

Late Term Abortion and the “Dreaded Complication.”

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After allegedly killing hundreds of infants born alive in late-term abortions by “snipping” their spinal columns at the back of their necks, abortionist Dr. Kermit Gosnell was found guilty of first-degree murder on May 13, 2013 in the killing of three infants. The same jury found Gosnell guilty of involuntary manslaughter in the death of patient Karnamaya Mongar who died after a botched abortion from an overdose of anesthetics prescribed by Gosnell. Gosnell was also found guilty on 21 felony counts of performing illegal abortions beyond Pennsylvania’s 24 week limit, and guilty on 211 misdemeanor counts of violating the state’s informed consent law.¹

In spite of the fact that the mainstream media ignored or underreported the Gosnell story (over the 58 days of the trial, ABC, CBS and NBC devoted a combined total of 13.5 minutes to the story, while almost 41 minutes was given to Texas Congresswoman Wendy Davis’ 11 hour filibuster against a bill banning abortion after 20 weeks gestation)² it brought the topic of late-term abortion to the forefront for a second time in our history. Previously we had considered late term abortions utilizing the partial birth abortion technique, until a ban on this procedure was upheld by the Supreme Court on April 18, 2007.

Pro-Choice Spin. Pro-choice advocates attempted to dismiss Gosnell as a rogue or an outlier in the abortion industry. They also characterized late term abortions as “rare,” or even “extremely rare.” But would you consider an event that occurred an average of 30 to 50 times a day rare? The lower figure reflects the Congressional Budget Office’s estimate of the number of abortions that occur after 20 weeks.³ Its estimate is based on the Center for Disease Control’s (CDC) report on the number of abortions in the U.S., which has no data from California, Delaware, Maryland, or New Hampshire. The higher number is from the Guttmacher Institute’s data, which is based on its survey of all U.S. abortion providers.⁴

Similarly, we sometimes hear that only a few doctors perform late-term abortions. But a 2011 study by the Guttmacher Institute indicated that almost a quarter of abortion providers offer abortions after 20 weeks, and some 197 are willing to perform abortions at 24 weeks or later.⁵ Pro-choice advocates also suggest that late-term abortions are done primarily for medical reasons. But in a 2001-02 study of a hospital-based clinic by the Guttmacher Institute of over 190 women having second trimester abortions, not one was reported to have cited medical reasons.⁶

The Dreaded Complication. Neither is Dr. Gosnell a “rogue” or an “outlier” in delivering babies alive and then dispatching them. Live births following late-term abortions have been known as the “dreaded complication” since the 1973 case of Dr. Kenneth Edelin, who was convicted of manslaughter (later overturned on appeal) for suffocating a child born alive. Besides these two, at least 13 other doctors have been identified as having been accused, charged, or convicted of killing, or in two cases, failing to treat, live children born after failed abortions.⁷⁻¹⁶

These are only the known and documented cases. Doctor Willard Cates, former head of the CDC’s Abortion Surveillance group, was quoted in the *Philadelphia Inquirer* of August 2, 1981 as saying, “(Live births) are little known because organized medicine, from fear of public clamor and legal action, treats them more as an embarrassment to be hushed up than a problem to be solved. It’s like turning yourself in to the IRS for an audit. ... The tendency is not to report because there are only negative incentives.” Cates estimates that 400 to 500 abortion live births occur every year in the U.S.¹⁷

The number of live births depends on the abortion technique used, as well as the stage of pregnancy. In her 1976 book *In Necessity and Sorrow*, a study of a hospital specializing in abortion, Magda Denes notes that late-term saline abortions were particularly likely to result in the “dreaded complication.” The CDC reports, however, that saline abortions decreased from some 42,669 in 1974 to 1,164 in 1996.¹⁸ They were replaced by prostaglandin injection and by partial birth abortions, with the latter being outlawed after a Supreme Court decision in 2007. Live births still occur, however.

Failure to Inspect Clinics. Perhaps as egregious as Dr. Gosnell’s practices and those of other abortionists is the inaction of pro-choice medical boards, health departments and other officials, who are supposed to be concerned about women’s “reproductive health,” but neglect to inspect clinics for years, and fail to respond to legitimate complaints. Gosnell’s “house of horrors” was exposed not as the result of a health inspection, but because it was raided by FBI agents who suspected illegal drug sales. It was reported that the Pennsylvania Department of Health did no inspections at clinics between 1993 and 2010.¹⁹ Relative inaction has also been reported in Delaware, Kansas, Louisiana, Missouri, Nebraska, New Mexico, North Carolina, Texas and Wisconsin, and there may be others.²⁰⁻²⁹

A Partial Solution. Some reduction in the incidence of the “dreaded complication” may result because medical science has determined that the fetus at 18-20 weeks gestation has anatomical, physiological and behavioral capabilities and responses which demonstrate that it experiences pain.³⁰ As a result, twelve states have now passed a five-month limit on abortion, and the U.S. House of Representatives passed a ban on abortion after 20 weeks by a 228-196 margin on June 18, 2013, although it probably will not pass in the current Senate.³¹ The post-20 week ban also has popular support. Four national polls conducted through July 21 of 2013 and asking a similar question found an average of 57% of Americans support such a ban, while 33% oppose it.³² The Supreme Court has been asked to determine its constitutionality.

Such laws, while a step in the right direction, are obviously only a partial solution to the tragedy of abortion in America. In a sense, whether or not the fetus can feel pain when it is killed is irrelevant, since unborn human beings are equally dead if they are killed 20 hours, 20 days, or 20 weeks after conception.

End Notes.

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