

## ISSUES IN PERSPECTIVE

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### *The Case of Dr. Kermit Gosnell: A Scandal of Silence*

I would assume that most of you reading this article are not familiar with and perhaps have never heard of the case of Dr. Kermit Gosnell, now on trial in Pennsylvania for the murder of one woman and seven infants. As Conor Friedersdorf in the current issue of *The Atlantic* argues, this is the most under-reported story in recent memory. In fact, he reports, he was not even aware of the story until last week when he saw it reported in *USA Today*. It is a grisly, horrific tale of the murder of infant babies, of an unspeakably filthy abortion clinic and of a man who should have been placed in jail many years ago. No major news organization has reported on it in detail and few Americans are aware of what occurred. Only in the last few weeks have Fox News and the Wall Street Journal begun regularly reporting on this grisly trial. Perhaps it is a metaphor for the state of abortion politics in America.

On 18 February 2010, the FBI raided the “Women’s Medical Society” in Philadelphia at about 8:30 pm. The purpose of the raid was to find evidence of illegally selling prescription drugs. Instead, they found a filthy abortion clinic, rank with the smell of urine, and the floor littered with blood and cat feces on the stairs. Semi-conscious women scheduled for abortions were moaning in the waiting room or the recovery room, “where they sat in dirty recliners covered with blood-stained blankets. All the women were sedated by unlicensed staff.” The grand jury that investigated the charges against Kermit Gosnell, who ran and operated this clinic, reported that “Equipment was rusty and outdated. Oxygen equipment was covered with dust, and had not been inspected. The same corroded suction tubing used for abortions was the only tubing available for oral airways if assistance for breathing was needed. There was no functioning resuscitation or even monitoring equipment, except for a single blood pressure cuff.” Upon further investigation, “the search team discovered fetal remains haphazardly stored throughout the clinic—in bags, milk jugs, orange juice cartons, and even in cat-food containers.” Although Pennsylvania state law prohibits abortions after 24 weeks, almost all of the abortions Gosnell performed were beyond that threshold. Eighteen days after the raid, Gosnell’s medical license was suspended and the Department of Health began the process to close Gosnell’s clinic. The grand jury reports that late term abortions performed at the clinic involved sticking scissors into the back of the baby’s neck and cutting the spinal cord. Gosnell called it “snipping” to ensure “fetal demise.” Over the years, there were hundreds of such “snippings.” The report states that if Gosnell was not present, “fake doctors” or even one of the administrative staff performed the “snipping.” Gosnell destroyed almost all of his files, so specific evidence on the hundreds of murders he committed is lost. Apparently, the majority of Gosnell’s female patients were black or Asian.

How could this kind of abortion and this type of clinic operate for so many years? How can one explain such reprehensible acts of murder without anyone ever investigating or reporting such dastardly acts? Friedersdorf itemizes the key lines of defense, all of which failed. [The Gosnell

case reveals the glaring holes that exist in the United States when it comes to regulating abortion, which in most states is a key aspect of law.]

1. The Pennsylvania Department of Health failed. In 1979 it approved the opening of the Women's Medical Society (WMS). Only in 1989 did it conduct its first review of the WMS. Site reviews of WMS in 1992 and 1993 did not insist on numerous violations being fixed at the clinic. In 1993, the Department, in Friedersdorf's words, "abruptly decided, for political reasons, to stop inspecting abortion clinics at all. The only exceptions to this live-and-let-die policy were supposed to be for complaints dumped directly on the department's doorstep." Friedersdorf demonstrates numerous complaints against Gosnell but "not one of these alarm bells . . . prompted the department to look at Gosnell or the Women's Medical Society."
2. The PA Department of State failed. Through its Board of Medicine, this Department licenses and oversees individual physicians. Almost 10 years ago, this Department received a detailed complaint about unclean, unsterile conditions; unlicensed workers; unsupervised sedation; underage abortion patients, etc. The investigator assigned to this case never visited the clinic, never questioned other employees or reviewed any records. The Department dismissed the complaint as unconfirmed!!
3. The Philadelphia health department employees failed. Their visits confirmed numerous violations of health care laws but no follow-up was ever done. One health department representative began investigating Gosnell and his clinic. She filed detailed reports but, as Friedersdorf shows, her reports "went into a black hole" and nothing was ever done!
4. The Hospital of the University of Pennsylvania and its subsidiary, Penn Presbyterian Medical Center, failed. State law requires that hospitals report complications from abortions. Friedersdorf documents at least four or five women who either died or suffered serious injury from a botched abortion and were admitted to this hospital. But Penn could not find a single case in which it complied with the law and filed the necessary reports!!
5. The National Abortion Federation (NAF) failed. The NAF is an association that is supposed to uphold the strictest health and legal standards for its members. Gosnell petitioned for membership in NAF and an evaluator documented all of the serious violations that others had noted as well. His application was rejected but the evaluator never "told anyone in authority about all the horrible, dangerous things she had seen."

