

CRIMINALIZATION OF PREGNANCY

A WAR ON REPRODUCTION

FEMINIST RESEARCH
ON VIOLENCE PLATFORM





CONTENTS

- 4** PREFACE: WHAT IS THE CRIMINALIZATION OF PREGNANCY?
- 6** THE STORY OF MARSHAE JONES
- 8** LAW, POLICIES & SURVEILLANCE PRACTICES
- 12** WHO ARE THE TARGETS?
- 15** CRIMINALIZATION OF PREGNANCY & MISCARRIAGE IN LATIN AMERICA
- 19** WHAT IS BEING DONE?
- 20** FURTHER READING
- 21** AUDIOVISUAL RESOURCES
- 29** WHO WE ARE
- 32** ARTWORK



WHAT IS THE CRIMINALIZATION OF PREGNANCY?

When most people in the United States think of a pregnant person's rights being under attack, they think of the right to abortion. This is unsurprising: Christian and conservative organizations have been virulently and publicly campaigning to abolish the right to abortion for a long time, and feminist mobilizations around human rights during pregnancy have often focused on defending that right. There is, however, another dangerous trend on the rise, one that has already led to the incarceration of hundreds of women, many of whom are Black and many of whom are poor, and which has been largely ignored by mainstream media and political pundits. Around the country, legislatures have passed sets of laws that make pregnant women potentially legally responsible for things that damage the fetus during their pregnancy. This is what Lynn Paltrow, the director of the National Advocates for Pregnant Women¹ has dubbed the 'criminalization of pregnancy.'

In this pamphlet we look at the criminalization of pregnancy, to highlight by what means this new war on women is being waged, what it represents, who it targets, and how we can struggle against it. Our argument, following that of Dorothy Roberts in *Killing the Black Body* (1997), is that the 'criminalization of pregnancy,' though justified in the name of the defense of life, is actually a case of 'maternity denied.' A core tenet of the reproductive justice movement, is the idea that true justice ensures not only that one has the right not to *have* a child, but that one has the right to have a child and to raise that child in a safe world. Black women-led reproductive justice organizations like SisterSong have long called attention to the issue of maternity denied. (In the last section of this pamphlet, we reference just a few of the organizations doing this crucial work.)

With this pamphlet, we hope to illuminate how the criminalization of pregnancy acts as yet another way of selectively denying maternity and infringing on the rights of women, constricting the ways in which and in what conditions reproduction can take place. We publish it at this time, conscious that much valuable material already exists on this subject, in part to educate ourselves and in part to encourage a discussion with other women as to how we can best support the struggle to put an end to this injustice.

A NOTE ON GENDER

The criminalization of pregnancy affects all people with the capacity to become pregnant. Not only women have the ability to become pregnant, and not all women have that capacity – or choose to use it if they do. It is certainly not our intention to define women by a capacity for pregnancy. Furthermore, it is crucial to acknowledge that trans and nonbinary pregnant people are at a higher risk of marginalization during pregnancy, and possibly a higher risk of legal prosecution when pregnancies are criminalized (more study would be necessary to say for certain).

In this memo, we use the word "women" and the general pronoun "she" in order to place the criminalization of pregnancy into a long-standing historical context of denying people who are gendered as women agency over their own bodies. This historical struggle is crosshatched with many other intersecting fights for bodily autonomy and for the recognition of the humanity of marginalized and dissenting bodies.

A NOTE ON RACE

The feminist movement in the United States has often neglected the rights of mothers, and particularly the rights of Black mothers. Though white individuals in the feminist movement have done generative work and been accomplices to Black women, the overall feminist movement has been willfully deaf to Black women's voices, neglectful of Black concerns surrounding reproductive justice and maternal mortality, and has at times further marginalized Black women within a movement that claims to include them. We write this not as a condemnation, but as a call to do better. We ourselves are a group of non-Black women, and we aim for this to be a supportive text to the work of the reproductive justice movement, grown from the struggles of Black women.



THE STORY OF MARSHAE JONES

In 2018, Marshae Jones was twenty-seven years old and five months pregnant. During a fight with another young woman, the other woman pulled out a gun and shot her in the stomach, and Marshae Jones miscarried. This is the story of Marshae Jones: a woman was shot and lost a wanted pregnancy. It should have been a tragedy. Instead, after being shot in the stomach and enduring a miscarriage, Marshae Jones was arrested, charged, and eventually indicted for felony manslaughter for "intentionally caus[ing] the death of another person, to-wit: UNBORN BABY JONES by INITIATING A FIGHT KNOWING SHE WAS FIVE MONTHS PREGNANT."²

That deserves a repetition: *she was charged with intentionally causing the death of another person--her own pregnancy--by initiating a fight knowing she was five months pregnant.* Fighting while pregnant had, somehow, become a crime. Failing to "remove herself from harm's way" and carry her pregnancy to term had, somehow, become a crime.

Rightfully, there was an outcry on Marshae's behalf. Organizations and individuals across the country, reproductive rights advocates first among them, condemned the indictment, the charges, and the idea that a pregnant person can be prosecuted based on the outcome of their pregnancy. Eventually, the charges were dropped.

But Marshae Jones's case sets a frankly terrifying precedent. The logic of the indictment says: if you engage in an activity while knowing that you're pregnant, and something happens--something totally out of your control, like someone shooting you--and your pregnancy ends as a result, you are criminally liable. You can be arrested and imprisoned, denied your other children, your home, and your rights.

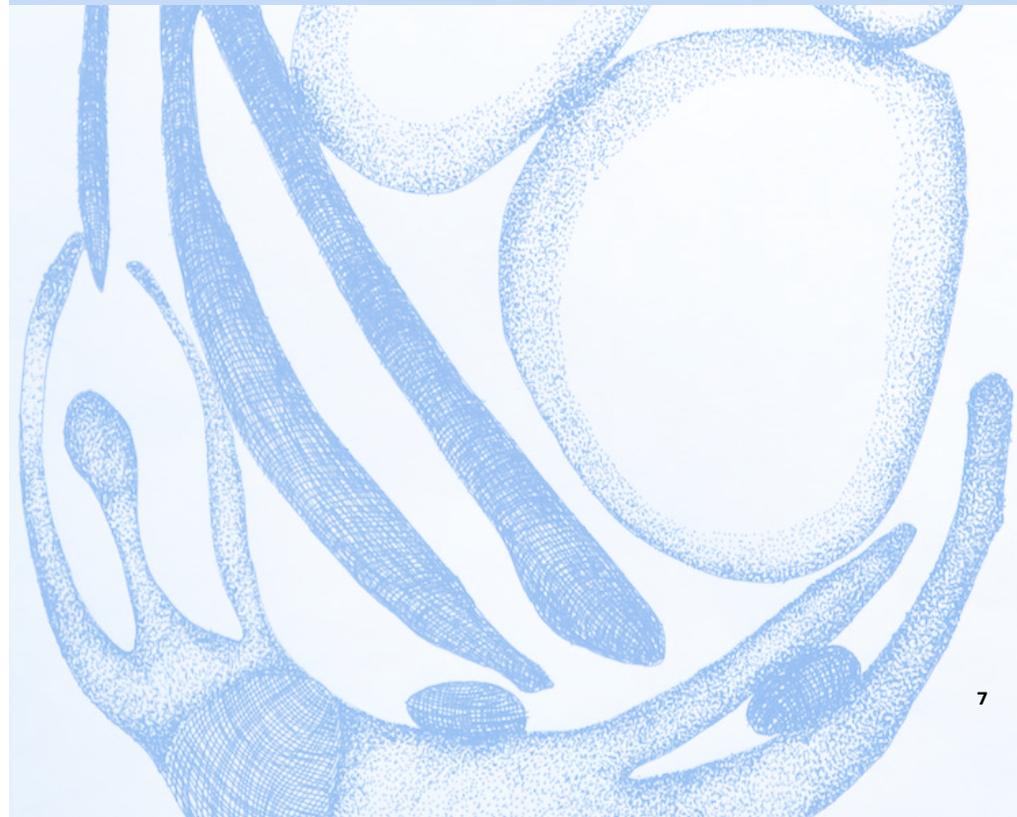
If a pregnant person can be charged and indicted for manslaughter for losing a pregnancy after engaging in what is deemed (arbitrarily, by police) to be "dangerous" behavior, then to become pregnant is to enter a different legal category. After all, stepping outside your house can be dangerous. Driving or riding in a car certainly is. Swimming. Riding a bike. Taking the subway.

