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Kermit Gosnell

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Kermit Gosnell



Mug shot

Born Kermit Barron Gosnell
February 9, 1941 (age 75)
[Philadelphia, Pennsylvania](#), U.S.

Criminal charge

- **State charges (Pennsylvania):** First-degree murder and involuntary manslaughter (7 counts total)
- **Federal charges:** Conspiracy to distribute controlled substances, distribution and aiding and abetting the distribution of oxycodone, and

maintaining a place for the illegal distribution of controlled substances (12 counts total)

Criminal penalty	Life without parole plus 30 years
Criminal status	In custody at SCI Huntingdon
Spouse(s)	Pearl
Children	6
<u>Conviction(s)</u>	Convicted on 3 counts of first-degree murder, 1 count involuntary manslaughter, pled guilty to federal charges

Killings

Victims	Convicted on four state counts, hundreds of similar incidents reported
Country	United States of America
State(s)	Pennsylvania

Kermit Barron Gosnell (born February 9, 1941) is an American former [physician](#) who was convicted of murdering three infants who were [born alive](#) during attempted [abortion](#) procedures.^{[1][2][3][4][5]}

Gosnell owned and operated the Women's Medical Society clinic in [Philadelphia, Pennsylvania](#) and he was a prolific prescriber of [OxyContin](#).^[6] In 2011, Gosnell and various co-defendant employees were charged with eight counts of [murder](#), 24 felony counts of performing illegal abortions beyond the state of Pennsylvania's 24-week time limit, and 227 misdemeanor counts of violating the 24-hour informed consent law. The murder charges related to an adult patient, Karnamaya Mongar, who died following an abortion procedure and seven newborns said to [have been killed](#), by having their spinal cords severed with scissors, after being born alive during attempted abortions. In May 2013, Gosnell was convicted of [first degree murder](#) in the deaths of three of the infants and [involuntary manslaughter](#) in the death of Karnamaya Mongar. Gosnell was also convicted of 21 felony counts of illegal [late-term abortion](#), and 211 counts of violating the 24-hour informed consent law. After his conviction, Gosnell waived his right to appeal in exchange for an agreement not to seek the [death penalty](#). He was sentenced instead to [life in prison without the possibility of parole](#).^{[7][8]}

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Background and early career

Kermit Gosnell was born on February 9, 1941, in Philadelphia, the only child of a gas station operator and a government clerk^[9] in an African-American family.^[10] He was a top student at the city's [Central High School](#) from which he graduated in 1959.^[11] Gosnell graduated from [Dickinson College](#) in Carlisle, PA with a bachelor's degree.^[12] Gosnell received his Medical Degree at the [Jefferson Medical School](#) in 1966.^[11] It has been reported that he spent four decades practicing medicine among the poor, including opening the Mantua Halfway House, a rehab clinic for drug addicts in the impoverished [Mantua](#) neighborhood of [West Philadelphia](#) near where he grew up, and a teen aid program.^[11] He became an early proponent of abortion rights in the 1960s and 1970s and, in 1972, he returned from a stint in New York City to open up an abortion clinic on Lancaster Avenue in Mantua.^{[9][13]} Gosnell told a *Philadelphia Inquirer* reporter in October 1972: "as a physician, I am very concerned about the sanctity of life. But it is for this precise reason that I provide abortions for women who want and need them".^[14]

In the same year, he also performed fifteen televised second-trimester abortions, using an experimental "[Super Coil](#)" method invented by [Harvey Karman](#). The coils were inserted into the uterus, where they caused irritation leading to the expulsion of the fetus. However, complications

from the procedure were reported by nine of the women, with three of these reporting severe complications.^{[15][16]} The super coil experiment by Gosnell has been dubbed the "mother's day massacre" by some.^[17]

The 1972 *Inquirer* article also said that Gosnell was a "respected man" in his community, a finalist for the Junior Chamber of Commerce's "Young Philadelphian of the Year" because of his work directing the Mantua Halfway House.^[14] By the late 1980s, however, public records showed state tax liens were piling up against the halfway house, and the abortion clinic had a \$41,000 federal tax lien.^[14]

Gosnell has been married three times. His third and current wife, Pearl, had worked at the Women's Medical Society as a full-time medical assistant from 1982 until their marriage in 1990.^[18] They have two children; the younger, being a minor, is being cared for by friends^[19] Gosnell has four other children from his two previous marriages.^[19] In covering his background, media commentators drew attention to the "incredibly diverse" portrayals of Gosnell, touching on both his community works – the creation of a drugs [halfway house](#) and teen aid program – contrasted with portrayals of his practice as an alleged abortion mill in which viable fetuses and babies were routinely killed following illegal late-term procedures.^[11]

Medical practice

In 2011, he was reported to be well known in Philadelphia for providing abortions to poor minority and immigrant women.^[20] It was also claimed that Gosnell charged \$1,600–\$3,000 for each late-term abortion.^[21] Dr. Gosnell was also associated with clinics in Delaware and Louisiana. Atlantic Women's Services in [Wilmington, Delaware](#), was Dr. Gosnell's place of work one day a week. The owner of Atlantic Women's Services, Leroy Brinkley, also owned Delta Clinic of [Baton Rouge, Louisiana](#), and facilitated the hiring of staff from there for Gosnell's operation in Philadelphia.^[22]

Legal case

Known prior complaints

- 1989 and 1993 – cited by Pennsylvania Department of Health for having no nurses in the [recovery room](#).^[23]
- 1996 – censured and fined in both Pennsylvania and New York states, for employing unlicensed personnel.^[23]
- Around 1996 – [Pediatrician](#) Dr Schwartz – the former head of adolescent services at the [Children's Hospital of Philadelphia](#) and as of 2010, Philadelphia's [health commissioner](#) – testified in the 2010 hearing that around 1996 or 1997, he had hand-delivered a letter of complaint about Gosnell's practice to the Secretary of Health's office and stopped referring patients to the clinic, but received no response.^[24]
- 2000 – [Civil lawsuit](#) filed on behalf of the children of Semika Shaw, who had called the clinic the day after an abortion to report heavy bleeding, and died 3 days later of a perforated uterus and a bloodstream infection. The case alleged that Gosnell had failed to

tell her to return to the clinic or seek emergency medical care. It was settled out of court in 2002 for \$900,000.^{[14][25]}

