



Written by [Raven Clabough](#) on February 26, 2020

Senate Democrats Block Born-Alive Abortion Survivors Protection Act

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Senate Democrats have blocked a bill by Republicans that would stop infanticide and require medical care and treatment for babies born alive after failed abortions, despite the bill's support among even those who classify themselves as pro-abortion.

The Born-Alive Abortion Survivors Protection Act would require doctors to provide medical care for infants who survive attempted abortions. Anyone who violates the act would be subject to a fine or imprisonment up to five years. The bill is one of two abortion-related bills that were voted on in the Senate on Tuesday.

Senate Majority Leader Mitch McConnell filed for a procedural motion earlier this month that would set up votes on the Pain Capable Unborn Child Act and Born-Alive Abortion Survivors Protection Act after the Senate's Presidents' Day recess. The votes required a 60-vote threshold to end Democratic filibuster, but both votes fell short. The Senate voted 56-41 on the anti-infanticide bill, with just three Democrats — Doug Jones of Alabama, Bob Casey of Pennsylvania, and Joe Manchin of West Virginia — breaking from their party to vote in support of the legislation, CNN reports.

With Republicans holding just 53 seats in the Senate, the votes were expected to fail, but Republicans are hopeful they will serve to highlight the radicalism of the Democrats, particularly of the Democratic presidential candidates — Senators Bernie Sanders, Elizabeth Warren, and Amy Klobuchar — who have now been forced to go on record on the issues.

“Having these two votes come back to back absolutely puts pro-abortion Democrats on the defense,” said Mallory Quigley, spokeswoman for Susan B. Anthony List, the *Washington Examiner* reports. “We are asking them to support popular legislation, compassionate legislation to save babies and to stop late-term abortion. If they can't do that, can they then take a stand for born children who have survived abortions?”

National polling has shown a large majority of Americans, including those who describe themselves as pro-choice, [oppose](#) infanticide, as well as late-term abortions. The Democratic filibuster of the bills underscores just how far removed they are from their constituents.

Predictably, pro-abortion advocates such as Jacqueline Ayers, Planned Parenthood's vice president of government relations and public policy, contend the Born-Alive bill would somehow target abortion access. She said in a statement Monday that “these bills push misinformation meant to end access to



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abortion, and serve no other purpose than to shame patients and deny people the ability to make the best medical decisions for themselves and their families.”

But Senator Ben Sasse of Nebraska, the Republican sponsor of the bill, pushed back on that sentiment, noting the bill has nothing to do with abortion access. Instead, he asserted the bill was about “making sure that every newborn baby has a fighting chance — whether she’s born in a labor and delivery ward or whether she’s born in an abortion clinic.”

Senator Sasse sought to bring the issue underlying the bill to the forefront of the debate: “I urge my colleagues to picture a baby that’s already been born, that’s outside the womb gasping for air. That’s the only thing that today’s vote is actually about. We’re talking about babies that have already been born. Nothing in this bill touches abortion access.”

And while the Democrats claim the Born-Alive bill is unnecessary, statistics and personal testimonies prove otherwise.

During a recent congressional hearing titled “The Infant Patient: Ensuring Appropriate Medical Care for Children Born Alive,” for example, Family Research Council staffer Patricia Mosley told the Senate that existing law is failing to protect babies born alive during botched abortions.

“There have been no cases involving prosecutions under the [2002] Born-Alive Infants Protection Act that we know of. Why? Because there is currently no federal criminal statute specifically prohibiting taking the lives of born-alive infants,” she said.

The Centers for Disease Control and Prevention estimates that between 2003 and 2014, at least 143 babies were born after botched abortions and lived anywhere from minutes to days. The CDC admits that number could be significantly understated, a likely possibility according to Family Research Council’s Arina Grossu, who observed, “[Kermit] Gosnell is only one abortionist who was responsible for ‘hundreds of snippings’ of born-alive babies, yet he did not report even one.” She added, “His numbers alone exceed the ‘definitive’ numbers of the CDC.”

The American Center for Law and Justice believes the number could be as high as 362 babies born alive between 2001 and 2010.

The numbers are particularly hard to determine, as most states do not require such data to be maintained.

Registered nurse Jill Stanek provided personal testimony about her experience with infants born alive during failed abortions during 2019 congressional testimony on the Born Alive bill. Her disturbing testimony revealed the protocol at the hospital at which she worked was to leave the infants in a “soiled utility room” to die.

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