



Secretariat of Pro-Life Activities

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January 10, 2023

U.S. House of Representatives
Washington, DC 20515

Dear Representative:

Ensuring medical care for infants who are born alive upon an attempted abortion is a proposition on which the American people and their representatives, regardless of their otherwise passionately divided views, should be able to agree for the sake of protecting lives. As chairman of the U.S. Conference of Catholic Bishops' Committee on Pro-Life Activities, I urge you and your colleagues to vote in favor of the Born-Alive Abortion Survivors Protection Act (H.R. 26) when it comes to the House Floor this week.

The U.S. Supreme Court's decision last year restored the understanding that the Constitution does not provide a right to abortion. This did not remove the federal government's responsibility to ensure that people are afforded equal and fair treatment under the law. With respect to children born alive upon a failed abortion, some states' laws ensure that proper medical attention is given to those babies, but others do not and some, namely Illinois and New York, have even taken steps to eliminate such protections. The tragic risks are not theoretical. Years of testimonies before legislatures, candid recordings, and more have painted a gruesome picture of children, trying to live, being left to die in bags or closets. The Centers for Disease Control and Prevention (CDC) reported that at least 143 born infants died after an attempted abortion between 2003 and 2014, and conceded that this may well be an underestimate.¹ Such events may not be reached by some states' homicide laws, especially if they are considered the natural result of legally permissible inaction rather than an active killing.

That is why the Born-Alive Abortion Survivors Protection Act is necessary. It affirmatively requires that all such children be given the same medical care as any others born at the same age and transported to a hospital – securing their equal protection rights – and it provides for mandatory reporting of failure of health care providers to do so. This is both a necessary and a logical step twenty years after the bipartisan passage of the Born-Alive Infants Protection Act recognized the legal personhood of those born alive following an attempted abortion. It is time for Congress to move beyond treating born-alive children as a debate over

¹ See <https://lozierinstitute.org/questions-and-answers-on-born-alive-abortion-survivors/>. With respect to the CDC estimate specifically, the likelihood of its being an underestimate is underscored by the lack of incentive for reporting and what limited information is available about numbers of children overall born alive after an attempted abortion. For example, four states reported 26 such births in 2019, and Canada (less than 12% the population of the US) reported 766 between 2013 and 2018 and, in previous years, was found to have an 8.6% increase in infant mortality on account of such births. *Ibid.* (citing, *inter alia*, Auger N., Bilodeau-Bertrand M., Sauve R., "Abortion and Infant Mortality in the First Day of Life," *Neonatology*, vol. 109 no. 2, Feb. 2016, pp. 147-53 (DOI:10.1159/000442279) available at <https://www.karger.com/Article/PDF/442279>).

abortion, and to come together again to simply yet critically affirm that every fellow human being has equal dignity and value, worthy of protection from harm, and undimmed by the circumstances of their birth.

In accord with this principle of protection from violence, I also appreciate that included with consideration of this important bill will be efforts to draw more attention to the attacks that have occurred against churches, ministries of the Catholic Church, and pregnancy resource centers, which support and assist women in need and their children (born and preborn alike) in numerous ways. My brother bishops and I have been deeply disturbed by these acts of vandalism and we continue to call on all our elected officials and law enforcement to condemn these attacks and take all appropriate steps to prevent further harm.²

Women and their preborn children deserve better. They deserve all of us to stand with them, and provide solutions that empower them both to have a positive future.³ I pray that God blesses your work in pursuit of such solutions and of a society that promotes life and hope for both preborn children and their mothers. I urge you and your colleagues to please vote for H.R. 26 when it is before the House.

Sincerely,

A handwritten signature in blue ink that reads "Michael F. Burbidge". The signature is written in a cursive, flowing style.

Most Reverend Michael F. Burbidge
Bishop of Arlington
Chairman, Committee on Pro-Life Activities

² See <https://www.usccb.org/news/2022/us-bishops-religious-liberty-committee-chairman-offers-reflection-religious-freedom-day>; <https://www.usccb.org/news/2021/one-hundred-incidents-vandalism-reported-catholic-sites-us-may-2020>; <https://www.usccb.org/news/2020/bishop-chairmen-condemn-acts-vandalism-destruction-catholic-sites>; and <https://www.usccb.org/committees/religious-liberty/Backgrounder-Attacks-on-Catholic-Churches-in-US#tab--022>.

³ See letter of October 2022 by my predecessor and brother bishops, providing numerous policy recommendations for assisting women, children, and families in need in ways that will make it easier to welcome and raise a new child, available at <https://www.usccb.org/resources/letter-congress-regarding-policies-support-women-and-families-october-26-2022>.