- Around 2001 – Gosnell claimed to be providing children’s vaccines under a program administered by the Health Department’s Division of Disease Control, but was repeatedly suspended for failing to maintain logs and for storing vaccines in unsanitary and inappropriate refrigerators, and at improper temperatures.^[26]
- December 2001 – ex-employee Marcella Choung gave what the Grand Jury would later call "a detailed written complaint" to the [Pennsylvania Department of State](#), one which she followed up with an interview in March 2002.^[27]
- 2006 – Civil lawsuit filed by patient but dismissed as [out of time](#). The complaint was that Gosnell had been unable to complete an abortion, but then apparently failed or refused to call paramedics or other clinical emergency personnel, after the patient had needed help. The patient reported, "I really felt like he was going to let me die."^[28]

In total during the course of his career, 46 known lawsuits had been filed against Gosnell over some 32 years.^[29] Observers claimed that there was a complete failure by Pennsylvania regulators who had overlooked other repeated concerns brought to their attention, including lack of trained staff, "barbaric" conditions, and a high level of illegal late-term abortions.^[30]

2010 raid

The Women’s Medical Society was raided on 18 February 2010 under a [search warrant](#) by investigators from the [FBI](#) and state police. The raid was the result of a months-long investigation by the [Drug Enforcement Administration](#) (DEA), the [Philadelphia Police Department](#), and the State’s [Dangerous Drug-Offender Unit](#) into suspected illegal drug prescription use at the practice. The investigation had also revealed the suspicious death of patient Karnamaya Mongar in 2009, which had in turn brought to light further information about unsanitary operations, use of untrained staff, and use of powerful drugs without proper medical supervision and control. Thus, when the February 2010 raid took place, staff from the Pennsylvania Department of State and Pennsylvania Department of Health also attended, as these issues were under their remit.^[31]

When the team members entered the clinic, they were appalled, describing it to the Grand Jury as 'filthy,' 'deplorable,' 'disgusting,' 'very unsanitary, very outdated, horrendous,' and 'by far, the worst' that these experienced investigators had ever encountered. 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. All the women had been sedated by unlicensed staff – long before Gosnell arrived at the clinic – and staff members could not accurately state what medications or dosages they had administered to the waiting patients. Many of the medications in inventory were past their expiration dates... surgical procedure rooms were filthy and unsanitary... resembling 'a bad gas station restroom.' Instruments were not sterile. 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...^[32]

[F]etal remains [were] haphazardly stored throughout the clinic— in bags, milk jugs, orange juice cartons, and even in cat-food containers... Gosnell admitted to Detective Wood that at least 10 to 20 percent... were probably older than 24 weeks [the legal limit]... In some instances, surgical incisions had been made at the base of the fetal skulls. The investigators found a row of jars containing just the severed feet of fetuses. In the basement, they discovered medical waste piled high. The intact 19-week fetus delivered by Mrs. Mongar three months earlier was in a freezer. In all, the remains of 45 fetuses were recovered ... at least two of them, and probably three, had been viable."^[32]

Gosnell's [license to practice](#) was suspended on 22 February 2010,^[33] and these and other findings were presented to a [Grand Jury](#) on 4 May 2010. Public discussion focused on claims of unsanitary conditions and other unacceptable conditions at the practices. Media reports stated that furniture and blankets were stained with blood, freely roaming cats deposited their feces wherever they pleased, and that non-sterilized equipment was used and reused on patients.^{[34][35][36][37]} According to the grand jury report, patients were given labor-inducing drugs by staff who had no medical training. Once labor began, the patient would be placed on a toilet. After the fetus fell into the toilet, it would be fished out, so as not to clog the plumbing. In the recovery room, patients were seated on dirty recliners covered in blood-stained blankets.^[38] Prosecutors alleged that Gosnell had not been certified in either gynecology or obstetrics.^[29] The Grand Jury estimated that Gosnell's practice "took in \$10,000 to \$15,000 a night" additional to income from his exceedingly high level of prescriptions.^[39]

2011 arrest

Gosnell was arrested on January 19, 2011, five days after the certification of the Grand Jury's report. He was charged with eight counts of murder.^[40] Prosecutors alleged that he killed seven babies born alive by severing their spinal cords with scissors, and that he was also responsible for the death in 2009 of Karnamaya Mongar, a 41-year-old refugee from [Bhutan](#),^[41] who died in his care. Gosnell's wife, Pearl, and eight other suspects were also arrested in connection with the case.^{[18][41][42]} The Drug Enforcement Administration, The Federal Bureau of Investigation, and the Office of the Inspector General also sought a 23-count indictment charging Gosnell and seven members of his former staff with drug conspiracy, relating to the practice's illegally prescribing highly-addictive painkillers and sedatives outside the usual course of professional practice and not for a legitimate medical purpose.

- The [third degree murder](#) charge relates to Karnamaya Mongar; according to prosecutors, Gosnell's staff gave the 90-pound woman a lethal dose of anesthesia and painkillers. Gosnell's lawyer asserts that Karnamaya Mongar also had in her system other drugs that did not come from Gosnell's clinic, and that none of the infants were born alive.^[43] The claim was rejected by the Grand Jury, based upon [expert testimony](#) that "it was the overdose of Demerol, not some mystery pill, that killed Mrs. Mongar."^[44]
- The seven other murder charges are all of [first degree murder](#); they relate to babies, whom staff have testified they saw move or cry after complete birth, and whose deaths are alleged to have resulted from subsequent lethal action. They arise because of the "[born alive rule](#)", a principle of [common law](#) which stipulates that [by default](#), for legal purposes, personhood arises – and therefore unlawful killing constituting murder

becomes possible – immediately upon the victim's being born alive (several US states as well as Federal legislation have more specific laws to protect fetuses and newborn babies; see [fetal rights](#) and [born alive laws in the United States](#)). Steven Massof, a clinic employee who pleaded guilty to similar charges in 2011, testified that he (Massof) had snipped the spines of more than 100 infants after they had been born alive, and that this was considered "standard procedure" at the clinic; a number of other employees had also testified to the same point.^[45] No physical evidence exists for five of the seven cases — charges are based on staff testimony and denied by Gosnell. A photograph exists of the sixth, who allegedly had a gestational age of 30 weeks, and the physical remains were obtained of the seventh.^[43] The Grand Jury report states that "A medical expert with 43 years of experience in performing abortions was appalled. This expert told us, 'I've never heard of it [cutting the spinal cord] being done during an abortion'."^[46]