So the story of Marshae Jones raises this question: if a woman engages in a "dangerous" behavior while pregnant, even something as normal and necessary as driving a car, and something happens to her pregnancy, can she be held legally responsible?

Because of sets of legislation known as fetal protection or fetal homicide laws, more and more – especially for Black women and poor women – the answer in the United States is becoming yes.

Christine Taylor.

In early 2010, Christine Taylor fell down the stairs in her home in Iowa while pregnant with her third child. She asked to be taken to the ER, where she talked with doctors, and told them about her situation – she had had an argument over the phone with her ex-husband, the father of the children, who was absent, and she had fallen right after the phone call. Minutes after her testimony, she was arrested for attempted feticide. She spent two days in jail until the case was dropped because, according to Rewire, her doctor declared that the pregnancy was in the second trimester rather than the third, which meant that it did not qualify as a criminal act under the feticide legislation. In response to the incident, Lynn Paltrow said, "You want women to be able to talk to their doctors without being accused as a baby killer." Prosecuting Taylor's fall as a crime "would make every pregnant woman in this country vulnerable to criminal prosecution."¹⁸ This type of legislation makes any pregnant woman into a potential criminal--as miscarriage is a potential part of any pregnancy.





LAWS, POLICIES & SURVEILLANCE PRACTICES

In 2013, Lynn M. Paltrow, the director of National Advocates for Pregnant Women (NAPW) and Jeanne Flavin, a researcher in the same organization, published a report in the *Journal of Health Politics, Policy and Law*, titled *Arrests and Forced Interventions on Pregnant Women in the United States, 1973-2005: Implications for Women's Legal Status and Public Health*³. In it, Paltrow and Flavin illuminated a pattern that had been developing over the course of four decades, demonstrating that when some women—most often poor Black women—become pregnant, they find themselves outside the boundaries of the Constitution, as they become vulnerable to charges that would never apply to any other citizen. This is part of the criminalization of pregnancy: the prosecution and punishment of pregnant people who the state decides have committed acts that are harmful to their own pregnancies. The criminalization of pregnancy includes the enforcement of laws that make behavior in pregnancy criminal (when those same acts wouldn't be criminal if the person was not pregnant), and it also includes what are commonly termed fetal protection laws. By 2013, the authors had identified more than four hundred cases of women arrested between 1973 and 2005, accused of crimes based solely on their pregnancy status. Since the report's publication, that number has only grown.

The report spoke of hundreds of women convicted and incarcerated, locked up in mental institutions for the way they behaved during their pregnancy, or forced to undergo medical procedures against their will. Some examples from the report and the years after include: Jennifer Jorgensen, convicted of manslaughter for not wearing a seatbelt and being in a car accident while pregnant.⁴ Michelle Marie Greenup was charged with second-degree murder and incarcerated after suffering a miscarriage caused by taking Depo-Provera, a medication that had been prescribed to her.⁵ Rachael Lowe voluntarily sought treatment for an Oxycontin addiction and—though a doctor eventually found that her addiction posed no significant risk to the pregnancy—was imprisoned in a psychiatric ward, forced to take other medications while receiving no prenatal care and being separated from her two-year-old son.⁶ Laura Pemberton was physically restrained during active labor and forced to undergo a Cesarean surgery against her will.⁷

Christine Taylor was accused of, though not charged with, feticide after falling down the stairs.⁸ Bei Bei Shuai was charged with murder after a suicide attempt.⁹ Purvi Patel was imprisoned for inducing an abortion.¹⁰ An early example is that of Angela Carder in 1987, ill with cancer, who was forced to undergo a Cesarean surgery against her will. As a result, both she and her fetus died.¹¹ While some of these women were later released or the charges were dropped, the basis for such charges has usually been legislation that, though they have a widerange of individual names, can be collectively termed fetal protection laws.

What are fetal protection laws?

Fetal protection laws, often called fetal homicide laws, are laws that make pregnant people potentially legally responsible for things that could damage the fetus during pregnancy. These laws can be used by judges and prosecutors as a basis from which to argue that a fetus—and even a woman's fertilized eggs—should be treated as having 'personhood rights,' therefore depriving the pregnant person of her own human rights." They have allowed judges to force a woman to undergo a medical procedure against her will in the name of "saving the fetus," clearly violating the pregnant person's right to bodily autonomy. Fetal protection laws have also led to the prosecutions of pregnant people who have failed to carry a pregnancy to term—whether because of a miscarriage caused by taking prescription medicine, an accident like a car crash, or even being harmed by someone else. With fetal protection laws, any action a woman may undertake while pregnant that has a negative effect on her gestation can potentially become a crime. A miscarriage can be argued to have been a case of abuse or manslaughter or, under certain circumstances, even a murder.

Today, fetal homicide laws are on the record in thirty-eight states.¹² At least twenty-nine of these laws apply to the earliest stages of pregnancy, i.e. the stages right after fertilization.¹³ Since 2013, different forms of legislation related to the personhood of the zygote, embryo, and fetus have passed: the Kansas "Pro-life" Protections Act, the "Arkansas Bill Amending Definition of 'Unborn Child' in Wrongful Death Actions," and the Oklahoma "Humanity of the Unborn Child Act," are just some examples. See full list at page.¹⁴ Most fetal personhood laws are formally not supposed to apply to pregnant women who lose or purposefully terminate their pregnancies. Fetal homicide laws were originally intended, at least nominally, to provide pregnant women legal recourse for the wrongful death of a fetus (in the case, for example, of a woman being beaten and losing a pregnancy, her attacker could be charged not only with assault of the woman but also the loss of her fetus). Now, however, the rush to establish "personhood" at the moment of fertilization—and the enthusiasm for protecting fetuses at the expense of the rights of pregnant women—have radically modified the stated purpose of fetal homicide laws and led to the prosecution of pregnant women who fail to carry a pregnancy to term, as evidenced by the examples above.

In March 2010, Utah introduced a bill that permits the prosecution of women who commit "knowing" acts that may result in stillbirths and miscarriages from the earliest stages of pregnancy. According to the National Advocates for Pregnant Women: "Under this bill, pregnant women who "know" that their cancer medications or other prescription medications could risk harm or cause pregnancy loss could still be arrested. Pregnant women who stay with abusive husbands who they "know" to be angry about the pregnancy could still be arrested under this law. Pregnant women who continue working in jobs they "know" pose hazards to their pregnancies could still be arrested under the law.

And even pregnant women who "know" from reading the side of their cigarette packages, that smoking is hazardous to their pregnancies could be arrested under this law."¹⁵

Any pregnancy complication, whether a natural miscarriage or caused by an outside force, is taken as the pregnant person's fault. Between 1973 and 2005, a period of 32 years, 413 pregnant women were arrested or threatened with arrest because of fetal personhood laws.

