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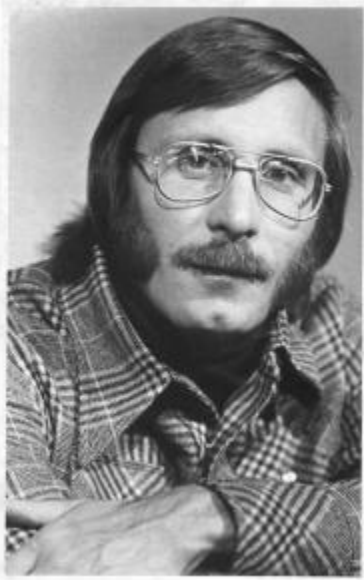
After 40 years in Boulder, abortion doctor Warren Hern is still at war

By Alex Burness *Staff Writer*

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Dr. Warren Hern, shown at the Boulder Abortion Clinic last month, has run the clinic on Alpine Avenue for the past 40 years. *(Mark Leffingwell / Staff Photographer)*



Warren Hern in 1975, the year he opened the Boulder Abortion Clinic. (*Camera file photo*)

In the 35th week of her second pregnancy, Kate drove to a clinic near her Boston home for what was supposed to be a routine final ultrasound before the arrival of a baby girl she and her husband desperately wanted and had continued trying for despite three miscarriages.

Kate — who spoke on the condition that her last name not be used — went alone and, during the scan, tried to read the technician's body language, to no avail. Two obstetricians specializing in high-risk pregnancy walked in.

"Your baby has problems with its brain," she recalls them telling her.

An MRI two days later confirmed Kate's darkest fear: a constellation of major disorders, including Dandy-Walker syndrome and hydrocephalus, among others. The child, she learned, would never walk, talk, eat or even be able to fall asleep comfortably.

"The whole thing shifted," Kate says. "I had been imagining special-ed classes. Now, I had to face the fact that school was not in this child's future. She wouldn't even be able to support the weight of her head. She couldn't swallow, and she'd be at major risk of drowning in her own vomit every day that she lived."

The couple left the doctor's office and drove home in Friday rush-hour traffic, devastated, terrified and mostly silent. Kate wanted to propose abortion but couldn't utter the word.

"I was so ashamed of that," she says. "I mean, who has an abortion when they're eight months pregnant?"

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Her husband was the first to say it aloud, and Kate felt enormous relief. Once home, she phoned her OB, who offered the number to the Boulder Abortion Clinic and instructed her to dial it immediately, before the workday ended two time zones away.

"I was like, 'What do you mean I have to call before the end of the work week in mountain time?'" Kate says. "It didn't occur to me that I was going to have to leave."

Among very few of his kind



Pro- and anti-abortion activists demonstrate at Central Park in Boulder in June 1991. Since 1991, police have been called to the Boulder Abortion Clinic more than 60 times, and most of those responses have concerned anti-abortion protesters. (*Camera file photo*)

Dr. Warren Hern, the man Kate was going to see, has run the Boulder Abortion Clinic on Alpine Avenue for the past 40 years. He sees women at all stages of pregnancy but remains one of the world's only doctors who will treat patients facing extreme or serious fetal abnormality late in pregnancy.

He doesn't share his clinic's statistics and rarely speaks of individual cases, but Hern has said he also performs late abortions for women who are not facing any grave medical outcome.

Now 76, he's revered by colleagues and the pro-choice community at large, and mostly despised by anti-abortion advocates who hold him in even lower esteem than they do other doctors in the field.



In 1988, a gunman fired five shots through the window of the Boulder Abortion Clinic, prompting the installation of bulletproof glass. (*Camera file photo*)

"I didn't do this to pick a fight. I don't think it's controversial," Hern says. "Every woman who is pregnant is at risk of dying from the pregnancy. What is the justification for making a woman carry the pregnancy to term if she doesn't want to be pregnant? There's none."

That's a minority opinion, though. A Quinnipiac University poll in November revealed that only 23 percent of Americans believe abortion should be legal in all cases.