The [United States Attorney for the Eastern District of Pennsylvania](#) also alleges that Gosnell's former office staff at Family and Women's Medical Society (WMS) ran a prescription "pill mill." From June 2008 through February 18, 2010, Gosnell allegedly engaged in a continuing criminal enterprise by writing and dispensing fraudulent prescriptions for thousands of pills of the frequently-abused tablets [OxyContin](#), [Percocet](#), and [Xanax](#), and the frequently-abused syrups [Phenergan](#) and [Promethazine](#) with [Codeine](#). Authorities further allege that Gosnell and his staff allowed customers to purchase multiple prescriptions under multiple names. For the first office visit, Gosnell allegedly charged \$115, but that increased around December 2009 when he allegedly increased the initial office visit fee to \$150. Staff at the clinic went from writing several hundred prescriptions for controlled substances per month filled at pharmacies in 2008 to over 2,300 filled at pharmacies in January 2010. Gosnell, with the assistance of his staff, is said to have distributed and dispensed more than 500,000 pills containing [oxycodone](#); more than 400,000 pills containing alprazolam; and more than 19,000 ounces of cough syrup containing codeine.^[47]

Gosnell's lawyer states that "Everybody's made him the butcher, this, that and the other thing without any trial, without anything being exposed to the public and everybody's found him guilty, that's not right".^[48] He accused the government of a "lynching" and stated, "This is a targeted, elitist and racist prosecution of a doctor who's done nothing but give (back) to the poor and the people of West Philadelphia."^[43]

Cases cited in the media

Examples of cases cited in the media include:

- Girl age 15, accompanied by relative (1998): said to have told Gosnell she changed her mind about the abortion once inside the practice. Gosnell allegedly got upset, ripped off the patient's clothing, and forcibly restrained her. The patient later stated that Gosnell told her "This is the same care that I would give to my own daughter." She regained consciousness 12 hours later at her aunt's home, the abortion having been completed against her will.^{[41][49]}
- Woman age 28, five months pregnant (2001): Patient described the pain four days after abortion as being so bad she could barely walk. The patient described that upon returning

to the clinic because of the pain, ultrasound showed fetal remains left inside her uterus, and that Gosnell suctioned these out without [anesthesia](#).^[50] "I was just laying on the table and crying and I just asked the Lord to get me through it."^[41]

- Fifteen-year-old (undated): damages awarded in court upon a finding that Gosnell performed an abortion on a fifteen-year-old without parental permission.^[41]
- Karnamaya Mongar, a 41-year-old refugee from [Bhutan](#) (2009): according to prosecutors, Gosnell's staff gave the 90-pound woman a lethal dose of anesthesia and painkillers during a 2009 abortion (this is the adult whose death is charged as [third degree murder](#)). During Gosnell's trial, a toxicologist testified to unsafe levels of the drug, and the chair of [Anesthesiology](#) at the [University of Pittsburgh](#) Medical School testified that the dose received by her was "outrageous" and "most" average adults would have stopped breathing if dosed in the manner described.^[51] Gosnell's lawyer asserts that Karnamaya Mongar also had other drugs in her system that did not come from Gosnell's clinic, and that none of the infants were born alive.^[43]

Lack of government oversight

Reports state that state officials had failed to visit or inspect Gosnell's practices since 1993.^[42] The grand jury report noted that the medical examiner of Delaware County alerted the Pennsylvania Department of Health that Gosnell had performed an illegal abortion on a 14-year-old who was thirty weeks pregnant,^[52] it is also claimed the Pennsylvania Department of Health did not act when they became aware of Gosnell's involvement in the death of Karnamaya Mongar.^[52]

Brenda Green, executive director of CHOICE, a nonprofit that connects the underinsured and uninsured with health services, told [Katha Pollitt](#) of [The Nation](#) that "it tried to report complaints from clients, but the department wouldn't accept them from a third party. Instead, the patients had to fill out a daunting five-page form, available only in English, that required them to reveal their identities upfront and be available to testify in Harrisburg. Even with CHOICE staffers there to help, only two women agreed to fill out the form, and both decided not to submit it. The Department of State and the Philadelphia Public Health Department also had ample warning of dire conditions and took no action."^[52]

In 2011, it was reported that none of Pennsylvania's 22 abortion clinics had been inspected by the government for more than 15 years.^[53] Inspections (other than those triggered by complaints) had ceased under Ridge's governorship, as they were perceived to create a barrier to women seeking abortion services.^[54]

Grand Jury report

The grand Jury published its 280-page report in January 2011. It stated that, while some might see the issue and case through the lens of pro- and anti-abortion politics, it was in reality:

not about that controversy; it is about disregard of the law and disdain for the lives and health of mothers and infants. We find common ground in exposing what happened here, and in recommending measures to prevent anything like this from ever happening again.^[55]

The grand jury concluded that the practice was a [corrupt organization](#) within the meaning of [racketeering](#) law, based upon what it considered evidence of deliberate "standard" use of "bogus" doctors, falsification of records, grossly unprofessional procedures with little or no regard for human life, and flagrant disregard for medical and abortion laws and their consequences. Key findings included:

