



INFANTICIDE AND THE BORN-ALIVE ABORTION SURVIVORS ACT

The Born-Alive Abortion Survivors Act is currently being filibustered by pro-abortion U.S. Senators. Additional protections are necessary to protect the lives of children who are born alive after botched abortions, but opponents of the bill argue that it is unnecessary and seeks to limit access to abortion.

ARGUMENT: The Born-Alive Infant Protection Act of 2002 already protects children from infanticide.

✓ **FACT:** The bill's lead sponsor, Senator Ben Sasse: "In 2002, Republicans and Democrats came together to ensure that children born alive are recognized as persons under federal law, but unfortunately federal law does not criminalize the denial of care to babies that survive an abortion."¹ It does no good to declare someone a person if others still have the ability to deny them care.

ARGUMENT: Late-term abortions are extremely rare.

✓ **FACT:** While the majority of abortions are performed in the first trimester—before 12 weeks gestation—there are many late-term abortions. About 10% of abortions are performed after the first trimester, and 1% are performed after 20 weeks gestation.² Because of the vast amount of abortions, that 1% is roughly 9,000 abortions every year where the child is at or near viability. There are roughly 7,000 homicides every year in the U.S. using handguns: are they considered rare and worth ignoring?⁴

ARGUMENT: There is no such thing as an abortion survivor.

✓ **FACT:** Besides testimony from abortion survivors, the CDC confirms that some babies survive abortions. One study on infant mortality found that between 2003 and 2014 there were between 376 and 588 babies born alive after abortions.⁵ The study concluded that 143 of those babies were "definitely" born alive after an abortion attempt and lived anywhere from mere minutes to one or more days. The CDC admits that this number is an underestimate.

ARGUMENT: Even in the unlikely circumstance when a baby survives they are not intentionally killed by clinic or hospital staff.

✓ **FACT:** Unfortunately there are multiple eyewitness accounts from abortion facility staff involving born alive babies being murdered through strangulation, fatal blows to the head, snipping of the spinal column, and even twisting necks.

Former employees of infamous abortionist Kermit Gosnell reported he performed "hundreds of snippings" on born-alive babies. In his trial the Grand Jury noted, "It is without challenge that Kermit Gosnell, under the pretext of providing medical care, routinely killed viable babies."⁶

A former employee of Texas abortionist Douglas Karpen reports witnessing murders using the methods described above: "I'm pretty sure I was seeing at least three or four [large babies] that were completely delivered in some way or another [daily]."⁷

ARGUMENT: The Act would penalize women.

✓ **FACT:** The Born Alive Act specifically bars prosecution of the mother of a born-alive baby; it gives her the right to file civil action seeking damages against an individual who violates the bill. The Act only concerns children who survive an abortion procedure and are born alive, it doesn't affect the legality of the abortion itself; it requires that the baby be given the same level of care that any child would receive at the same gestational age and that the baby be transported to a hospital.

ARGUMENT: The Act would criminalize doctors.

✓ **FACT:** Contrary to assertions from abortion supporters, the Born Alive Act does not make it a crime to botch an abortion; the Act makes it criminal to deny care to any child who survives. The failure of an abortionist to provide care and admit the child to the hospital or failure to report the denial of such care are subject to a fine, five years in prison, or both. Anyone who intentionally kills or attempts to kill the baby is subject to prosecution for murder.

REFERENCES:

- 1 - Ben Sasse, "Sasse Opening Statement at Born-Alive Hearing," February 11, 2020, https://www.youtube.com/watch?v=kdJ0d3Q_EYo
- 2 - Tara C. Jatlaoui et al., "Abortion Surveillance — United States, 2016," Centers for Disease Control & Prevention, November 29, 2019.
- 3 - Guttmacher Institute, Induced Abortion in the United States, January 2017, <https://www.guttmacher.org/fact-sheet/induced-abortion-united-states>
- 4 - "Crime in the United States: 2018," Federal Bureau of Investigation, <https://ucr.fbi.gov/crime-in-the-u.s/2018/crime-in-the-u.s.-2018/home>
- 5 - "Mortality Records with Mention of International Classification of Diseases-10 code P96.4 (Termination of Pregnancy): United States, 2003-2014," Centers for Disease Control & Prevention, https://www.cdc.gov/nchs/health_policy/mortality-records-mentioning-termination-of-pregnancy.htm
- 6 - Grand jury report in Kermit Gosnell case, Pennsylvania Court of Common Pleas, January 14, 2011, <https://cdn.cnsnews.com/documents/Gosnell,%20Grand%20Jury%20Report.pdf>
- 7 - Arina Grossu, testimony before the House Judiciary Committee, Subcommittee on the Constitution and Civil Justice, September 23, 2016, <https://www.frcblog.com/2016/09/testimony-need-born-alive-abortion-survivors-protection-act/>



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