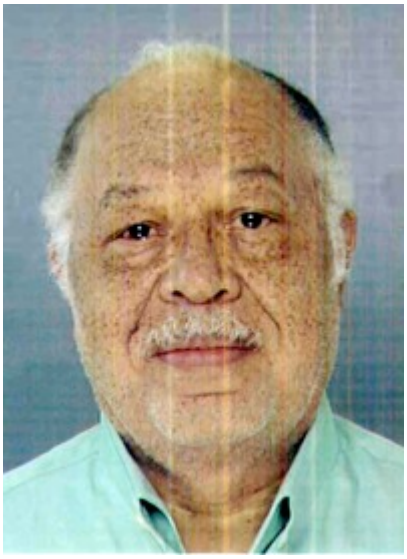
Gag Order in Pa. Abortionist's Capital Murder Case



In issuing the order, Judge Benjamin Lerner said he wanted to limit publicity in the case. "What happens in open court is one thing, but I don't want the case tried outside the courtroom," he told prosecutors and defense attorneys during a scheduling hearing on April 14.

Both sides are now prohibited from speaking to the press about any of the pending cases related to the abortion clinic. Citing the judge, prosecutors declined to comment about the order when asked by the *Philadelphia Inquirer*.

During the hearing, the judge also criticized a search of the jail cell where Gosnell's wife was being held. Prosecutors issued a subpoena to review correspondence between the couple, but the judge said a court-ordered search warrant was needed.

According to news reports, prosecutors with the Philadelphia District Attorney's office have already filed a notice with the court saying the charges against Gosnell meet the standard of a death penalty case. That's the first step in pursuing capital punishment.

The charges against Gosnell include seven counts of first-degree murder of children born alive and one count of third-degree murder for the overdose-induced death of a woman during an abortion. The judge refused to let him out on bail.

Assistant District Attorney Joanne Pescatore said the punishment was appropriate because of the age of the baby victims and the fact that so many deaths were involved — calling those factors aggravating circumstances that could warrant capital punishment.

The abortionist's attorney, Jack McMahon, recently confirmed death-penalty claims as well. "They are seeking the death penalty," McMahon told reporters after Gosnell's arraignment. But he intends to "vigorously" fight the charges and said seeking the death penalty would be a waste of time and taxpayer money.

"Dr. Gosnell is never going to get the death penalty," McMahon was quoted as saying by the Associated Press last month, noting that the abortionist would be likely be dead of natural causes before a death sentence could be carried out. "You have a 70-year-old man, and it makes the case three times as long and as costly."

Pro-abortion activists, while partially acknowledging the horror of the charges, also condemned the possibility of a death sentence. Some were afraid that a death penalty for Gosnell could impact the availability and perception of late-term abortions in America.

"It is a frightening prospect," noted Erica Varlese on the Feministing blog. "While I have little sympathy for a man who took advantage of poor women and put their lives at risk to make a pretty penny, the death penalty is a hefty charge that would certainly have a significant impact on the conversation around late-term abortion providers."

Even some pro-life activists argued against a death sentence despite the atrocities, too. “I would defend this man’s right to live his life out in prison, rather than watch the state take his life. His life is not anyone else’s to take,” wrote Catholic columnist Elizabeth Scalia. “For pro-lifers, this is a no-brainer.”

Scalia suggested Gosnell may need years to understand “the enormity” of the crimes and to allow his heart to be turned. “God is Just, and he is Merciful; God will deal with Kermit Gosnell in ways we can never imagine,” she wrote after citing the late Pope John Paul II.

The fallout from the Gosnell investigation has ensnared numerous other alleged participants as well. His wife, who is being charged with a number of serious crimes including conspiracy and participating in an illegal abortion, was set free on a reduced bail earlier this month, subject to house arrest.

Eight former employees of the abortion facility are also being charged. If convicted, at least three of them could face the death penalty, too. Prosecutors announced that they may pursue that option, but said they would wait while the investigation continues.

Abortion clinics associated with Gosnell in Louisiana and Delaware have also suffered from the investigation. Both have been suspended from the industry’s lobbying federation. And at least the one in Delaware is under investigation by state officials.

Doctors who allegedly knew about the crimes but failed to report them could be in hot water, too. "We are very troubled that almost all of the doctors who treated these women routinely failed to report a fellow physician who was so obviously endangering his patients," wrote the grand jurors in a gruesome 260-page report.

Recent news reports claim many of the women whose children Gosnell killed had to seek emergency medical treatment following the abortions, sometimes arriving at nearby hospitals with baby parts still inside of them. More than a few allegedly left Gosnell’s clinic with organs punctured and potentially deadly infections.

Government regulators who were supposed to be keeping tabs on abortion clinics also came under fire during the investigation. Some were even fired after the revelations for failing to properly scrutinize the clinic, which had been the subject of previous complaints and lawsuits.

"This doesn’t even rise to the level of government run amok. It was government not running at all,” said Pennsylvania Gov. Tom Corbett in announcing the firings and changes in regulatory oversight. “To call this unacceptable doesn’t say enough. It’s despicable.”

Gosnell made millions through his late-term abortion business, which operated for decades before finally being raided by federal authorities over his prescription-writing habits. At least some of his fortune could end up being paid out as financial compensation to victims’ families.

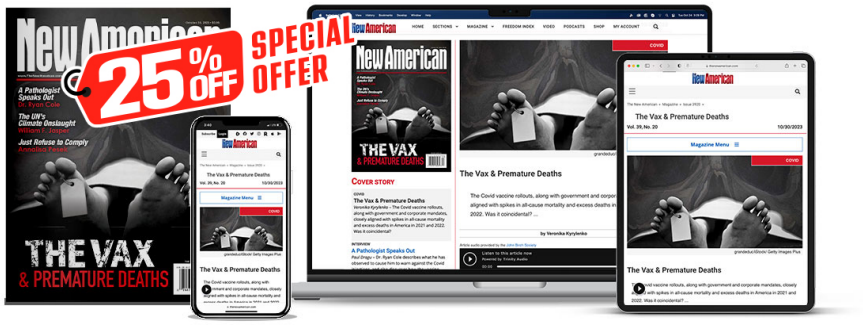
Photo of Kermit Gosnell: AP Images

Subscribe to the New American

Get exclusive digital access to the most informative,
non-partisan truthful news source for patriotic Americans!

Discover a refreshing blend of time-honored values, principles and insightful perspectives within the pages of "The New American" magazine. Delve into a world where tradition is the foundation, and exploration knows no bounds.

From politics and finance to foreign affairs, environment, culture, and technology, we bring you an unparalleled array of topics that matter most.



Subscribe

What's Included?

24 Issues Per Year
Optional Print Edition
Digital Edition Access
Exclusive Subscriber Content
Audio provided for all articles
Unlimited access to past issues
Coming Soon! Ad FREE
60-Day money back guarantee!
Cancel anytime.