Practice conditions and procedures

- Extreme unsanitary conditions (resulting in cases of [STDs](#) and [sepsis](#)); pervasive non-sterile conditions; blood stained materials and instruments; contamination of the facilities by animal [feces](#), [urine](#), and other noxious fluids and waste; and months-old fetal remains stored in "jars, bags and jugs"^[56] (in 2013 the trial heard that Gosnell had also been in dispute with his medical waste company, with the latter stopping their services);^[57]
- Surgical malpractice including perforation of bodily organs and "on at least two occasions" death;^[55]
- Improper equipment and usage, including repeated reuse ("over and over") of disposable supplies, and "generally broken" life-saving and monitoring equipment (including [blood pressure](#) monitoring, [oximeters](#), and [defibrillators](#));^[58]
- Padlocked emergency access and exit routes;^[58]
- Lack of properly trained staff, "bogus doctors"^[59] — unqualified, unlicensed and unsupervised staff who misrepresented themselves to patients as qualified licensed clinicians — and no qualified nurses.^[60] The jury reported that "Most of Gosnell's employees who worked with patients had little or no remotely relevant training or education"^[61] (ex-employee Marcella Choung, who in 2001 and at interview in 2002 gave a detailed written complaint to the Pennsylvania Department of State, testified that her 'training' for anesthesia consisted of "a 15-minute description by Gosnell and reading a chart he had posted in a cabinet.")^[62]
- Gosnell himself was largely absent and left the clinic to be operated by his unqualified employees, whom he sometimes "ordered" to perform medical actions even if they "protested" that they were unqualified. Employees testified they had to rely on themselves, as "Gosnell disliked it when workers disturbed him by calling for medication advice",^[63]
- Operation of a "prescription treadmill" whereby blank signed prescriptions would be left for those seeking controlled medications, unsupervised and uncontrolled by a practitioner (which was the subject of a parallel and separate Federal investigation);^[58]
- Willful non-compliance with laws intended to safeguard vulnerable women, including non-compliance with requirements for mandatory counseling, consent (for minors), waiting periods (between visiting and surgery);^[64]
- Fraudulent temporary employment of a nurse for 4 days during an NAF inspection, with the aim of deceiving the inspectors into believing that his practice staff included a licensed registered nurse (which it did not); over the few days of their on-site review, the nurse resigned upon realizing the fraud, which also involved Gosnell taking her paycheck back afterwards and paying her in cash instead;^[65]
- Fraudulent recording of gestational age and training of staff to manipulate ultrasound in a way that would match the stated number of weeks;^[66]

- Dishonest statements by Gosnell and employees to investigators, including claims that Ms. Mongar's death was due to her own action (discredited forensically), falsification and destruction of records, and lying about the manner of her death and Gosnell's (lack of) presence for anesthesia;^[67]
- Patients given labor and delivery inducing drugs during the day, then left waiting until late evening for Gosnell to attend or for surgery.^[68] Many gave birth during the day as a result, and employees testified "it was standard procedure for women to deliver fetuses – and viable babies – into toilets" while waiting for his arrival.^[69]
- Practice staff routinely delivered living babies in the third [trimester](#), subsequently killing them (or ensuring their death).^[55] As part of this, fetuses and babies had their demise "ensured" post-operatively by severing of the [spinal cord](#) with scissors, known by staff as "snipping". Most of these were deemed infeasible to prosecute because files and other evidence were not held, although the report stipulates they numbered in the "hundreds". Among the "few cases" where tangible evidence existed, the jury noted a boy aged 30 weeks at 6 pounds; a frozen body in a water container of "at least" 28 weeks; remains of at least one abortion of over 32 weeks for which an extra \$1000 had been demanded; testimony of a baby heard to make noise; and a baby left "moving and breathing for at least 20 minutes" prior to "snipping". The jury heard testimony about "special" Sunday sessions, at which only Gosnell and his wife were present, which the jury suspected (and in some cases was able to corroborate) would include cases that were more advanced in time, or more disturbing;^[70]
- Over time, Gosnell and his practice acquired a "bad reputation" and during the decade 2000–9, local community organizations ceased referring patients there. To compensate, the practice took on referrals from other in-state cities; it became understood that Gosnell's center would perform abortions "at any stage, without regard for legal limits";^[71]
- Where induced labor failed, Dr Gosnell would attempt to abort surgically, "often calamitous[ly]" for the woman involved. Example outcomes included:^[72]
 - Woman "left lying in place for hours after Gosnell tore her [cervix](#) and [colon](#)"; relatives called police after entrance refused, remedial colon surgery required.
 - Woman sent home with fetal remains unremoved, "serious infection" led to near death.
 - Punctured uterus leading to shock from blood loss and [hysterectomy](#); woman "held for hours" by the practice.
 - Patient suffered "[convulsions](#)" and fell off the operating table, sustaining a head injury, Gosnell "wouldn't call an ambulance, and wouldn't let the woman's companion leave the building so that he could call an ambulance"
 - Sedation used to mute sounds of pain; Gosnell specified pre-set amounts of drugs for non-physician staff to use on patients, but without reference to individual needs, and without records or monitoring of condition. On numerous occasions, the same patient was dosed multiple times in quick succession by different employees;^[73]
 - Death of Karnamaya Mongar, who received "repeated unmonitored, unrecorded intravenous injections of [Demerol](#)" (meperidine hydrochloride, an [opioid analgesic](#) which the report describes practice staff using as a cheap but dangerous sedative), and ceased breathing. Staff were unable to revive her (emergency

medications were not used and the defibrillator was not working), and paramedics were unable to revive her after gaining access, in part because they were deceived by staff as to what had happened and the drugs and dosages responsible.

Government and third-party handling

- Gosnell's practice was "caught by accident" during a raid for illegal drugs prescribing. State officials had been invited to attend the raid as well, since preparations for the drugs raid had revealed prior reports and information suggesting grossly substandard practise conditions at the clinic;^[74]
- Pennsylvania Department of Health failed to regulate properly and failed to ensure that the issues noticed were addressed on the few occasions around 1990 that Gosnell was inspected; and ceased inspections "for political reasons" (to reduce a perceived deterrent) at the time [Tom Ridge](#) took office as Governor of the State;^[75]
- Inspections were still to continue if complaints were received, yet repeated complaints did not trigger an investigation; the department's response came after media exposure;^[75]
- The Department of State's [Board of Medicine](#), which licenses and oversees physicians, had "more damning information than anyone else", including a description of the practice by an ex-employee (Choung) a decade previously (2001 and again 2002), as well as knowledge of at least one of the serious incidents cited of surgical malpractice, but took verbal assurances from Gosnell and no other effective or substantial investigative action was taken over these;^[76]
- Department of Public Health employees "regularly" visited the practice but had not adequately reported the issues present. One inspection confirmed "numerous violations of protocols for storage and disposal of infectious waste" but no follow-up occurred;^[77]
- A "health department representative" visiting for a [vaccination program](#) in 2009 "discovered that Gosnell was scamming the program" and "was able to file detailed reports identifying many of the most egregious elements of Gosnell's practice." Her attempts to raise concerns were ignored; the Grand Jury report states "her reports went into a black hole";^[78]
- Other third parties had knowledge, but took no visible action. These included the pediatrician and subsequent head of the city's health department, Dr Schwartz, who around 1996–97, reported concerns about the practice, concerns on which no action was taken, and who did not himself act after being promoted, [University of Pennsylvania](#) hospital and [Penn Presbyterian Medical Center](#) who treated numerous surgical failures from Gosnell's practice, including a "flagrantly illegal abortion", but reported only one of them; the [National Abortion Federation](#) whose evaluator around 2009 noted "records were not properly kept, that risks were not explained, that patients were not monitored, that equipment was not available, that anesthesia was misused" and concluded "[i]t was the worst abortion clinic she had ever inspected", but no report was made of this to any official body;^[79]

