

THOMAS MORE SOCIETY

A National Public Interest Law Firm

May 20, 2011

By Email & Telefax to 650-253-0001

YouTube, LLC
901 Cherry Ave.
San Bruno, CA 94066

Re: YouTube Support #806595453 - "Privacy Complaint"

Dear YouTube:

You may recall that we are attorneys for Live Action, which posts on YouTube under the user name "LiveActionFilms." Our client has received another email letter from you, this one dated May 18, 2011, at 2:34 p.m., PT, informing it that you have received a privacy complaint vs. our client's content posted at URL: <http://www.youtube.com/watch?v=s79oYvh-g8Q> (unedited video). The alleged privacy violation is said to be information, according to your latest email letter, located at 1:28-8:57, 1:50-8:58 in this unedited video. The information includes video depictions of various staff personnel on the job at Planned Parenthood's Bronx, New York facility.

As with the other videos that you recently suppressed, this unedited, full footage video of the Bronx facility of Planned Parenthood was part of a long series of undercover investigative videos taken at various Planned Parenthood facilities, released earlier this year. YouTube initially had denied a privacy complaint against another video in this series of videos in YouTube Support #760411943.

We note that your privacy guidelines explicitly state that YouTube also takes "newsworthiness" and "public interest" into account when determining whether a violation of privacy guidelines has occurred. Given that guideline, we respectfully submit that it is beyond any question that this latest video should remain fully accessible online. This video as well as the others has been thrust into the storm center of America's public policy debate over Planned Parenthood's willingness to do business with, and thereby aid and abet, sex traffickers and pimps of underage girls, many of whom – as this video dramatically proves – are said to have recently arrived in this country, imported here for lewd and immoral purposes in what could only be described as a form of sex slavery, an obscenely cruel bondage.

The content of this video, as well as the others, has been trumpeted far and wide by every major media outlet in the country. The videos have been featured in legislative hearings both before the U.S. Congress and a host of state legislatures. Obviously, these videos have altered America's policy debates over defunding Planned Parenthood. Whether Planned Parenthood's federal funding should be curtailed, in whole or in part, proved one of the last issues that defied resolution in the recent budget debate that nearly culminated in a shutdown of the entire United States Government. More recently, these videos figured importantly in Indiana's enacting a new law to effect such defunding on the state level – a law now challenged by the ACLU before the Southern Indiana federal district court. That YouTube would even consider suppressing such vivid, critical evidence that is so relevant to this legal proceeding as well as to ongoing legislative debates would not only disserve, it would defy the public interest.

It is, therefore, fully clear that this video, and the other videos in this entire series, are at or very near to the pinnacle of newsworthiness. Moreover, the YouTube community fully concurs as the sheer number of viewers alone shows that all these videos, including the one at issue, bear a commanding public interest of surpassing importance.

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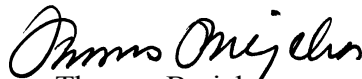
"Injustice anywhere is a threat to justice everywhere." – Rev. Dr. Martin Luther King

Your privacy guidelines indicate that privacy interests may well be outweighed when such considerations of newsworthiness and the public interest are, as here, of the utmost gravity.¹ If YouTube again wields the censor's scissors, silencing critics of Planned Parenthood's policies and practices in this patently partisan way, stifling legitimate debate about issues of deep and increasingly widespread concern among the American people, cutting off access to evidence of aiding & abetting such perverse criminal exploitation of minors, it will have to answer to those who believe it crucial that public policy – *especially* the investigation and prosecution of sex criminals who prey on minors – be forged through political processes that are free, open, transparent, and fully informed with all relevant, critical, unedited data fully accessible for *all* those concerned. "Tolerance" of such gross wrongdoing masks nothing less than callous indifference to predatory sexual exploitation of children.

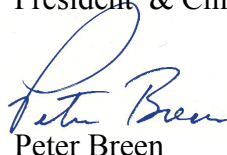
Moreover, those individuals depicted in the videos have no legitimate expectation of privacy that warrants draconian protection at the expense of the public interest. They are openly providing services to the general public on behalf of their employer, Planned Parenthood, which itself took the first step in thrusting this entire matter into the public eye, boasting to national media that it alerted the Attorney General, FBI, and other law enforcers concerning visits by persons potentially engaged in interstate sex trafficking of minors (*see, e.g.*, http://www.msnbc.msn.com/id/41241037/ns/us_news-crime_and_courts/). Public outcry over the videos released on YouTube led Planned Parenthood to announce it would re-train its 11,000 staffers. This video as well as the others were published in the news media, which referred to them, in part, as the impetus for Planned Parenthood's massive retraining (*see*, <http://edition.cnn.com/2011/US/02/08/abortion.video.retraining/index.html>). Moreover, the CNN.com article, *supra*, suggests that Planned Parenthood staff members discussed these videos in public, giving accounts of interviews they had with the FBI.

We request that you reconsider your stated intent to delete the Live Action video and allow members of the American public to view the recording and draw their own conclusions. We ask that you recognize the evident "newsworthiness" of these videos and cease accepting "privacy complaints" against them, as complaints at this point are clearly not meant to protect personal privacy interests but to harass Live Action and slant or suppress debate. If you determine to remove the Live Action video from the YouTube site, despite the facts we have recited, we request that you provide additional time for Live Action to consider its available options. Here the public interest is compelling, indeed paramount.

Sincerely yours,



Thomas Brejcha
President & Chief Counsel



Peter Breen
Executive Director & Legal Counsel

¹ Your guidelines also require that the person pictured make the complaint, though it is not indicated in your correspondence who filed the privacy complaint.