According to NAPW, between 2006 and 2018, there were 800 arrests. Some of the arrests were made under the guise of the war on drugs. As Jeanne Flavin writes, "in some cases, a mother's positive drug test result may be treated as prima facie evidence of child abuse, without consideration of whether the child has been harmed or whether the woman is actually drug dependent."¹⁶

In other words, under fetal protection laws, the mere fact of getting pregnant turns any woman into a potential criminal, though the laws are unequally enforced across race and class. Fetal protection laws do far less to protect fetuses than to define women's bodies as containers for the production of children, which are then penalized if they fail in that production.

Fetal protection laws and surveillance

In addition to fetal protection laws, surveillance programs have been devised for the purpose of controlling pregnant women's bodies. In some states, for instance, police have demanded that doctors and nurses in public hospitals report pregnant women whose blood tests show signs of drugs or other chemicals that could potentially interrupt the pregnancy. This means that, in effect, women have found themselves arrested and jailed just for taking a blood test, discouraging women from seeking medical care during their pregnancies and violating pregnant women's rights. In an early example, in Charleston, South Carolina between 1989 and 1994, thirty women were arrested after their doctors gave the result of their drug tests to the police. Twenty-nine of the women were Black. In the case *Ferguson v. City of Charleston*, the court ruled that doctors should not be conducting tests for the purpose of gathering criminal evidence against a patient, and should inform their patients if they do so. Especially objectionable are testing policies that are developed in collaboration with the police and have no other purpose than to facilitate prosecution.¹⁷

Bei Bei Shuai

A year later, Bei Bei Shuai's case gained national attention. Originally from Shanghai, Bei Bei moved to Indiana. In December of 2010, during a long depression, she tried to commit suicide while pregnant. She survived, but the fetus did not. Since the miscarriage was treated as a "murder" (thus, not a "bailable offense"), she was incarcerated for 435 days.¹ In May 2012, she was released on bail, but the Supreme Court of Indiana refused to dismiss the charges and Bei Bei refused to accept a plea deal that would have resulted in a sentence of up to 20 years in prison. In 2013, Bei Bei accepted a plea deal that charged her for the "time served." *The Guardian's* Ed Pilkington wrote at the time, "the case is believed to be the first in 200 years of Indiana history in which a woman is being prosecuted for murder over a suicide attempt while pregnant. Women's groups around the country have warned that it could set a precedent in which the actions of a pregnant woman are criminalized."²





WHO ARE THE TARGETS? THE CRIMINALIZATION OF PREGNANCY AS A DENIAL OF MATERNITY AND A RACIST PROJECT

Like restrictions on abortion, fetal protection laws are ostensibly adopted in order to protect the life of a future child. But it is clear that this is far from the case, for as soon as fetuses become children, institutional concern for their lives evaporates; and nothing is done to ensure a child is protected and given the opportunity to thrive. On the contrary, when mothers ask for some support, they are often denied and vilified, as welfare mothers were in the '70s and after. Sometimes, in fact, mothers are criminalized for losing a child due to that lack of support. (In 1998, Tatiana Cheeks was arrested for negligent homicide after her infant daughter died from lack of nourishment. Cheeks breastfed her daughter consistently but was turned away from regular medical checkups because she could not pay, and the child starved because her mother lived in a society that denies poor people access to food and healthcare.)

We must conclude, then, that the real goal of fetal protection laws is to penalize women either for their decision to have a child when the state has deemed them "unfit" or to punish them for failing to carry that child successfully to term. In both possibilities, fetal protection laws can function as an indirect means of sterilization, barring a woman who has failed to successfully produce a child from becoming pregnant again (and denying her motherhood of any existing children that she has) by imprisoning her.

The criminalization of pregnancy, then, has to do with the fundamental questions of who has the right to bear a child; who has the right to *fail* to bear a child without penalization; and who has the right to continue to bear children after her body has lost a pregnancy. The criminalization of pregnancy needs to be addressed within the analysis of systemic forms of social, economic, and racial injustice.

Those prosecuted under fetal protection laws in the United States have mostly been Black women. As Dorothy Roberts has written, fetal protection laws are one more example of the fact that for women of color in America, particularly Black and indigenous women, becoming a mother has always been a struggle. After slavery ended, thousands of Black women were sterilized, even in recent times, especially when they were on welfare or imprisoned. And since the '70s and '80s, the vilification of Black mothers – as “welfare queens,” as producers of “crack babies” and “dysfunctional homes” – has been relentless. Indigent women have also been the victims of forced sterilization, as have immigrant women; in September 2020, a whistleblowing nurse revealed the forced hysterectomies of immigrant women in ICE custody in Georgia.

Prosecuting women of color and particularly Black women with fetal protection laws -- making it legally dangerous for them to even become pregnant -- fits neatly into a broader pattern of the U.S. government attempting to control and curtail Black reproduction. The United States government has a history of denying populations the right to reproduce themselves. Not accidentally, talk of a ‘population explosion’ and the need for ‘population control’ peaked in the 1970s, a moment of anti-colonial struggle, and again in the 1990s, at the time that the imposition of brutal austerity programs both domestic and abroad, in former colonial countries, generated high levels of social protest and revolt.

The U.S. state has always been afraid of Black youth. It knows the crimes of slavery can never be washed away, and since the era of Jim Crow, it has been striving to prevent African American youth from demanding what has been taken from them -- not only with policies of mass incarceration and economic marginalization, but also with a persistent war on Black mothers, through the denial of care, of resources, and now, we argue, with “fetal protection laws.” That fetal protection laws are being adopted above all in the American South is a further indication of the racialized and racist character of this legislation.

Black women have, as usual, been the ones most affected by these punitive policies. However, as Lynn Paltrow has repeatedly argued, once the principle that fetuses and fertilized eggs have personhood status is accepted – once it is accepted that they are viable persons, separate from their mothers – the reproductive rights of all women are undermined.

We also want to note that the U.S. has promoted population control abroad as well, through sterilization practices and pushing contraceptives that women could not control, like Depo-Provera, with massive campaigns that relied--in many African, Latin American, and Asian countries--on the work of paramedical personnel walking from village to village, selling ‘choice’ at the expense of one’s ability to control when they had a child, and sometimes to have one at all. These have been among the strategies by which Europe, the U.S., and their representatives, like the World Health Organization, have attempted to contain the mounting demand from a new generation of Africans, Asians, Latin Americans, and Caribbeans, for another world, and for the restitution of the wealth that has been stolen from them through centuries of colonization.¹⁹

Purvi Patel.

On July 13, 2013, Purvi Patel, an Indian American woman living in Indiana, went to the hospital after having a miscarriage at home. She ended up in jail, facing the possibility of 20 years' imprisonment for feticide and child neglect charges. She was accused of having taken medication to end the pregnancy and then of letting her baby die when the self-abortion failed. Although the pathologist for the defense testified that the baby had been still-born and not yet at the point of viability, Patel was convicted of feticide in 2015 and remained in prison until the court reviewed her case in 2016 and threw out the conviction.



CRIMINALIZATION OF PREGNANCY & MISCARRIAGE IN LATIN AMERICA

This is far from a domestic issue. Many poor and racialized women around the world are facing a wave of criminalization that makes a miscarriage a potential case of “aggravated homicide.”²⁰ Often, these charges are related to an accusation of induced abortion in countries where abortion is illegal. In this way, miscarriage is used as a form of selective criminalization that affects mostly racialized, indigenous, poor women.