Culpability

The report divided offences by Gosnell and other practice employees into three categories: "charges arising from the baby murders and illegal abortions; charges in connection with the

death of Karnamaya Mongar; and charges stemming generally from the ongoing operation of a [criminal enterprise](#)". The charges recommended were:^[80]

- Gosnell, Williams, Moton, and Massof – charged with first degree murder for the post-operative killings where evidence existed that the baby was [born alive](#)
- Gosnell, Williams, Moton, Massof, and West – charged with [conspiracy](#) to commit murder in relation to "hundreds of unidentifiable instances" of post-operative killings (called "snipping" by staff). The jury also recommended charges of [solicitation to commit murder](#) by Gosnell.^[46]
- Gosnell and (as co-conspirators) Williams, West, and Gosnell's wife – charged with various violations of the [Abortion Control Act](#), including infanticide and illegal late-term abortions;
- Gosnell, Williams, and West – charged with third-degree murder (Pennsylvania's equivalent to [reckless or voluntary manslaughter](#)), drug delivery resulting in death, violations of the [Controlled Substances Act](#) and conspiracy in regard to the death of Karnamaya Mongar. The report states: "Gosnell's contempt for the law and his patients cost Karnamaya Mongar her life. Her death was the direct result of deliberate and dangerous conduct by Gosnell and his staff."^[81]
- Gosnell, West, and Hampton – charged with hindering apprehension, and lying to the police, medical practitioners, and the grand jury about the circumstances of Mongar's death (Hampton was also charged with [perjury](#) in the same matter);
- Gosnell – recommended to be charged with abuse of corpses, in regards to the "mutilat[ion of] babies and fetuses by cutting off their feet" and the "bizarre" storage of parts of fetal bodies in around 30 jars and other containers at his practice; his explanation that this was done for possible paternity cases was "rejected out of hand".^[82]
- The Grand Jury also concluded that "[Illegality](#) was so integral to the operation of the Women's Medical Society that the business itself was a [corrupt organization](#)" (18 Pa.C.S. § 911, "based on a pattern of racketeering activity").^[83]
 - Gosnell, Williams, West, Moton, Joe, Baldwin, Gosnell's wife, Massof, and O'Neill – charged with running that organization or conspiring to do so;
 - Massof and O'Neill – charged with [theft by deception](#) for pretending to be doctors, and billing for their services as if they were licensed physicians, and (with Gosnell) conspiracy to this effect;
 - Gosnell – charged with [obstruction](#) and [tampering with evidence](#), for altering his patient files to hide illegality and for destroying or removing other files entirely;
 - Gosnell and Baldwin – charged with [corrupting the morals of a minor](#), by hiring her 15-year-old daughter as a staff member, who was "required to work 50-hour weeks, starting after school until past midnight, during which she was exposed to the full horrors of Gosnell's practice".
- Of Gosnell himself, the report concluded,

We believe, given the manner in which Gosnell operated, that he killed the vast majority of babies that he aborted after 24 weeks. We cannot, however, recommend murder charges for all of these cases. In order to constitute murder, the act must involve a baby who was born alive. Because files were falsified or removed from the facility and possibly destroyed, we cannot substantiate all of the individual cases in which charges might otherwise have resulted."^[84]

The report also examined the failings of official parties, and the key findings, analyzed in two categories:^[85]

“Janice Staloski of the [Pennsylvania Department of Health](#), who personally participated in the 1992 site visit, but decided to let Gosnell slide on the violations that were already evident then. She eventually rose to become director of the division that was supposed to regulate abortion providers, but never looked at Gosnell despite specific complaints from lawyers, a doctor, and a medical examiner. After she was nonetheless promoted, her successor as division director, Cynthia Boyne, failed to order an investigation of the clinic even when Karnamaya Mongar died there. Senior legal counsel Kenneth Brody insisted that the department had no legal obligation to monitor abortion clinics, even though it exercised such a duty until the Ridge administration, and exercised it again as soon as Gosnell became big news. The agency’s head lawyer, chief counsel Christine Dutton, defended the department’s indifference: ‘People die,’ she said.”

“Lawyers at the [Pennsylvania Department of State](#) behaved in the same fashion. Attorneys Mark Greenwald, Charles Hartwell, David Grubb, Andrew Kramer, William Newport, Juan Ruiz, and Kerry Maloney were confronted with a growing pile of disquieting facts about Gosnell, including a detailed, inside account from a former employee (Marcella Choung, 2001^[86]), and a 22-year-old dead woman. Every time, though, they managed to dismiss the evidence as immaterial... until the facts hit the fan.”

