

DISTRICT ATTORNEY'S OFFICE THREE SOUTH PENN SQUARE CORNER OF JUNIPER AND SOUTH PENN SQUARE PHILADELPHIA, PA 19107

# Press Release For Immediate Release

Date: January 19, 2011

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# West Philadelphia Abortion Doctor Charged with Murder

Philadelphia— District Attorney Seth Williams today charged 69 year old Kermitt Gosnell, a medical doctor, with Murder and other related offenses. Gosnell is accused of causing the death of one of his female patients; and killing viable babies, born alive in the 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> month of pregnancy, by severing their spinal cords with a pair of scissors.

A search of Gosnell's office, called the Women's Medical Society, in West Philadelphia revealed that bags and bottles holding aborted fetuses were scattered throughout the building. Jars containing the severed feet of babies lined a shelf. Furniture and equipment was dusty, broken, and blood-stained. The doctor himself was seldom present. In

his absence, untrained, unsupervised workers, one of them a teenage girl, routinely injected dangerous sedatives into women undergoing illegal late-term abortions.

Law enforcement officers happened upon the medical abuses in the course of investigating tips that the doctor had been illegally selling thousands of prescriptions for oxycontin and other narcotics to "patients" that he never examined.

The grand jury investigation revealed that, for over two decades, government health and licensing officials had received repeated reports about Gosnell's dangerous practices. No action was ever taken, however, even after the agencies learned that women had died during routine abortions under Gosnell's care.

"I am aware that abortion is a hot-button topic," said District Attorney Williams. "But as District Attorney, my job is to carry out the law. A doctor who knowingly and systematically mistreats female patients, to the point that one of them dies in his so-called care, commits murder under the law. A doctor who cuts into the necks severing the spinal cords of living, breathing babies, who would survive with proper medical attention, is committing murder under the law."

Gosnell, a family practioner who was never certified as an OB/GYN, operated the clinic for years primarily treating lower income, minority women. Along with performing abortions beyond the legal 24 weeks time, he is also accused of delivering and then killing healthy, viable babies; using a sliding pay scale to administer anesthesia; reusing unsanitary instruments; performing procedures in filthy roomssome of the rooms had litter boxes and animals present at the time of the operations; and allowing unlicensed employees to perform operations and administer anesthesia-including a teenaged high school student.

Gosnell is facing Murder in the 3<sup>rd</sup> Degree for the death of 41 year old Karnamaya Mongar. Mrs. Mongar died on November 20, 2009 when she was overdosed with anesthetics prescribed by Gosnell. He is also facing seven Murder charges for the deaths of infants who were killed after being born viable and alive during the 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> month of pregnancy. Along with the Murder charges the District Attorney has charged Gosnell with Infanticide, Conspiracy, Abortion at 24 or more weeks, Abuse of Corpse, Theft, Corruption of Minors, Solicitation and other related offenses.

42 year old Lynda Williams of N. Madison Avenue in Wilmington, Delaware is also facing Murder in the 3<sup>rd</sup> Degree for the death of Ms. Mongar. Williams was an unlicensed worker at the clinic who routinely performed illegal operations and administered anesthesia. She is also facing Murder charges for the death of a viable baby born alive, Abortion at 24 or more weeks, Conspiracy, Racketeering and other related offenses.

51 year old Sherry West of the 1800 block of Blatty Place in Newark, Delaware is also facing Murder in the 3<sup>rd</sup> Degree for the death of Ms. Mongar. West was an unlicensed worker at the clinic who routinely performed illegal operations and administered anesthesia. She is also facing Abortion at 24 or more weeks, Conspiracy, Racketeering, Tampering with records, Hindering Prosecution, Obstructing Administration of Law and other related offenses.

33 year old Adrienne Moton of Hampton Road in Upper Darby, Pa. is facing a Murder charge for the death of a viable baby born alive. Moton who was an unlicensed worker at the clinic, routinely and illegally administered anesthesia to patients. She is also facing Conspiracy and Racketeering charges.

48 year old Steven Massof of W. Marlin Drive in Pittsburgh, Pa. is facing Murder charges for the deaths of two viable babies born alive.

Massof, a medical school graduate without a license or any certification, worked as a doctor at the clinic. He is also facing Conspiracy, Theft by Deception, Racketeering and other related charges.

51 year old Elizabeth Hampton of the 5000 block of Arch Street in Philadelphia, Dr. Gosnell's sister-in-law, is facing Obstructing Administration of Law, Hindering Prosecution, Perjury, and False Swearing charges.

54 year old Eileen O'Neill of Nutt Road in Phoenixville, Pa is a medical school graduate who worked as doctor at the clinic without a license or certification. She is facing Theft by Deception, Conspiracy, Racketeering, Perjury and False Swearing charges.

45 year old Tina Baldwin of S. 63<sup>rd</sup> Street in Philadelphia is facing Racketeering, Conspiracy, and Corruption of a Minor Charges. Baldwin was an unlicensed worker at the clinic who not only illegally administered anesthesia to patients, she allowed her 15 year old teenaged daughter, who also worked at the clinic, to administer anesthesia to patients as well.

49 year old Pearl Gosnell of N. 32<sup>nd</sup> Street in Philadelphia is facing Abortion at 24 or more weeks, Conspiracy and other related charges. Gosnell, the wife of Kermit Gosnell who has no medical license, is accused of performing illegal abortions at the clinic.

53 year old Maddline Joe of the 800 block of Atwood Road in Philadelphia is facing a Conspiracy charge. She was the office manager at the clinic in West Philadelphia.

(A person charged with a crime is presumed innocent until proven guilty.)

