

CHOICE/LESS 204: Mindy Swank

Mindy Swank: Growing up in a church, we had always been taught if the baby has a problem that your body will just miscarry it. I thought that, "Oh, that's very simple," and I think a lot of people are being taught that. They don't realize, "Oh, you could die, too."

Jenn Stanley: For Rewire Radio, I'm Jenn Stanley, and this is Choice/Less. Mindy Swank grew up in a conservative Baptist family in Illinois. Her mother worked for the church, and Mindy considered other parishioners to be like family.

Mindy Swank: We went to church three to five times every week, very pro-life, and I was very judgmental of people who were pro-choice up until this incident, and then it shook my whole worldview.

Jenn Stanley: At age 24, Mindy was already a wife and mother when she found out she was pregnant for the second time.

Mindy Swank: I had a job at the time where it required some travel, and when I was finally free with the travel requirement, I said, "Let's have another baby." It wasn't really much of a debate. We were both, "Yes, let's have another baby." We were planning a trip to Ireland to celebrate that I had just gotten my CPA certificate, and getting my master's degree, and we said, "Hey, while we're there, wouldn't it be really cool to say that we had conceived a baby in Ireland?"

We both came home from Ireland, and then I had a little bit more travel to do for my job that I was wrapping up. I was in Germany and I found out I was pregnant in Germany. I thought, "You know, it would be such a cute way for him to find out I'm pregnant by sending him a postcard and, you know, saying daddy, I'm seeing all these fun things with mommy, and I can't wait to see you." I actually sent my husband a postcard from the baby to the U.S. from Germany to tell him I was pregnant.

Everything went really well for 15 weeks, and at 15 weeks I did a standard blood test. It's called a quad marker. In that test, they look for any kind of risks, like if the baby might have a high risk for Down's syndrome or anything that might make them think they might need to do further testing. My blood test did come back with a higher risk, and so they did an ultrasound at our local hospital at 16 weeks. At 16 weeks, they said, "Well, we're going to send you to our regional Catholic hospital for further testing, because they have bigger, better ultrasounds, so they can see more." I said, "Oh, is there a problem?" They didn't tell me anything besides, "Well, there's an enlarged head."

When we got to the Catholic hospital, they did another level two ultrasound. The doctor had tears in his eyes as he was telling us everything that was wrong with our baby. He explained to me that he saw significant abnormal development in his brain, that there was water replacing where the hemispheres on each side of his brain should be, and that his brain just wasn't developing.

Jenn Stanley: The doctor told them to come back at 20 weeks for another ultrasound. At that time, they could get a better idea of what was going on with the fetus. When Mindy returned, the doctor told her it looked like her water had broken.

Mindy Swank: The doctor at that point said, "You have two choices. You can either wait it out, in which case you'll probably get an infection within two weeks, and in which case we'll have to induce the pregnancy anyway, or you can have an induction now."

Jenn Stanley: Her doctors told her that continuing the pregnancy could endanger her future fertility and perhaps even her life. Mindy had always been pro-life, and abortion was forbidden in her church under all circumstances, but she couldn't risk her life knowing that she had a child at home who depended on her, and she did want to have more children someday.

Mindy Swank: In my logical head, I said, "Well, why wait for an infection? Let's do this. Let's get it over with. This is a nightmare. I don't want to live this anymore." They had mentioned that if I kept bleeding that I could lose my uterus, that they would have to do a hysterectomy if they couldn't get the hemorrhaging to stop.

Jenn Stanley: Abortion was against the Catholic ethical and religious directives that the hospital followed. As a religious institution, Catholic hospitals are protected from having to provide services that the church doesn't agree with. This protection is often called a conscience refusal law. It's a type of religious imposition law that allows healthcare workers, civil servants, and others to deny goods or services based on moral or religious objections. One in every six hospital beds in the U.S. operates under the Catholic ethical and religious directives, according to Merger Watch, a non-profit organization that advocates for scientifically accurate patient care and patients' beliefs over the religious beliefs of the healthcare organization.