Recommendations

- The Department of Health should explicitly regulate and annually inspect abortion practices, and examine patient files, licenses, and equipment on-site;
- Second-trimester abortions should be performed or supervised by doctors who are board-certified obstetrics and gynecology;
- The Department of State "must repair its review process", including easier reporting, confidentiality, post-investigation response, with cases automatically checked against past records, malpractice databases, and full past history;
- Reports about individual doctors checked against reports of medical offices where they worked, and vice versa;
- The Department of Public Health "should do at least as much to control infectious medical waste as it does to inspect swimming pools";
- The conclusions finished by examining the extent to which legislation had been inadequate, and the scope for legislative change, concluding that:^[87]

Statutory changes are necessary as well. Infanticide and third-trimester abortion are serious crimes. The two-year statute of limitations currently applicable for these offenses is inadequate to their severity. The limitations period for late abortion should be extended to five years; infanticide, like homicide, should have none. Impersonating a physician is also a serious, and potentially very dangerous, act. Yet under current law it is not a crime at all. An appropriate criminal provision should be enacted. There may also be other statutory and regulatory revisions that we, as lay people, have not thought to consider. Legislative hearings may be appropriate to further examine these issues.^[88]

Trial

In 2011, Gosnell, his wife Pearl, and eight other clinic employees were charged in the case.^[89] Eight, including Gosnell's wife, subsequently pleaded guilty, most of whom would testify against Gosnell,^[90] and three of these pleaded guilty to third-degree murder, carrying a 20- to 40-year term.^[90] A [gag order](#) was imposed on both defense and prosecution in April 2011, to bar them from talking to the media before the trial.^[91] In December 2011 Pearl Gosnell pleaded guilty to performing illegal abortions, conspiracy, criminal conspiracy and corrupt organization,^[92] due to [spousal privilege](#), she will not have to testify against Gosnell, although she may still go to prison.^[89] She had testified to the grand jury that she alone assisted on Sundays, and that her role was to “help do the instruments” in the procedure room and to monitor patients in the recovery room. Another employee testified that she assisted with late-term abortions “on Sundays or days we were closed [to] do special cases.”^[93]

As a result, the only employee on trial with Gosnell is Eileen O'Neill, an employee who allegedly held herself out as a doctor at the clinic when she was not licensed. Her lawyer told jurors she never did so, and performed medical duties only under Gosnell's orders.^[43]

On March 18, 2013, opening statements were given in a Philadelphia court. On April 23, after the prosecution had rested its case, the judge dismissed three of the seven first-degree murder charges (the next day the judge reinstated charges related to one and dismissed another, explaining the wrong charge had been mistakenly dismissed^{[94][95]}), the one count of infanticide, and all five charges of abusing a corpse Gosnell had been charged with, as well as six of the nine charges of [theft by deception](#) faced by O'Neill.^[96] No formal ruling has yet been given for these dismissals. Media sources following the trial have suggested that there may have been insufficient evidence of post-procedure life to sustain charges in law. Although prosecutors had argued the movements were voluntary and therefore signs of life,^{[97][98]} it was argued that the evidence offered by prosecutors were equally capable of being interpreted in some or all of these as single autonomous post-mortem motor movements or spasms instead of clinical signs of life, and additionally that none of the seven were capable of being alive as all had been previously killed clinically *in utero* by means of drugs as part of the procedure.^{[97][98]} Also, although staff had used descriptions such as "jumping" and "screaming" in their testimony, Gosnell's defense noted that testimony had shown only single movements or breaths, stating that the testimony was not evidence of "the movements of a live child", and the medical examiner had also testified that tests could not determine whether or not any of the 47 fetuses found had been born alive due to tissue deterioration.^{[99][100][101]}

The remaining four first-degree murder charges could still have led to the death penalty. The 3rd-degree murder charges in the death of Karnamaya Mongar, the racketeering charge, and over 200 charges related to multiple violations of abortion law were also left standing.^{[102][103]} Gosnell's defense attorney rested his case summarily without calling or questioning any witnesses, and without Gosnell taking the stand in his defense, leaving the defense case until final arguments ([under US law](#), a defendant [may choose not](#) to take the stand; if so then the [jury is instructed](#) that no inference or assumption may be drawn from this).^[104] O'Neill also did not testify in her defense.^{[94][104]} The case went to jury deliberation on April 30, 2013.^[105]

Defendants, related charges, verdicts and sentencing

Gosnell was charged with seven counts of first-degree murder (reduced to 4 counts at trial) and one count of third-degree murder, as well as infanticide (dismissed at trial), 5 counts of abusing a corpse (all dismissed at trial), multiple counts of conspiracy, criminal solicitation and violation of a state law that forbids abortions after the 24th week of pregnancy.^{[96][103][106]} The non-murder charges included 24 counts of violating Pennsylvania's Abortion Act by performing illegal third-trimester abortions, 227 counts of violating a 24-hour waiting-period requirement, failing to counsel patients, and racketeering.^[103] His [co-defendants](#) were:

- Steven Massof, a medical school graduate who lacked a license, pleaded guilty in November 2011 to two counts of 3rd-degree murder for the deaths of two babies who had been born alive.^[107]
- Pearl Gosnell, Kermit's wife, was charged with abortion at 24 or more weeks, conspiracy and participating in a corrupt organization. She pleaded guilty to these charged on Dec. 13, 2011.^{[108][109]} Pearl Gosnell was sentenced to 7 to 23 months in prison.^[110]
- Steven Massof and Eileen O'Neill, both medical school graduates without proper licensing to be doctors in Pennsylvania. Gosnell presented these employees as physicians and billed insurance companies more on this allegation. All three are charged with theft by deception for these acts.^[111]
- Kareema Cross, who testified at the state trial she had seen at least ten babies breathe after being aborted who were then killed, pleaded guilty to federal drug charges over improper distribution of pain medicine from Gosnell's clinic.^[112]

On May 13, 2013, the jury reported that they were [deadlocked](#) on two counts.^[113] After returning to deliberations, the jury convicted Gosnell of 3 counts of murder, one count of involuntary manslaughter, and many lesser counts. He was found not guilty on one of the counts of murder.^{[114][115]}

On May 14, 2013, Gosnell struck a deal with prosecutors in which he agreed to waive all his appeal rights regarding his conviction on the day earlier. In exchange, prosecutors allowed Gosnell to be sentenced to life in prison without the possibility of parole.^[116]

On May 15, 2013, Gosnell was sentenced to life in prison for the third child's murder.^[117]

Impact and aftermath

Other bodies and persons claiming to have made reports

In April 2011 the University of Pennsylvania Health System claimed as early as 1999 that they had provided to authorities reports about botched procedures by Gosnell. The only case for which any reports were produced was that of Semika Shaw, a 22-year-old, who died at the University of Pennsylvania hospital as a result of bleeding and sepsis caused by a botched procedure by Gosnell. Gosnell's insurers settled a lawsuit with family members of Shaw for \$900,000. The health system also claims other undocumented reports were made orally, for which they did not have records.^[118]