An internationally well-known case is that of “Las 17” from El Salvador, where 17 women faced up to forty years in prison for having miscarriages. One of “Las 17,” María Teresa Rivera, had a miscarriage at home and woke up in the hospital surrounded by doctors asking, “What have you done?” She was sent to prison and sentenced to forty years for “aggravated homicide.” In 2008, Carmen Guadalupe Vázquez was sentenced to thirty years in prison for a miscarriage that was the result of a rape. She was charged with aggravated homicide. On August 19, 2019, Evelyn Hernández was released after three years of judicial process and the threat of 40 years in prison. The case of “Las 17” in El Salvador brings to light the after-effects of the harsh church campaign that led to the “total ban” of abortion in 1998. According to the Agrupación Ciudadana por la Despenalización del Aborto (Citizens’ Coalition for the Decriminalization of Abortion), between 2000 and 2011, at least 129 women were prosecuted for abortion-related crimes in El Salvador, many of them miscarriages.²¹ The struggles against these charges, which target poor women, have been part of a struggle against the ban on abortion.

Another example took place in 2014, when a woman named Belén went to the hospital in Tucumán, Argentina, with severe bleeding. She found out she was pregnant as the medical staff accused her of self-induced abortion. She was sentenced with “aggravated homicide” and spent nearly three years in prison before the Supreme Court of Tucumán dismissed the charges. Banners on women’s demonstrations used the hashtag “#libertad para Belén, presa por ser mujer y pobre.” *#freedom for Belen, incarcerated for being a woman and poor.*

And yet another is that of Patricia Solorza, who died in Argentina in August 2019. She had been sentenced to eight years in prison for aggravated homicide. Worried, as one of her two children required special care after having had a severe case of meningitis, Patricia pled guilty in an attempt to secure home arrest and look after her child. The court, however, did not grant her request and she remained in prison. After 6 years in prison, she started having severe abdominal pain and was refused medical attention for two months. Patricia died fifteen days after being transferred to the hospital. Women from the group YoNoFui, of which Patricia was a member, said that when Patricia finally arrived at the hospital she had one liter of pus in her body.

Because of the ban on abortion in many Latin American countries, the struggles against these forms of criminalization have often used the language of the *right* to abortion. However, because of the U.S.'s history of criminalizing the pregnancies of Black women and other women of color while abortion is legal, we find it useful to widen the view of what the struggle against the criminalization of miscarriage must be. Abortion has been officially legal in the United States for a long time, and yet forms of criminalization have not only continued but have become even more pronounced in recent years. It is clear that the problem of stripping pregnant people of their human rights cannot be solved simply by the right to abort (though that, of course, is necessary to bodily autonomy). Because the criminalization of pregnancy has to do with the fundamental questions of who has the right to bear a child and who has the right to fail to bear a child, the criminalization of pregnancy needs to be addressed within the analysis of systemic forms of social, economic, and racial injustice.

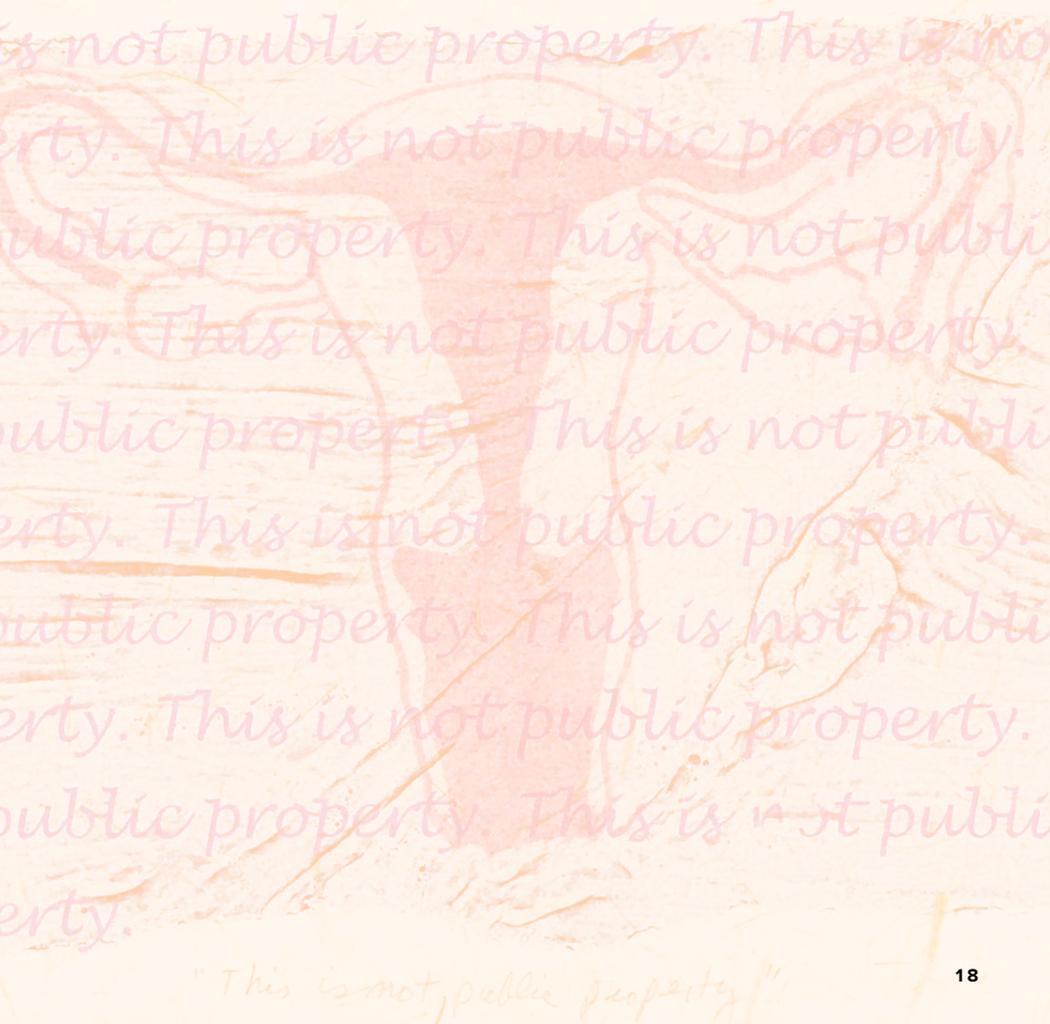
Tamara Loertscher.

In 2014, Tamara Loertscher was jailed in Wisconsin while pregnant after testing positive for methamphetamine. The state provided her 14-week-old fetus with a lawyer but refused Loertscher's own requests for legal representation. She was released after 18 days with a record as a child abuser, which, according to *The Nation's* Katha Pollitt, made her virtually unemployable in her profession as a nursing aide. Her son was eventually born in perfect health.



Chelsea Cheyenne Becker.

And as we write this pamphlet, fetal protection laws are being used to criminalize pregnant people. **Chelsea Cheyenne Becker has been in police custody on a \$5 million bail since November 5th, 2019 – at the time of writing this, nearly 300 days – on a first degree murder charge after she gave birth to a stillborn baby, whom prosecutors say had been exposed to drugs.** Though her case made national news, and California’s Attorney General filed an amicus brief in August 2020 to advocate for her release, Chelsea remains imprisoned and awaiting trial during a global pandemic.



WHAT IS BEING DONE?

There are thousands of groups across the country working and organizing for reproductive justice. Here, we include a few of those who have been most active.

