



Checking the Fact-Checkers

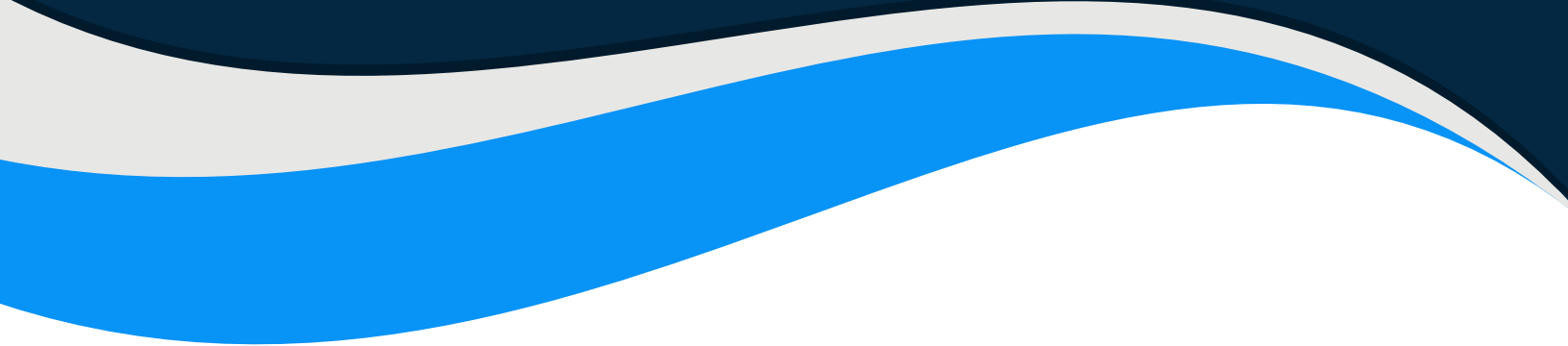
# "AFTER-BIRTH" ABORTIONS

Modern Infanticide:  
Abandoning Babies to  
Die



Prepared by the  
National Right to Life  
Communications  
Department

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*Checking the Fact-Checkers: “After-Birth” Abortions or Modern Infanticide: Abandoning Babies to Die* is a report issued by the National Right to Life Committee (NRLC).

Founded in 1968, National Right to Life, the federation of right-to-life affiliates in each of the 50 states, is the nation’s oldest and largest national grassroots pro-life organization. National Right to Life works through legislation and education to protect innocent human life from abortion, infanticide, assisted suicide, and euthanasia.

September 2024

For further information or to arrange an interview with one of our experts, please contact the National Right to Life Communications Department at (202) 626-8825 or [mediarelations@nrlc.org](mailto:mediarelations@nrlc.org)

*Checking the Fact-Checkers: “After-Birth” Abortions or Modern Infanticide: Abandoning Babies to Die*

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Pro-abortion ideologues claim that there are no “post-birth” or “after-birth” abortions where babies survive abortions but are not provided with life-saving or life-preserving medical treatment and are allowed to die.

**They are wrong.**

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### **Fact-Checkers Fail on the Facts**

During the September 2024 presidential debate between Vice President Kamala Harris and former President Donald Trump, President Trump asserted that Harris’s running mate, Tim Walz, supported abortion “after birth” (infanticide).

ABC’s Linsey Davis “fact-checked” the former president claiming, “There is no state in this country where it is legal to kill a baby after it's born.”

In a July 2024 debate between Montana Democratic Senator Jon Tester and Tim Sheehy, the GOP challenger pointed out Tester’s extreme record on abortion. Sheehy noted, “Elective abortions up to and including the moment of birth. Healthy, 9-month-year-old baby killed at the moment of birth. That’s what Jon Tester and the Democrats have voted for.”

PoltiFact reporters “fact-checked” this and claimed it was false.

**They are wrong.**

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### **History**

The press and pro-abortion groups have promoted several false narratives about babies born alive during abortion procedures but the documentation of babies born during or following an abortion procedure is extensive.