Regulatory and legislative impact

The Consumer Protection and Professional Licensure Committee of the Pennsylvania State Senate, led by [Robert M. Tomlinson](#), began a hearing in February 2011 to look into the failure of the Pennsylvania Department of State — which is responsible for licensing doctors — to provide any oversight of Gosnell's activities. At the same time, the [Public Health and Welfare Committee](#) of the state Senate, chaired by [Pat Vance](#), conducted hearings on the Pennsylvania State Health Department's failure to put a stop to Gosnell's activities.^[119]

In part as a result of the grand jury report on Gosnell, in late 2011, Pennsylvania passed a law, SB 732, that places abortion clinics under the same health and safety regulations as other outpatient surgical centers. Among those who supported the bill was Democrat [Margo L. Davidson](#), whose cousin Semika Shaw died as a result of procedures done by Gosnell.^{[120][121]} Davidson specifically linked her support for the additional regulations to her cousin's death, which she attributed to poor medical practices.^[122]

In May 2013, as a result of the Kermit Gosnell case, Representative [Joe Pitts](#) (R-Pennsylvania), chair of the health-matters subcommittee of the [United States House of Representatives'](#) Energy and Commerce Committee, began an inquiry into states' oversight of abortion clinics.^[123]

In June 2013, the [Republican](#)-led [U.S. House of Representatives](#) passed the [Pain-Capable Unborn Child Protection Act](#). [Speaker of the House John Boehner](#) said the bill was in response to Gosnell's convictions. The legislation was viewed as mostly symbolic, as it stood little chance of being approved by the [Democratic](#)-led [U.S. Senate](#).^{[124][125][126]}

Non-legislative actions resulting from the case

In February 2011 [Pennsylvania Governor](#) and former [State Attorney General Tom Corbett](#) fired six employees and commenced action to fire eight others where for legal or contractual reasons, more extensive dismissal procedures were required. These included Basil Merenda, the acting head of the Pennsylvania Department of State, Christine Dutton, the Department of Health's chief counsel (who, in reaction to being questioned why the Department did not react to a death at Gosnell's clinic, said "people die"), and Stacy Mitchell, a deputy secretary in the health department (whom the grand jury cited as a key figure in the Health Department's indifference to, and non-regulation of, abortion clinics). Some of the people most connected by the grand jury report with the failure of the government to act, such as Janice Staloski, had retired by this point and so no action was taken against them.^[127]

Civil cases

The family of Karnamaya Mongar has brought a [wrongful death suit](#) against Gosnell and sought to [freeze his assets](#) to prevent him from transferring them to other people to avoid paying.^[128] As of April 2013 the suit is still pending.^[129]

Media coverage and public reactions

Gosnell's arrest has been the subject of much public comment^[130] and expressions of condemnation and shock by senior public figures of all parties. Mayor [Michael Nutter](#) (D-PA) said, "I think it's quite clear that, if these allegations are true, we've had a monster living in our midst" while vowing to watch the city's remaining abortion clinics more closely.^[131] Outgoing Governor [Ed Rendell](#) (D-PA) criticized Department of Health officials saying, "I was flabbergasted to learn that the Department of Health did not think their authority to protect public health extended to clinics offering abortion services",^[132] while incoming Governor [Tom Corbett](#) (R-PA) stated through a spokesperson that he was "appalled at the inaction on the part of the Health Department and the Department of State,"^[133] and District Attorney of the city of Philadelphia [R. Seth Williams](#) said "My comprehension of the English language can't adequately describe the barbaric nature of Dr. Gosnell... Pennsylvania is not a third-world country... There were several oversight agencies that stumbled upon and should have shut down Kermit Gosnell long ago."^[134]

Gosnell also practiced in other states, including [Delaware](#). In January 2011, Delaware Attorney General [Beau Biden](#) (D-Delaware) promised a wide-ranging investigations into the abortions Gosnell performed in Delaware saying; "I'm disturbed by the allegations that were handed up by the grand jury in Philadelphia".^[135]

A spokesperson for the [National Abortion Federation](#), an association of abortion providers, noted that Gosnell had been rejected for membership following inspection, because his clinics did not meet appropriate standards of care, but that "they'd cleaned the place up and hired an [RN](#) [registered nurse] for our visit. We only saw first-trimester procedures."^[136] She adding that "Unfortunately, some women don't know where to turn. You sometimes have substandard providers preying on low-income women who don't know that they do have other (safe) options."^[136] A spokesperson for [Planned Parenthood](#) in Southeastern Pennsylvania, condemned Gosnell, saying, "We would condemn any physician who does not follow the law or endangers anyone's health... All women should have access to high-quality care when they are vulnerable and facing difficult decisions."^[137] Dayle Steinberg, CEO of Planned Parenthood of Southeastern Pennsylvania, says she knew that Gosnell had provided abortions in Philadelphia for many years, but says she hadn't heard of any problems at his clinic until the allegations surfaced.^[138] She has been quoted as stating that "when Gosnell was in practice, women would sometimes come to Planned Parenthood for services after first visiting Gosnell's West Philadelphia clinic, and would complain to staff about the conditions there. We would always encourage them to report it to the Department of Health."^[139] She clarified that "when Gosnell was arrested, I asked our staff if anyone had ever heard of him, and clinic staff members reported that a few women over the years said they were concerned about the uncleanliness of his facility and came to Planned Parenthood instead... if we had heard anything remotely like the conditions that have since come to light about Gosnell's facility, of course we would have alerted the state and other authorities".^[140]

Kermit Gosnell himself gave an interview to [Fox 29](#) in February 2011,^[49] in which he stated that:

- "I expect to be vindicated."
- [Regarding the allegations] "to tell you the truth, I hope to read them in 3 to 6 months [...] because I have lived through negative publicity before."

- "It's something I have personally experienced several times before where my surgical abilities have been challenged, where the choices that I have made have not always been perfect."
- "If you are not making mistakes, you are not really attempting to do something, so I think that my patients are aware that I do my very best by them."
- "The standard that I share with everyone that, I frequently say is that I provide the same care that I would provide my own daughter I feel."
- "I have a story to tell. [...] my work to the community is of value."
- Gosnell reported that he received outpouring of support: "letters, I have gotten wonderful little messages of support, and confidence that I am a good person will prevail."

