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SPECIAL REPORT: PLANNED PARENTHOOD'S PARTIAL-BIRTH ABORTION BUSINESS

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Overview

Planned Parenthood is the biggest abortion provider in America. As a franchise of over 50 regional affiliates overseen by Planned Parenthood Federation of America, the organization is responsible for over 330,000 abortions every year, making up over a third of the national market. Many Planned Parenthood locations, including its flagship Margaret Sanger Clinic in New York City, commit abortions for any reason up to 6 months of pregnancy.[1]

Planned Parenthood abortion doctors readily admit that their late-term abortion procedures present ethical and legal dilemmas that even professional abortionists find challenging.[2] The ever-increasing size and familiarity of the second trimester fetus blurs the line between abortion and infanticide for even the most hardened professionals, and preterm infants have now been recorded as surviving as early as 5 months.[3]

This is nowhere more readily apparent than in the grotesque partial-birth abortion procedure method, in which a living fetus is extracted intact from the womb only to be killed in the process of delivery. The concern to draw a bright line in the law between elective abortion and infanticide led Congress to enact the Partial-Birth Abortion Ban Act in 2003, which the U.S. Supreme Court upheld in 2007. The federal partial-birth abortion (PBA) law prohibits procedures where a fetus, while still alive, is partially delivered, with the intent to take action to kill the fetus after he or she has been delivered to certain anatomical landmarks:

> *(a) Any physician who, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than 2 years, or both. [...]*
> *(b) As used in this section—*
> *(1) the term "partial-birth abortion" means an abortion in which the person performing the abortion—*
> *(A) deliberately and intentionally vaginally delivers a living fetus until, in the case of a head-first presentation, the entire fetal head is outside the body of the mother, or, in the*

[1] https://www.plannedparenthood.org/health-center/new-york/new-york/10012/margaret-sanger-center-3325-91110/abortion
[2] Harris, Lisa H. "Second Trimester Abortion Provision: Breaking the Silence and Changing the Discourse," *Reproductive Health Matters*, 2 Sept 2008. https://www.tandfonline.com/doi/full/10.1016/S0968-8080(08)31396-2
[3] Stoll et al, "Trends in Care Practices, Morbidity, and Mortality of Extremely Preterm Neonates, 1993—2012," *JAMA*, 11 March 2016. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4787615/

case of breech presentation, any part of the fetal trunk past the navel is outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus; and
(B) performs the overt act, other than completion of delivery, that kills the partially delivered living fetus;
18 U.S.C. 1531. Partial-birth abortions prohibited.[4]

Although federal law has prohibited partial-birth abortions for 12 years, CMP's investigative journalism surfaced troubling admissions that Planned Parenthood—the biggest abortion business in the country—has never honestly attempted to comply with the law and has instead actively circumvented it. On undercover footage, Planned Parenthood medical directors and executives described abortions involving intact, living fetuses and procedures identical to those prohibited by law—and they routinely pointed to specific Planned Parenthood protocols as providing the legal loophole to do so. New primary-source documents, never before released publicly, now corroborate these statements on the videos, which a federal appeals court recently ruled were evidence that Planned Parenthood commits criminal partial-birth abortions.[5] The ongoing revelations about Planned Parenthood's participation in harvesting and selling aborted baby body parts show the incentives that major abortion centers have to resort to illegal methods such as PBA, and increase the urgency for U.S. Department of Justice and other enforcement agencies to hold Big Abortion accountable to the law.

Planned Parenthood's Admissions on Undercover Video

At a business lunch meeting on July 25, 2014, Planned Parenthood's then-Senior Director of Medical Services, Dr. Deborah Nucatola, described to potential baby body parts harvesters the custom techniques that she and other Planned Parenthood abortion providers could use to get more intact body parts from late term abortions:

> ***PPFA:*** *I'd say a lot of people want liver. And for that reason, most providers will do this case under ultrasound guidance, so they'll know where they're putting their forceps. The kind of rate-limiting step of the procedure is the calvarium, the head is basically the biggest part. Most of the other stuff can come out intact. It's very rare to have a patient that doesn't have enough dilation to evacuate all the other parts intact.*
>
> ***Buyer:*** *To bring the body cavity out intact and all that?*
>
> ***PPFA:*** *Exactly. So then you're just kind of cognizant of where you put your graspers, you try to intentionally go above and below the thorax, so that, you know, we've been very good at getting heart, lung, liver, because we know, so I'm not gonna crush that part, I'm going to basically crush below, I'm gonna crush above, and I'm gonna see if I can get it all intact. And with the calvarium, in general, some people will actually try to change*

[4] https://www.law.cornell.edu/uscode/text/18/1531
[5] page 9, *Planned Parenthood et al v. Smith* (17-50282), 5th Circuit Court of Appeals, 17 Jan 2019. http://www.ca5.uscourts.gov/opinions/pub/17/17-50282-CV0.pdf

the presentation so that it's not vertex, because when it's vertex presentation, you never have enough dilation at the beginning of the case, unless you have real, huge amount of dilation to deliver an intact calvarium. So if you do it starting from the breech presentation, there's dilation that happens as the case goes on, and often, the last, you can evacuate an intact calvarium at the end. So I mean there are certainly steps that can be taken to try to ensure—

Buyer: *So they can convert to breech, for example at the start of the—*

PPFA: *Exactly, exactly. Under ultrasound guidance, they can just change the presentation.*[6]



Fig. 1: PPFA Senior Director of Medical Services describes partial-birth abortions to harvest body parts, 2014.

