

FRONT PAGE

Abortion doctor caves in lawsuit



By Diana Lynne

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A Pennsylvania woman has won a landmark victory in her malpractice suit against an abortion provider and a New Jersey women's center, which anti-abortion advocates hail as a triumph in their efforts to expose a decades-old medical cover-up.

On the eve of trial last Friday, Dr. Charles Benjamin and the Cherry Hill Women's Center in Cherry Hill, N.J., agreed to settle claims it violated parental-consent law and failed to inform its then-17-year-old patient about the emotional and physical risks of abortion – including increased risk of breast cancer.

When the plaintiff, who goes by the fictitious name of "Sarah," got pregnant at the age of 16, her high-school guidance counselor facilitated her second-trimester abortion at the New Jersey clinic across the Delaware River without her parents' knowledge. New Jersey was chosen because it has no parental-consent laws regarding abortions for minors. The girl's home state of Pennsylvania, however, requires the consent of at least one parent.

Sarah's parents successfully sued the high school in a separate lawsuit for violating their 14th Amendment rights to raise their child without interference by the public school.

While the New Jersey clinic and provider cannot be criminally prosecuted for violating Pennsylvania law, they can be taken to task in the civil arena. This lawsuit makes it possible for the abortion providers to be sued for battery.

"This case establishes abortion clinics can't escape civil penalties by aborting for kids from other states when they know the state where they come from has parental-consent statute," Sarah's attorney Joseph P. Stanton told WorldNetDaily.

Abortion clinics in no-consent states like New Jersey and Illinois are known "dumping grounds" for abortions by out-of-state minors, say anti-abortion advocates. According to Stanton's statistics, an average of 43 women from Pennsylvania travel to New Jersey every month to have abortions. Ten of those are teens, some as young as 12.

Stanton said one New Jersey clinic routinely promotes its "no parental consent" services in advertising to minors in Pennsylvania.

Sarah is said to have suffered tremendously since having her abortion. Attorney Susan Marie Gertz, executive director of the Women's Injury Network, the national charity that covered Sarah's case expenses, reports she was diagnosed with post-traumatic stress syndrome following the abortion.

Gertz applauded the undisclosed settlement, which was based on Sarah's need for medical monitoring for early detection of breast cancer. Doctors estimated that cost to be \$2,500 annually. The settlement also includes funding to cover future psychological counseling.

"Abortion malpractice lawsuits help expose the deceptive practices of the abortion industry and hold doctors legally and financially accountable to the women they've harmed," Gertz said in a statement.

Opened in 1978, the Cherry Hill Women's Center bills itself as "a safe place to make an important decision." According to its website, a specialized group of medical care providers help make the center "one of New Jersey's leading ambulatory surgical centers for women's health."

A call for comment from the center's administrator was not returned, and Benjamin was unavailable.

Proponents of the abortion-breast cancer link, known as the ABC link, also cheered the settlement, the first associated with the ABC link recorded in the U.S. Two others have been reached in Australia.

"This settlement will teach the medical establishment that it can no longer profit by keeping women in the dark about the breast cancer risk," said Karen

Malec, president of the Coalition on Abortion/Breast Cancer.

Malec and others call the ABC link "the elephant in medicine's parlor." While medical experts privately admit abortion is one cause of breast cancer, the volatility of the issue prevents them from publicly acknowledging it.

'ABC link'

WorldNetDaily has reported breast cancer is linked to reproductive hormones, particularly estrogen. Although science has yet to define specifically what causes breast cancer, it is uncontested – even among abortion providers – that the sooner a woman has her first child, the lower her risk of developing breast cancer. This is called the "protective" effect.

According to Dr. Joel Brind, president of the Breast Cancer Prevention Institute and a leading ABC-link researcher, a woman's estrogen level increases hundreds of times above normal upon conceiving – and one of the first physical changes to the pregnant woman's body occurs in the breasts. That hormone surge leads to the growth of "undifferentiated" cells in the breast as the body prepares to produce milk for the coming baby. Undifferentiated cells are vulnerable to the effects of carcinogens, which can give rise to cancerous tumors later in life.

In the final weeks of a full-term pregnancy, those cells are "terminally differentiated" through a still largely unknown process and are ready to produce milk. Differentiated cells are not vulnerable to carcinogens.

However,

should a pregnancy be terminated prior to cell differentiation, the woman is left

with abnormally high numbers of undifferentiated cells, therefore increasing her risk of developing breast cancer.

Since 1957, 29 out of 39 published studies on the subject worldwide and 13 out of 16 studies in the United States show a positive association between induced abortion and breast cancer. Seventeen of the 29 are statistically significant, which means there's a 95 percent certainty that the association is not by chance. Seven of these 17 report more than a two-fold risk increase.

Five medical organizations recognize a link between abortion and breast cancer. They include the National Physicians Center for Family Resources, the Catholic Medical Association, the American Association of Pro-Life Obstetricians and Gynecologists, the Breast Cancer Prevention Institute and The Polycarp Research Institute.

Groups such as Planned

Parenthood attack the validity of Brind's and other researchers' studies and refuse to inform prospective

abortion recipients of the existence, dismissing even the statistically significant findings as "misinformation" being used "as a weapon in the campaign against safe, legal abortion."

"Undaunted by the absence of compelling evidence associating induced abortion with a woman's risk of developing breast cancer, anti-choice extremists insist on making the connection anyway," says Planned Parenthood on its website.

Informed consent

To combat the denial and protect women, Minnesota and Texas state legislators passed informed-consent legislation earlier this year, which requires abortion providers to tell prospective patients about the risk. Massachusetts is considering similar legislation.

Linda Rosenthal, an attorney with the Center for Reproductive Law and Policy in New York, petitioned to participate as a lawyer in Sarah's case on the side of Benjamin and the clinic. CRLP is a national public interest law firm

devoted to protecting the "constitutional rights" of women seeking abortions.

"It's disturbing to have [Rosenthal] declaring women are not entitled to [risk] information. To me, being fully informed is a part of your reproductive rights," said Stanton. "It's disappointing they're willing to sacrifice women's lives because they're beholden to the abortion industry."

"It's common sense," adds Malec. "Doctors should be erring on the side of caution and should be telling patients 'Yes, there is research going back 46 years that supports an abortion-breast cancer link.' That's the minimum owed to women."

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