

Full written response below email

Dear Oireachtas Committee Member,

On October 26th, I received an invitation to testify before the Oireachtas Committee on the Eighth Amendment. On reviewing the testimony to date, I was concerned to see that the proceedings were deeply biased in favor of repeal. That made it clear to me, however, that before any vote on repeal took place that the Committee needed to hear the medical evidence regarding the danger repeal of the Eighth would impose on Ireland. It appeared there were no other invitees to speak to my areas of expertise so to that end I have continued to liaise with Mr. McKenna and Mr. McEnery to find a suitable date for my testimony.

Over the past weekend, however, in reviewing Committee proceedings, I discovered that the Oireachtas Committee had, on October 18th, already taken the crucial vote to repeal the Eighth. I'm not sure many can imagine my reaction. It became clear that the invitation for my testimony, offered only after the vote on repeal had already taken place, was a retrospective effort to attempt to offer some illusion of balance to the Oireachtas hearings.

It is with great regret that I must respectfully decline the invitation to offer testimony to the Committee. I will not partake in a charade, which has already reached its preordained conclusion, by offering testimony which some might incorrectly interpret as indicative of the Committee's deliberative objectivity. In reviewing the proceedings, testimony and transcripts from records on the Committee website one can only conclude that the Oireachtas Committee on the Eighth is a "kangaroo court". It is simply stunning that most Committee members did not see the need for a fair hearing for such a momentous issue as the repeal of the Eighth Amendment, but were satisfied with such a prejudiced process.

I hope that the Irish people will not be deceived by such theater.

I have attached my full statement on the matter.

Yours respectfully,

MJ McCaffrey, MD CAPT USN (Ret)
Professor of Pediatrics
Division of Neonatal-Perinatal Medicine
Department of Pediatrics
University of North Carolina Chapel Hill
School of Medicine
Chapel Hill, North Carolina
[919 619-1422](tel:9196191422)

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From: Martin J McCaffrey MD, CAPT USN (Ret)

To: Members of the Oireachtas Committee on the Eighth Amendment

Subj: Response to the invitation to appear as a witness in support of the Eighth Amendment

It was with gratitude that I received an invitation on October 26th to testify before the Oireachtas Committee in its proceedings regarding the Eighth Amendment in Ireland. I am a Professor of Pediatrics at the University of North Carolina, a Board Certified Neonatologist, a retired US Navy Medical Corps Captain, the Director of the Perinatal Quality Collaborative of North Carolina, the Co-Chair of the CDC's National Network of Perinatal Quality Collaboratives, a member of the Joint Commission's Perinatal Core Measures Technical Advisory Panel, a board member of the International Trisomy Alliance and a sitting member on the North Carolina Child Fatality Task Force and Perinatal Health Committee. My clinical life has been devoted to serving the needs of the most vulnerable among us. My leadership activities have been dedicated to advocating for quality improvements and policies which will make North Carolina and America the best place to for mothers to give birth and be born.

I have watched with interest and not a little concern the debate over the future of the Eighth Amendment. Ireland is one of the few nations in the developed world that has continued to best protect both the health of women and the human life which science now well demonstrates begins in the womb. I welcomed the challenge to present the scientific, peer-reviewed and widely published best evidence on key topics for consideration by the Committee.

One of my areas of expertise is in outcomes for infants and children with trisomy 13, trisomy 18, anencephaly and other disorders regularly incorrectly described in the debate over the Eighth as "lethal", or "incompatible with life." The term which best characterizes children with such challenging disorders is "life limiting conditions." For trisomy 13 and 18, it has been shown that for infants offered the support needed to survive the first month of life, which may be as basic as feeding, 47% to 36% respectively survive to their first birthday. If they survive to one year, 76% and 90% of the children with trisomy 13 and 18 respectively, survive to five years.⁽¹⁾ While clearly all infants with these conditions will not survive for years, the medical facts are that each of these babies is unique. Our horrific designation of these children as "lethal" has led to a self-fulfilling prophecy in which infants, denied the basic or more intensive medical care offered other ill children, die. This is the power that rests in the hands of medical providers. Lethality has begotten lethality. ⁽²⁾

As for babies with anencephaly, their lives are much shorter, but most are born alive. They do not suffer and the time parents spend with their child is described as invaluable by their families. More importantly in the only study comparing psychological outcomes of mothers who either continued or terminated a pregnancy with an anencephalic infant, women who terminated the pregnancy reported significantly more despair, avoidance and depression than women who continued the pregnancy. ⁽³⁾

Another of my areas of interest is the indisputable association of abortion with a future preterm birth. As a neonatologist, premature infants constitute the vast majority of my patient care. My goal is to deliver these infants the best possible care, and to seek opportunities to prevent preterm birth and its complications. Currently there are four systematic reviews meta-analyses (SRMAs) that have reviewed hundreds of studies. All these SRMAs clearly point to the clear risk, as high as a 36% increase in future preterm birth, for women undergoing just one surgical abortion. The risk for a future very preterm birth (<32 weeks) after one abortion is even higher at 64%, and the risk for an extremely preterm birth (< 26 weeks) is 211%. As one might expect with a true association, the more abortions a woman has, the higher her risk for a future very preterm birth. (4-8)