"Nothing new," Hern says. "Whether it's the anti-abortion folks or the people who think they're pro-choice but aren't, the intention is to control women. That's their goal. This has got nothing to do with babies and motherhood, and everything to do with control."

In 21 U.S. states, abortion is illegal either at or before the 25-week mark. In another 21, it's illegal after "viability," the point at which the fetus is considered able to survive outside the womb, which differs by case but generally falls between 22 and 24 weeks. In Colorado and seven other states, there are no restrictions on the point at which a woman can obtain an abortion.

But for those in Kate's position, it's not as simple as finding a doctor in the closest of those eight states. In fact, there are only a few physicians who perform late abortions, and none is more respected by peers than Hern.

40 years in Boulder

His interest in the work began in the early 1960s, as a medical student at the University of Colorado. On the gynecology rotation, he often stayed up all night taking care of women who'd become injured or infected by unsafe abortions.

"I didn't really understand what was going on, or anything about the subject, but I became aware of the desperate measures women were taking," Hern says.

As a medical student, Hern read about a woman who was five months pregnant being denied an abortion at Denver General hospital.

"So she went and shot herself in the uterus," he says.

He witnessed firsthand the kind of measures desperate women can take when they cannot access safe abortion. He saw it in Colorado, then as a Peace Corps physician in South America. In Peruvian Amazon clinics, he saw women die almost daily of illegal abortion, which, he recalls, sometimes made use of household items such as lye and metal rods in lieu of actual medical care.

In 1973, he was enlisted by Dr. Bob McFarland to help open the Boulder Valley Clinic, Colorado's first abortion clinic. But he soon grew frustrated with BVC, highlighted by a series of disagreements over how much to charge patients and whether to pay nurses, among other things.

"They were people who hated professionalism and the trappings of authority," Hern says. "There was this spirit of altruism, but there were also issues like, where do you put the files? You need a steel filing cabinet. That costs money. You have to buy instruments. You have to have certain procedures. You have to be able to pay people."

So he quit, opening the Boulder Abortion Clinic in 1975.

In 1984, about a decade after the Supreme Court's landmark *Roe v. Wade* decision, Hern literally wrote the book on abortion: "Abortion Practice" was the first — and, for 20 years, the definitive — medical textbook on the subject.

Today, there are only a few doctors in the country who openly advertise the fact that they perform late abortions, and there's at least one reason for that: Abortion doctors, and particularly those treating women late in pregnancy, are a hunted bunch.

"I assume that when I walk out of my office or home, that I'll be shot," Hern says. "I assume that the threat of violence and of death is constant. And I assume it's not going to change — ever."

In 1988, a gunman fired five shots through the window of Hern's clinic, prompting his installation of bulletproof glass.

In 1994, Hern's good friend and colleague Gary Romalis, a Canadian abortion doctor, was shot through his kitchen window while making toast for his wife in their Vancouver home. Weeks

after that attack, two receptionists at separate Planned Parenthood clinics were shot and killed in Massachusetts. In 1998, a police officer working as a security guard at a Birmingham, Ala., abortion clinic was killed in a bombing. Ten months later, the man who shot Romalis murdered Barnett Slepian, an abortion doctor in Buffalo, N.Y.

On the morning of May 31, 2009, Hern and his family sat down to breakfast, having just returned from a rafting trip. His phone rang, and it was Jeanne Tiller. Her husband, George, a doctor who, like Hern, specialized in late abortion, had been shot and killed in a Wichita, Kan., church. Hern was among the first people she called.

"It was one of the worst things that happened in my entire life," Hern says. "George and I were friends, colleagues. We skied together, we"

He pauses there and exhales deeply. His very thin lips begin to quiver. Hern is typically expressive with his hands, but at the moment they're clenched. He lifts up his head, spiky silver hair having replaced the fringed, semi-tousled top and beard of a younger version of himself, and he begins to wail.

Hern collects himself and, with cutting, dead-serious eyes, says, "You see why I hate these people? I hate them." He repeats that twice more under his breath.

"I hate them. I hate them."

'It's a civil war'

The feeling is quite mutual.

