

Testimony of Christy Zink before the House Judiciary Committee's Subcommittee on the
Constitution and Civil Justice

May 23, 2013

Good morning, Mr. Chairman, Representative Nadler, and other members of the committee. My name is Christy Zink.

Late afternoons in May, my family is on the lookout for Monarch butterflies. It's spring migration time, and the butterflies have winged their way from Mexico, through Texas, moving, now, up through the country. My daughter learns as we all do, by sharing the stories of what she knows. Monarchs identify food with their feet, she tells me; they sip nectar through proboscis, a word we work together to spell out on paper. In our yard, as we spy out for the Monarchs, her brother keeps his own watch. A toddler, he names what he sees in quick bursts: "Grass." "Truck." "Tree." For me, it's as if I'm learning along with him, trying out those words anew. My family teaches me every day, and I hold dear the privilege it is to raise my children and be student to their wonder.

All families know this delight in their own way. There are families, like mine, who understand that joy in more complicated ways, earned through hard lessons and harder decisions. I'm here today to share my story with you so that you can understand why this bill that purports to prevent pain is, instead, harmful to families and to women in situations like the one I faced, and why all women in this country need access to safe, quality medical care.

In addition to the pregnancies with my two children, I was also pregnant in 2009. I wondered who my child might grow up to be. Would she inherit her father's love of the pitcher's duel in baseball? Would he make a habit of skipping to the last page of a book, peeking at the end, as I do? I looked forward to the ultrasound when we would get a chance to have a look at the baby in utero, to learn a little bit more. I certainly hadn't imagined that we'd learn terrible news, and that, after that doctors' visit, my husband and I would have to make the most difficult decision of our lives.

I took extra special care of myself during that pregnancy. I received excellent prenatal attention from an award-winning obstetrician. Previous testing had shown a baby growing on target, with the limbs and organs all in working order. However, when I was 21 weeks pregnant, an MRI revealed that our baby was missing the central connecting structure of the two parts of his brain. A specialist diagnosed the baby with agenesis of the corpus callosum. What allows the brain to function as a whole was simply absent. But that wasn't all. Part of the baby's brain had failed to develop. Where the typical human brain presents a lovely, rounded symmetry, our baby had small, globular splotches. In effect, our baby was also missing one side of his brain.

Living in a major city with one of the best children's hospitals in the country, my husband and I had access to some of the best radiologists, neurologists, and geneticists not just in this city or in the country, but in the world. We asked every question we could. The answers were far from

easy to hear, but they were clear. There would be no miracle cure. His body had no capacity to repair this anomaly, and medical science could not solve this tragic situation.

This condition could not have been detected earlier in my pregnancy. Only the brain scan could have found it. The prognosis was unbearable. No one could look at those MRI images and not know, instantly, that something was terribly wrong. If the baby survived the pregnancy, which was not certain, his condition would require surgeries to remove more of what little brain matter he had, to diminish what would otherwise be a state of near-constant seizures.

I am here today to speak out against the so-called Pain-Capable Unborn Child Protection Act. Its very premise—that it prevents pain—is a lie. If this bill had been passed before my pregnancy, I would have had to carry to term and give birth to a baby whom the doctors concurred had no chance of a life and would have experienced near-constant pain. If he had survived the pregnancy—which was not certain—he might never have left the hospital. My daughter's life, too, would have been irrevocably hurt by an almost always-absent parent.

The decision I made to have an abortion at almost 22 weeks was made out of love and to *spare* my son's pain and suffering.

I am horrified to think that the doctors who compassionately but objectively explained to us the prognosis and our options for medical treatment, and the doctor who helped us terminate the pregnancy, would be prosecuted as criminals under this law for providing basic, safe medical care and expertise. This bill does not represent the best interests of anyone, especially families like mine. What happened to me during pregnancy can happen to any woman, regardless of her health, race, ethnicity, economic status, or where she lives. This proposed law is downright cruel, as it would inflict pain on the families, the women, and the babies it purports to protect.

It's in honor of my son that I'm here today, speaking on his behalf. I am also fighting for women like me, to have the right to access safe, legal, high-quality abortion care when we need to beyond 20 weeks—especially for those women who could never imagine they'd have to make this choice. Women across this country need to be able to make this very private decision with their partners, their doctors, and trusted counselors. I urge you not to pass this harmful legislation.