Sister Song Women of Color Reproductive Justice Collective. Founded in 1997, Sister Song is a national membership organization that organizes to ensure reproductive justice for communities of color. Sister Song works in training, organizing alliances, education, and advocating for a respected motherhood.

<https://www.sistersong.net>

SisterReach, founded October 2011, is a Memphis-based grassroots non-profit supporting the reproductive autonomy of women and teens of color, poor and rural women, LGBTQIA+ people, and their families through the framework of reproductive justice. SisterReach works mainly on education and outreach, advocacy, research and cultural programs towards reproductive justice.

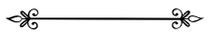
<https://www.sisterreach.org>

National Advocates for Pregnant Women (NAPW) is a non-profit organization that works to secure the human and civil rights, health and welfare of all people, focusing particularly on pregnant and parenting women, and those who are most likely to be targeted for state control and punishment: low income women, women of color, and drug-using women.

<http://www.advocatesforpregnantwomen.org>

Black Mamas Matter Alliance is a Black women-led cross-sectoral alliance that centers Black mamas to advocate, drive research, build power, and shift culture for Black maternal health, rights, and justice. They envision a world where Black mamas have the rights, respect, and resources to thrive before, during, and after pregnancy.

<https://blackmamasmatter.org>



FURTHER READING

Jenny Brown. *Birth Strike: The Hidden Fight over Women's Work*. Oakland, CA: PM, 2019.

Lynn Paltrow. "Purvi Patel, Abortion, and the Feticide Playbook," *The Huffington Post*, May 27, 2016.

Lynn Paltrow and Jeanne Flavin. "Arrests of and Forced Interventions on Pregnant Women in the United States, 1973–2005: Implications for Women's Legal Status and Public Health." *Journal of Health Politics, Policy and Law*, Vol. 38, No. 2, April 2013.

Dorothy E. Roberts. *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty*, 1999.

Loretta J. Ross, "The Color of Choice: White Supremacy and Reproductive Justice," in *Color of Violence*, ed. INCITE! Women of Color Against Violence. Duke University Press, 2016, 53–65.

Loretta J. Ross and Rickie Solinger. *Reproductive Justice: An Introduction (Volume 1). Reproductive Justice: A New Vision for the 21st Century*. University of California Press, 2017.

Alana Apfel. *Birth work as Care work. Stories from activist birth communities*. PM Press, 2016.

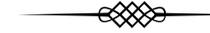
Michelle Goodwin. *Policing the Womb*. Cambridge University Press. 2020.

Julia Oparah. *Birthing Justice: Black Women, Pregnancy and Childbirth*. New York, Routledge, 2015.

Jeanne Flavin, *Our Bodies, Our Crimes: The Policing of Women's Reproduction in America*. New York University Press, 2009.

New York Times Editorial Board. "When Prosecutors Jail a Mother for a Miscarriage." *New York Times*, 28 Dec. 2018.

Amnesty International. *Criminalizing Pregnancy: Policing Pregnant Women Who Use Drugs in the USA*. 2017.



FILMS, DOCUMENTARIES & AUDIOVISUAL RESOURCES

THE FORGOTTEN FRONTIER (1930)

<https://www.loc.gov/item/mbrs00062166/>

This is a documentary about the Frontier Nursing Service (FNS), which provides medical assistance to the people of the Appalachian mountain area. The FNS focuses on medical care for women and children. A group of people arrive at Hazard, Kentucky to observe the FNS in action. Mary Breckinridge, founder of the FNS, takes them by car and horse to the Wendover Center, the regional headquarters. She tells them of the work of the FNS. They operate from various centers located in this part of Kentucky, such as the Caroline Butler Atwood Memorial Center and the Possum Bend Center. Nurses travel by horse through all kinds of weather to reach their patients. The nurses give inoculation shots to children and adults at a schoolhouse. A man brings two sick newborns to the hospital of the FNS in Hyden for treatment. A nurse delivers a baby. The nurses take care of their horses. Two men meet in the woods. One accuses the other of shooting his brother and then shoots him. A boy finds the wounded man and gets a nurse. Several men carry the man to the Hyden Hospital. A doctor is summoned, and the man recovers. The observers have learned much about the care provided by the FNS.

ALL MY BABIES: A MIDWIFE'S OWN STORY (1953)

<https://www.loc.gov/item/2017604960/>

A Midwife's Own Story is a 1953 educational film produced and directed by George C. Stoney which was used to educate midwives in the Southern United States. It was produced by the Georgia Department of Public Health, and written by Stoney. The film follows Mary Francis Hill Coley (1900–66), an African American midwife from Albany, Georgia who helped deliver over 3,000 babies in the middle part of the 20th century.

The film was produced as a method of educating "granny midwives," the term applied to African-American lay women who delivered the majority of both black and white women's babies in the rural south, and their patients. The film stresses the need for midwives to maintain scrupulous standards of sterility. This lecture comes from a doctor who is explaining the cause of a recent infant death. The second message concerns the necessity of prenatal care and here Coley functions as the expert. The film follows her through two births, the first of which focuses on a woman who has had several successful deliveries, while the other woman has had two miscarriages due to lack of prenatal care. Under Coley's careful guidance and tutelage, both women achieve successful pregnancies and home births. Films such as All My Babies represent part of the transition to State legal oversights and eventual elimination of lay midwifery (also called direct-entry midwifery) in many States. In 2002, this film was selected for preservation in the United States National Film Registry by the Library of Congress as being "culturally, historically, or aesthetically significant". Q&A with Director George Stoney. <https://www.youtube.com/watch?v=xhQLN...>

BLOOD OF THE CONDOR (1969)

Watch trailer: <https://www.youtube.com/watch?v=T4b6Me85SLY>

Blood of the Condor (Quechua: Yawar Mallku, Spanish: Sangre de cóndor) is a 1969 Bolivian drama film co-written and directed by Jorge Sanjinés and starring Marcelino Yanahuaya. The film tells the story of an indigenous Bolivian community receiving medical care from the Peace Corps-like American agency Cuerpo del Progreso ("Progress Corps") which is secretly sterilising local women. The story, which was based on accounts by the indigenous people to the filmmaker, provoked an outrage in the public which led to a government investigation about the Peace Corps' actions in Bolivia, which ended in the expulsion of the agency from the country.

IT HAPPENS TO US (1972)

<https://www.newday.com/film/it-happens-us>

First released in 1972, Amalie R. Rothschild's film, It Happens to Us remains the classic plea for a woman's right to choose. Through the personal stories of a wide range of women, both rich and poor, young and old, black and white, married and unmarried, it presents the most cogent arguments as to why ending a pregnancy must remain an available choice. In particular, it reminds people of the consequences when abortion was illegal and what life was like before the Roe vs. Wade 1973 Supreme Court decision. The New York Times called it "a jolting indictment of the furtive illegality of abortion."

LA OPERACION (1982)

<https://www.dailymotion.com/video/xpu79i>

La Operación is a forty-minute documentary film by Ana María García about US-imposed sterilization policies in Puerto Rico. Produced by the Latin America an Film Project and released in 1982, this film explores the mass sterilization of Puerto Rican women during the 1950s and 1960s. In the documentary, Garcia sheds light on the decades-long practice by conducting interviews with women of different ethnic and economic backgrounds who have undergone the sterilization procedure. In addition to these interviews, Garcia provides historical information regarding the conditions that led to the sterilization practice.

FRONTLINE ABORTION CLINIC (1983)

<https://www.pbs.org/video/the-abortion-clinic-1hd7n/>

A decade after Roe v. Wade, the Supreme Court's landmark decision on abortion, FRONTLINE went to an abortion clinic in Pennsylvania. First broadcast in April 1983, the documentary followed the individual journeys of women dealing with unplanned pregnancies, and interviewed the people who worked inside the clinic and members of the community who protested outside it.