Bob Enyart — radio host, Denver Bible Church pastor and spokesman for Colorado Right to Life — roundly condemns the killing of abortion doctors but says there is "no justification" for their role in "the long war against God."

Even in cases of fetal anomaly, he says, "It's never a thorny issue whether to love a child.

"You don't love the child by killing it, and you don't love the mother by turning her into an accomplice," Enyart says. "Warren Hern is not motivated by a desire of freedom for the woman and her family. As with the left generally, his is a world view of killing the innocent and protecting the guilty."

Kay Lenn, a Boulder woman who says she has participated in numerous anti-abortion rallies despite having no religious ties, describes Hern as "someone who would not only do something reprehensible, but then would treat it like an accomplishment.

"The fact that he calls it Boulder Abortion Clinic says a lot. You can't call it something else? It's like he wants to advertise this. Doing it isn't enough, I guess."

Indeed, that's exactly what Hern is doing. The word choice was intentionally plain.

"Better than some euphemism," he says.

But there are certain terms you don't use around him.

"Abortionist," he says, "is an epithet. It's a highly objectionable, pejorative term, and it reeks."

The "pro-life" movement, he says, is "an absolute, total lie."

"If the Nazis wanted to be called the bringers of mother's milk, love and honey, would the headlines call them that? It states that I'm anti-life and pro-death, which isn't true. I'm saving women's lives, and they don't value the lives of women."

They've got their terms, and he's got his. He calls his opponents "terrorists."

"It's a civil war," he says. "There is no abortion debate. You don't have a debate when people want to kill you. This is a fascist movement."

Roe v. Wade legalized abortion in the U.S., but it hasn't necessarily legitimized the procedure, which Hern says has more accumulated stigma today than ever before.

In 1974, incumbent U.S. Sen. Bob Dole was caught in what was then the fight of his political career, against an upstart Democrat named Bill Roy, who was, among other things, a doctor who had performed a small number of abortions.

At a state fair debate that was to center on agricultural policy, Dole made a desperate play.

"You heard him stand here today and say he's for abortion on demand," Dole said of Roy, whom he then called out for having actually performed them. Dole won that race, and the issue has been a campaign focal point ever since.

"They decided early that they were going to use the abortion issue to get power," Hern says. "And it works. It absolutely works. Not all the time, completely, but it works."

Boulder's buffer law

Since 1991, Boulder police have been called to the Boulder Abortion Clinic more than 60 times, and most of those responses have concerned anti-abortion protesters, who often set up outside Hern's building, as they do at countless other abortion clinics around the country. Sometimes they pray, sometimes they sing and, on many of the occasions when police have gotten involved, they confront patients.

Fred Hopkins, an OB/GYN who performs abortions in Santa Clara, Calif., and sits on the clinical faculty at Stanford University, says that even those protesters who quietly pray and wave rosary beads must be considered threats — an opinion Hern wholeheartedly echoes.

"Take that woman going into the clinic, and have her walk through a hate speech," Hopkins says. "To me, it's parallel to a young black man being walked into segregated schools where they're having terms thrown at them. I don't see a difference.

"They're not saying, 'Please change your mind.' They're saying, 'Don't kill your baby. You're a murderer.'"

In the 1980s, Hern used to talk with the demonstrators, taking down names for harassment reports he intended to file with police. He doesn't do that anymore.

"Their purpose is not to express opinion," he says. "We know what they think. This is about harassment and intimidation, not free speech. As far as I'm concerned, they can go to the city park or a street corner ... and they can say anything they want, but it's completely inappropriate for them to harass someone having a private medical procedure, particularly one like this.

"The mere presence of the anti-abortion demonstrators is threatening to my patients and to us. I can't use the front door to my office, and I haven't for a long time. Because if I walk out there, they're gonna kill me."

However, he's found about as supportive a community in Boulder as there is in the country. In 1986, it became the first city in the U.S. to pass an ordinance that protected people going into health care clinics from harassment, harm and hostility. The law enforces an 8-foot buffer of protection for any patient who steps within 100 feet of a medical facility, and it was created with Hern's clinic in mind.

