

Checking the Fact-Checkers:

ABORTIONS UNTIL BIRTH

Prepared by the
National Right to Life
Communications
Department

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***Checking the Fact-Checkers: Abortions Until Birth* 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 and the District of Columbia, and more than 3,000 local chapters, is the nation's oldest and largest national grassroots pro-life organization. Recognized as the flagship of the pro-life movement, National Right to Life works through legislation and education to protect innocent human life from abortion, infanticide, assisted suicide and euthanasia.

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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

Checking the Fact-Checkers: Abortions Until Birth

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Multiple “fact checks” by media outlets have concluded that abortions late in pregnancy and abortions until birth either do not exist or only occur in circumstances where there is a fatal or “devastating” fetal diagnosis.

These claims are false.

Fact-Checkers Fail on the Facts

In September 2022, Glenn Kessler, “The Fact Checker” of *The Washington Post*, claimed, “The reality, according to federal and state data, is that abortions past the point of viability are extremely rare. When they do happen, they often involve painful, emotional and even moral decisions.”

Julie Rovner, the Washington Correspondent for *KFF Health News* wrote about abortions after 21 weeks in an article for *The Washington Post*, “Abortion ‘until the day of birth’ is almost never a thing.”

They are wrong.



“We have reached a point in this particular technology where there is no possibility of denying an act of destruction. It is before one’s eyes....”

-Warren Hern, Colorado abortionist specializing in late abortions, writing in “What About Us? Staff Reactions to D&E”
1978

Myth #1

Late-in-Pregnancy Abortions Don't Happen

False

While only a handful of abortionists in the United States perform late abortions, abortions late in pregnancy are performed. One abortionist, Warren Hern of Colorado, was recently profiled in *The Atlantic* (May 2023):

He specializes in abortions late in pregnancy—the rarest, and most controversial, form of abortion. This means that Hern ends the pregnancies of women who are 22, 25, even 30 weeks along.

Abortions late in pregnancy are not reported in many states and the number of such abortions is not fully known. What is known comes from rare public statements made by abortionists—including how many they have done and for what reasons.

In *The Atlantic* interview, it is noted that **“Hern is reluctant to acknowledge any limit, any red line. He takes the woman’s-choice argument to its logical conclusion...”**

In an August interview with Florida Governor Ron DeSantis, NBC’s Dasha Burns challenged the governor’s assertion that Democrats want to legalize abortion up to birth. The following is a transcript of their exchange:

DeSantis: I would not allow what a lot of the left wants to do, which is to override pro-life protections throughout the country all the way up really until the moment of birth in some instances, which I think is infanticide.

Burns: Well, actually, I gotta push back on that because that’s a misrepresentation of what’s happening. I mean 1.3 percent of abortions happen at 21 weeks or higher, and there’s no evidence of Democrats pushing for abortions up until—

DeSantis: Their view is . . . that all the way up into that, that there should not be any legal protections.

Myth #2

Late-in-Pregnancy Abortions Are Only Performed in Cases Where There is a Fatal Fetal Diagnosis

False

In *The Atlantic*, Warren Hern also admitted to doing sex-selection abortions and he admits that at least half or more of the women who have abortions in his facility do not have them because of a devastating prenatal diagnosis - as is often claimed by pro-abortion advocates.

According to *The Atlantic*:

Hern, though, believes that the viability of a fetus is determined not by gestational age but by a woman's willingness to carry it.

In 1993, the *AMNews* of the American Medical Association reported:

Dr. [Martin] Haskell said he performs abortions "up until about 25 weeks" gestation most of them elective. Dr. [James] McMahon does abortions through all 40 weeks of pregnancy, but said he won't do an elective procedure after 26 weeks. About 80% of those he does after 21 weeks are nonelective, he said.

However, after interviewing the late Dr. James McMahon, Karen Tumulty wrote in the *Los Angeles Times Magazine* (January 7, 1990) :

If there is any other single factor that inflates the number of late abortions, it is youth. Often, teenagers do not recognize the first signs of pregnancy. Just as frequently, they put off telling anyone as long as they can.

“[T]he vast majority of these abortions [referring to partial-birth abortions] are performed in the 20-plus week range on healthy fetuses and healthy mothers. ‘The abortion rights folks know it, the anti-abortion folks know it, and so, probably, does everyone else.’”

-Ron Fitzimmons, executive director of the National Coalition of Abortion Providers, interviewed by Diane Gianelli in *American Medical News* (AMNews) March 1997

Myth #3

Late-in-Pregnancy Abortions Are Only Performed in Cases Where the Mother's Life is in Danger

False

Noted in *The Atlantic* article is that the procedure Warren Hern uses can take 3 or 4 days to implement:

Hern stopped performing first-trimester abortions a few years ago; he saw too much need for later abortions, and his clinic couldn't do it all. The procedure he uses takes three or four days and goes like this: After performing an ultrasound, he will use a thin needle to inject a medicine called digoxin through the patient's abdomen to stop the fetus's heart. This is called "inducing fetal demise." Then Hern will insert one or more laminarias—a sterile, brownish rod of seaweed—into the patient's cervix to start the dilation process.

When the cervix is sufficiently dilated after another day or two of adding and removing laminarias, Hern will drain the amniotic fluid, give the patient misoprostol, and remove the fetus. Sometimes, the fetus will be whole, intact. Other times, Hern must remove it in parts. If the patient asks, a nurse will wrap the fetus in a blanket to hold, or present a set of handprints or footprints for the patient to take home.

Contrary to what is asserted by pro-abortion groups and often parroted by the news media, in a life-threatening emergency, a late-in-pregnancy abortion is not medically sound. *It can take up to 4 days to implement.*

In an emergency, a cesarean section can be performed *within 30 minutes.*



Ultrasound of an unborn baby at 28 weeks

Myth #4

Late-in-Pregnancy Abortions Are Rare

False

Julie Rovner wrote in “Abortion ‘until the day of birth’ is almost never a thing” (*Washington Post*, 11/15/2023) that such late-in-pregnancy abortions are “rare.”

It is estimated that 1.3% of all abortions in the United States occur after 21 weeks. Of the estimated 930,000 abortions that occur annually, 1.3 % would equal 12,000 unborn babies—every year. Certainly, *12,000* of anything would not be considered “rare.”

However, 1.3 % is only an estimate based on incomplete data. Abortion reporting in the United States is inconsistent and largely voluntary. Abortions late in pregnancy are underreported. For example, the largest state in the country, California, does not provide the Centers for Disease Control (CDC) with any abortion data.

Using an antiquated and incomplete data collection system to argue that abortions late in pregnancy are rare is deceptive and misleading.



“Facts” regarding late-in-pregnancy abortions are often regurgitated nearly verbatim from legacy media outlets without question. Few other issues enjoy such unquestioned support in the news media.



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