

Said she was not told of increased breast cancer risk

Plaintiff Wins Suit Against Abortion Clinic

By Dave Andrusko

In a decision of major significance, Multnomah County (Oregon) Judge Dale Koch has signed the first judgment ever against an abortionist for psychological injury and failure to inform a patient about the increased risk of breast cancer associated with having an induced abortion.

According to Oregon Right to Life, "It is the first lawsuit in the nation to obtain a judgment on informed consent grounds, alleging psychological trauma and increased risk of breast cancer resulting from an abortion."

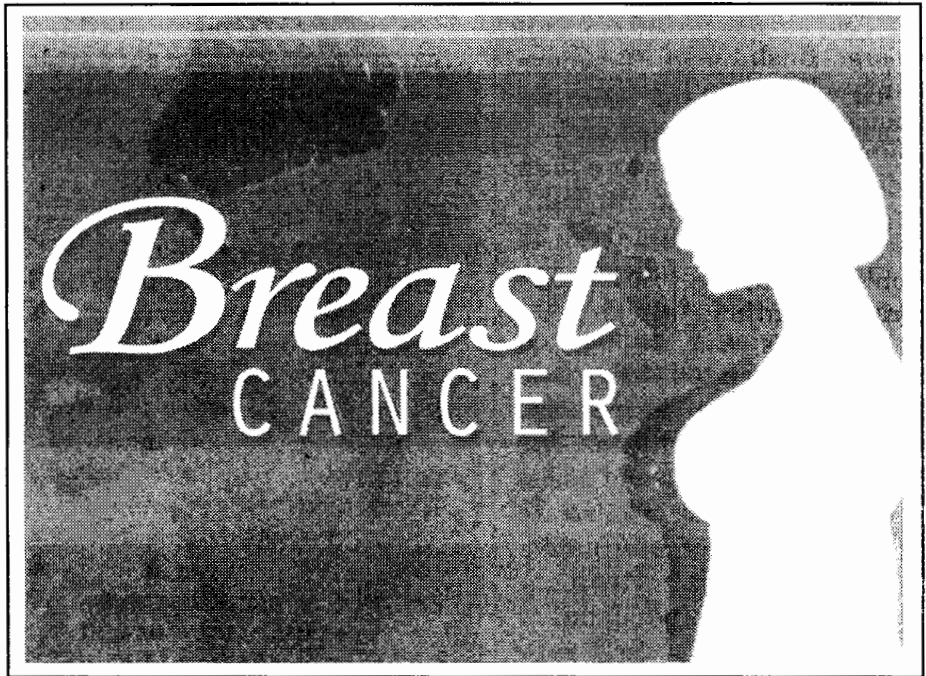
The girl was 15 at the time of the May 2001 abortion, which took place at the All Women's Health Services in Portland, Oregon. Judge Koch signed a judgment January 24. The amount was kept confidential.

Jonathan Clark is the plaintiff's attorney. He told **NRL News** that the issue was never about money but about the informed consent obligations the clinic failed to meet.

"I hope it puts other abortion clinics on notice that they will be held accountable when they perform an abortion that is contraindicated," Clark said, alluding to the heightened risk of breast cancer and psychological complications. "This is not a 'pro-life' or 'pro-choice' decision, but pro-woman."

There is a considerable body of evidence demonstrating that an induced abortion increases the chances of breast cancer. For example in 1994, researchers at the Fred Hutchinson Center found an overall 50% increased risk for breast cancer among women who had chosen abortion, but a 150% greater risk of breast cancer for girls younger than 18 who had abortions in the first trimester. (See **NRL News**, June 1994.)

Published in the prestigious *Journal of the National Cancer*



Institute, the investigation revealed that the risks were even higher when there was a family history of breast cancer. Clark told **NRL News** that his client's mother and an aunt had had cancer and that she had lost "a dear grandmother" to breast cancer.

Clark noted that the attorney for the insurance company had told the *Washington Times* that the decision to settle was "based on the [probable] cost of a defense" and had predicted "we would have won if it had gone to trial." Clark said, "Let's just say we have a difference of opinion on that."

Moreover, as Oregon Right to Life wrote in its newsletter, "By offering a pre-trial judgment, the clinic was able to keep its document and employees from public scrutiny."

Clark said that his client, who did not tell her mother she was pregnant, had never intended to have an abortion but was under pressure from her boyfriend. She contacted All Women's Health Services for information but was told she would have to come in to speak with "one of their counselors."

Clark said that, in the girl's

mind, she was looking to find information that could be used as a "bulwark" against her boyfriend. In fact, she had the abortion the same day she arrived.

Clark said that there is a four-part informed consent law in Oregon that requires that the risks associated with any procedure be explained to the patient. In the pre-abortion paperwork, the girl informed staff members that both cancer and "breast disease" ran in her family, Clark said.

Given this, the girl would have been "primed to reject the abortion" had she been told of the link between abortion and breast cancer, Clark said. In the subsequent years the girl has suffered from depression, flashbacks, and nightmares, among other things.

According to the *Washington Times*, the clinic had \$150,000 in unpaid bills when it closed its door in August 2003, about the same time Clark began the lawsuit.

Gayle Atteberry, executive director of Oregon Right to Life, said, "Girls have been telling us for years that abortion clinics provided them no information whatsoever with which to make an informed choice." She added, "Girls have been left to discover for themselves the devastating aftermath of abortion."