



## Secretariat of Pro-Life Activities

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February 21, 2020

Dear Senator:

As chairman of the U.S. bishops' Committee for Pro-Life Activities, I am writing today to urge you to co-sponsor and vote for S. 311, the Born-Alive Abortion Survivors Protection Act, when it comes before the Senate for a vote next week.

Nearly eighteen years ago, Congress passed the Born-Alive Infants Protection Act with an overwhelming level of bi-partisan support (the bill passed the House on a voice vote and was agreed to in the Senate by unanimous consent). The Act reaffirms what should be obvious: Each infant who is fully born and shows signs of life must be recognized in law as a human person.

Put simply, the Act provides – for the purpose of federal law – that the words "person," "human being," "child," and "individual" shall include "every infant member of the species homo sapiens who is born alive at any stage of development." The measure also codifies the definition of "born alive" found in the laws of most states – evidence of heartbeat, respiration, and/or voluntary movements after the infant's complete expulsion from the mother.

However, this law provides no specified mechanism for holding an abortionist accountable for denying care to babies who survive abortions. And in spite of the controversy that has arisen there is sufficient evidence that abortionists do not always provide care to babies who survive an abortion and are born alive. We have the evidence of both medical personnel and survivors of abortion attempts who have testified to babies being wrapped in blankets and set aside to die or babies being suffocated in plastic bags. The urgency of enacting this bill has increased with the passage of legislation in New York and Illinois that removes some specific protections for children born alive after abortion, and the prospect of other states doing likewise.

The Born-Alive Abortion Survivors Protection Act would remedy this problem by requiring any health care practitioner present when a child is born alive following an abortion to exercise the same degree of care to preserve the life and health of the child as would be given to any other child born alive at the same gestational age. And following exercise of such care, it requires the practitioner to ensure that the child is immediately transported and admitted to a hospital. It does not require the infant to be given futile care, but it does require him or her to be evaluated by a third-party without a vested interest in this child's death.

With passage of the 2002 Born-Alive Infants Protection Act, Congress established the proposition that a child's rights and dignity are inherent (and will be upheld at least outside the womb), and rejected the widespread assumption among abortion supporters that a child's rights depend solely on whether she is wanted by her mother. Congress also established that the so-called right to "terminate a pregnancy" does not imply a right to a dead child. Passage of S. 311

would provide some additional enforcement measures to help ensure that abortionists adhere to the propositions of this overwhelmingly bi-partisan legislation.

Finally, the United States Conference of Catholic Bishops holds, and has always held, that *Roe v. Wade* was an immoral and unjust decision which must be reversed. Indeed, we have always held that the license to take human life articulated in *Roe* would undermine respect for human life after birth as well – and we have seen ample evidence that this has happened. However, the Supreme Court's majority has made it clear that, until the Court's own thinking changes or a constitutional amendment can be passed, no child in the womb will have meaningful legal protection. Our immediate task, then, is to ensure that the lethal mentality of *Roe* does not claim new victims – vulnerable human beings struggling for their lives outside the womb.

To help ensure that the abortion mentality does not expand to undermine the rights of fully born infants, I urge you to co-sponsor and vote in favor of the Born-Alive Abortion Survivors Protection Act when it comes before the Senate next week.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph F. Naumann". The signature is fluid and cursive, with a long horizontal stroke at the end.

Most Reverend Joseph F. Naumann  
Archbishop of Kansas City, KS  
Chairman, Committee on Pro-Life Activities