For many, Catholic hospitals are the only option, and often they have ambiguous names. Patients might not even know they're at a Catholic hospital, but Mindy was happy to go somewhere else if she needed to. Her doctor referred her to an out-of-network secular hospital to terminate the pregnancy, but unable to officially refer for an abortion, they didn't send her records. Without the records indicating that the abortion was medically necessary, her insurance company wouldn't pay for it. She told the secular hospital that her water had broken. They said they'd have no way of knowing that without doing more tests, and the insurance company wouldn't cover those tests.

Mindy Swank: They insisted that they had no way of knowing, and I said, "Well, what can we do?" She said, "Well, you'll have to do a blue dye tampon test." Basically what they do is you put a tampon in, and then they inject your uterus with blue dye. If the tampon comes out with blue dye on it, then they know that your water is broken. She said if I were to do that, they could be able to prove whether or not it was medically necessary.

I said, "Great, let's do that." I thought we had a solution. She goes, "I can't do that

without \$4000." I was shocked. I offered her 1900 that day, because that's all I had on my credit card. She said, "No, we can't do that. We need 4000 now." I was on the phone with the banks trying to get my credit limited increased, out in the parking lot of the hospital, but in 2009 there wasn't a lot of credit available and so they said that we couldn't get anything that day. They wouldn't work us on payment options, so they sent us back home.

We went home, and we cried. I cried. I didn't know what to do. They had said before we left the secular hospital, "Well, come back if you're bleeding, or give us a call if you're bleeding," because they said that would be an indication that there was a bigger problem. I think even a couple of days later, I called them back and I said, "I'm bleeding now. What should I do?" They said, "Oh well, if you're bleeding, your own hospital will take care of you." Those were the receptionist's exact words. It was so rude that I was offended. I went to our local hospital.

Jenn Stanley: The hospital was telling her that since it was an emergency now she had to go to her local hospital. The local hospital was the first hospital she went to, the one that sent her to the regional Catholic hospital when they first detected a problem with the fetus. They were not a Catholic hospital, and they didn't have a Catholic-sounding name, but when Mindy told them she needed to terminate the pregnancy, they said they couldn't.

Mindy Swank: The local hospital is not Catholic, but they follow Catholic healthcare restrictions. It gets confusing there. That's not something I realized, because they don't have a Catholic-sounding name. They said that they will only perform a therapeutic pregnancy termination when there is a grave, imminent threat to the life of the mother as determined by the treating obstetrician or gynecologist. I thought that this was a grave, imminent threat, but they actually wanted me to be knocking on death's door before they could do anything.

I went back several times, bleeding and in pain, and they would say, "Oh, you're not bleeding enough," or, "You're not running a fever." They would say, "Come back when you're bleeding more. Come back when you have a fever." At one point, one of my doctors found ... He did bloodwork and I had a higher white blood cell count. He said that I was starting to get an infection, but because this hospital, they're not set up to induce pregnancies, they're set up to stop pregnancies that are going into labor, they didn't have the appropriate medications they needed to give me to actually get a baby out that early. They actually ended up curing the infection before they got the baby out, and send me back home.

I was a wreck. I cried constantly, then just bawling all the time. I would have people from our church come up and tell me ... Once they knew I wanted a termination, they would tell me that I was a horrible person and that I should just trust God, and if that meant I died, I should just be happy with that and trust that He knows what He's doing. My mom, she felt bad for me and what we were going through, but she was also of the opinion that I should just not want an abortion. I should trust God to do what He will, and that things will turn out, and if He wanted me to die, that's

just what God wanted. I couldn't believe that people would tell me, "You should just die."

That made it even harder for people to come up and judge me like that. I love this baby more than anyone else in the world. He's my baby, and yet these people are telling me, "You're a horrible person. You should just die because you want to end his life." I couldn't understand. I'm like, "This baby is going to die anyway, no matter what." The way I saw it at the time, I wanted to choose death's timing, not death itself.

