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## Forced Abortions in America: Case Before Supreme Court

By *PRI Staff*

You don't have to go to China to discover forced abortion. It exists right here in America, and has for many years.

### Jane Roe II's Story

Last month, *PRI Review* carried the story of the forced abortion of a woman in Florida. To summarize, on March 29, 1997, a young, pregnant woman we'll call Jane Roe II entered the Aware Woman Center for Choice in Florida for an abortion. She was undressed and put on the operating table. Soon after the procedure began, she felt a pain pierce her vitals. Racked by \*extreme, excessive pain in her abdomen,\* she begged the abortionist to stop.

The abortionist, Dr. William P. Eggherman, stopped, but only to order his assistants to pin her to the table and then he continued, stopping again only when he realized that he had pulled part of Jane's intestines out of her vagina.

Jane was eventually taken by ambulance to an emergency room where it was discovered that Eggherman had perforated her uterus and lacerated her colon. Follow-up surgery was required to remove her now-dead baby and repair her internal organs.

With the help of pro-life attorneys Michael Hirsch and Christopher Sapp, Jane filed suit against Eggherman and the owners of the abortion clinic. She charged that their actions violated the Freedom of Access to Clinic Entrances Act (FACE).<sup>1</sup>

### Other Stories

Jane's story could be multiplied many times. Abortionists and abortion-clinic personnel often make it impossible for a woman to change her mind after they walk through the door. Men threaten violence on their pregnant girlfriends unless they go in for abortions, or actually beat them up in an effort to cause a miscarriage. High school and college counselors across the country tell young, frightened students that they \*must\* get an abortion.

### Lack of Media Coverage

The vast majority of these cases of compulsory abortion are never reported in the media, but even a cursory search of the Internet turns up dozens of cases, such as the following:<sup>2</sup>

- Prosecutors dropped all charges against a Fort Lauderdale doctor after his former wife, the alleged victim of a rape and forced abortion, said she was too sick to testify against him. Gynecologist Theodor Lehrer was arrested after his wife told police he had handcuffed and gagged her, then raped her and forcibly aborted an 11-week-old fetus in a bathroom in their condominium.<sup>3</sup>
- Nicole Bergstrom Ek of Minnesota won an out-of-court settlement of an undisclosed amount from her

- employer, Duluth Little Stores, after her supervisor tried to pressure her to abort. Ek said her boss mistreated her while she was pregnant and threatened to push her down the stairs during her sixth month of pregnancy.<sup>4</sup>
- In March 2003 a pregnant 16-year-old girl contacted the American Family Association's (AFA) Center for Law and Policy and said her parents were trying to force her to abort her baby. The AFA attorneys had to go to court and on the day before her scheduled abortion a judge issued a restraining order to halt the procedure. \*Forcing the girl to have an abortion against her will would violate her constitutional right to privacy and bodily integrity,\* the court said.<sup>5</sup>
  - A 13-year-old girl in Mexico was coerced into traveling to America in hopes of a better job. Once in America she discovered that she actually had been coerced into working for a brothel. Upon her discovery she attempted to resist but was brutally beat and gang raped. The young girl was finally rescued after she had been a slave for several months and suffered two forced abortions and numerous diseases. (As Richard Halloran notes, \*[H]ave we heard a single word of opposition to forced abortion in the context of sexual slavery from *any* pro-choice' group? From the National Organization for Women? From the National Abortion Federation, whose clinics presumably abort these slaves on a regular basis? Or from NARAL? No, we have not. And we are likely never to hear such condemnation. After all, there's a lot of money to be made aborting sex slaves.\*)<sup>6</sup>
  - Pro-Abortionist Sandra Kenney was convicted of two counts of first degree assault for hiring two men to beat up Naomi Baum, who was pregnant by Kenney's husband, and injecting her with cocaine and antifreeze to make her miscarry. She received 30 years in prison.<sup>7</sup>
  - Abortionist Chris Simopoulos was arrested for attempting an abortion on an undercover policewoman who was not pregnant. His medical license was suspended, and he was called \*an imminent danger to the public safety and welfare.\* Upon his conviction for performing late-term abortions, as well as lying to his insurance company, Simopoulos fled the country for Greece.<sup>8</sup>
  - Shontrese Otrely won a \$25,000 settlement from Emergency Shelters of Richmond, Virginia, after she was pressured by staff members to get an abortion. Otrely said she was told that the shelter did not provide services for pregnant homeless women. A staff member drove her to the bank to withdraw money for the abortion, then took her to the abortion clinic.<sup>9</sup>
  - Four Washington, DC, rookies in the DC Fire and Emergency Medical Services Department aborted their children for fear of losing their jobs. Their boss had threatened them with job termination if they became pregnant or took medical leave. Samantha Robinson, an official of the Emergency Medical Services Department, had told eight medical rookies in July 2001 that they could not become pregnant because they were on probation for a year and had no job benefits. These comments directly violate the Pregnancy Discrimination Act.<sup>10</sup>
  - Robert Hollis chased his screaming wife into a barn, shoved his hand into her uterus and attempted to tear out their 7-month preborn baby. The 2-pound baby was delivered dead later in the day. The American Civil Liberties Union sided with Hollis and wrote a friend of the court brief on his behalf, saying that all charges regarding the death of the baby should be dropped.<sup>11</sup>
  - Baseball star Armando Benitez allegedly forced his fiancée, Stacey O'Neill, to have an abortion. The police report also suggests that the relationship was riddled with physical abuse, but it was the abortion incident that caused O'Neill to contact the police.<sup>12</sup>