The conclusion of this part of the grand jury's report is devastatingly honest: "Bureaucratic inertia is not exactly news. We understand that. But we think that this was something more. We think the reason no one acted is because the women in question were poor and of color, because the victims were infants without identities, and because the subject was the political football of abortion." In this *Perspective*, I have chosen not to quote many other quite graphic details of the grand jury report. But I do believe this: If this were any other subject but abortion, investigative reporters would have been all over this story. It involves unbelievable stories of death, gruesome killing of babies already out of the womb, and of women, who are poor and "of color," being exploited. As Friedersdorf argues, ". . . this story has numerous elements *any one of which* would normally make it a major story. And setting aside conventions, which are flawed, this

*ought* to be a big story on its merits.” Further, as bio-ethicist Leon Kass has observed, “You cannot give proper verbal account of the horror of evil, yet a culture that couldn’t be absolutely horrified by such things is dead.”

One final set of facts about the Gosnell case requires mentioning: Even though he had a bad reputation, he continued to receive referrals from across the Eastern Seaboard. Many of the women dispatched to him were “well beyond” 24 weeks pregnant, the legal limit in Pennsylvania. As the grand jury report shows, he was known “as a doctor who would perform abortions at any stage, without regard for legal limits. His patients were from several states, including Delaware, Maryland, Virginia, and North Carolina, as well as cities outside the Philadelphia area. . .”

Why is the Gosnell case important and what does it reveal? (1) It certainly documents the horror and violence of abortion. You cannot read the grand jury report and feel comfortable! Since 1973, our culture has come to see childbearing solely as a matter of personal choice, which (in the words of Leon Kass) “means we no longer see a child as a gift but as a product of our will to be had by choice only. That makes human choice the basis of all value.” (2) The Gosnell case also demonstrates quite powerfully the slippery slope of abortion: It quickly can lead to the acceptance of infanticide. There is no other word but infanticide for what Gosnell was doing—he was killing babies outside the womb. (3) The Gosnell case and the absence of major outcries of repugnance to such dastardly evil give further evidence to the growing indifference in our culture to matters of human dignity. Gosnell evidences ethical degradation and moral failure in our culture. That there has not been significant moral outrage buttresses the demise of valuing human dignity in our culture. The way the babies were killed and the way the mothers were treated both manifest the decline of human dignity in our culture. (4) It also demonstrates the failure of one of the goals of *Roe v. Wade*, namely that legalizing abortions would end exploitation and violence against women and would lead to safe, secure abortions. (5) If anything is quite clear about the Gosnell case it is that the regulation of abortion clinics is worthless. As I have shown in this *Perspective*, five major agencies or institutions in Pennsylvania failed. It stretches credulity to believe that WMS is the only clinic in PA, or in the US for that matter, that does not follow the law or the standard medical practices of cleanliness and safety. In other words, there is no stronger case for much more *rigorous regulation* of this abominable industry than the Gosnell case. (6) Finally, it would seem to me that national feminist organizations should be giving singular focus to the Gosnell case. Women were being exploited, killed and the racial element in the Gosnell case is formidable. Yet, the silence of such organizations is deafening! Nor has President Obama weighed in on the horror of this case. His press secretary, Jay Carey, recently said that “The president does not and cannot take a position on an ongoing trial.” That is of course silly, for Obama weighed in quite decisively on the trial of George Zimmerman in the Trayvon Martin case last year. One might be tempted to use the term hypocrisy here.

The horror of abortion remains one of the greatest ethical scandals in America. I can only pray that a merciful God will defend these babies who have been so ruthlessly killed. May our God also superintend the Gosnell case so that justice is done, for not many other leaders in our nation are calling for justice. Nor are our leaders championing the cause of the babies who were killed by Gosnell or the women who died due to his ghastly practices. May God have mercy!!!

See the very important article by Conor Friedersdorf, “Why Dr. Kermit Gosnell’s Trial Should be a Front-Page Story” in [www.theatlantic.com](http://www.theatlantic.com) (15 April 2013); James Taranto in the *Wall Street Journal* (19 April 2013); an interview with Leon Kass by Sohrab Ahmari, in the *Wall Street Journal* (20-21 April 2013); and Juliet Eilperin in the *Washington Post* (15 April 2013).