# Complete List of Charges

## Kermit Barron Gosnell Philadelphia, PA

- Murder (Karnamaya Mongar), 3rd degree, 18 Pa.C.S. § 2502(c)
- Murder, drug delivery resulting in death (K. Mongar), 18 Pa.C.S. § 2506
- Controlled Substances Act, 35 P.S. 780-§113(f)(30), F-1
- Controlled Substances Act, 35 P.S. 780-§113(f)(14), F-1
- Conspiracy (Controlled Substances Act), 18 Pa.C.S. § 903, F-1
- Solicitation (Controlled Substances Act), 18 Pa.C.S. § 902, 2 counts, F-1
- Hindering Apprehension or Prosecution, 18 Pa.C.S. § 5105(a), F-3
- Obstructing Administration of Law, 18 Pa.C.S. § 5101, M-2
- Murder (Baby Boy A), 18 Pa.C.S. § 2502
- Murder (Baby Boy B), 18 Pa.C.S. § 2502
- Murder (Baby C), 18 Pa.C.S. § 2502
- Conspiracy (Murder of Baby C), 18 Pa.C.S. § 903, F-1
- Solicitation (Murder, Baby C), 18 Pa.C.S. § 902, F-1
- Murder (Baby D), 18 Pa.C.S. § 2502
- Conspiracy (Murder of Baby D), 18 Pa.C.S. § 903, F-1
- Solicitation (Murder, Baby D), 18 Pa.C.S. § 902, F-1
- Murder (Baby E) 18 Pa.C.S. § 2502
- Murder (Baby F), 18 Pa.C.S. § 2502
- Conspiracy (Murder of Baby F), 18 Pa.C.S. § 903, F-1
- Murder (Baby G), 18 Pa.C.S. § 2501
- Conspiracy (Murder of Baby G), 18 Pa.C.S. § 903, F-1
- Solicitation (Murder of Baby G), 18 Pa.C.S. § 902, F-1
- Conspiracy (murder, generally), 18 Pa.C.S. § 903, F-1
- Infanticide (Baby Boy B), 18 Pa.C.S. § 3212, F-3
- Infanticide (Baby Girl A), 18 Pa.C.S. § 3212, F-3
- Abortion at 24 or more weeks (33 counts), 18 Pa.C.S. § 3211, F-3

- Conspiracy (Abortion, 24 or more weeks), 18 Pa.C.S. § 903, F-3
- Informed consent violations (310 counts), 18 Pa.C.S. § 3205, M-3
- Abuse of Corpse (5 counts), 18 Pa.C.S. § 5510, M-2
- Theft by deception (10 counts), 18 Pa.C.S. § 3922, M-1
- Conspiracy (Theft by deception), 18 Pa.C.S. § 903, M-1
- Controlled Substances Act (Massof), 35 P.S. 780-(§113(f)(30), F-1
- Controlled Substances Act (Massof), 35 P.S. 780-(§113(f)(14), F-1
- Conspiracy (Controlled Substances Act), 18 Pa.C.S. § 903, F-1
- Corrupt Organizations, Racketeering, 18 Pa.C.S. § 911(b), F-1
- Corrupt Organization, Conspiracy, 18 Pa.C.S. § 911(b)(4), F-1
- Corruption of Minors (3 counts), 18 Pa.C.S. § 6301, M-1
- Obstructing Administration of Law, 18 Pa.C.S. § 5101, M-2
- Tampering with or Fabricating Evidence, 18 Pa.C.S. § 4910, M-2

# Lynda Williams Wilmington, DE

- Murder (Karnamaya Mongar), 3rd degree, 18 Pa.C.S. § 2502(c)
- Murder, drug delivery resulting in death (K. Mongar), 18 Pa.C.S. § 2506
- Controlled Substances Act, 35 P.S. 780-§113(f)(30), F-1
- Controlled Substances Act, 35 P.S. 780-§113(f)(14), F-1
- Conspiracy (Controlled Substances Act), 18 Pa.C.S. § 903, F-1
- Murder (Baby C), 18 Pa.C.S. § 2502
- Conspiracy (Murder of Baby C), 18 Pa.C.S. § 903, F-1
- Conspiracy (murder, generally), 18 Pa.C.S. § 903, F-1
- Abortion at 24 or more weeks (13 counts), 18 Pa.C.S. § 3211, F-3
- Conspiracy (Abortion, 24 or more weeks), 18 Pa.C.S. § 903, F-3
- Corrupt Organizations, Racketeering, 18 Pa.C.S. § 911(b), F-1
- Corrupt Organization, Conspiracy, 18 Pa.C.S. § 911(b)(4), F-1

(charges continued on next page)

## Sherry West Newark, DE

- Murder (Karnamaya Mongar), 3rd degree, 18 Pa.C.S. § 2502(c)
- Murder, drug delivery resulting in death (K. Mongar), 18 Pa.C.S. § 2506
- Controlled Substances Act, 35 P.S. 780-§113(f)(30), F-1
- Controlled Substances Act, 35 P.S. 780-§113(f)(14), F-1
- Conspiracy (Controlled Substances Act), 18 Pa.C.S. § 903, F-1
- Tampering with or Fabricating Evidence, 18 Pa.C.S. § 4910, M-2
- Tampering with records, 18 Pa.C.S. § 4104, M-1
- Hindering Apprehension or Prosecution, 18 Pa.C.S. § 5105(a), F-3
- Obstructing Administration of Law, 18 Pa.C.S. § 5101, M-2
- Conspiracy (murder generally), 18 Pa.C.S. § 903, F-1
- Abortion at 24 or more weeks (1 counts), 18 Pa.C.S. § 3211, F-3
- Conspiracy (Abortion, 24 or more weeks), 18 Pa.C.S. § 903, F-3
- Corrupt Organizations, Racketeering, 18 Pa.C.S. § 911(b), F-1
- Corrupt Organization, Conspiracy, 18 Pa.C.S. § 911(b)(4), F-1

## Adrienne Moton Upper Darby, PA

- Murder (Baby D), 18 Pa.C.S. § 2502
- Conspiracy (Murder of Baby D), 18 Pa.C.S. § 903, F-1
- Conspiracy (Murder generally), 18 Pa.C.S. § 903, F-1
- Corrupt Organizations, Racketeering, 18 Pa.C.S. § 911(b), F-1
- Corrupt Organization, Conspiracy, 18 Pa.C.S. § 911(b)(4), F-1

(charges continued on next page)

## Steven Massof Pittsburgh, PA

- Murder (Baby F), 18 Pa.C.S. § 2502
- Conspiracy (Murder of Baby F), 18 Pa.C.S. § 903, F-1
- Murder (Baby G), 18 Pa.C.S. § 2502
- Conspiracy (Murder, of Baby G), 18 Pa.C.S. § 903, F-1
- Conspiracy (Murder generally), 18 Pa.C.S. § 903, F-1
- Controlled Substances Act, 35 P.S. § 780-113(f)(30), F-1
- Controlled Substances Act, 35 P.S. § 780-113(f)(14), F-1
- Conspiracy (Controlled Substances Act), 18 Pa.C.S. § 903, F-1
- Theft by deception, 18 Pa.C.S. § 3922 , M-1
- Conspiracy (Theft by deception), 18 Pa.C.S. § 903, M-1
- Corrupt Organizations, Racketeering, 18 Pa.C.S. § 911(b), F-1
- Corrupt Organization, Conspiracy, 18 Pa.C.S. § 911(b)(4), F-1