Though it was novel at the time, then-Mayor Linda Jourgensen said the City Council, which passed the ordinance unanimously before a capacity audience, saw it as an "obligation," not a favor.

"These women have rights," says Jourgensen, who served from 1985 to 1990, "and I think the community strongly believed then and believes now in that. It stepped up, and for that I am very proud.

"What it meant is that women could take care of this need in the city of Boulder. They didn't have to go elsewhere. It was right here, and that is really important."

'Pregnancy is not a benign condition'

The fact remains, though, that in many places neither the service itself nor the protective buffer law exists. For that reason, only a slim percentage of the several hundred patients Hern sees every year come from Colorado. This year alone, he'll see women from across the U.S., Canada, Australia and Europe.

During a recent interview, he paused the conversation to take a call from Spain, making arrangements in fluent Spanish with a woman facing fetal abnormality and seeking his help.

But even in Boulder, a place Hern says he loves and feels fortunate to work in, the anti-abortion protests, plus threats he fears but cannot see, have turned his clinic into more of a bunker than a traditional doctor's office. Five security cameras hang off the front of the building. To get into the waiting room, you have to pass through four layers of bulletproof glass. Hern has even been known to don body armor.

"I've worn a vest in the past," he says, "but then I get letters in the mail saying, 'Don't bother, we're gonna go for a head shot.'"

"You learn early on to make sure somebody's not following you from the clinic," Hopkins adds. "If you're not looking over your shoulder, then you're naïve. There are plenty of doctors who won't do it because of that."

Though late-term abortion doctors say they and their patients are still endangered, the procedure itself is safer than ever. And while the mortality rate of pregnant woman has steeply declined — from about seven per every 1,000 live births in 1920 to less than 0.1 per 1,000 today — the relative safety of termination over going to term, especially in cases of fetal anomaly, remains a footnote in the national controversy over abortion.

Many of the women who see Dr. Hern for late abortion due to anomaly would be facing cesarean sections, which are more likely than abortion to kill the mother and put women at elevated risk for complicated pregnancies in the future.

"Pregnancy," Hern is fond of saying, "is not a benign condition."

Recently, Hern performed an abortion on a 28-year-old woman after she learned her baby had trisomy 13, also known as Patau syndrome. For both mother and child, death during delivery was a strong possibility.

But the woman, who spoke on the condition of anonymity, works as a nurse in several Catholic hospitals in a conservative Midwest state where the mere mention of birth control or abortion to a patient could get her fired.

She says that, before she found Hern, her OB intentionally veered from the topic of abortion and asked her to return for a later consultation, even though her mind was already made.

"He was like, 'We can meet in a couple weeks and review your options.' I was like, 'What options?'" she says.

Earlier this month, she and her husband buried the ashes of what would have been their first child. She's been telling inquiring colleagues that she miscarried because of stigma and the fear of losing her job.

"I don't want to get judged," she says. "I don't want to hear the sermon."

Her primary concern, however, isn't the judgment, but rather what she perceives as a deliberate withholding of pertinent information.

"It's very frustrating," she says. "I'm in the medical field, I'm educated, and I had a hell of a time finding all of this out, while still going through the emotional roller-coaster of the most horrible thing I've ever had to go through. So what the heck happens to other people, who do what the doctor says, who assume they're trained, who trust them? That really, really scares me."

Stories like hers, Hern says, underscore the importance of his work. He often thinks back to the first abortion he performed, many years ago, on a 17-year-old girl.

"I was terrified of causing an injury to her," he says. "Afterward, she was very relieved, and she cried. And I cried, because I was relieved that she was OK."

After 40 years at the Boulder Abortion Clinic, Hern stills feels attached to his patients and has vowed to defend them, and the practice of late abortion, to the end. He has no plan to retire.

The stigma he and many of his patients have experienced is "stupid and cruel," Hern says.

"It means that women are still second-class citizens in this society," Hern says. "This woman is like many women, fearing for her livelihood, and she cannot even speak about this. There's no excuse."

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Dr. Warren Hern sees women at all stages of pregnancy but remains one of the world's only doctors who will provide late-term abortions. (*Mark Leffingwell / Staff Photographer*)