

# About F.A.C.E.: Forced Abortions Now Legal in the U.S.

PRI Staff 2004 Mar 1

Original article found online at: <https://www.pop.org/content/about-face-forced-abortions-now-legal-us-0>

The Freedom of Access to Clinic Entrances (FACE) Act makes the violation of a woman's right to receive reproductive health care a federal crime. It is hard to imagine a worse violation of reproductive rights than forced abortion. Yet the Eleventh Circuit of the U.S. Court of Appeals apparently disagrees.

## Forced Abortions Okay

On 23 January 2004, in June *Roe II vs. Aware Women Center for Choice, Inc.*, the Eleventh Circuit Court ruled that an expectant mother can be aborted by force if the abortionist argues that it is necessary to "protect the health of the mother."

The story begins on 29 March 1997, when a young, pregnant mother entered the Aware Women Center for Choice clinic in Florida. She was there for an abortion.

Awaiting her was the abortionist, *William P. Eggherman*, who has committed over 10,000 abortions and who has, perhaps not surprisingly, been addicted to alcohol and opiates. He began the procedure by attempting to dilate the woman's cervix with a 12 millimeter dilator.

"My God, you're hurting me," the woman began to scream. "You're killing me, I'll never be able to have babies... . Stop!"

The woman had had a change of heart. She did not want an abortion. She wanted to keep her baby. And she wanted to leave. Immediately. "Stop. Let me out of here," she cried.<sup>[1](#)</sup>

Instead of respecting the woman's wishes and stopping the procedure, Eggherman called for assistance. Clinic workers held the woman down as Eggherman, ignoring the woman's screams, continued to dilate her cervix. Then he entered the victim with a pair of forceps — "the bear" Eggherman called them — and began probing and pulling.<sup>[2](#)</sup> He mistakenly pulled out part of the woman's intestines. For the woman, said her attorney, Chris Sapp, it was like being drawn and quartered.

Realizing what he had done, Eggherman heavily sedated the woman. Then he called for an ambulance. He instructed the ambulance to come slowly, without lights or sirens, in order to give him “time to pack the woman with gauze.”

## **Business as Usual**

Eggherman was also worried that his regular flow of business would be interrupted by “all the hoopla.” “Saturday’s our big day,” he explained, “and I didn’t want to generate a lot of... any more confusion, any more panic than was already present at the time. She was loud, and as I said, she was shrill, and there were a lot of patients who were hearing what was going on, and the normal rhythm of the day was interrupted. The other patients must have been terrified, and I didn’t want the ambulance showing up with all the lights and sirens...”

At the hospital, the woman was operated on and the damage to her internal organs repaired. Her baby was found to be dead, and was removed.

## **Chris Sapp Assists**

There the matter would have ended, if not for the intervention of attorney, and former judge, Chris Sapp. Sapp filed suit on her behalf in the federal courts, arguing that the abortionist had violated the Freedom of Access to Clinic Entrances Act (FACE). FACE was passed to guarantee the right of women to receive reproductive health care. But if a woman had a right to enter a clinic to get an abortion, Sapp argued, she also has a right to leave a clinic in order to protect herself and her baby.

In calling for the abortionist to stop the procedure, Sapp argued, the woman was clearly invoking her rights under the FACE Act. By forcing the abortion procedure on her, and by preventing her from going immediately to a hospital where her pregnancy could have been saved, the abortionist violated her reproductive rights.<sup>3</sup>

Eggherman’s defense attorney’s maintained that “if he [Eggherman] had to go back in” in order to protect the woman’s health, then this would not constitute a violation of the FACE Act. On a summary judgment, the appeals court agreed, even though the evidence shows that the abortion had scarcely begun when the woman called for the abortionist to stop the abortion, and that he went “back in” to perform the abortion against her will.

According to Sapp, “This ruling does establish a precedent for forced abortion. An expectant mother receiving a routine gynecological exam, for example, could be held down and forcibly aborted. The abortionist would merely have to argue that the abortion was necessary to protect the mother’s health or life, and this would not be a violation of the FACE Act.

PRI has recently learned of another forced abortion in America. A 25-year-old Maryland woman, four months pregnant, changed her mind about having an abortion after being taken to the procedure room. She ran back to the clinic entrance where her boyfriend stopped her. You have to get an abortion, he told her. I’ve already paid for it. Three clinic workers and the abortionists

surrounded the women, sedated her by injection, and then took her back into the procedure room. After the forced abortion, she awoke in a closet.

## **Help for Chris Sapp**

Chris Sapp is determined to fight on. He is prepared to petition the U.S. Supreme Court for a writ of certiorari acknowledging that a woman's right to say "no" to an abortion, at any point in time, is absolute, and that this right is found in the FACE Act.

To make a tax-deductible donation to Chris Sapp and his valiant effort to stop forced abortions in America, please go to PRI's secure site at <http://pop.org/donate.cfm>

Please be sure to write "for Chris Sapp" in one of the three available address fields on the on-line donation form.

## **Endnotes**

1Deposition testimony of William P. Eggherman, MD, United States District Court Middle District of Florida, Orlando Division, August 28, 2002: Jane Roe, II, Plaintiff, vs. Aware Women Center For Choice, Inc., Edward W. Windle, Jr., Patricia B. Windle, William P. Eggherman, MD, Defendants; Case No.: 6:99-CV-805-ORL-19KRS.

2Ibid.

3United States Court of Appeals for the Eleventh Circuit, Jane Roe II vs. Aware Woman Center for Choice, January 23, 2004.

- See more at: <https://www.pop.org/content/about-face-forced-abortions-now-legal-us-0#sthash.0YZ0hiW7.dpuf>