One of the most shocking was a 1981 investigation by *The Philadelphia Inquirer*. In it, the reporters wrote,

**In legalizing abortion in 1973, the Supreme Court said it was reserving the right to protect the life of a viable fetus - that is, one with the potential to survive outside the womb. But the court never directly acknowledged the chance of an aborted fetus being born alive. And it therefore never gave a clear guideline for dealing with what Dr. Thomas Kerenyi, a leading New York expert on abortions, has called "the dreaded complication."**

In 1981, Dr. Willard Cates, the chief of abortion statistics for the Centers for Disease Control at the time, estimated that 400 to 500 live births following abortions occurred every year.

# THE PHILADELPHIA INQUIRER ABORTION

Although abortions remain one of the major ethical controversies of our time, the fact is that an abortion has become the most common medical procedure performed on adults in the United States. More than a million and a half fetuses are aborted annually, and the number has increased about 50 percent from five years ago. At present, approximately one out of every four pregnancies is terminated by an abortion. American doctors remove more fetuses than tonsils.

But despite the intense attention the subject has received and the frequency with which the procedure is performed,

something happens in a very small number of abortions, performed relatively late in the pregnancy, that no one wants to talk about. It horrifies many of the medical

personnel who have encountered it.

What happens is that about once a day, somewhere in the U.S., something goes wrong and an abortion results in a *live baby*.



Shown in her incubator is tiny Suzanne S., of Cincinnati, Ohio, born in December 1971 at 25 weeks and 3 days after the first day of her mother's last menstrual period. Babies of similar age are daily "Dreaded Complications" of abortion. With permission, Hayes Pub. Co., Cincinnati, Ohio.

## The Dreaded Complication

*Reprinted by permission of The Philadelphia Inquirer, August 2, 1981, and co-author, Liz Jeffries*

**The Philadelphia Inquirer**  
**August 2, 1981**

## Born-Alive Infants Protection Act

In the U.S. Supreme Court's decision in *Stenberg v. Carhart* striking down Nebraska's law banning partial-birth abortions, the Court extended *Roe* beyond the unborn child and to the child who was partially born and moments from birth.

According to the U.S. House Judiciary Committee report ([107-186](#)) issued on the *Born-Alive Infants Protection Act* in 2001,

**The Carhart Court considered the location of an infant's body at the moment of death during a partial-birth abortion--delivered partly outside the body of the mother--to be of no legal significance in ruling on the constitutionality of the Nebraska law. Instead, implicit in the Carhart decision was the pernicious notion that a partially-born infant's entitlement to the protections of the law is dependent upon whether or not the partially-born child's mother wants him or her.**

In response, Congress passed the *Born-Alive Infants Protection Act*. While the legislation recognizes that a baby born alive following an abortion is legally a human being, the law does not impose penalties on medical practitioners who violate the law.

## Born-Alive Abortion Survivors Protection Act

The abortion industry and its sympathizers want to make this about abortion. It's not. **It's about infanticide** -- something our society has always shunned as barbaric. **While federal law does recognize that a baby born alive following an abortion is a person under the law, there are no requirements to provide care for the baby following a failed abortion.** The Born-Alive Abortion Survivors Protection Act would require that the live baby born after an abortion be treated as a patient and given the same care that would be given to an infant of the same gestational age who was born not following an abortion. This legislation would also allow a mother to sue the abortionist if he or she fails to provide care for the newborn and harm results from a violation of the law. The mother is not penalized for any reason.



Baby in utero at 28 weeks



## Kermit Gosnell

In 2010, investigators executed search warrants at the abortion facility of Kermit Gosnell on suspicion of illegal prescription drug activity. But investigators found something even more shocking: Gosnell routinely delivered live babies and then ended their lives by severing their spinal cords with scissors.

The Grand Jury Report estimates hundreds of babies met similar fates at Gosnell's Philadelphia abortion center. By April 2013, abortionist Kermit Gosnell was convicted on three counts of murder in the deaths of 3 newborn babies.

Gosnell preyed on vulnerable women with his abortion business and subjected them to dangerous and unsanitary conditions. One woman named Karnamaya Mongar died at Gosnell's center after an overdose of Demerol. After Mongar's death, a former employee said Gosnell reassured her that she'd done nothing wrong.

