

I stand before you today as a wife, mother, and attorney. I am proud to support the Pain Capable Unborn Child Protection Act which protects women and unborn children from the harms of late term abortion – the stark reality of which was revealed in the recent murder trial of abortionist Kermit Gosnell.

Having recently given birth to my son, the issue of protecting children and mothers is even closer to my heart. I clearly recall feeling and seeing the baby move in response to the performance of the ultrasound, demonstrating what we know instinctively – that the unborn child can experience sensations in the womb and reacts to them just as any other person would.

There is ample medical evidence to support this bill’s findings, that unborn children are capable of experiencing pain by at least 20 weeks after fertilization. Anesthesia is regularly administered to unborn children during prenatal surgery, which eliminates the stress response. As Dr. Condic recently noted in her testimony on the House version of this bill, “There is a clear consensus among professional anesthesiologists (highly specialized physicians who are experts in pain management) that the use of medications to relieve pain is warranted in cases of fetal surgery.”¹

¹ Testimony of Maureen L. Condic, Ph.D., University of Utah, School of Medicine, Department of Neurobiology and Anatomy Before the Subcommittee on the Constitution and Civil Justice, Committee on the Judiciary, U.S. House of Representatives May 23, 2013.

A majority of Americans disapprove of late term abortion, with 64% saying that abortion should be illegal in the 2nd trimester and an overwhelming 80% think it should be illegal in the 3rd trimester.² The lack of support for late term abortion among Americans has remained consistent for the last 17 years.³ Such strong consensus reflects the fact that people recognize the unborn child is a person and should be treated humanely.

As an attorney, I believe that Congress has a legitimate interest in protecting unborn children capable of feeling pain from late term abortion. The Supreme Court in *Gonzales v. Carhart* found that, “The government may use its voice and its regulatory authority to show its profound respect for the life within the woman,”⁴ and that Congress may show such respect for the unborn through “specific regulation because it implicates additional ethical and moral concerns that justify a special prohibition.”⁵

² Gallup poll (Jan 2013) which also finds that only 14% support third trimester abortions; *see also* National Journal (2012) finds that a majority of women support the 20 week ban that passed the House (50% to 44%), NRCL 2012 poll finds that 70% of women support a late term abortion ban, and A Texas Tribune poll (2012) finds that 62% of Texas support the 20 week ban that passed this summer

³ “Gallup has found this pattern each time it has asked this question since 1996, indicating that Americans attach much greater value to the fetus as it approaches viability, starting in the second trimester.”

⁴ *Gonzales v. Carhart* 550 U.S. 124, 492; 127 S. Ct. 1610 (2007).

⁵ *Gonzales* at 510.

Efforts to protect women and innocent unborn children from late term abortion are worthy of our support no matter how fierce the opposition. This is the human rights issue of our time. On behalf of millions of likeminded Americans, I thank you, Sen. Graham.