## Elizabeth Hampton Philadelphia, PA

- Obstructing Administration of Law, 18 Pa.C.S. § 5101, M-2
- Hindering Apprehension or Prosecution, 18 Pa.C.S. § 5105(a), F-3
- Perjury, 18 Pa.C.S. § 4902, F-3
- False Swearing, 18 Pa.C.S. § 4903, M-2

# Eileen O'Neill 140 Nutt Road Phoenixville, PA

- Theft by Deception (9 counts), 18 Pa.C.S. § 3922, M-1
- Conspiracy (Theft by Deception), 18 Pa.C.S. § 903, M-1
- Corrupt Organizations, Racketeering, 18 Pa.C.S. § 911(b), F-1.
- Corrupt Organization, Conspiracy, 18 Pa.C.S. § 911(b)(4), F-1
- Perjury, 18 Pa.C.S. §, 4902, F-3
- False Swearing, 18 Pa.C.S. § 4903, M-2

# Tina Baldwin Philadelphia, PA

- Corrupt Organization, Racketeering, 18 Pa.C.S. § 911(b), F-1
- Corrupt Organization, Conspiracy, 18 Pa.C.S. § 911(b)(4), F-1
- Corruption of Minor, 18 Pa.C.S. § 6301, M-1

# Pearl Gosnell Philadelphia, PA

- Abortion, 24 or more weeks, 18 Pa.C.S. § 3211, F-3
- Conspiracy (Abortion, 24 or more weeks), 18 Pa.C.S. § 903, F-3
- Corrupt Organization, Conspiracy, 18 Pa.C.S. § 911(b)(4), F-1

## Maddline Joe Philadelphia, PA

• Corrupt Organization, Conspiracy, 18 Pa.C.S. § 911(b)(4), F-1

# Philadelphia abortion doctor charged in murder of woman, seven infants

Thursday, January 20, 2011 By Marie McCullough, Philadelphia Inquirer

PHILADELPHIA -- West Philadelphia abortion doctor Kermit Gosnell routinely delivered live babies in the third trimester of pregnancy, then murdered them by using scissors to cut their spinal cords, according to a grand jury that investigated the clinic.

One newborn who weighed almost six pounds was breathing and moving when the doctor severed its spine and put the body in a plastic shoebox, the grand jury said. "The doctor joked that this baby was so big he could "walk me to the bus stop,' " a grand jury report said.

Those are among the startling details -- complete with photographs -- in a 260-page grand jury report released Wednesday that charges Dr. Gosnell, 69, with the murder of a patient and seven infants.

The report caps a yearlong investigation of Dr. Gosnell and his Lancaster Avenue clinic, which was shut down after a raid last February.

But the report is sure to be just the beginning of finger-pointing and soul-searching as city and state health officials, legislators, and those on both sides of the bitter abortion debate seek to understand how the clinic operated for 32 years, apparently with little oversight

"The inaction of public agencies is exposed," Philadelphia District Attorney Seth Williams said at a news conference Wednesday.

In addition to Dr. Gosnell, his wife, Pearl, and eight employees -- none of whom had medical credentials, authorities say -- were arrested Wednesday morning. Four of the workers are also facing murder charges.

Mr. Williams said the prosecution was not about the morality of abortion.

"I am aware that abortion is a hot-button topic," he said. "But as district attorney, my job is to carry out the law. A doctor who knowingly and systematically mistreats female patients, to the point that one of them dies in his so-called care, commits murder under the law."

Philadelphia lawyer William Brennan, who represented Dr. Gosnell before Wednesday's arrest, said he had not read the report and had not been formally

retained as Dr. Gosnell's attorney.

"I would say simply that it's important to remember that Dr. Gosnell is presumed to be innocent," Mr. Brennan said.

The investigation began last February, after federal and state drug agents and Philadelphia police raided the clinic at 3801 Lancaster Ave. on suspicion that Dr. Gosnell was illegally dispensing narcotic painkillers. (A federal drug-trafficking investigation is continuing.)

What they found, according to the report, was "filthy, deplorable, and disgusting": blood on the floor; the stench of urine; cat feces on the stairs; semiconscious women moaning in the waiting or recovery rooms, covered with blood-stained blankets; broken equipment; blocked or locked exits.

The investigators also learned that in November 2009 an abortion patient had died.

That prompted state authorities to yank Dr. Gosnell's medical license and shut down the clinic.

Dr. Gosnell is now charged with third-degree murder in the death of that woman, Karnamaya Mongar, 41, who had traveled from Woodbridge, Va., for an abortion. A native of the Asian nation of Bhutan who had arrived in the United States only five months earlier, Ms. Mongar was 19 weeks pregnant. She developed a fatal heart arrhythmia after being overdosed with anesthetics by an unlicensed caregiver, the report says.

The grand jury also alleges that Dr. Gosnell and his staff delayed calling 911, attempted to deceive paramedics when they arrived, and then couldn't find the key for the emergency exit lock so the patient could be carried out to the ambulance. Responders finally had to cut the lock open.

That February raid was the beginning, Mr. Williams said, of ever more shocking discoveries that revealed Dr. Gosnell had been flouting Pennsylvania's abortion law -- and medical licensing laws -- for many years.

Dr. Gosnell, a family physician, received Pennsylvania Department of Health approval to do abortions at his clinic in 1979, after an on-site inspection.

Although Dr. Gosnell was never trained as an obstetrician-gynecologist, he began doing abortions at another clinic in the 1970s. In 1972, he made national headlines -- and prompted a federal investigation -- for using an experimental abortion-

inducing device similar to an IUD on 15 low-income women, nine of whom developed serious complications. Dr. Gosnell was never charged in those cases.

From the start, he was well-known for being willing to do abortions beyond 12 weeks -- the limit set by many clinics -- and for treating poor and minority women.

Pennsylvania, which has one of the nation's most restrictive abortion laws, requires that a woman be counseled about alternatives and wait 24 hours before the procedure.