- An abortionist was charged and convicted of assault, abortion, and criminal possession of a weapon after he tried to forcibly abort a woman he had impregnated. Dr. Stephen Pack apparently was having an affair with a nurse when she became pregnant. Upset by her refusal to have an abortion, he physically assaulted her in the hospital parking lot when she was eight weeks pregnant. Shoving her down to the ground, he shouted, \*I'm giving you an abortion!\* He stabbed her with a hypodermic needle and proceeded to inject methotrexate-the abortion-causing drug-into her. Fortunately, her unborn child survived the attack and was safely delivered seven months later.<sup>13</sup>
- A Florida woman forced her 15-year-old daughter to go an abortion clinic at gunpoint. When her daughter later complained, Glenda Dowis, 42, was sentenced to two year's community service and three year's probation as part of a plea agreement.<sup>14</sup>
- The Kansas State Medical Board filed a petition against an abortionist for performing an abortion without the patient's consent. Kristin Neuhaus of Lawrence, Kansas, is under investigation for sedating a woman and then performing an abortion on her after the women had withdrawn her consent for the abortion.<sup>15</sup>
- 16-year-old Alana Williams and her family filed a lawsuit against the Department of Youth Services in Alabama. After being released from the juvenile detention facility she told her mother that all the young girls were forced to provide sex to the guards. If they got pregnant, they were beaten and forced to have abortions by the guards.<sup>16</sup>

Do women who are forced to have abortions, like Jane Roe II, have any rights under the law? This is the basis for the questions that her attorneys, Michael Hirsch and Christopher Sapp, have directed at the U.S. Supreme Court. In their appeal they ask the Supremes to address three issues:

1. *Does a pregnant woman have the absolute right to refuse an abortion?*
2. *Is the right of a pregnant woman to refuse an abortion in an abortion clinic protected by the Freedom of Access to Clinic Entrances (FACE) Act?*
3. *Is a forced abortion done by an abortionist in an abortion clinic a violation of the Freedom of Access to Clinic Entrances Act as a matter of law?*

### **FACE Act**

The FACE Act makes it a felony punishable by ten years in prison to intentionally interfere with anyone's ability to obtain reproductive health services. A product of the Clinton administration, it was originally used only to silence pregnancy counselors and others outside of abortion clinics who urged alternatives to abortions. But Jane Roe II's attorneys made the novel argument that FACE should also protect women like Jane Roe II from the horror of forced abortion. And in a major setback for the abortion industry, the Eleventh Circuit Court of Appeals agreed: \*If the defendants restrained Roe for the purpose of preventing her from obtaining any [reproductive health services], then she has adequately pleaded a violation of FACE.\*<sup>17</sup>

At the same time, however, the appeals court gave the abortionist what Hirsch and Sapp call a \*unilateral escape clause.\* All the abortionist has to do is \*to declare that his motivation in assaulting the mother and forcing her to undergo an unwanted abortion [was]...his desire to protect her life. This unilateral escape

clause devised by the Eleventh Circuit for abortionists would clearly erase the absolute right of women to be free from forced abortions.\*

This is why they asked, in their \*Petition for Writ of Certiorari\* to the U.S. Supreme Court, whether a woman has an absolute right to refuse an abortion.

