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Hearing focuses on proposal to ban abortion past 20 weeks of pregnancy

by Zoey Di Mauro by Catholic News Service

Washington — The fetal nervous system and brain structures that communicate pain are already in place by the 18th week of gestation, a neurobiologist from Utah told a congressional hearing May 23.

"There is universal agreement that pain is detected by the fetus in the first trimester," although if it is not known if that pain is experienced in quite the same way as it is in adults, said Maureen Condic, an associate professor of neurobiology and adjunct professor of pediatrics at the University of Utah School of Medicine in Salt Lake City.

She also said unborn babies are anesthetized when undergoing fetal surgery because, she explained, doctors have observed that fetuses do experience pain.

Condic was one of several witnesses testifying at the hearing sponsored by U.S. Rep. Trent Franks, R-Ariz., as chair of the House Judiciary's Subcommittee on the Constitution and Civil Justice.

Franks, with several co-sponsors, has introduced the Pain Capable Unborn Protection Act to prohibit abortion nationwide after 20 weeks of gestation, approximately the stage at which scientists say unborn babies are capable of feeling pain.

Franks recently reintroduced a measure that would outlaw abortions in the District of Columbia after 20 weeks, and he and a number of other members of Congress want to amend it to make it nationwide. Congress has legislative jurisdiction over the district.

Co-sponsors of the bill include Republican Reps. Michele Bachmann of Minnesota, Chris Smith of New Jersey and Louie Gohmert of Texas.

At a press conference a day before the hearing, Marilyn Musgrave, who is vice president for government affairs at the pro-life organization Susan B. Anthony List, said the measure is especially timely "as the nation grapples with the horrific details of the Kermit Gosnell trial as well as the continually emerging evidence of the utter brutality of late-term abortion."

"We must have a conversation about where we step in to protect the rights of the most vulnerable," said Musgrave, a former congresswoman.

"Today there is ample documentation that unborn children experience serious pain from at least the 20th week," said Smith, who also addressed the press conference. "No one wants to die a painful death. Unborn children deserve no less."

At the hearing, witnesses included opponents of Franks' bill who said evidence of fetal pain is unfounded and said a woman should be able to choose to have an abortion at any stage of pregnancy, especially in cases of fetal deformities.

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Christy Zink, a mother from the District of Columbia, testified against any prohibition on when a woman could get an abortion. She gave examples of cases, like her own, when a fetus is found to have anomalies after 20 weeks and said continuing the pregnancy would be cruel. In Zink's case, her pregnancy was at 21 weeks when doctors told her and her husband that her unborn baby, a boy, would be missing a part of his brain if her pregnancy was brought to term. The central connecting structure of the two parts of his brain was missing.

Another witness, Dr. Anthony Levatino, an ob-gyn who used to perform late-term abortions, showed the instruments used in an abortion to extract an unborn baby from the mother.

He talked about the improbability of performing an abortion after 20 weeks of pregnancy in a medical emergency to save the life of the mother.

"Before a suction D&E (dilation and evacuation) procedure can be performed, the cervix must first be sufficiently dilated," he said. "In the mid-second trimester, this requires approximately 36 hours to accomplish. In most such cases, any attempt to perform an abortion 'to save the mother's life' would entail undue and dangerous delay in providing appropriate, truly life-saving care."

Regarding abnormalities doctors discover a fetus to have, Levatino asked those in the hearing room if "children with Down syndrome are not entitled to a chance at life? Children with different types of brain injuries are not entitled at a chance to live? Is that what we're championing here?"

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