According to the Grand Jury Report, for political reasons, the Pennsylvania Department of Health ceased inspections of abortion centers allowing the atrocities to continue for years.



**"This case is about a doctor who killed babies and endangered women. What we mean is that he regularly and illegally delivered live, viable, babies in the third trimester of pregnancy – and then murdered these newborns by severing their spinal cords with scissors. The medical practice by which he carried out this business was a filthy fraud in which he overdosed his patients with dangerous drugs, spread venereal disease among them with infected instruments, perforated their wombs and bowels – and, on at least two occasions, caused their deaths. Over the years, many people came to know that something was going on here. But no one put a stop to it."**

- Grand Jury Report in the Kermit Gosnell case,  
January 2011

## Modern Infanticide

In 2019, in the Virginia General Assembly, Delegate Kathy Tran sponsored House Bill 2491, a bill that would loosen Virginia's abortion laws and allow abortion for any reason until birth. Under questioning by the majority leader, Todd Gilbert, Delegate Tran admitted that her bill would allow abortion even when the mother is showing imminent signs of giving birth:

**Gilbert:** So, where it's obvious that a woman is about to give birth, she has physical signs that she's about to give birth, would that still be a point at which she could still request an abortion if she was so certified? [pause] She's dilating?

**Tran:** Mr. Chairman, you know, that would be a decision that the doctor, the physician, and the woman would make.

**Gilbert:** I understand that. I'm asking if your bill allows that.

**Tran:** My bill would allow that, yes.



"...if a mother is in labor, I can tell you exactly what would happen. The infant would be delivered. The infant would be kept comfortable. The infant would be resuscitated if that's what the mother and the family desired, and then a discussion would ensue between the physicians and the mother..."

-former Virginia Democratic Governor Ralph Northam in an interview with news radio WTOP regarding a baby born alive following an abortion. The question was concerning a bill introduced in the Virginia General Assembly by Democratic Delegate Kathy Tran.

## Abortions Late in Pregnancy

John McCormick, writing in "The Lesson of Kermit Gosnell" for *The Weekly Standard* in 2018, noted that abortions late in pregnancy do occur and are documented in interviews and statements from abortionists who do them,

**Just take the example of what's happening in Maryland. Dr. LeRoy Carhart says he will perform "purely elective" abortions 28 weeks into pregnancy. Another late-term abortionist named James Pendergraft has suggested he'll perform even later abortions under Maryland's health exception if a mother was experiencing "anxiety and stress."**

**In August 2010, police searched a Maryland abortion clinic owned by a man named Steven Brigham after a woman was severely wounded during an abortion procedure. Police officers were shocked when they found a "chest freezer in the facility, which contained approximately 35 late term fetuses," according to a report by the Maryland State Board of Physicians. "The latest fetal age is measured as being 36 weeks."**



Baby in utero at 20 weeks

**"[Warren] Hern is reluctant to acknowledge any limit, any red line. He takes the woman's-choice argument to its logical conclusion...Hern, though, believes that the viability of a fetus is determined not by gestational age but by a woman's willingness to carry it."**

-Profile of Colorado abortionist Warren Hern  
in "The Abortion Absolutist"  
by Elaine Godfrey,  
*The Atlantic*, May 2023



# How Many Babies Are Born Alive Following an Abortion?

John Solomon reported in *Just the News*,

**In Walz's state and on his watch, five infants were "born alive" in 2021 during failed abortions, and none was provided life-saving care though two got "comfort care," the Minnesota Department of Health reported on July 1, 2022.**

**Three other infants were "born alive" during abortions in 2019, Walz's first year as governor, and they too perished without life-saving care, according to a July 1, 2020 report from the same state agency.**

As Solomon noted, Minnesota, like Florida and Arizona, has been one of only a handful of states -- Arizona, Florida, Kansas, Michigan, Minnesota (no longer in effect), and South Dakota -- that have or have had reporting requirements regarding babies born alive after abortions.

There are no national reporting requirements regarding abortion or the number of babies born alive.

State	Time Frame	Number of Babies Born Alive
Arizona	2017-2022	62
Florida	2019-2022*	30
Minnesota	2017-2022	14

\*Only 4 reporting years are represented for Florida.

