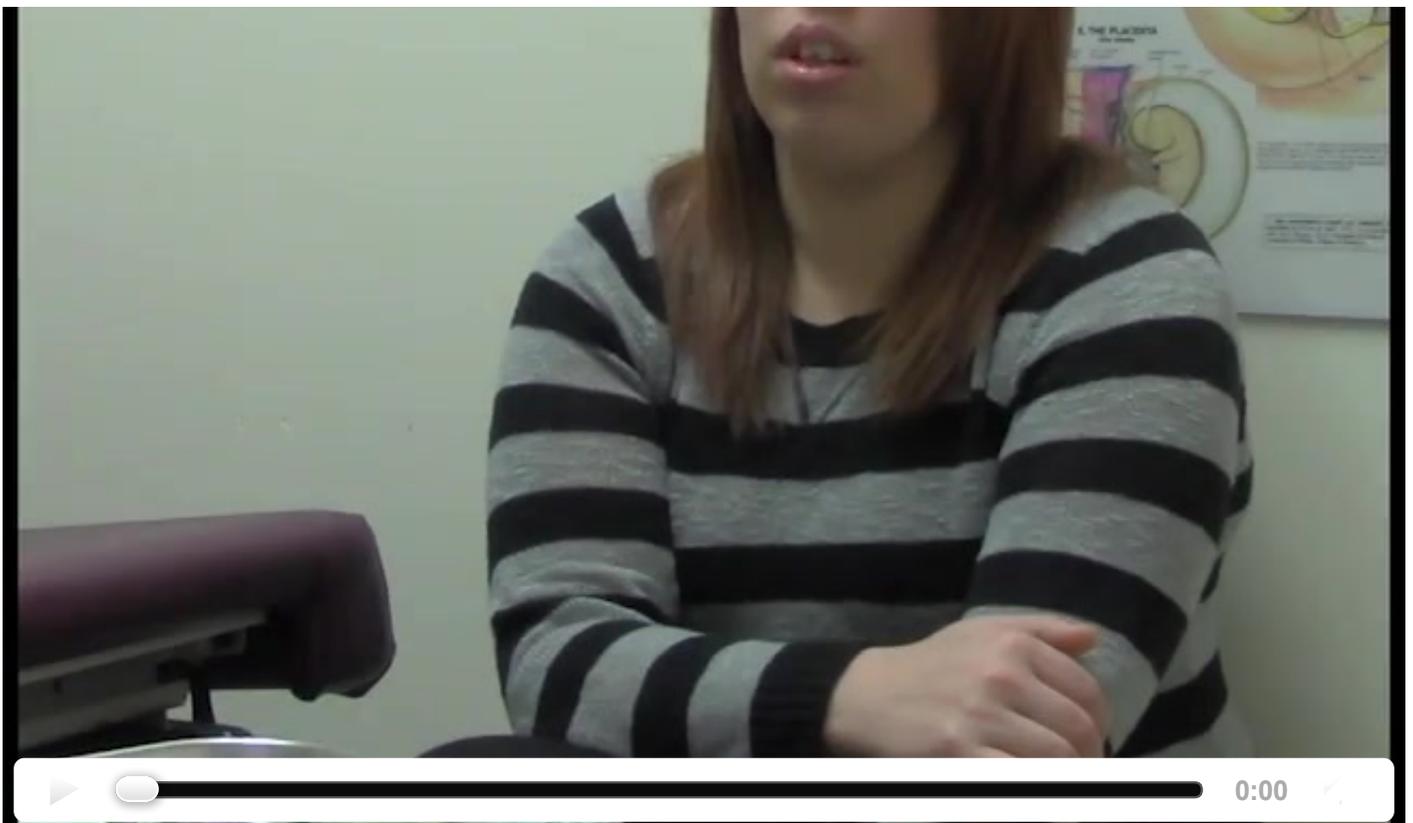
Daleiden said in a deposition that he used the password to download company documents, including shipping invoices that identified researchers who bought tissue.

Unreleased footage shows that over the course of successive takes, Daleiden asked O’Donnell to repeat anecdotes or add details such as the gender of an aborted fetus and whether she “said goodbye” to a dissected fetal cadaver before placing it in a bio-hazard container.

## **“Yeah, I could say that”**

Over two days of taping, Daleiden coached former fetal tissue technician Holly O’Donnell on her responses. At one point she asks: “How do you want me to say it?” (Center for Medical Progress / Los Angeles Superior Court)





“So you want to make it really dramatic?” she asked.

At one point, she laughed and said to Daleiden: “You’re all like, ‘Say it like this! Let me possess your body and I’ll say it for you.’”

Daleiden protested that he was not coaching her, but as he asked O’Donnell to recount her experiences, her telling grew more dramatic and emotional.

In an early take, she says into the camera: “I got into the medical field because I wanted to help people, not steal fetal tissues.”

On the third try, she says: “I got into the medical field to help people, not to steal dead baby parts and sell them.”

Efforts to reach O’Donnell for comment for this article, by phone and by email, were unsuccessful.

Daleiden billed an edited version of O’Donnell’s interviews as the “harrowing story of harvesting an intact brain from a late-term male fetus whose heart was still beating.”

Outtakes show he edited out her statement that the fetus was dead before the brain tissue was removed — but included her saying that the heart was briefly restarted by being tapped.

Daleiden had her describe the case repeatedly. It was then that she said: “I don’t want to tell that story again. Please don’t make me again, David.”

Daleiden replied: “That was very powerful. I think that’s going to change the world.”



Deborah VanDerhei (left) and Planned Parenthood Federation of America executive Anne-Marie Grewer speak to David Daleiden. (Center for Medical Progress)

In another case, Deborah VanDerhei, national director of the Consortium of Abortion Providers, was recorded saying that the organization advises clinics to think twice before accepting reimbursement for the cost of making fetal tissue donations possible.

In Daleiden’s edited video, she says: “We’re trying to figure this out as an industry about how we’re going to manage remuneration, because the headlines would be a disaster.”

Deleted is her preceding comment that clinics should facilitate tissue donation without financial reimbursement as part of their public health mission. She said: “If remuneration can be taken off the table at all, that would be great. Can we just provide this as sort of a mission-based piece?”

*Alissa Greenberg, Jenny Manrique and Gabriel Sanchez contributed to this article.*

### **About this story**

This report is a collaboration between The Times and the Investigative Reporting Program (<http://investigativereportingprogram.com>), a nonprofit newsroom at the Graduate School of Journalism at UC Berkeley.

Video editing: Robert Meeks (<https://twitter.com/robertmeeksrt>). Produced by Lily Mihalik (<https://twitter.com/mazet>).

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