Finally, at 27 weeks, I woke up one morning and I was just bleeding everywhere, soaking through pads left and right. I was so put out with the way I'd been treated at the hospital, them telling me, "You're not bleeding enough," so I brought all of the pads I had soaked that morning. I shoved them in front of the nurse, and I said, "Am I bleeding enough for you?" They actually measured the pads. They took an empty dry pad, and then they measured my pads to see. They were measuring to the gram to make sure that they could perform a termination without getting in trouble with their committees.

The procedure was just the worst induction you can imagine. When he came out, I thought he was dead because he wasn't moving, but he wasn't. He was actually alive. He had a heartbeat. He tried to breathe a few times. It was the most horrible sound I've ever heard. I even tried to block that out of my mind, because I didn't want to think about my baby's not ... He's trying to breathe, and he's not able to.

All of my family came, and my husband's family came, and we just tried to treat him like he was a normal baby. We let everyone hold him that wanted to hold him. I know that several people in the family, they didn't ask to hold him, or they refused to because they said, "This is the only time you get to spend with him. You hold him."

He turned blue for three hours and 18 minutes before he died, and I just thought, "This is the worst ever." People would say, "Oh, at least you got to spend some time with him." I thought, "What a ridiculous thing to say. He was trying to breathe and turning blue, and he was suffering." I can say it's really awful, but I don't even think those are adequate words to describe how it was.

With any baby that you lose, I think you're just going to have a terrible, terrible amount of grief. It lasted ... I still have days where I get real weepy, but for the first year it was just really painful. Then, on top of it, I had all this excess anger from not being able to choose how to best take care of my child, and that people thought they knew better than me about my body and whether or not I should have more children. It was lots of anger, lots of grief. I think it was just all compounded by the fact that I didn't have a choice.

The first Sunday we went back to our church after he had died, it had been a month or so, and I felt up to seeing people again. I don't know if it was intentional or not,

but the sermon was about why David and Bathsheba's baby died, and the pastor made a point of the baby died because of their sin. That was the last time I ever went to that church. My mom thinks I'm going to hell. She's upset about that. It makes sense if you think that your daughter's going to burn in hell forever.

We're not as close as we used to be, and that makes me sad. I really wish we were. It's been seven years now since he died, and since we went through all this, and just dealing with the questions of why this has happened. Does a loving God give this to people? There's that question. There's the question of, why do people who say that they love God, and that they're kind people and doing Jesus's work, why do they treat a woman like me so terribly? I think all those factors just ... I have sat with them and stewed with them. To me, it's easier to believe that crap just happens and not that this has some divine plan. I'm an atheist now.

Oddly enough, I think growing up in a church, they didn't teach you to have compassion and empathy, which you would think that ... At least, my church didn't. I think that I've really honed those abilities. I think they're something that you can work on, and you can develop, to have more compassion more people. As I've met more and more women who just ... They had terrible stories, but they weren't quite life and death. I just thought, "But their babies could really suffer." I couldn't judge them anymore. I became a lot more empathetic for other women, and I did a complete 180. I'm very pro-choice now.

Jenn Stanley:

She became vocal about her support for reproductive rights. She contacted the American Civil Liberties Union to tell them about her case. The ACLU had been drafting a bill that would force healthcare providers using the conscience laws to inform patients of all their options and refer them to other hospitals when necessary. Mindy testified in front of the Illinois Senate in support of the bill, which passed and was signed by Republican Governor Bruce Rauner. It went into effect in January of 2017.

Choice/less is produced by me, Jenn Stanley, for Rewire Radio, with editorial oversight by Marc Faletti, our director of multimedia. Jodi Jacobson is our editor in chief. Brady Swenson is our director of technology. Music for this episode was by Doug Helsal. Thank you to all the staff at Rewire, especially Rachel Perrone, Lauryn Gutierrez, and Stacey Burns, our communications and social media team.

For more on Mindy's story and religious imposition laws, visit our website at rewire.news/choiceless. Thanks for listening.