SOMETHING LIKE A WAR (1991)

A film on sterilization in India, made by Deepa Dhanraj, who in 1980, founded the Bangalore-based filmmaking collective Yugantar, an organization that produced films about women's labor and domestic conditions in Southern India. With searing imagery, Dhanraj's highly influential 1991 film, Something Like a War, presented the gender and class violence of the population-control policy of the Indian government.

Watch part 1:

<https://www.youtube.com/watch?v=6Fq7HSIPVq4>

Watch part 2:

<https://www.youtube.com/watch?v=F2my3wX6RzE>

Watch part 3:

https://www.youtube.com/watch?v=OWKs5uM0_mw

THE DOUBLE BURDEN: THREE GENERATIONS OF WORKING MOTHERS (1992)

<https://www.newday.com/film/double-burden-three-generations-working-mothers>

What is it like to grow up in a family where mothers have always worked outside the home? The Double Burden vividly portrays the lives of three families—one Mexican-American, one Polish-American, and one African-American—each with three generations of women who worked outside the home while also raising families. The film instills tremendous respect for the accomplishments of women and for women of different races, social classes and life-styles.

THE ABORTION DIARIES (2005)

<https://vimeo.com/3195236>

The Abortion Diaries is a documentary featuring 12 women who speak candidly about their experiences with abortion. The women are doctors, subway workers, artists, activists, military personnel, teachers and students; they are Black, Latina, Jewish, and White; they are mothers or child-free; they range in age from 19 to 54. Their stories weave together with the filmmaker's diary entries to present a compelling, moving and at times surprisingly funny "dinner party" where the audience is invited to hear what women say behind closed doors about motherhood, medical technology, sex, spirituality, love, work, and their own bodies.

THE BUSINESS OF BEING BORN (2008)

<https://www.youtube.com/watch?v=QvC1xm1juho>

While the United States has perhaps the most advanced health care system in the world, it also has the second-highest infant mortality rate of any industrialized nation, and many have begun to question conventional wisdom regarding the way obstetricians deal with childbirth. While midwives preside over the majority of births in Europe and Japan, fewer than ten percent of American mothers employ them, despite their proven record of care and success. How do American doctors make their choices regarding the way their patients give birth, and who is intended to benefit? Director Abby Epstein ("Until the Violence Stops") and Daytime Emmy Award-nominee Ricki Lake (TV's "The Ricki Lake Show," "Hairspray") offer a probing look at childbirth in America in the documentary The Business of Being Born, which explores the history of obstetrics, the history and function of midwives, and how many common medical practices may be doing new mothers more harm than good.

SILENT CHOICES (2010)

<https://www.newday.com/film/silent-choices>

A documentary, directed by Faith Pennick, about abortion and its impact on the lives of African American women. The film is a "hybrid" documentary – part historical piece, part social and religious analysis, and part first-person narrative. From African Americans' cautious involvement with Margaret Sanger during the early birth control movement to black nationalists and civil rights activists who staunchly opposed abortion (or stayed silent on the issue), Silent Choices examines the juxtaposition of racial and reproductive politics. Justine Wadland of Video Librarian called the film "A solid investigation into the social, economic, and political aspects of reproductive rights for African-American women..."

WE ALWAYS RESIST: TRUST BLACK WOMEN BLACK WOMEN AND REPRODUCTIVE FREEDOM (2011)

ABOUT: <https://prochoicenc.wordpress.com/2011/09/29/we-always-resist-trust-black-women-black-women-and-reproductive-freedom/>

SisterSong and the newly formed Trust Black Women Partnership released the film, *We Always Resist: Trust Black Women*, as part of “a long-term response” to the anti-choice movement’s racist attacks upon black women, and the movement’s use of these attacks to further an anti-woman’s rights and anti-women’s health agenda. The 24-minute film provides an informative history of the struggle for reproductive choice within African American communities and argues that black women have always considered reproductive choice a fundamental part of how they defined liberation for themselves and their communities.

DEMOCRACY NOW: CRIMINALIZING PREGNANCY: AS ROE V. WADE TURNS 40, STUDY FINDS FORCED INTERVENTIONS ON PREGNANT WOMEN (2013)

https://www.democracynow.org/2013/1/18/criminalizing_pregnancy_as_roe_v_wade

A new study shows hundreds of women in the United States have been arrested, forced to undergo unwanted medical procedures, and locked up in jails or psychiatric institutions, because they were pregnant. National Advocates for Pregnant Women found 413 cases when pregnant women were deprived of their physical liberty between 1973, when *Roe v. Wade* was decided, and 2005. At least 250 more interventions have taken place since then. In one case, a court ordered a critically ill woman in Washington, D.C., to undergo a C-section against her will. Neither she nor the baby survived. In another case, a judge in Ohio kept a woman imprisoned to prevent her from having an abortion. We’re joined by Lynn Paltrow, founder and executive director of the National Advocates for Pregnant Women. “We’ve had cases where lawyers have been appointed for a fetus before the woman herself, who’s been locked up, ever gets a lawyer,” Paltrow says. “[We’ve had] cases where they’ve ordered a procedure over women’s religious objections. And one court said pregnant women of course have a right to religious freedom — unless it interferes with what we believe is best for the fetus or embryo.” The new study comes on the eve of the 40th anniversary of *Roe v. Wade*, the landmark Supreme Court decision on the right to abortion — a right that has been under siege ever since.

YOUNG LAKOTA (2013)

<https://itvs.org/films/young-lakota>

Visit younglakota.com and sovereignbodies.com to inquire about screening

Young Lakota follows the journey of Sunny Clifford, a young Lakota woman who returns to the Pine Ridge Reservation in South Dakota with a dream to change the world around her. Her political awakening begins when Cecelia Fire Thunder, the first female president of the Oglala Lakota nation, defies a South Dakota law banning abortion by threatening to build a women’s clinic on the reservation. In the subsequent political firestorm, Sunny, her twin sister Serena, and their neighbor Brandon Ferguson make choices that define who they are, and what kind of adults they will become.

Sovereign Bodies, a sister campaign to *Young Lakota*, highlights the work that Native American women have been doing to afford Natives the same access to health services as non-Natives. Marion Lipschutz and Rose Rosenblatt (co-directors/co-producers), partners in their company *Incite Pictures/Cine Qua Non*, produce and direct feature documentaries that entertain, educate and explore critical contemporary issues. *Young Lakota* is the latest in a series of films that use the dramatic stories of individual women to explore the fraught terrain of reproductive justice. The *Education of Shelby Knox*, their prior film, premiered at the Sundance Film Festival in 2005, and opened that year’s POV series. Marion and Rose are currently producing *Simple Justice: The Trial of Bei*

Bei Shuai, about a Chinese immigrant accused of murder and feticide for attempting to commit suicide while pregnant.

VESSEL 2014

TRAILER: https://www.youtube.com/watch?v=3bNwtXMBYP4&feature=emb_logo

Director: Diana Whitten. USA | Netherlands Rebecca Gomperts sails a ship around the world, providing abortions at sea for women with no legal alternative. Her idea begins as flawed spectacle, faced with governmental, religious, and military blockade. But with each setback comes a refined mission, until Rebecca realizes she can use technology to bypass law — and train women to give themselves abortions using WHO-researched pills. From there she creates an underground network of emboldened activists who trust women to handle abortion themselves. *Vessel* is Rebecca’s story: of a woman who hears and answers a calling, and transforms a wildly improbable idea into a global movement.