My hope this week as I prepared to accept an invitation to speak before the Oireachtas Committee was to share this crucial information and report to the Committee the medical consequences that would be visited upon Irish infants, mothers and families should the Eighth Amendment be repealed. **As I researched the activities of the Committee over the last several month, however, I was stunned to discover that a decision had already been made not to retain the Eighth Amendment.**

I reviewed testimony on the Committee website. There was none from medical experts who would speak to the medical importance of retaining the Eighth. No one had yet spoken for the lives of unborn infants with challenging medical conditions other experts persisted in calling "fatal." It was equally disturbing to see "fatal" interchanged with "complex" anomalies by several medical witnesses. There was no alternative offered to this chilling comment from one of the medical experts to an inquiring Senator, "I agree completely with him and absolutely accept that there are some parents who follow that journey who would find what we are talking about appalling and could never conceive of the idea of terminating their pregnancies, but equally there are many patients who when they are told at 12 or 14 weeks that, unfortunately, their baby has no head and no upper brain, that there is nothing we can do about it, that they must wait another four, five or six months before we can, find it equally appalling."

It is incomprehensible that prior to voting to repeal the Eighth Amendment, the Committee did not hear from any medical professional who would offer prenatal counseling in which parents are told their most wanted child has a severe brain anomaly, but that with proper care he or she would likely be born alive, could have a short but beautiful and comfortable life, and that as painful as it is to accept this reality, his or her birth would make coping with this later much less difficult. There was no one yet who had informed the Committee that it is possible to offer hope, and love, in the face of such tragic circumstances

My review of testimony to date made it clear no one had relayed the evidence that surgical abortion increases a mothers risk for future preterm birth, especially very preterm birth. The Royal College of Obstetrics and Gynecology states the need to discuss this risk.(9) Abortion researchers increasingly report their results with statements to the effect, "These women should know the risks associated with I-TOP not only for their health but also for their future reproductive potential. A properly obtained consent legally mandates explanation of these risks to women and ensuring their understanding."(6)

I looked forward to asking the Committee to consider who would most likely be the patients of abortion providers? Today, in the US, 75% of abortion patients are low income. The black abortion rate is three times the white rate. Also of note, the black very preterm birth rate, resulting in the infants who are most complex and predominate in NICUs around the US, is three times the rate of whites. Abortion is a key contributor to the preterm birth epidemic in the United States and it disproportionately impacts the poorest of mothers. I looked forward to informing the Committee of these uncomfortable truths, not reported by the medical experts appearing to date.

During this week, while waiting to hear back from the Oireachtas Committee on whether we could find a suitable date for my testimony, I made the startling discovery that on October 18th the Oireachtas Committee had already voted and determined that they would repeal the Eighth. I received my invitation on October 26th. Until October 18th, not one medical witness had been heard to speak for the Eighth amidst the procession of medical professionals calling for its repeal. The only questions that remain now are what the details of that repeal will be.

Whether you are for or against repeal, the citizens of the Republic should ask how such a travesty of the democratic process could occur. The Committee voted for repeal of the Eighth without hearing from one medical expert who wished to offer medical evidence supportive of retaining the amendment. Not one medical witness was called to speak for infants with life limiting disorders and "complex" anomalies (whatever that definition will be). Not one medical expert testified to the role of abortion in preterm birth epidemics in countries like the United States. No one spoke to the sad fact that given the high rates of extremely preterm birth in the United States, we have become increasingly expert at caring for the most premature of babies and are regularly saving the lives of infants born as early as 22 weeks.

I understood well the challenges of walking into a Committee that had been inundated with the testimony of multiple medical professionals demanding repeal of the Eighth. By my count there had been 25 pro-abortion speakers, at least six who were medical professionals. It was clear from reviewing testimonies that several medical experts felt free to inject their personal views on the issue, opinions not supported by reliable, peer-reviewed research. In reading the transcripts of the hearing, when attempts were made to challenge these views, those challenges were met with disfavor by the majority of those on the Committee.

While it would be daunting to present the current state of research on life limiting conditions and the association of abortion and preterm birth to such a biased group, it was a mission which I felt had to be undertaken. What I had not understood until this past week, however, was that the fate of the Eighth Amendment in the Oireachtas Committee had already been determined on October 18th. It is clear the late invitation for my testimony, only issued after the crucial vote had already been taken, is a retrospective effort to attempt to offer some illusion of balance to the proceedings.

It is with great regret that I therefore respectfully decline the invitation to offer testimony to the Committee. I will not participate in a charade with a preordained conclusion, offering testimony which some might be led to misinterpret as indicative of the Committee's deliberative objectivity. I regret that the majority of the Committee did not support a balanced hearing on the medical impact of the decision

they are recommending. For those on the Committee surprised to hear that significant medical harm that will come from a decision to repeal the Eighth, I enclose a brief set of references to support my assertions. A more detailed summary of the critical issues can be found in my submission to the Citizen's Assembly.

It is disgraceful that the Oireachtas Committee hearings on the Eighth Amendment have been reduced to a kangaroo court. The Irish people deserved much better and it is my hope that they will not be deceived by such theater.

Respectfully,

Martin J McCaffrey

Professor of Pediatrics, MD, CAPT USN (Ret)
Division of Neonatal-Perinatal Medicine
Department of Pediatrics
University of North Carolina School of Medicine
Chapel Hill, North Carolina

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