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Women's Pavilion to close March 18, ending 38 years of controversy

Clinic had provided only referrals since November

By Amanda Gray South Bend Tribune Mar 12, 2016



South Bend police officers remove one of the anti-abortion demonstrators from the Women's Pavilion on Ironwood Drive on Dec. 22, 1990. Tribune File Photo/JOE RAYMOND



State suspends medical license of former South Bend abortion doctor

SOUTH BEND — The Women's Pavilion, a long-standing clinic providing abortions and other health services to local and regional women, will shut down on Friday.

The abortion provider, Dr. Ulrich "George" Klopfer, had stopped abortion services in November, but now the clinic will fully close.

The pavilion, which opened in 1978, was faced with both legal and social challenges from the beginning.

The news of its closing was met with regret by some and with joy by others.

According to the activist group Pro-Choice South Bend, which broke the news, abortion services had stopped in November but women seeking the procedure could still come for referral services at the South Bend facility at 2010 Ironwood Circle. Group leadership referred those seeking abortion services to Planned Parenthood in Merrillville, Ind., or Kalamazoo, or to Family Planning Associates in Chicago.

The group lamented the need for local women to now travel for the procedure, and said they will hold a candlelight vigil at 7 p.m. Thursday at the clinic.

"Many people in need of an abortion don't have money or time to spare," Pro-Choice South Bend said in a news release. "To receive the health care they rightfully deserve, they now have to travel long distances for two to four hours for multiple appointments, which increases the chance of preventable health risks and imposes financial burdens. Some individuals see no other option than to unsafely self-abort."

The release added that "making choices about your own body should be a basic human right. There will be abortion care in South Bend's future. This is certainly not the end."

St. Joseph County Right to Life celebrated the clinic's closure in its own news release, citing public challenges to the clinic's license, the medical license of Klopfer and inspection reports as reason for the clinic to close.

Klopfer came to an agreement with the Indiana State Department of Health to close the Women's Pavilion in November, after the state agency filed a motion to revoke the clinic's license in January 2015. Though Klopfer or anyone on the clinic's staff could have refiled for the license after 90 days, no applications were filed in 2016 for that clinic or any additional one in the state of Indiana, according to Amanda Turney, attorney for the ISDH.

Historical opposition

The Women's Pavilion as well as abortion services in general have been contested both in the courts and on the streets since before doors opened in 1978.

According to Tribune archives, the Women's Pavilion drew opposition soon after it opened in 1978, with St. Joseph's Hospital objecting to the nearby clinic's first location at 425 N. St. Louis St., claiming in court documents that the location for the clinic would cause "irreparable damages" to the hospital by community members associating the abortion services with the hospital, whose leadership opposed the procedure.

St. Joseph County Right to Life Committee formed about the same time as the clinic's proposal, and the two entities have gone head-to-head since. At least two other lawsuits were filed against the clinic in that first year alone.

Clinic staff have fought back, first with arguments against the 1978 injunction, accusing hospital personnel of "attempting to impose their personal, subjective religious belief upon others by pursuing the nuisance action." That lawsuit, as well as two others, were ruled in the clinic's favor, with the only requirement from the lawsuit brought by St. Joseph's Hospital being that doctors providing abortions need to be licensed in Indiana and have hospital admitting privileges or a transfer agreement.

The ruling halted abortions at the clinic for more than six months in 1981 and into 1982, as the doctors at the clinic could not get formal transfer agreements with local hospitals. The injunction ruling was amended in January 1982 so that any licensed doctor could perform the procedure without admitting privileges, though the clinic did keep agreements with "several doctors" locally to admit patients on an emergency basis.

Dr. Gordon C. Cook, a South Bend obstetrician and gynecologist, served as the clinic's first medical director. Just weeks after the clinic opened, a poll conducted by Indiana University South Bend showed that 38 percent of South Bend residents opposed establishing a clinic within city limits. The survey also showed that, overall, 58 percent of respondents said they supported a woman's access to abortion if she wants one, with higher percentages of approval for younger respondents (69 percent) and male respondents (64 percent). Twelve percent of respondents said they supported abortion access conditionally, for reasons such as if the mother's life is in danger, or if the pregnancy is a product of rape.

Though no recent state-specific polls could be found, a nationwide Gallup poll conducted in 2015 showed that 50 percent of U.S. adults called themselves "pro-choice," with 44 percent identifying as

“pro-life.” Seventy-eight percent of the survey’s respondents said they support legalized abortions in at least a few circumstances, with 19 percent of respondents saying that abortion should be illegal in all circumstances, and 2 percent stating they had no opinion.

Protests and arrests

Throughout its existence, the South Bend clinic was the site of abortion protesters, some of whom were arrested, mostly for trespassing or violating a restraining order.

The clinic relocated to its current location at 2010 Ironwood Circle in February 1988. In a Tribune article, then-clinic director Marne Greening said the change of address would make protesting more difficult, as “it’s all private property there.”

Protests continued, though. In December 1990, 32 men and women from the anti-abortion group Lambs of Christ were arrested after locking themselves together in the clinic. In April 1991, about 120 anti-abortion demonstrators were arrested after they blocked access to the clinic. So many people were arrested that Transpo provided a bus to take them away to the Army Reserve Center on Kemble Street, where the police held the large group.

In recent years, St. Joseph County Right to Life and The Life Center, another anti-abortion group, have moved or established offices on either side of the clinic at Ironwood Circle. Abortion protesters stand on property of either group to protest the clinic.

Opposition went beyond just protests: On May 10, 1993, someone poured butyric acid into the clinic through a mail slot and spread with a garden hose. The chemical, which reacts to water and has been commonly used in targeted attacks on abortion clinics, is rancid smelling and closed the clinic for several days. St. Joseph County Right to Life leaders at the time said they didn’t condone violence against the clinic, and said they didn’t support violence conducted by anti-abortion splinter groups.

Klopper began providing abortions in South Bend in 1978. Clinic opponents point to less-than-desirable inspection reports, as well as a host of complaints that have been filed against Klopper, as evidence for closing the clinic. Klopper has defended his practice to the media, telling The Tribune in 2013 and 2015 that attempts to close his office were due to an anti-abortion agenda.

"If I had an agenda," Klopfer said, "and I went to inspect a hospital and spent two or three days there, do you think I couldn't find errors or mistakes?"

Klopfer was found in violation of governing codes and laws in regard to abortion reporting, record maintenance, other documentation and personnel records, according to state abortion clinic inspection reports for several years in a row, the most recent in 2015. He is currently scheduled to go in front of the Indiana Medical Licensing Board this month after an Indiana attorney general's investigation stemming from more than 2,000 complaints filed by local and regional anti-abortion activists regarding Klopfer's recordkeeping, among other issues.

Dozens of supporters of both Klopfer and his clinic came out to the St. Joseph County Council in late 2014 and early 2015, when the council considered proposals to place further requirements on doctors providing abortions in St. Joseph County. That meeting was also filled with dozens of clinic opponents, who called on the council members to support the further requirements. The council defeated the measure, 6-3.

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