DEMOCRACY NOW: 20 Years in Prison for Miscarrying? The Case of Purvi Patel & the Criminalization of Pregnancy (2015)

<https://www.youtube.com/watch?v=xTQDZaT95Ac>

While Indiana has been in the spotlight over its new anti-LGBT “religious freedom” law, another state controversy is brewing. On Monday, Purvi Patel became the first person in U.S. history sentenced to prison for feticide for what the state said was an attempt to end her own pregnancy. While Patel says she had a miscarriage, delivering a stillborn fetus, prosecutors accused her of taking drugs to induce an abortion, even though no drugs were found in her system. They also used a discredited test to claim the fetus was born alive. Patel was sentenced to 20 years in prison. We look at her case amidst the rising tide of anti-choice laws and the criminalization of pregnancy with Lynn Paltrow, founder and executive director of National Advocates for Pregnant Women.

TO PRISON FOR PREGNANCY • BRAVE NEW FILMS (2016)

https://www.youtube.com/watch?time_continue=3&v=bUluRsHx17E&feature=emb_logo

Feticide laws are meant to protect pregnant women and their unborn fetuses against battery and assault while pregnant. Instead, these laws are being used to criminalize pregnant women and worse than that they can discourage expectant mothers from seeking prenatal care. *To Prison For Pregnancy* highlights the problems and unintended consequences of these laws; which are harming women and their families. If you live in one of the 38 states that has feticide laws, tell your lawmakers to remove feticide and related laws off the books and out of women’s lives. Update: Due to advocacy efforts and use of this short, Tennessee’s harmful fetal assault law is expired in 2016.

TRAPPED (2016)

TRAILER: <https://www.youtube.com/watch?v=kXFo0ELvGsg>

A Sundance Jury Award Winner directed by Dawn Porter. *TRAP* (Targeted Regulations of Abortion Providers) laws have been passed by conservative state legislatures in the US. And clinics have taken their fight to the courts. *Trapped* follows the struggles of the clinic workers and lawyers who are on the front lines of a battle to keep abortion safe and legal for millions of American women.

NO MÁΣ BEBÉS (2016)

<https://vimeo.com/groups/492046/videos/138365861>

No Más Bebés uncovers the contested history of the coercive sterilization of Mexican American women at the Los Angeles County-University of Southern California Medical Center during the 1960s and 1970s. The film follows a group of Chicana mothers, young civil rights attorneys, and one whistle-blowing doctor, who together stand up to powerful institutions in the name of reproductive rights and justice.

"The Med Students for Choice chapter that sponsored the work-in-progress for my film has to operate a bit quietly. I was happy to be able to talk to them about Dr. Rosenfeld - the doctor turned whistle blower featured on forced sterilization in our film -- who is an unsung hero in the battle for choice. They appreciated the fact that we talked to doctors as well as presenting the emotional story of the patients. They were thoughtful about how it relates to the on-the-ground experience and dilemmas they face as young doctors-to-be in a public hospital today. How do you approach patients with full cultural competency when there are 85 different languages spoken and 14 minutes with a patient is considered a luxury? These students carry an awesome ethical obligation on their shoulders which, perhaps, the doctors of the 1970s didn't even consider." -- Renee Tajima-Peña, Director

HOW ABORTION ACCESS IMPACTS BLACK WOMEN & THEIR FAMILIES: TRUE STORIES, HARD CHOICES (2018)

Part 1: <https://www.youtube.com/watch?v=9fH16idJ28I>

Part 2: <https://www.youtube.com/watch?v=fwYGPfPmnm>

Filmmaker Dawn Porter looks at the racial politics of abortion in America today in her short documentary True Stories, Hard Choices. She interviews pro-choice and pro-life activists, healthcare providers, and pregnant women.

In partnership with ESSENCE and TIME, acclaimed filmmaker Dawn Porter reports on the often-overlooked Black women who seek out reproductive services in America. This two-part docu-series gives a snapshot into the lives of Black healthcare providers, mothers and pro-choice and pro-life activists and shows how laws that restrict abortion access impact Black women and their families.

THE NAKED TRUTH: DEATH BY DELIVERY (2018)

<https://www.youtube.com/watch?v=S5CMkloNZQY>

Fusion TV marked International Women's Day this year with Death by Delivery, a searing portrait of the cost of racism in America. See what Fusion's Nelufar Hedayat found while reporting on this systemic problem affecting black women across the country.

Includes Sister Song, Ancient Song doulas and Black Mama's matter. Focuses on maternal health and outcomes in Georgia and New York City.

BEI BEI: A DOCUMENTARY (2018)

Trailer: <http://beibeifilm.com>

This high-stakes legal drama focuses on Bei Bei Shuai, a depressed, pregnant Chinese immigrant who is put on trial for the murder of her unborn child after attempting suicide. The case captivates the nation, and in particular the state of Indiana, as it sets a disturbing legal precedent for women who terminate their pregnancies' whether intentionally or not. Bei Bei's situation shines a chilling light on the ongoing encroachment of women's rights and the confluence of religious belief and medical practice.

TOXIC: A BLACK WOMAN'S STORY (2019)

<https://toxicshortfilm.com/synopsis>

Racism. Toxic stress. Birth outcomes. How are these things intertwined? The short film, Toxic: A Black Woman's Story, seeks to explore that question...Peer into the world of the film's lead protagonist, Nina. An elite lawyer, loyal wife, and loving mother of a teen boy, Nina is navigating life (and a pregnancy) to the best of her ability. But sometimes the forces on a woman - especially a black woman - can be too much to bear. In this highly anticipated short film, the viewer is invited on a journey of perspective transformation. Follow Nina in this day-in-the-life drama, and see the world through the eyes of a successful black woman who must navigate an unjust world while trying to protect the world she has created for herself and her family.

BREAK THE SILENCE: Reproductive & Sexual Health Stories (2019)

<https://www.newday.com/film/break-silence-reproductive-sexual-health-stories>

18 diverse women speak with riveting honesty about their most intimate experiences: Break the Silence features raw, powerful interviews with 18 diverse cisgender and transgender women about their sexual & reproductive health histories. Challenging social taboo with unflinching candor, vulnerability, and often great humor, Break the Silence kickstarts vitally important community and classroom conversations around sexual education, health, autonomy, pleasure, and human rights.

THE ABORTION DIVIDE (2019)

<https://www.pbs.org/video/the-abortion-divide-fbhdyb/>

FRONTLINE goes inside the fight over abortion, told through the stories of women struggling with unplanned pregnancies. Drawing on a landmark FRONTLINE film from the 1980s, the documentary takes a look at both sides of the abortion divide in a community still embroiled in the conflict.

DEMOCRACY NOW: CHARGES DROPPED AGAINST PREGNANT SHOOTING VICTIM AMID OUTCRY OVER THE CRIMINALIZATION OF PREGNANCY (2019)

Part 1

https://www.youtube.com/watch?v=OpuJdZSM_28

Following immense public pressure, prosecutors in Alabama have dropped manslaughter charges against Marshaé Jones, a 28-year-old African-American woman whose pregnancy ended after she was shot in the stomach by a coworker. Local police accused Jones of starting the fight that led to the shooting in the parking lot of a Dollar General store outside of Birmingham. A grand jury then indicted Jones on manslaughter but dismissed any charges against the shooter. The case drew national outcry from women's rights advocates concerned about the criminalization of pregnant women and the legal implications of so-called fetal personhood. The National Abortion Federation, along with the Yellowhammer Fund and other reproductive justice advocacy groups, launched a successful campaign to get the charges against Jones dropped. Alabama is one of 38 states to have a fetal homicide law. We speak with Lynn Paltrow, founder and executive director of National Advocates for Pregnant Women.