The state also requires that fetal tissue from abortions after 20 weeks be sent to a pathologist for review.

Abortions after 24 weeks -- when the fetus can usually survive outside the womb -- are outlawed unless the doctor determines, and reports to authorities, that the abortion "is necessary to preserve maternal life or health."

If the chosen abortion method might enable a live birth, the law says, a second physician must be "in the same room" and provide medical care to the newborn.

Dr. Gosnell not only ignored these requirements, he also falsified ultrasound and state reports to cover his post-24-week abortions, the report found.

"Gosnell's approach, whenever possible, was to force full labor and delivery of premature infants on ill-informed women," the report says. "When you perform late-term 'abortions' by inducing labor, you get babies. Live, breathing, squirming babies. ... Gosnell had a simple solution: he killed them ... by sticking scissors into the back of the baby's neck and cutting the spinal cord."

Mr. Williams said the grand jury heard testimony that Dr. Gosnell performed the procedure, which he called "snipping," hundreds of times, but most cannot be prosecuted because the evidence is gone.

Still, investigators found fetal bodies and body parts in garbage bags, plastic boxes, and bottles at the clinic, the report said.

One of the seven alleged cases of infanticide that have been documented is "Baby Boy A" -- the newborn about whom Dr. Gosnell allegedly made the bus-stop joke.

"His 17-year-old mother was almost 30 weeks pregnant -- seven and a half months -- when labor was induced," the report said.



# Governor orders review of oversight of abortion clinic

Sunday, January 23, 2011

By Moriah Balingit, Pittsburgh Post-Gazette

Less than two days after he was sworn in, Gov. Tom Corbett tasked his secretary of health and commonwealth nominees with finding out "where the breakdowns were" that permitted a West Philadelphia doctor now charged with murdering newborns to operate an abortion clinic described in a grand jury report as a "house of horrors."

Spokesman Kevin Harley said Mr. Corbett read the report Wednesday evening and held a meeting Thursday morning in which he directed Eli Avila, nominee for the secretary of health, and Carol Aichele, nominee for secretary of the commonwealth, "to use the grand jury report ... to conduct a complete review of each of the agencies to figure out what went wrong," Mr. Harley said.

He expects both to produce recommendations within the week, which could entail changes in personnel or policy, though he has not set a firm deadline for reports, Mr. Harley said.

Both Mr. Avila, the former deputy commissioner of the Suffolk County Department of Health Services, and Ms. Aichele, a Chester County commissioner, started their jobs last week and are still awaiting Senate confirmation. Mr. Harley would not make either available for comment.

The doctor, Kermit Gosnell, was arraigned Thursday on eight charges of homicide for killing seven newborns and one female patient. A grand jury report released Wednesday detailed how Dr. Gosnell ran an unsanitary clinic in which newborns with signs of life were killed with scissors after botched abortions. Nine other employees of the clinic were also charged. In addition to the woman who died, scores suffered complications from shoddily performed abortions.

The report delivered stinging criticism of the agencies charged with overseeing abortion clinics, saying that Dr. Gosnell operated on the state's radar for decades and that officials failed to act on complaints against him. A former state health department employee, Janice Staloski, told the grand jury that she should have ordered an investigation into the Philadelphia clinic after repeated complaints. The department of state oversees licensing of doctors and never took action on Dr.

## Gosnell's license.

"Had state and local officials performed their duties properly, Dr. Gosnell's clinic would have been shut down decades ago," the grand jury wrote. "If inspectors had looked solely for violations of Pennsylvania's abortion regulations, there would have been ample grounds to revoke the approval of Dr. Gosnell's clinic as an abortion provider -- as was demonstrated when [Department of Health] inspectors finally entered the facility in February 2010."

Mr. Harley said Mr. Corbett was shocked by the "inactivity" of the departments of health and state. "Why was there no action taken on the doctor's license until there was a raid? Why, when you got complaints about a doctor or a clinic, is nothing done until there was media reports?" Mr. Harley said.

The governor hopes the reviews by Mr. Avila and Ms. Aichele will address some of those oversights. "They're pulling everyone together and saying, 'What went wrong? Where were the breakdowns in the system? Why was this allowed to happen?" Mr. Harley said.

Mr. Harley said the governor also raised concerns in the meeting that more clinics could be operating outside the law.

State Senator Jake Corman, R-Bellefonte, pledged to take action in light of the findings, announcing Friday that he would introduce legislation requiring the licensing and annual inspection of abortion clinics.

Moriah Balingit: mbalingit@post-gazette.com or 412-263-2533. The Associated Press contributed to this report.

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Doctor's long tumble to jail: He went from respected to reckless, probes found. The Philadelphia						

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**HEADLINE:** Doctor's long tumble to jail;

He went from respected to reckless, probes found.

BYLINE: By Chelsea Conaboy; Inquirer Staff Writer

BODY:

It was another bad day at the abortion clinic in West Philadelphia. A patient - an Asian refugee, 41, traveling from Virginia - had died from heavy doses of painkillers and anesthesia.

Physician Kermit Barron **Gosnell** had an unusual reaction to the death of Karnamaya Mongar in November 2009. The next day, he applied to join the National Abortion Federation, whose membership is often seen as a badge of quality.

To prepare for a site visit, **Gosnell** and his wife, Pearl, frantically cleaned the facility, replacing bloody recliners and temporarily hiring a professional the clinic had long lacked: a nurse.

His failed effort to bluff his way through the application appalled prosecutors. But worse, they said, "he made no effort to address the grave deficiencies in his practice that had caused Karnamaya Mongar's death."

On Wednesday, **Gosnell**, 69, was charged with murder in the deaths of Mongar and seven babies who prosecutors say were delivered, alive, in the final months of pregnancy.

A grand jury report found that **Gosnell** had severed the spinal cords of those babies, operated without licensed caregivers, spread disease with infected instruments, and perforated patients' wombs and bowels.

A once-respected activist, **Gosnell** now sits in prison without bail. Nine of his employees have been charged with offenses, including four with murder.

Gosnell has professed his innocence in the past.

Since his arrest, a portrait has emerged of a bright young man who was brought in to help rebuild Mantua but ultimately may have done far more to bring it down.

Over the years, his abortion practice deteriorated. He prescribed drugs freely, investigators say. And in the twilight of his career, he has become a symbol for those who would tighten restrictions on all abortion providers.