## Abortion Survivors

Between 2003 and 2014, the Centers for Disease Control reported **588** infant deaths described as, “termination of pregnancy affecting fetus and newborn” with 143 deaths clearly resulting from a live birth following an abortion. In 2019, it was found that since the year 2000, over **1000** infants were born alive following failed abortions in Canada. In Australia, between 2005 and 2015, there were **204** live births following abortions. Despite assertions otherwise, reporting data shows that live births do occur and the CDC recognizes that here in the U.S., the number of live births following an abortion is probably higher than what is reported.

Today, the Abortion Survivors Network, founded by abortion survivor Melissa Ohden, notes that there are over **700 abortion survivors who have been located**.

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...at perivable gestations and after fetal viability, inducing fetal asystole [stopping the heart] before abortion prevents the infrequent but **serious occurrence of unanticipated expulsion of a fetus with cardiorespiratory activity [a baby breathing and with a heartbeat]**.

Diedrich, Justin, et al., “Induction of Fetal Asystole before Abortion.” Society of Family Planning, September 2024.

Most clinicians (69%) who report performing D&Es at 18 weeks last menstrual period or greater do not routinely induce fetal demise preoperatively.

White, Katharine O., et al. “Second-Trimester surgical abortion practices in the United States.” *Contraception*, vol. 98, no. 2, Aug. 2018, pp. 95–99

## Sources

"The Dreaded Complication," *The Philadelphia Inquirer*, O'Connor Confirmation Hearings, Senate Judiciary Committee 1981.

Bailey, Robert, et al., Abortions in Arizona: 2019 Abortion Report. Arizona Department of Health Services; 2020. <https://www.azdhs.gov/documents/preparedness/public-health-statistics/abortions/2019-arizona-abortion-report.pdf>

Cole, Devan. "Virginia Governor Faces Backlash over Comments Supporting Late-Term Abortion Bill | CNN Politics." CNN, 31 Jan. 2019, <https://www.cnn.com/2019/01/31/politics/ralph-northam-third-trimester-abortion/index.html>.

Demas, Alex. "Claims About Children Born Alive After Abortion Attempts in Minnesota Are True." *The Dispatch*, 13 Aug. 2024, <https://thedispatch.com/article/claims-about-children-born-alive-after-abortion-attempts-in-minnesota-are-true/>.

Diedrich, Justin, et al., "Induction of Fetal Asystole before Abortion." Society of Family Planning, [https://societyfp.org/clinical\\_guidances/society-of-family-planning-clinical-recommendation-induction-of-fetal-asystole-before-abortion/](https://societyfp.org/clinical_guidances/society-of-family-planning-clinical-recommendation-induction-of-fetal-asystole-before-abortion/). Accessed 23 Sept. 2024.

Florida's Agency for Health Care Administration, ITOP Report of Infants Born Alive 2022, <https://ahca.myflorida.com/health-care-policy-and-oversight/bureau-of-central-services/frequently-requested-data>

Florida's Agency for Health Care Administration, ITOP Report of Infants Born Alive 2021, <https://ahca.myflorida.com/health-care-policy-and-oversight/bureau-of-central-services/frequently-requested-data>

Florida's Agency for Health Care Administration, ITOP Report of Infants Born Alive 2020, <https://ahca.myflorida.com/health-care-policy-and-oversight/bureau-of-central-services/frequently-requested-data>

Florida's Agency for Health Care Administration, ITOP Report of Infants Born Alive 2019, <https://ahca.myflorida.com/health-care-policy-and-oversight/bureau-of-central-services/frequently-requested-data>

Gosnell Grand Jury Report, January 2011, 15-274-1.Pdf.

Godfrey, Elaine. "The Abortion Absolutist." *The Atlantic*, 12 May 2023, <https://www.theatlantic.com/politics/archive/2023/05/dr-warren-hern-abortion-post-roe/674000/>.

H. Rept. 107-186 - BORN-ALIVE INFANTS PROTECTION ACT OF 2001. <https://www.congress.gov/congressional-report/107th-congress/house-report/186>. Accessed 23 Sept. 2024.

