



January 21, 2025

U.S. Senate
Washington, DC 20510

U.S. House of Representatives
Washington, DC 20515

Dear Senator/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 (S.6 / H.R.21) when it comes before you.

The U.S. Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization* 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, Minnesota, and New York, have even taken steps to reduce 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 Florida alone reported 14 infants born alive in abortions in 2023, and Arizona logged ten in just five months of 2017.² Contrary to widespread claims, such events may not be reached by

¹National Center for Health Statistics, Centers for Disease Control, "Mortality Records with Mention of International Classification of Diseases-10 code P96.4 (Termination of Pregnancy): United States, 2003-2014," available at https://web.archive.org/web/20240526111758/https://www.cdc.gov/nchs/health_policy/mortality-records-mentioning-termination-of-pregnancy.htm#print. The likelihood of 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. Additional available reference points include eight states reporting 284 such births between 1997 and 2024, while Canada – with less than 12% the population of the US – reported 1,155 between 2013 and 2022. and certain international studies have found significant percentages of children subject to late-term abortion being born alive. See generally <https://lozierinstitute.org/questions-and-answers-on-born-alive-abortion-survivors/>. Moreover, in previous years, Canada was found to have an 8.6% increase in infant mortality on account of such births. (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>).

² Florida Agency for Health Care Administration, "ITOP report of infants born alive, 2023 – Year to Date," <https://ahca.myflorida.com/content/download/22074/file/LiveBirthsSummary.pdf>; Arizona Dept. for Health Services, "Abortions in Arizona: 2017 Abortion Report," p. 21, 2018, <https://www.azdhs.gov/documents/preparedness/public-health-statistics/abortions/2017-arizona-abortion-report.pdf>.



some states' homicide laws, especially if the babies' deaths 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 – in recognition of their basic rights, worth, and equal dignity – and it provides for mandatory reporting of failure of health care providers to do so. This is both a necessary and a logical step more than 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 like part of the debate over 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.

Women and their 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 the Born-Alive Abortion Survivors Protection Act (S.6 / H.R.21) when it is before the Senate and House respectively.

Sincerely,

Most Reverend Daniel E. Thomas
Bishop of Toledo
Chairman, Committee on Pro-Life Activities

³ See USCCB bishop chairmen's letter of 2022, 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>.