**Gosnell** grew up an only child in West Philadelphia and attended prestigious Central High School. After graduating from Jefferson Medical College in 1966, he moved briefly to New York City to work at an abortion clinic, learning early-term techniques in the days before the U.S. Supreme Court's Roe v. Wade decision formally legalized the procedure.

Mantua was a hotbed of gang and drug activity, and a group of organizers, called the Young Great Society, was trying to change that. The neighborhood had no doctor, and the group asked **Gosnell** to open an office there, said Walter Edmonds, a childhood friend.

As boys, the two had worked together at a grocery at 52d and Market Streets. Edmonds later helped **Gosnell** open a methadone clinic on 38th Street called the Mantua Halfway House, as well as an abortion clinic on 36th Street. Both were rare in the city.

"It was very exciting, let me tell you," said Edmonds, 70. "It was very pioneering."

**Gosnell**, he recalled, "was very dynamic, charming, and he had an inclination to make some money."

Sidney H. Schnoll recalled being recruited by **Gosnell** to volunteer at the drug clinic when both were medical residents at Jefferson in the late 1960s.

"He said he came from that community," said Schnoll, now a national expert on addiction and pain management. "He wanted to give back to the community, which I thought was a terrific thing."

By the early 1970s, **Gosnell** had married his first wife, a nurse, and had two children. One is a doctor in California, the other a French professor at an elite women's college. **Gosnell** would go on to divorce and marry twice more.

He also became known among activists for his willingness to take risks that others wouldn't.

In 1972, he played a prominent role in a scandal over an experimental abortion tool called "the super coil," designed for use in the second trimester.

California psychologist and activist Harvey Karman had developed the coil. **Gosnell** tested it on 15 poor women who had taken a bus from Chicago on Mother's Day weekend because they couldn't get abortions elsewhere.

Federal and city health officials later found that nine of the women had suffered serious complications, including a punctured uterus. One needed a hysterectomy.

**Gosnell** was not charged, but Karman spent two years in court battles with Philadelphia District Attorney Arlen Specter before getting cleared.

In his early years, Gosnell had a good reputation in part because he made house calls.

But he was also known for pushing the limits. His methadone clinic once employed 25 people, Edmonds said, before it unraveled.

State tax liens piled up against the clinic through the 1980s and 1990s, and it folded.

**Gosnell** also became more reckless in his abortion practice, which was hit by a \$41,000 federal tax lien.

He couldn't get doctors to refer patients because of his declining reputation. So he increasingly relied on attracting women from out of state. He even provided a bed in the clinic for overnight stays, the grand jury report said.

**Gosnell** also accepted women who couldn't get abortions elsewhere. He treated patients who had complications or were too far along in their pregnancy for reputable doctors to treat.

Yet his recent downfall started for another reason: his alleged penchant for prescribing painkillers such as Percocet. Federal drug agents raided his clinic, now at 38th Street and Lancaster Avenue, on Feb. 18.

That raid triggered another inspection by health investigators four days later. They found his clinic was filthy, with fetal remains filling a freezer and clogging drains. He allowed unlicensed employees to give anesthesia, often leaving patients unattended, the report said.

And he once said he had killed a six-pound baby who "could walk me to the bus stop," an employee told authorities.

His employees were largely complicit or clueless, or both, the grand jury report found.

One of the few former employees who filed a detailed complaint, in 2001 with the Pennsylvania Department of State, got nowhere - which was typical.

Indeed, state regulators - and to a lesser extent those in the city - repeatedly failed to stop **Gosnell**.

The Pennsylvania Department of Health opted not to investigate complaints, including the death of Mongar, according to the grand jury's report.

"People die," Christine Dutton, the department's chief counsel, told the grand jury, arguing there was no reason to think Mongar's death was suspicious.

Between 2002 and 2009, the grand jury learned, attorneys for the state's medical licensing board reviewed five cases against **Gosnell**.

They closed three without investigation. The last two were investigated and closed without action - including the death of a 22-year-old whose family sued **Gosnell** and received a \$400,000 settlement.

Edmonds, who ran **Gosnell's** methadone clinic but left on bad terms, said he was dismayed by the news about **Gosnell**, but not entirely surprised - even by the detail that **Gosnell** kept the feet of fetuses in jars.

"It sounded like him," he said. **Gosnell** "always operated outside of the norm. Wherever the boundary was, he just sort of reached beyond."

From the Grand Jury

Here are selections from the grand jury's 260-page report, which last week led to criminal

charges against family physician Kermit Gosnell and nine employees:

Gosnell regularly delivered live babies in the third trimester of pregnancy, then murdered them by what he called "snipping," severing their spinal cords with scissors. "It was a baby charnel house," referring to a vault for storing human remains, the report said.

None of the clinic employees had medical licenses, yet they administered drugs and performed procedures, including "snipping."

The three-story facility at 3801 Lancaster Ave. was a maze of filthy rooms and narrow hallways. It lacked basic medical equipment and emergency access for stretchers.

Gosnell, who showed up to do abortions at night, left blank, presigned prescription pads so patients of his first-floor "pain management clinic" could get Oxycontin and other narcotic painkillers during business hours.

For two decades, state authorities and, to a lesser degree, city health officials ignored complaints and red flags. The grand jury concluded this inaction was "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."Contact staff writer Chelsea Conaboy at 215-854-4193 or cconaboy@phillynews.com.

Inquirer staff writers Vernon Clark, Marie McCullough, and Don Sapatkin contributed to this article.

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# Abortion clinics: State dropped ball on Philly doctor

Published: Sunday, January 30, 2011, 5:21 AM



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AP Photo/Matt Rourke, File

The Women's Medical Society in Philadelphia where Dr. Kermit Gosnell performed botched abortions

The details in a grand jury report about Philadelphia abortion doctor Kermit Gosnell are difficult to read.

Prosecutors say at least two women died and hundreds of babies, many late-term births, were killed with scissors stabbed into their spines. People with no training, including one 15-year-old, were involved in the procedures where filthy equipment was used.

If he is found guilty of charges — currently they include the death of one

Gosnell is not a physician but a monster.

What is just as disturbing, however, is the other culpable party in this terrible case: state officials who the report says knew what was happening in the squalid clinic but chose to ignore it.

