

Ethical issues arise from California center's 'undercover' videos

By Mike Nelson

Catholic News Service

OXNARD, Calif. - The use of "undercover" reporting tactics by a California pro-life group in an attempt to expose suspected illegal actions by Planned Parenthood doctors pertaining solicitation of funds for the acquisition of fetal tissue has stirred discussion and debate.

In recent weeks, the California-based Center for Medical Progress has released several videos - and plans to release more - that show doctors affiliated with the nation's leading abortion provider discussing fees for fetal tissue.

Federal law prohibits the sale of fetal tissue from abortions, though it allows reimbursement for some costs connected to the handling and processing of such tissue.

In the first two videos, the center's reporters - armed with video cameras - posed as representatives of a mythical fetal tissue procurement firm who met at public restaurants with the doctors. Over lunch, the reporters pretended to solicit fetal tissue from the doctors, who discussed possible price points for various body organs gleaned from abortions.

Undercover techniques - including the use of hidden cameras and "manufactured identities" including false names, fake affiliation and even disguises - have long been utilized by investigative journalists.

In the case of the center's videos, it is unclear whether the Planned Parenthood officials were notified that they were being recorded. Under California Penal Code Section 632, "all parties to any confidential communication must give permission to be recorded, according to California's eavesdropping law."

"The statute, however, specifically excludes from its application any conversations made in public places, government proceedings, or in circumstances where the participants of the conversation could reasonably expect to be overheard or recorded."

The actions by the Center for Medical Progress are being investigated by California Attorney General, Kamala Harris.

The center said in a July 30 statement that it "follows all applicable laws in the course of our investigative journalism work, and will contest all attempts from Planned Parenthood and their allies to silence our First Amendment rights and

suppress investigative journalism.”

The National Abortion Federation filed an injunction July 31 in the U.S. District Court of the Northern District of California against the center.

Planned Parenthood disputes what the videos show, saying they were severely edited to distort what the doctors being interviewed said to make it sound like they are selling baby parts for money. Planned Parenthood said its doctors are salvaging fetal tissue and organs for researchers and the talk of money was for customary handling fees to provide the parts to research labs.

From a Catholic standpoint, the issue of undercover reporting points to several conflicting principles. The Catechism of the Catholic Church, for example, suggests that those who lie – including, it would seem, those who misrepresent themselves – are in error.

“Lying is the most direct offense against the truth,” the catechism states. (Paragraph 2483). Moreover, “by its very nature, lying is to be condemned.” (Paragraph 2485)

At the same time, the catechism offers a further perspective with respect to communication and journalistic practices:

- “The information provided by the media is at the service of the common good. Society has a right to information based on truth, freedom, justice, and solidarity.” (Paragraph 2494)

- “By the very nature of their profession, journalists have an obligation to serve the truth and not offend against charity in disseminating information. They should strive to respect, with equal care, the nature of the facts and the limits of critical judgment concerning individuals.” (Paragraph 2497)

So how do the Center for Medical Progress reporters’ actions connect with these teachings? Does their exposing of alleged wrongdoing connected with the practice of abortion – the willful taking of life, as defined by the church – trump their act of misrepresenting themselves?

In other words, do the ends justify the means, especially if a greater good stands to benefit? Because that is not an argument the church accepts when researchers who utilize embryos and aborted fetal tissue insist that cures for deadly and disabling illnesses – such as cancer, Alzheimer’s disease and Parkinson’s disease – could result from such research.

“I personally am in the camp that would condone the actions of the undercover investigators, but explaining why without using an ‘ends-means’ argument is difficult,” said Vicki Evans, coordinator of the San Francisco Archdiocese’s Respect Life Program.

“I would argue that they are bringing a corrupt institution to justice, in perhaps the only way possible, to save innocent lives – without a profit motive, with no personal benefit, and with full knowledge that they might be putting their futures in

jeopardy.”

Roberto Dell’Oro, director of the Bioethics Institute at Loyola Marymount University in Los Angeles, said that while it is always best to be above board in seeking the truth, there are instances when “a conscientious objection to morally unacceptable practices” can be justified.

“Throughout history, we have numerous examples of those who have lied or broken the law because they conscientiously objected to, and sought to expose, a deeper moral evil,” he said, citing those who hid Jews from the Nazis during World War II. “And I don’t see why this shouldn’t be the case here.”

Also see:

Videos on value of fetal tissue prompt renewed call to pro-life awareness

Nearly 100 turn out for peaceful pro-life rally at Planned Parenthood

Copyright ©2015 Catholic News Service/U.S. Conference of Catholic Bishops