

1 LATE-TERM ABORTION: PROTECTING BABIES BORN ALIVE
2 AND CAPABLE OF FEELING PAIN

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4 TUESDAY, MARCH 15, 2016

5 United States Senate,
6 Committee on the Judiciary,
7 Washington, D.C.

8 The Committee met, pursuant to notice, at 10:03 a.m.,
9 in room SD-226, Dirksen Senate Office Building, Hon. Lindsey
10 Graham, presiding.

11 Present: Senators Grassley, Hatch, Graham, Lee, Flake,
12 Vitter, Tillis, Feinstein, Durbin, Klobuchar, Franken, and
13 Blumenthal.

14 Chairman Grassley. A little later on, in just a few
15 minutes, Senator Lindsey Graham is going to take over the
16 Chair, and he is going to give an opening statement, so I
17 will call on Lindsey Graham now and then call on Senator
18 Feinstein.

19 OPENING STATEMENT OF HON. LINDSEY GRAHAM, A U.S. SENATOR
20 FROM THE STATE OF SOUTH CAROLINA

21 Senator Graham. Well, thank you, Mr. Chairman, and I
22 want to thank all the witnesses for coming, and thank you
23 very much for holding the hearing. This hearing is going to
24 talk about the Pain-Capable Unborn Child Protection Act, S.
25 1553, which I have introduced with most members of my

1 Senator Graham. Thank you all.

2 Senator Grassley, would you like to go first?

3 Chairman Grassley. Thank you all for your testimony.

4 Dr. Malloy, you have ~~testify~~^{testified} that unborn children after
5 20 weeks of the post-fertilization mark are capable of
6 experiencing pain. ~~You also have suggested that unborn~~
7 ~~babies may possibly perceive pain with even greater~~
8 ~~intensity than~~^{when} ~~full-term.~~

9 How can it be medically acceptable for doctors to
10 ~~routinely~~ use anesthesia for life-saving procedures on
11 ~~infants in utero~~^{routinely} and yet these doctors do not use anesthesia
12 for infants ~~in~~^{at} the same gestational age who are being
13 subjected to late-term abortions?

14 Dr. Malloy. Yes, it does seem to be a great disconnect
15 between the experience that we have in neonatal and fetal
16 medicine, and fetal surgery has come a long way, and the
17 operations that they are doing to perform to save babies in
18 utero and then the pregnancy even continues is--those babies
19 all receive anesthesia for those procedures.

20 If I could, I would like to show a picture of what a
21 25-week baby looks like. I think sometimes it helps. It
22 helps me, actually. If you could just see what one of my
23 patients looks like, it is hard to say that that baby would
24 not feel pain. When these babies are circumcised, they get
25 anesthesia for that. So we have a picture that I wanted to