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The Gosnell case: Here's what you need to know

By Sarah Kliff April 15, 2013



When I [described](#) the case of abortion provider Kermit Gosnell on Twitter last month as a local crime story, I was clearly wrong. The egregious and horrifying crimes committed in the physician's West Philadelphia abortion clinic have become a matter of national attention.

The Gosnell case stretches back decades. Here's what you need to know.

Who is Kermit Gosnell?

Kermit Gosnell is a doctor who, since 1979, has run an abortion clinic called the Women's Medical Society in West Philadelphia. He is not, according to [a grand jury report](#) published in 2011, an obstetrician or gynecologist. "Forty years ago, he started but failed to complete a residency in obstetrics and gynecology," the grand jury found.

What happened at his abortion clinic?

The grand jury report is full of horrific and gruesome details about the clinic that Gosnell ran for more than three decades. Patients were neglected; providers were not certified; and cats were allowed to roam and defecate in the clinic.

"The walls appeared to be urine-splattered," the Philadelphia district attorney's office found when it inspected the clinic in August 2010, months after it had closed that February. "The procedure tables were old and one had a ripped plastic cover. Suction tubing, which was used for

abortion procedures – and doubled as the only available suction source for resuscitation – was corroded."

Pennsylvania law bars abortions after 24 weeks' gestation, at which point a fetus is considered to be likely viable outside the womb. Gosnell performed multiple abortions at 24.5 weeks, and the grand jury report found that many of those procedures underestimated the period of gestation. One Gosnell employee estimated that about 40 percent of the clinic's abortions occurred after 24 weeks. Gosnell, the grand jury found, killed the babies born alive in his clinic.

"Gosnell had a simple solution for the unwanted babies he delivered: he killed them," the report said. "He didn't call it that. He called it 'ensuring fetal demise.' The way he ensured fetal demise was by sticking scissors into the back of the baby's neck and cutting the spinal cord."

How did this happen?

This is one of the questions that the grand jury seems to have grappled with: How did Gosnell run a non-compliant clinic for three decades? Much can be attributed to an egregious lapse in regulatory oversight, the report said.

"The Pennsylvania Department of Health has records as far back as the 1980s documenting Gosnell's dangerous practices," the grand jury found. "For decades, Gosnell did not staff his facility with licensed or qualified employees. He never properly monitored women under sedation. He botched surgeries and then failed to summon emergency help when it was needed."

When the clinic was first inspected in 1979, it had a medical director on staff who was a certified obstetrician/gynecologist. The certificate for approval after that inspection expired in December 1980, but the next "documented site review was not conducted until August 1989."

By then, Gosnell was the only doctor affiliated with the clinic. At that investigation, the state health department "noted several violations of Pennsylvania abortion regulations" but "based on mere promises to improve documentation and filing" granted the clinic approval for another 12 months. There was a similar investigation in 1993, with no result.

There were no inspections of the clinic over the next 16 years. The health department received multiple complaints about the clinic, including one from a doctor who said that his patients "were becoming infected with sexually transmitted diseases at Gosnell's clinic when they had abortions there."

The 2009 clinic death of 41-year-old [Karnamaya Mongar](#), a Nepalese refugee who had recently arrived in the United States, did not trigger an investigation, either. Mongar died while undergoing an abortion by Gosnell.

"We also do not understand how a report of this magnitude was not at least added to Gosnell's file at the state department of health," the report says. "It suggests to us that there may have been many more complaints that were never turned over to the Grand Jury."

How did an investigation into Gosnell's practice begin?

Authorities began investigating the clinic over suspicions of illegal drug prescription activity. A detective with the district attorney's office then became aware of Karnamaya Mongar's death.

The FBI and the Pennsylvania Department of Health raided Gosnell's clinic on Feb. 18, 2010. What they found inside was described by those on the raid as "filthy" and disgusting":

There was blood on the floor. A stench of urine filled the air. A flea-infested cat was wandering through the facility, and there were cat feces on the stairs. 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.

Four days after the raid, Gosnell's medical license was suspended. On March 12, 2010, "the state Department of Health filed papers to begin the process of shutting down the clinic." The Philadelphia district attorney's office submitted the case to the grand jury on May 4, 2010. On March 18, 2013, Gosnell's trial began.

Were Gosnell's actions criminal?

Yes. On May 13, after 10 days of deliberations, a jury [found](#) Gosnell guilty on three of four charges of murder of babies born in his clinic. The jury also found him guilty of involuntary manslaughter in the case of Mongar's death. "The trial now moves into a sentencing phase," Brady Dennis reports from the courtroom, "To decide whether Gosnell should receive the death penalty or face life in prison."

Could certain policies have prevented the tragedies that occurred in Gosnell's clinic?

Both abortion rights supporters and opponents have used the Gosnell case to push their policy agendas.

Abortion rights opponents contend that Gosnell makes the case for stronger clinic regulation, such as [a new Virginia law that requires](#) abortion clinics to comply with strict, hospital-style building codes.

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"Since Kermit Gosnell's 'house of horrors' clinic was discovered in 2010," Susan B. Anthony List president Marjorie Dannenfelser said in a statement, "several states have enacted measures to ensure women going into abortion facilities are treated with basic dignity and respect."

Abortion rights supporters, however, say that the Gosnell case proves that women should have easier access to abortion so that they don't have to seek care from an unqualified provider.

"This is exactly what happens when you place undue restrictions and you try to shame women to keep them from exercising their constitutional right to safe and legal abortions," NARAL Pro-Choice America president Ilyse Hogue [told](#) the Huffington Post. "You make them victims to people like Gosnell, because in their desperation they'll turn anywhere."

The Philadelphia district attorney's office made its own set of recommendations, beginning on page 247 of the grand jury report. Most notably, it included a proposal endorsed by abortion rights opponents -- to regulate abortion clinics as ambulatory surgical centers.

Pennsylvania passed such a law last year, which took effect in June. Since then, five abortion clinics in the state [have closed](#), although it's unclear how much of a role the new law played in those decisions.