

A powerful story about an abortion survivor

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By Liz Townsend

Editor's note. This story from the August 12, 1998, edition of National Right to Life News reminds us that abortion survivors, while rare, have been thankfully a fact of life for many years. "Full-term baby survives abortion attempt" is part of our year-long "Roe at 40" series in which we are reprinting some of the best stories from NRL News going back to 1973! If you are not a subscriber to the "pro-life newspaper of record," call us at 202-626-8828.

A Phoenix abortion clinic suddenly became a maternity ward June 30 when abortionist John Biskind delivered a six-pound, two-ounce baby girl he had started to abort. The baby is now recovering in a hospital with a fractured skull and facial lacerations, and is expected to be adopted by a Texas couple.

Biskind's near-victim was a 37-week-old unborn baby, just three weeks shy of a normal due date. The little girl, called "Baby Phoenix" by pro-lifers, shows no sign of brain damage from her ordeal, the Arizona Republic reported.

This was the second time in less than a decade that Biskind has halted an abortion on a virtually full-term baby. His record as an abortionist in Arizona is riddled with complaints, reprimands, and charges of incompetence and negligence leading to at least two maternal deaths, according to published reports. Biskind also performs abortions in Cleveland, Ohio.

Baby Phoenix's mother came to the A-Z Women's Center, whose phone book advertisement claims, "We are the only Abortion Provider in Arizona up to 24 weeks," for an abortion June 29. An ultrasound examination done at the clinic that day supposedly placed the baby at about 23 weeks' gestation. (Arizona law bans abortions after 24 weeks, with exceptions for the life and health of the mother.)

As abortionist John Biskind began the abortion procedure the next day, he realized the baby was much bigger than a 23-week-old. He stopped the abortion and delivered the six-pound, two-ounce little girl, who was then taken to a hospital to recover, according to the Republic.

"Biparetal skull diameter, femur, and fetal foot measurement render a 14-week discrepancy impossible by a qualified doctor or technician," Dr. Carolyn Gerster, NRLC board representative from Arizona, told NRL News. "One cannot but wonder if the 24-week age limit in the clinic's ads influences a 'just under the wire' estimate."

The abortion clinic closed July 21, after its landlord revoked the lease and a judge ordered the clinic to release its records to a grand jury investigating "possible criminal activity," the Republic reported. The clinic's owner, abortionist Moshe Hachamovitch, also has a history of complaints about maternal deaths and botched abortions, according to the Republic. Hachamovitch, who has practiced and operated clinics in New York, Texas, and Pennsylvania as well, also closed his two other Phoenix-area clinics since the Baby Phoenix case.

State House Speaker Jeff Groscost announced July 30 that a special committee of legislators will meet to discuss how the current state regulations on abortion could allow such a doctor to continue practicing at an abortion clinic. "It's abhorrent that you've had two ladies die in that clinic," Groscost told the Republic. "We are going to hold agencies accountable." The A-Z Women's Center was an unlicensed clinic, since Arizona regulations do not require licenses for "clinics owned by doctors who neither keep patients overnight nor administer general anesthesia," the Republic reported.

Police investigators have said that they doubt Biskind could be held accountable under criminal law. "We have to prove some kind of criminal intent, and I think right now we don't know of anything he can be charged with," Phoenix Detective Frank DiModica told the Tribune. "I don't know how far [police are] going to go with it until they run into a complete dead end."

Arizona's Board of Medical Examiners (BOMEX), which regulates doctors, suspended Biskind's license July 20 after the details of the case became known. However, the board has received several complaints about Biskind over the past 10 years, and has merely reprimanded him three times for incompetence and negligence.

Even the death of a woman in 1995 after Biskind reportedly lacerated her uterus' during an abortion drew only "censure" from BOMEX, who allowed Biskind to continue his practice of late-term abortions unrestricted. "It was a meaningless censure," Rep. Susan Gerard, chair of the state House health committee, told the Tribune. "He should have lost his license in the '95 case."

Even before this latest case occurred, BOMEX was investigating the death of Lou Anne Herron, who bled to death in the A-Z Women's Center April 7 after Biskind punctured her uterus while aborting her 26-week-old baby, according to the Arizona Republic. The Republic also reported that Biskind told staff members to falsify an ultrasound so Herron's baby appeared to be less than 24 weeks old to comply with Arizona law, and knew Herron was bleeding abnormally but merely told the inexperienced staff to give her medicine and then left the clinic.

One of Biskind's reprimands from BOMEX occurred in a case eerily similar to that of Baby Phoenix. In 1989, Biskind began an abortion on an unborn baby he estimated as only 10 weeks old. According to the Republic, he began the suction procedure and quickly discovered there was too much fluid present for such a young baby. He sent the woman home, and she delivered a full-term baby the next day. Biskind received a "letter of concern" from BOMEX in 1990 for this case.

Biskind's current license suspension bars him from practicing medicine in Arizona until a formal hearing is held within two months. According to the Tribune, this emergency suspension was the first issued by BOMEX in at least five years. The board has a backlog of 1,100 cases at the present time and has been criticized for rarely imposing severe sanctions.

The Baby Phoenix case has been discussed across the nation, in newspapers, on television, and on talk radio. Pro-abortionists quickly tried to divert attention away from the baby who survived the abortion and focused on the "malpractice" of the abortionist. "The spin was now that Dr. Biskind was a 'bad abortionist,' not to be confused with the 'good abortionists' who presumably rarely allow a baby to survive," said Dr. Gerster. "The real tragedy is that abortions are done at all and continue to be done legally in facilities throughout our state. I pray that the survival of Baby Phoenix will awaken this nation to the humanity of the child and the brutality of abortion."

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