The grand jury states that in 1993 after Gov. Tom Ridge, who supports abortion rights, was elected, the state Department of Health stopped inspecting abortion clinics. "Officials concluded that inspections would be 'putting a barrier up to women' seeking abortions" and decided "to leave clinics to do as they pleased," states the report. That practice continued under Gov. Mark Schweiker and Gov. Ed Rendell.

The report goes on to say that over the years, many people came to know that something was going on here. But no one put a stop to it.

The fact that this clinic was frequented by low-income, minority women, many who were clearly in a vulnerable state, makes it all the more troubling.

It was not until after a drug raid in February 2010 at Gosnell's clinic that the Health Department resumed regular abortion clinic inspections, according to The Associated Press. Since then 14 of the state's 22 freestanding abortion clinics have been ordered to remedy problems.

One of the key responsibilities of our state government is to protect its citizens, especially those least able to protect themselves. But according to the report, the state appears to have failed miserably and with deadly consequences.

Patients complained for years about the clinic but nothing happened.

Coming so close to the 38th anniversary of Roe v. Wade, the issue was destined to become part of the debate surrounding legalized abortion. This is unfortunate because Gosnell's activities are not in any way what is permissible under abortion laws. The real issue is what was allowed to happen to poor women in our state and how agencies ignored their duty.

The report is blunt: "Pennsylvania's Department of Health has deliberately chosen not to enforce laws that should afford patients at abortion clinics the same safeguards and assurances of quality health care as patients of other medical service provides. Even nail salons in Pennsylvania are monitored more closely for client safety."

We cannot allow basic issues such as abortion clinic inspections to become part of the political conversation that goes on in Harrisburg and dependent on who occupies the governor's mansion at the moment. Gov. Tom Corbett has called for an accounting of why the state stopped inspections and how this clinic was allowed to operate.

He should make certain politics play no role in something as important as people's health and

safety and take action to be sure no other Kermit Gosnells are allowed to operate in Pennsylvania.

Related topics: abortion, gov. Tom corbett, gov. tom ridge, kermit gosnell, pennsylvania health department, philadelphia

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this is another classic case of political priorities in action, criteria #1 for any political decision at any level is this: will i or my friends make \$\$\$ if we invest time/action in this issue? clearly, under multiple administrations, no politician stood to make financial gain so no action was directed or taken by any government agency, fast forward to 2011 when horrible crimes are reported and the usual political finger--pointing commences, be assured, however, that any politician who was anywhere near this thing is already hard at work >>>> concocting (false) stories about how diligent he/she was in pursuing this horrible issue, truth is, anything they say now, as always, is a pure lie. politicians exist for one reason: to make \$\$\$ for themselves & their friends, rendell's nation leading pay-for-play is case in point, unfortunately, like these innocent children, public good is, was, and will be shoved in a shoebox because if lacks sufficient profit margins, now it is corbett's turn to take the pulpit; we have no reason to think that this administration will do much beyond also pointing fingers are staying the course until







# **Neglect of West Philly Abortion Victims** Was 'By Design'

By Tara Murtha



Not every story has two sides and the truth. The case of Dr. Kermit Gosnell, the Philadelphia physician charged with murdering babies for decades uninterrupted in a wide-open darkness of institutional failure, offers many lessons and no simple solutions. A year-long investigation that included interviewing 58 witnesses culminated in a 281-page grand jury report published Jan. 19. The report relentlessly documents not only Gosnell's crimes, but how he got away with it for so long.

It's all much worse than can be summarized.

The grand jury believes that at least hundreds of children were killed inside Gosnell's West Philly medical practice. They concluded the death toll was "literally incalculable."

But the District Attorney's Office can only assemble enough evidence to charge for eight murders. Seven of those victims were babies.

According to the grand jury, "Baby Boy A" was born to a 17-year-old who was almost 30 weeks pregnant. The infant was "breathing and moving when Dr. Gosnell severed his spine and put the body in a plastic shoe box for disposal." The report includes a graphic photo of the dead baby. In it, his splayed arms and legs hang over the edge of the makeshift coffin.

"Baby Boy B," at least 28 weeks of gestational age, was found frozen inside a 1-gallon spring-water bottle.

"'Baby C' moved and breathed for 20 minutes before an assistant came in and cut the spinal cord."

The jury found that Gosnell's typical method of killing was to use scissors to cut into the back of a baby's neck, severing the spinal cord. The report includes a photo of one such baby with a rectangular chunk missing from the back of its neck.

"And these were not even the worst cases," according to the report.

Gosnell is also charged with killing 41-year-old Karnamaya Mongar, who died during the abortion. Little is known about the mother of three except that she and her husband fled her native Bhutan and spent nearly 20 years in camps in Nepal before arriving in America about four months before she was killed by an overdose of Demerol and other drugs in November 2009.

As the report states, Mongar wasn't the first woman killed inside Gosnell's practice and, except for the accidental discovery of the abortion mill by the DEA agents looking for proof of Gosnell's sideline prescription-drug-trafficking operation, she surely would not have been the last.

#### The Raid



On the evening of Feb. 18, 2010, the FBI, Philadelphia's D.A.'s Office, the federal Drug Enforcement Agency and the Philadelphia Police Department raided the Women's Medical Society at 3801 Lancaster Ave.

Representatives from the Pennsylvania Department of Health and Pennsylvania Department of State were invited to tag along by DEA Agent Stephen Dougherty after a colleague expressed concern over the strange circumstances of Mongar's death.

The team raided the clinic after Gosnell arrived around 8:30 p.m.

According to the report, "semi-conscious women scheduled for abortions were moaning in the waiting room or the recovery room, where they sat on dirty recliners covered with blood-stained blankets." Blood was splattered all over the dirty floor. It stank of urine, cat feces and the fetid turtle tank kept in the waiting room.

The only functioning medical equipment was a single pressure cuff. The emergency exit was padlocked shut.

Embryos, fetuses and, as the medical examiner would determine after autopsies, corpses of viable babies were stashed "haphazardly" in milk jugs, spring water bottles and cat food containers; more were bundled in red and yellow plastic bags stacked high on the dirt-floor basement and packed into the freezer. It's been widely reported that Gosnell kept a collection of small jars containing the severed feet of fetuses.

"All in all," the report states, "the remains of 45 fetuses were recovered at the clinic that evening."

Inside the freezer, investigators found the fully intact 19-week fetus "delivered" by Mongar the night of her death three months earlier.