Criticism of media coverage

A perception had built up among some journalists and [pro-life](#) groups that there had been a reluctance to report on the trial among [mainstream media](#). In an April 11, 2013 opinion column for [USA Today](#), [Kirsten Powers](#) wrote: "A [Lexis-Nexis](#) search shows none of the news shows on the three major national television networks has mentioned the Gosnell trial in the last three months", and that national press coverage was represented by a [Wall Street Journal](#) columnist who "hijacked" a segment on [Meet the Press](#), a single page A-17 story on the first day of the trial by [The New York Times](#), and no original coverage by [The Washington Post](#).^[141]

While Kirsten Powers is credited by some for drawing media coverage to the Gosnell trial, [Dave Weigel](#) at [Slate.com](#) reported it was conservatives' aggressive use of [social media](#), especially [Twitter](#), that "goaded" the press into covering the trial in Philadelphia. According to Weigel, [Troy Newman](#), president of the Kansas-based pro-life [Operation Rescue](#), had organized a Twitter campaign using "#Gosnell" to break the "Gosnell Media Blackout." Key to that social media campaign was a picture of rows of empty media seats in the Gosnell courtroom taken by [Calkins Media](#) columnist J.D. Mullane.^[142]

Mullane told Weigel he was struck by the absence of media at the trial, and took out his [iPhone](#) and snapped the picture, [Tweeting](#) it later that night.

"Mullane retweeted the photo a few more times, with different captions, because it had been packed into a snowball (of criticism)" which included Powers' column for USA Today, Weigel wrote. The empty seats photograph was used by pro-life activists to show "proof" of media dereliction. Weigel wrote: "It worked. An estimated 106,000 #Gosnell tweets later, on April 15, Mullane reported that major networks and newspapers had sent their reporters to cover the trial—Fox News, the New York Times, the Washington Post."

Writing for [The Washington Post](#), Melinda Henneberger responded that "we didn't write more because the only abortion story most outlets ever cover in the news pages is every single threat or perceived threat to abortion rights. In fact, that is so fixed a view of what constitutes coverage of that issue that it's genuinely hard, I think, for many journalists to see a story outside that paradigm as news. That's not so much a conscious decision as a reflex, but the effect is one-sided coverage". Explaining why some of her colleagues did not report on the story, Henneberger wrote, "One colleague viewed Gosnell's alleged atrocities as a local crime story,

though I can't think of another mass murder, with hundreds of victims, that we ever saw that way. Another said it was just too lurid, though that didn't keep us from covering [Jeffrey Dahmer](#), or that [aspiring cannibal](#) at the NYPD."^[143] Writing for Bloomberg View, Jeffrey Goldberg said that this story "upsets a particular narrative about the reality of certain types of abortion, and that reality isn't something some pro-choice absolutists want to discuss".^[144]

The [Los Angeles Times](#),^[145] [The Atlantic](#),^[146] [Slate](#),^[147] and [Time](#)^[148] all published opinion columns where the writer thought the incident was not getting as much media coverage as it deserved. [Megan McArdle](#) explains that she didn't cover it because it made her ill, but also how being pro-choice influenced writers saying "most of us tend to be less interested in sick-making stories if the sick-making was done by 'our side,'" saying, "this story should have been covered much more than it was — covered as a national policy issue, not a 'local crime story.'"^[149] Martin Baron, *The Post*'s executive editor, claims he wasn't aware of the story until Thursday, 11 April, when readers began emailing him about it, saying "I wish I could be conscious of all stories everywhere, but I can't be".^[150] They ultimately decided that, in fact, the story warranted attention because of "the seriousness and scope of the alleged crimes and because this was a case that resonated in policy arguments and national politics", adding "In retrospect, we regret not having staffed the trial sooner. But, as you know, we don't have unlimited resources, and [...] there is a lot of competition for our staff's attention".^[150] He insisted that "we never decide what to cover for ideological reasons, no matter what critics might claim. Accusations of ideological motives are easy to make, even if they're not supported by the facts".^[150] *The New York Times* also acknowledged the lack of coverage and reported on the online campaign and subsequent increase in coverage of the case.^[151] While Powers' piece clearly sparked debate among journalists, Katherine Bindley also highlights contrasting views,^[152] as does Paul Farhi.^[150] A column on [Salon.com](#) questioned whether the Gosnell case was an example of liberal [media bias](#), saying that conservative media and politicians had also given little attention to the story until April 2013.^[153]

In April 2013, 71 other Members of Congress joined Congresswoman [Marsha Blackburn](#) in a letter condemning the media "blackout" on the Gosnell trial.^{[154][155]}

Movie

In early 2014 filmmakers [Ann McElhinney](#), [Phelim McAleer](#), and Magdalena Segieda announced they will be producing a true crime drama film of the Gosnell crimes. [Nick Searcy](#) will direct and John Sullivan is executive producer.^{[156][157]} The current film project is called the Gosnell Movie, and it has raised over \$2.3 million on [Indiegogo](#) as of June 26, 2015.^{[158][159][160]} [Andrew Klavan](#) has been hired to be the screenwriter for the movie.^[161]

See also

Abortion related

- Medical* – [Abortion](#), [Abortion clinic](#), [Unsafe abortion](#), [Late termination of pregnancy](#)

- *Societal* – [History of abortion](#), [Abortion debate](#), [Minors and abortion](#), [Abortion-related violence](#)
- *Legal* – [Abortion law](#), [Medical law](#), [Legal protection of access to abortion](#), [Partial-Birth Abortion Ban Act](#), [Fetal rights](#), [Personhood](#)
- *US background* – [Health care in the United States](#), [Abortion in the United States](#), [Abortion in the United States by state](#)

Other

- *Medical abuse and patient protection* – [Patient abuse](#), [Medical harm](#), [Medical malpractice](#), [Whistleblowing](#)
- *Unlawful killing of unborn and newborn infants* – [Infanticide](#), [Feticide](#)

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- • [Williams 2011](#), pp. 26–27.
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