The Supreme Court is currently considering a couple of other cases of women who have been injured by abortions. The first case in the U.S. to reach the Supreme Court on \*Cert. Petition\* is the Donna Santa Marie case. Donna Santa Marie is a 16-year-old girl who was forced by her parents and an abortionist to have an abortion against her will. Her father punched her in the stomach hoping to cause a miscarriage. When this failed, her parents took her to an abortionist who performed the procedure without her consent.

Another case before the Supreme Court involves Rosa Acuna, who asked the abortionist before her abortion procedure whether or not she was carrying a baby. \*Don't be stupid!\* he replied. \*It's just a blob of tissue!\*

<sup>18</sup>

### Women's \*Rights\* < STRONG >

The abortion industry constantly lobbies for what it calls \*women's rights.\* At the same time, it heatedly denies that the millions of women who have been coerced into, or injured by, abortion have any rights at all. The only \*right\* it is truly interested in is the \*right\* to do abortions on all comers, without oversight or regulation, in substandard clinics using unscrupulous doctors.

If the Supreme Court rules that women do have \*an absolute right\* to refuse an abortion, that would set the profit-hungry abortion industry back on its heels. This would set a new legal precedent that would help protect women against the full range of abortion-related abuses, including lack of informed consent and lack of information about the harmful side effects of abortion. Ultimately, it could help protect millions of victims from the horror of abortions performed under physical and psychological duress in private and state-funded abortion clinics and family planning centers throughout the U.S.

This is why Population Research Institute has been assisting in this effort.

#### Endnotes

1. \*About F.A.C.E.: Forced Abortions Now Legal in the U.S.\*, *Population Research Institute Review*, March-April 2004, Vol. 14, No. 2.
2. We are indebted to Professor Brian Scarnecchia and his students at the Franciscan University of Steubenville, Ohio, for this research, which was originally carried out as part of the appeal of Jane Roe II, to the U.S. Supreme Court.
3. James McCarty, \*Doctor's Rape Charge Dropped Ex-Wife Refuses to Take Stand\*, *Miami Herald*, 20 June 1989.
4. [\\*The Many Faces of Coercion\\*](#), *Post Abortion Review*, January-March 2000, . (Cited there from [\\*Pro-Life Infonet\\*](#), 2 August 1999, ).
5. \*Court Halts Teen Abortion\*, WLBT Television 3 [Jackson, Mississippi], 2 April 2003.
6. Richard Halloran, \*The Rising East: Millions Victimized by Modern-Day Slavery\*, *The Honolulu Advertiser*, 19 November 2002.
7. \*Practicing Abortion without a License\*, *Life Activist News* [Life Dynamics Inc.], Fall 1997, page 13.
8. Elizabeth Moore, \*Physician Convicted of Illegal Abortion\*, *National Right to Life News*, April 1980, page 24.

9. *Richmond Times Dispatch*, 29 October 1999; *Post-Abortion Review*, January-March 2000.
10. John Drake, \*Fearing Job Discrimination, DC Woman Forced' to Have Abortion,\* *Washington Times*, 30 August 2001.
11. \*American Civil Liberties Union Sides with Man Who Abused Wife and Killed Unborn Baby,\* *National Right to Life News*, 14 April 1983, page 4.
12. \*Baseball Star Allegedly Abuses Fiancée after Forced Abortion,\* Associated Press, 17 December 2000.
13. \*New York Abortionist Practitioner Arraigned in Forced Abortion Attempt,\* *New York Times*, Associated Press, 15 April 2000.
14. \*Woman Will Serve no Jail Time in Forced Abortion Case,\* *Palm Beach Post*, Associated Press, 2 August 2000.
15. \*Abortionist Accused of Doing Noncon-sensual Abortion,\* *World Journal*, 7 December 2000.
16. Jay Reeves, \*Sex Scandal at Prison Results in Firing,\* Associated Press, 17 June 2002.
17. United States Court of Appeals for the Eleventh Circuit, *Jane Roe II vs. Aware Woman Center for Choice*, 23 January 2004.
18. \*Forced Abortion Revealed,\* *The Justice Foundation*, 21 March 2003.

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