## **Zero Oversight**

Many people had gotten a glimpse into Gosnell's grisly operation. But multi-level, panoramic, institutional negligence, a culture of passing the buck and flagrant disregard for patient's welfare prevented any meaningful investigation.

"Most appalling of all," states the grand jury report, "the Department of Health's neglect of abortion patients' safety and of Pennsylvania laws is clearly not inadvertent: It is by design."

After 1993, "the Pennsylvania Department of Health abruptly decided, for political reasons, to stop inspecting abortion clinics at all ... With the change of administration from Governor [Bob] Casey to Governor Ridge, officials concluded that inspections would be 'putting a barrier up to women' seeking abortions," the report says.

That fatal decision was enacted by Gov. Tom Ridge, a pro-choice Republican, in response to the legacy inherited by Gov. Casey, a pro-life Democrat who passed landmark legislation in Pennsylvania that enabled states to restrict women's access to abortion.

Not only did inspections systematically stop in 1993, red flags were ignored. They include a former employee's complaint that "laid out the whole scope of [Gosnell's] operation," and a malpractice lawsuit over the death of 22-year-old Semika Shaw, a mother of two children who died of sepsis at University of Pennsylvania hospital after Gosnell punctured her uterus.

The lawsuit was settled for almost a million dollars.

Local negligence added additional layers to the complex matrix of oversight failure. For example, "Penn could not find a single case in which it complied with its legal duty to alert authorities" in cases where emergency room physicians had to treat ramifications of Gosnell's botched procedures, as required under the Abortion Control Act.

As a private physician treating teenage girls in West Philadelphia, Dr. Donald Schwarz—currently Philadelphia's health commissioner—noticed a pattern of his patients becoming infected with Trichomoniasis, a sexually transmitted parasite, after appointments at Gosnell's clinic. Schwarz testified to

the grand jury that about six years ago, he "hand-delivered" a complaint about Gosnell's clinic to the Pennsylvania Department of Health.

Yet in his two years as the city's health commissioner, he did not check into Gosnell's practice. In addition to his personal knowledge of problems, the Philadelphia Department of Health was aware that Gosnell never submitted a infectious medical waste removal plan—the reason fetuses and body parts littered on the premises.

Schwarz testified that medical waste regulations were established with the sole goal of making money for the city. "The department was told, apparently, to collect the money, make sure the plan came in, get the fee, and not enforce, that is don't take action against people ... This is a revenue-generating activity."

The hand-delivered complaint did not exist among the records subpoenaed by the grand jury.

Though the report documents up-the-chain failures, the aerial-view conclusion regarding oversight is that even if all the proper protocols were followed and complaints filed, the state Department of Health would have continued ignoring warning signs, no matter what.

"If Dr. Schwarz's complaint did not trigger an inspection, we are convinced that none would," the jury stated.

"Pennsylvania is not a third-world country," asserts the report. "There were several oversight agencies that ... should have shut down Kermit Gosnell long ago. But none of them did."

And so, with the eyes of the state averted, Gosnell and his staff—the clinic was run by a tight-knit group of relatives and friends—were able to get away with regularly scheduled murders.

## A Typical Day at the Office

Amidst the filth and chaos, the clinic ran a predictable program: Every Monday, Tuesday, Thursday and Saturday morning around 10 a.m., a motley, cult-like group of unqualified employees—including Gosnell's 49-year-old wife, Pearl, failed wannabe doctors and a high school student—opened up shop. Gosnell spent his days swimming, jogging or relaxing at home and only came to work at night and Sunday afternoons.

During the week, according to the grand jury, "Gosnell routinely aborted and killed babies in the sixth and seventh month of pregnancy." On Sundays, Gosnell and his wife (charged with performing illegal abortions and conspiracy, among other crimes) performed the most blatantly illegal third-trimester abortions. "The Sunday babies must have been bigger still," the report says. "We may never know the details of these cases."

Before leaving for a job in telemarketing, Steven Massof masqueraded as a doctor at Gosnell's clinic for five years. An online resume claims he attended medical school in Grenada, but he was not licensed and was paid in cash. He testified that approximately 40 percent of abortions performed at the clinic were on fetuses beyond 24 weeks and that he personally severed the spinal cords of about a hundred babies. Massof, 48, is charged with murder, theft by deception, conspiracy and drug violations.

The report describes daily operating procedure: As patients seeking abortions arrived, whoever was manning the front desk fed them unregulated quantities and mixtures of drugs. The chemical cocktails were designed to simultaneously induce labor and sedate the women. In many cases, the women were pumped so full of drugs they were out cold, or as D.A. Seth Williams explained on a recent episode of NPR's Radio

Times, "like zombies." He added: "[Patients] did not know inducing the labor and severing the spinal cords of live babies was going to happen."

The report stated that "All afternoon and evening, as patients woke and complained of pain, workers would continue to medicate them with injections of sedatives. Between doses, the staff would leave the patients largely unattended. This would go on until the doctor arrived, some six or more hours after the patient did, or until the woman delivered."

Sometimes, depending on how far along the woman was in her pregnancy, the "procedure" would last as long as three days.

"If ... a baby was about to come out, I would take the woman to the bathroom, they would sit on the toilet and basically the baby would fall out and it would be in the toilet," testified Latosha Lewis, who worked for Gosnell for more than eight years. "I would be rubbing her back and trying to calm her down for two, three, four hours until Dr. Gosnell comes. She would not move."

The latter happened so often that James Johnson, the clinic's janitor—and common-law husband of 51-year-old Elizabeth Hampton, who is herself Gosnell's wife's sister—refused to pull any more flesh out of the plumbing.

Hampton, 51, faces charges of hindering prosecution, perjury, false swearing, and obstructing administration of law.

"[Johnson] described how he had to lift the toilet so that someone else—he said it was too disgusting for him—could get the fetuses out of the pipes."

If the fetus or babies hadn't "fallen out" (or "precipitated" in the euphemistic language employed by the staff) by the time Gosnell arrived, staff would push and shove on the women's abdomen.

"By maximizing the pain and danger for his patients, [Gosnell] minimized the work, and cost, for himself and his staff," states the report. "The policy, in effect, was labor without labor."

Once delivered, he would cut the spinal cord, then crush the skulls.

Upstairs, there was one clean room with a television. Tina Baldwin is a 45-year-old who worked at the clinic testified that the separate room was reserved for white women only.