Kemp, Marguerite, et al., "Abortions in Arizona: 2018 Abortion Report." Arizona Department of Health Services, 2019. <https://www.azdhs.gov/documents/preparedness/public-health-statistics/abortions/2018-arizona-abortion-report.pdf>

Kemp, Marguerite, et al., "Abortions in Arizona: 2017 Arizona Abortion Report," Arizona Department of Health Services, 2018. <https://www.azdhs.gov/documents/preparedness/public-health-statistics/abortions/2017-arizona-abortion-report.pdf>

## Sources

- McCormick, John. "The Lesson of Kermit Gosnell." *The Weekly Standard*, 6 Dec. 2018, <https://web.archive.org/web/20181206042821/https://www.weeklystandard.com/John-McCormack/the-lesson-of-kermit-gosnell-736726>.
- Minnesota Department of Health, *Induced Abortions in Minnesota January - December 2022: Report to the Legislature*, 2022. <https://www.health.state.mn.us/data/mchs/pubs/abrpt/docs/2022abrpt-revised.pdf>
- Minnesota Department of Health, *Induced Abortions in Minnesota January - December 2021: Report to the Legislature*, 2022. <https://www.health.state.mn.us/data/mchs/pubs/abrpt/docs/2021abrpt.pdf>
- Minnesota Department of Health, *Induced Abortions in Minnesota January - December 2020: Report to the Legislature*, 2021. <https://www.health.state.mn.us/data/mchs/pubs/abrpt/docs/2020abrpt.pdf>
- Minnesota Department of Health, *Induced Abortions in Minnesota January - December 2019: Report to the Legislature*, 2020. <https://www.health.state.mn.us/data/mchs/pubs/abrpt/docs/2019abrpt.pdf>
- Minnesota Department of Health, *Induced Abortions in Minnesota January - December 2018: Report to the Legislature*, 2019. <https://www.health.state.mn.us/data/mchs/pubs/abrpt/docs/2018abrpt.pdf>
- Minnesota Department of Health, *Induced Abortions in Minnesota January - December 2017: Report to the Legislature*, 2018. <https://www.health.state.mn.us/data/mchs/pubs/abrpt/docs/2017abrptr2.pdf>
- Roach, Matthew, et al., *Abortions in Arizona: 2020 Abortion Report*. Arizona Department of Health Services; 2021. <https://www.azdhs.gov/documents/preparedness/public-health-statistics/abortions/2020-arizona-abortion-report.pdf>
- Roach, Matthew, et al., *Abortions in Arizona: 2021 Abortion Report*. Arizona Department of Health Services; 2022. <https://www.azdhs.gov/documents/preparedness/public-health-statistics/abortions/2021-arizona-abortion-report.pdf>
- Roach, Matthew, et al., *Abortions in Arizona: 2022 Abortion Report*. Arizona Department of Health Services; 2023. <https://www.azdhs.gov/documents/preparedness/public-health-statistics/abortions/2022-arizona-abortion-report.pdf>
- Solomon, John. "Walz's History on Born-Alive Abortions Opens Door for Trump, GOP to Flip Extremism Argument" | *Just The News*. <https://justthenews.com/politics-policy/elections/tueaftwalzs-history-born-alive-abortion-opens-door-trump-gop-flip>. Accessed 23 Sept. 2024.
- Volz, Matt. "GOP's Tim Sheehy Revives Discredited Abortion Claims in Pivotal Senate Race." *KFF Health News*, 9 July 2024, <https://kffhealthnews.org/news/article/fact-check-senate-race-montana-tim-sheehy-revives-discredited-elective-abortion-claims/>.
- Watson, Kathryn. "Virginia Abortion Bill: Governor Ralph Northam under Fire for Comments on Late-Term Abortion Bill Proposed by Kathy Tran Allowing Third-Trimester Abortions" - CBS News. 31 Jan. 2019, <https://www.cbsnews.com/news/virginia-abortion-bill-proposed-by-kathy-tran-third-trimester-today-2019-01-30/>.
- White, Katharine O., et al. "Second-Trimester Surgical Abortion Practices in the United States." *Contraception*, vol. 98, no. 2, Aug. 2018, pp. 95–99, <https://doi.org/10.1016/j.contraception.2018.04.004>.



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