Shockingly, the series of steps that Planned Parenthood's Senior Director of Medical Services described—flipping the fetus to a feet-first presentation, carefully pulling the body out intact in order to gradually increase the dilation of the patient's cervix, and finally being able to remove even the fetal head in one piece—matches up precisely with the legal and clinic definitions of partial-birth abortion.[7]

Dr. Nucatola stated that using this method of abortion to obtain intact fetal body parts, *"We've been pretty successful with that, I'd say."*[8]

[6] Dr. Deborah Nucatola conversation with undercover investigators, 25 July 2014: https://www.youtube.com/watch?v=dMX7gIPEVss
[7] Attachment A: Comparison of Partial-Birth Abortion Descriptions
[8] See Dr. Nucatola conversation 25 July 2014, http://www.centerformedicalprogress.org/wp-content/uploads/2015/05/PPFAtranscript072514_final.pdf and https://www.youtube.com/watch?v=H4UjIM9B9KQ

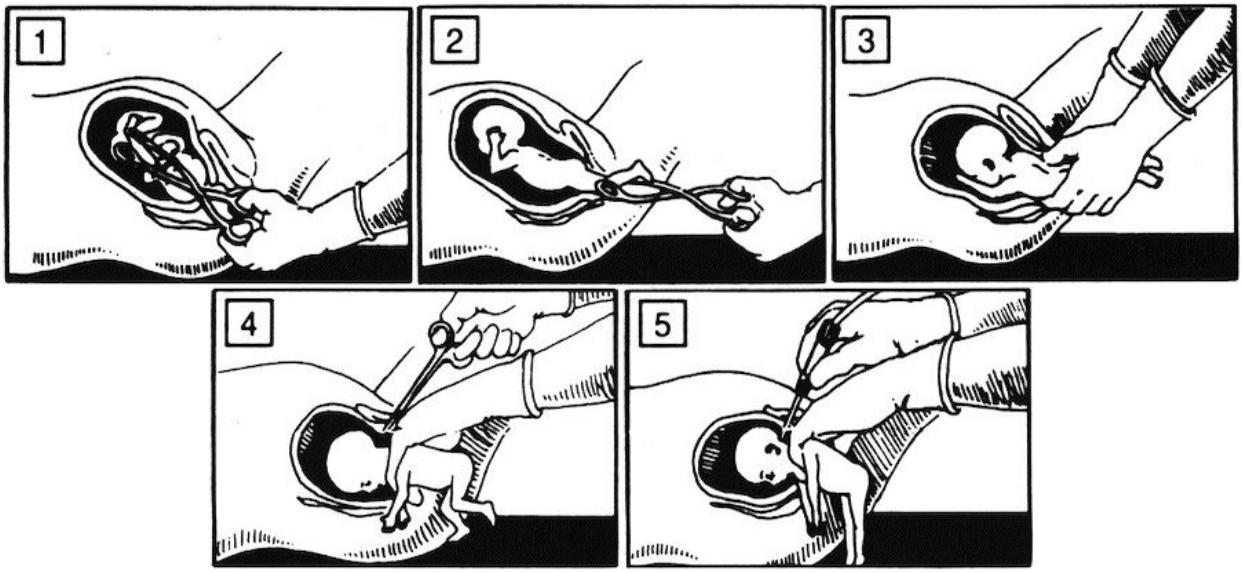


Fig. 2: Diagram of the typical partial-birth abortion procedure

This was not the only time that Planned Parenthood medical directors informed CMP investigators that late-term fetuses could be delivered intact at Planned Parenthood facilities in the interests of obtaining more marketable body parts. On February 28, 2015, Dr. Jennefer Russo, the Medical Director of Planned Parenthood Orange & San Bernardino Counties, told CMP investigators, *"I think, most of us have trained to not have full intact specimens,"* but admitted, *"It happens sometimes, but it's pretty rare. But, we try,"* when discussing PPOSBC's relationship supplying fetal organs and tissues to baby body parts sales companies Da Vinci Biosciences and DV Biologics.[9]

The DV Companies were successfully prosecuted in 2017 by the Orange County District Attorney for selling aborted fetal body parts from Planned Parenthood for profit against California and federal law. The companies admitted guilt in a $7.8 million settlement, and the Orange County District Attorney credited CMP's undercover video work for prompting the successful case.[10]

Other Planned Parenthood medical directors confirmed that the delivery of an intact fetus is something that can predictably occur in the practice of 2nd-trimester abortion. On April 7, 2015, Dr. Savita Ginde, the Vice President and Chief Medical Officer of Planned Parenthood of the Rocky Mountains, told CMP investigators inquiring about 2nd-trimester procedures at her clinic that, *"Intact is less than 10%,"* and remarked, *"Sometimes, we get, if someone delivers before we are able to see them for a procedure then they are intact."*[11]

[9] Dr. Jennefer Russo conversation with undercover attendees at Planned Parenthood Medical Directors Conference, 27 February 2015: https://www.youtube.com/watch?v=5w8oLs6VsFs

[10] Langhorne, Daniel, "Firms reach $7.8 million settlement over allegations of selling fetal tissue," *Los Angeles Times*, 9 Dec 2017. https://www.latimes.com/local/lanow/la-me-fetal-tissue-20171209-story.html
See also OCDA Press Release: http://orangecountyda.org/civica/press/display.asp?Entry=5406

[11] Dr. Savita Ginde conversation with undercover investigators at Planned Parenthood Rocky Mountains, 7 April 2015: https://www.youtube.com/watch?v=X8QOC20DiPY