

Appendix G

Born Alive Infants Protection Act of Illinois

Pro-Choice U. S. Congressman Jerry Nadler’s response to concern about resuscitating nonviable infants

“I would like to address the concern that our Republican colleague, the gentlewoman from Connecticut, Mrs. Johnson, has enunciated most eloquently; that is, the standard of care employed by neonatologists when faced with a nonviable newborn or a clearly critically ill or massively deformed newborn.

“These are difficult medical issues and often horrendous circumstances which confront hopeful families every day. I am cognizant of the fact that these are complex issues which doctors, hospitals, families, and courts grapple with every day.

“I would quote the Committee's report from the last Congress which makes clear that this legislation, quote, `would not mandate medical treatment where none is currently indicated. While there is a debate about whether or not to aggressively treat premature infants below a certain birth weight, this is a dispute about medical efficacy not regarding the legal status of the patient. That is, the standard of medical care applicable in a given situation involving a premature infant is not determined by asking whether the infant is a person. This legislation would not affect the applicable standard of care, but would only ensure that all born-alive infants, regardless of their age and regardless of the circumstances of their birth, are treated as persons for purposes of Federal law.' Close quote.

“I do not want to trivialize the concerns of neonatologists, but I was gratified by the testimony that we received from the majority witnesses at our Subcommittee hearing on this legislation, which indicated that while an infant may be considered born alive under this legislation, it would not in any substitute the medical judgment of Congress for the judgment of doctors on the scene or interfere with the painful decisions that families must make under the most difficult of circumstances. We must respect families and not have the big hand of government make their worst moments even more unbearable.”