"The ... black population was ... big here. So he didn't mind you medicating your African-American girls, your Indian girl, but if you had a white girl from the suburbs, oh, you better not medicate her. You better wait until he go in and talk to her first."

Baldwin is facing charges of racketeering, conspiracy, and corruption of a minor for allowing her teenage daughter to also work at the clinic.

Targeting the poorest women, women of color and immigrants like Mongar who didn't speak English and could not read the papers they signed, was lucrative for Gosnell. When the grand jury searched the doctor's home, they found \$240,000 in cash—and a gun—in a closet of his 12-year-old daughter's room.

The cash is a pittance compared to the millions of dollars generated over decades.

### "Political Football"

His butcher shop of an abortion factory and prescription-pill mill were operated in the unbridled pursuit of profit. He made little pretense to care for patients. When not fatally neglecting women and killing babies, he regularly hit them and forced abortions on underage girls at their guardians' request.

The depths of inhumanity that can reside behind a gentle face is one facet of this story. That racism and sexism—both of his own and the institutions that failed to respond to complaints—enabled the atrocity is another.



"Bureaucratic inertia is not exactly news. We understand that," states the report. "But we think 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."

Which brings us to the facet with a flashpoint so bright it threatens to blind us from all the other lessons: the politics of abortion.

Indeed, immediately on release of the grand jury report—before it was even humanly possible to have read it in its entirety—competing interpretations of the case began to emerge. For the most part, views split over political fault lines.

The legislative legacy of this case can go one of two ways: it can expedite legislation either restricting or promoting access to abortion.

"The timing could not be worse," says Susan Schewel, executive director of the Women's Medical Fund, a local nonprofit that grants financial assistance to poor women seeking abortions. "It's a horrible situation anyway, but with the results of the mid-term elections and all these legislators around the country and especially in Pennsylvania now starting their work, [the Gosnell case] provides them with fodder if they choose to interpret it toward their ends."

"What we feared as soon as we heard about the horrifying details of what went on in Gosnell's clinic, we were concerned right away that those opposed to abortion would take this really isolated case and use it as an opportunity to make a case that this is what all abortion providers are like and how 'unsafe' it is," echoes Dayle Steinberg, president and CEO of Planned Parenthood Southeastern Pennsylvania. "We've heard that bills are going to be introduced specifically to further restrict as a result of Gosnell."

They are correct.

"In the wake of Gosnell situation, we're talking with some allies and legislators about the Abortion Patients' Enhanced Safety Act," Daniel McConchie, vice president of government affairs for Americans United for Life.

AUL states that one of the promises of legalized abortion was that "unskilled and incompetent 'butchers'

would no longer perform abortions."

The paper states, "Has more than 30 years of legalized abortion eliminated these problems? Sadly, it has not. Instead, abortion clinics across the country have become the true 'back alleys' of abortion mythology."

The article states, "There is abundant evidence to support the contention that abortion clinics are the true "back alleys" that abortion advocates warned us about."

The Gosnell case was a Hail Mary pass for pro-life advocates. Gosnell's name is already tethered to the policy paper explaining the proposed legislation on AUL's website. Indeed, the grand jury report explicitly recommends this policy.

The policy paper states that APESA's goal is to raise the standard of basic abortion clinic regulation standards and requires that the center function as ambulatory surgical centers.

But critics charge that legislation like APESA is designed to restrict access to abortion by unnecessarily driving up costs, as a sort of covert arm of anti-abortion advocates' overall defunding strategy—which critics charge is partly what drives women to resort to places like Women's Medical Society.

"There were already regulations against Gosnell, it's not like he was operating within the limits," argues Tracy Weitz, assistant professor of Obstetrics, Gynecology and Reproductive Sciences at the University of California, San Francisco.

"You don't need more regulations for people operating outside the bounds. It's a horrendous situation and we are all taking different lessons from the story, but the lesson none of us should take is more regulation, because he was already outside the regulations."

"We have almost 40 years of data to suggest abortion is a remarkably safe clinical procedure," she says. "[APESA] is really designed to restrict access."

Weitz says that in order to reach the status of ambulatory surgical center, facilities providing abortions need expensive upgrades such as construction, additional staff to maintain higher nurse-to-patient ratios, and a host of medications that clinics don't really need if they're not performing any medical procedures other than abortions.

Weitz co-wrote a study that analyzed the effect of similar legislation in other states. "Ambulatory surgical center requirements significantly increase abortion costs and reduce the availability of abortion services despite the lack of any evidence that using those facilities positively affects health outcomes," states the 2009 report.

"For pregnant women, the corresponding effect ... has been to hinder (and possibly preclude) timely access to safe and legal abortion services," states the report, which also notes that ASC regulations go "far beyond" guidelines for abortion issued by the American College of Obstetricians and Gynecologists and National Abortion Federation.

"When you restrict abortions you certainly have some women who can not obtain the abortion, but most common is that the abortions are delayed," Weitz says. "So you take what is a relatively uncomplicated early abortion and make it a later abortion ... We force this these women into these later circumstances and then blame them. Most of the data speaks to what is the most common outcome of these restrictions, which is

delays."

#### **Fault Lines**

The day before the grand jury report on Gosnell was published, Gov. Tom Corbett, endorsed by Pennsylvania Pro-Life Federation and LifePAC of Southwestern PA on previous campaigns, put his hand on William Penn's bible and was sworn in as governor.

A week later, Jan. 25, the Pennsylvania Senate Banking and Insurance Committee approved Senate Bill 3. If signed into law, the bill will restrict private insurance companies planning to participate in the 2014 state healthcare exchanges from covering abortion. Since many women currently un- or underinsured or working at smaller companies will obtain health insurance coverage through the exchanges, this law will translate into less access to abortion services for women, and disproportionately affect poor women.

Pennsylvania was ground zero for the abortion debate before the Gosnell case and will continue to be as much in its aftermath. Whatever the specifics of the legislation that will be passed in the near future, what's clear is that the trend will be to restrict access, not protect it.

It's also clear from the data that more restrictions will result in both delayed abortions and women forced to carry to term simply because they can't afford it.

The real fault lines in the abortion debate don't lie between pro-lifers and pro-choicers anymore. It lies between rhetoric and reality. Gosnell operated in the wide-open darkness that lies between.

Click here for a timeline of events, including inspections and complaints that led to nowhere, leading up to Gosnell's arrest.

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