DEMOCRACY NOW: LYNN PALTROW ON FETAL PERSONHOOD LAWS & THE CRIMINALIZATION OF PREGNANCY (2019) (part 2)

https://www.democracynow.org/2019/7/8/lynn_paltrow_on_fetal_personhood_laws

Lynn Paltrow, executive director of National Advocates for Pregnant Women, discusses the criminalization of pregnant people, after prosecutors drop manslaughter charges against a woman in Alabama whose pregnancy ended after she was shot in the stomach by a co-worker.

PERSONHOOD (2020)

Trailer: <http://personhoodmovie.com>

PERSONHOOD tells a different reproductive rights story – one that ripples far beyond the right to choose and into the lives of every pregnant person in America. Tammy Lortscher's fetus was given an attorney, while the courts denied Tammy her constitutional rights and sent her to jail. Through her story, the film reframes the abortion debate to encompass the growing system of laws that criminalize and police pregnant women. At the intersection of the erosion of women's rights, the war on drugs, and mass incarceration, Tammy's experience reveals the dangerous consequences of these little-known laws for American women and families.

THROUGH THE NIGHT (2020)

<https://www.throughthenightfilm.com/about>

To make ends meet, Americans are working longer hours across multiple jobs. This modern reality of non-stop work has resulted in an unexpected phenomenon: the flourishing of 24-hour daycare centers. Through the Night, a documentary by Bronx-based Afro-Latina DJ, filmmaker, and film executive Loira Limbal, explores the personal cost of our modern economy through the stories of two working mothers and a child care provider - whose lives intersect at a 24-hour daycare center. Through The Night is a love letter to single mothers and caregivers.

LIST of FILMS FOR MEDICAL STUDENTS FOR CHOICE:

<https://msfc.org/medical-students/event-resources/video-library/>

BELLY OF THE BEAST (2020)

<https://www.bellyofthebeastfilm.com/>

When a courageous young woman and a radical lawyer discover a pattern of illegal sterilizations in California's women's prisons, they wage a near-impossible battle against the Department of Corrections. With a growing team of investigators inside prison working with colleagues on the outside, they uncover a series of statewide crimes - from inadequate health care to sexual assault to coercive sterilizations - primarily targeting women of color. This shocking legal drama captured over 7-years features extraordinary access and intimate accounts from currently and formerly incarcerated people, demanding attention to a shameful and ongoing legacy of eugenics and reproductive injustice in the United States.



WHO WE ARE

We are an intergenerational group of women based in NYC. Some of us come from different countries in Latin America, South Asia, and Europe, and have been living in the U.S. for a long time; others are from the U.S., and have lived in other countries for some time. The experience of belonging to many places shapes our political desire to build a community of care and support in the context of understanding the world we live in and to connect among women with similar political views of the world. It is a space to share, research, and learn together. We study the different forms in which capitalist accumulation configures old and renewed forms of violence against women. As a group, we organize conversations with women based in NY and in different parts of the world, and we also research and study together to create materials that can lead to different forms of action for social justice.

The Feminist Research on Violence Collective can be contacted via email at womenrise@riseup.net.

We are: Elizabeth Downer, Susana Draper, Alejandra Estigarribia, Silvia Federici, Anna Fox, Lewanne Jones, Jesal Kapadia, Belén Marco-Crespo, Alice Markham-Cantor, and Begonia Santa-Cecilia.

NOTES

1. Paltrow founded the NAPW in 2001.
2. The woman who shot Marshae Jones was not indicted; it was judged that she had acted in self-defense. Perhaps the police needed a scapegoat. Perhaps the law did.
3. Vol.38, Issue 2.
4. "Woman Prosecuted for Loss of a Child After Birth," HuffPost, Sept 16 2016.
5. *ibid.*
6. *ibid.*
7. Paltrow, Lynn M. and Jeanne Flavin, "The Policy and Politics of Reproductive Health Arrests and of Forced Interventions on Pregnant Women in the United States, 1973–2005: Implications for Women's Legal Status and Public Health." *Journal of Health Politics, Policy and Law*, Vol. 38, No. 2, April 2013.
8. "Help for Christine Taylor: Victim of Iowa's Feticide Law," Rewire.com, Feb 25 2010
9. "Indiana prosecuting Chinese woman for suicide attempt that killed her foetus," *The Guardian*, May 30, 2012.
10. "Purvi Patel has 20-year sentence for inducing own abortion reduced," *The Guardian*, July 22 2016.
11. "Coercive and Punitive Governmental Responses to Women's Conduct During Pregnancy," ACLU.
12. There are currently fetal protection laws in Alabama, Alaska, Arizona, Arkansas, California, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia and Wisconsin.
13. National Conference of State Legislatures, *State Laws on Fetal Homicide and Penalty-enhancement for Crimes Against Pregnant Women*, May 5 2018.
14. LIST: Legislation related to "Personhood" that has been passed in the last 6 years. More information about legislation that is currently being proposed in different states can be found here: <https://rewire.news/legislative-tracker/law-topic/personhood/2013>. Kansas "Pro-life" Protections Act. 2013. Arkansas Bill Amending Definition of "Unborn Child" in Wrongful Death Actions 2013- Utah Vital Statistics Act Amendments. 2014. Colorado Civil Damages for the Unlawful Termination of Pregnancy 2014. Alaska Bill Regarding Wrongful Death of an Unborn Child –Jackson's Law 2016. Oklahoma Humanity of the Unborn Child Act 2017. Virginia 'Day of Tears' Bill 2017. Arkansas Bill Regarding Fetal Death Certificates. 2017. Oklahoma Resolution Recognizing Rose Day 2017. 2017. Oklahoma Resolution Regarding the Authority of Public Officials and Abortion Law. 2017. Alabama Bill Proposing "Right to Life" Constitutional Amendment. 2017. Arizona Bill Regarding Born-Alive Reporting. 2018. Arizona Parental Right to Embryo Bill. 2019. Kentucky Human Life Protection Act. 2019. Arkansas Human Life Protection Act. 2019. Tennessee "Human Life" Protection Act. 2019. Michigan Resolution Regarding Legal Protections for 'Unborn Children'
15. National Advocates for Pregnant Women, "Utah Continues Reckless Efforts to Lock-Up Pregnant Women" March 06, 2010.
16. Flavin, J. (2010). *Our bodies, Our crimes: The Policing of Women's Reproduction in America*, p.114. New York, NY: New York University Press.
17. In Amy Newman, "Pregnant? Don't Fall Down the Stairs." February 15, 2010. <https://rewire.news/article/2010/02/15/pregnant-dont-fall-down-stairs/>
18. Lynn Paltrow, *Roe v. Wade* p.2. NBC News, "Indiana Sentences Purvi Patel to 20 years for feticide." <https://www.nbcnews.com/news/asian-america/indiana-has-now-charged-two-asian-american-women-feticide-n332761>
19. "Indiana prosecutor accused of silencing Chinese woman on murder charge" <https://www.theguardian.com/world/2012/jul/15/indiana-abortion>
20. <https://www.aclu.org/other/ferguson-v-city-charleston-social-and-legal-contexts>
21. On this topic see Betsy Hartmann, *Reproductive Rights and Wrongs, the Global Politics of Population Control* (Haymarket Books, 2016, First Edition 1995)
22. Fetal homicide laws are far from exclusive to the Americas. They have, for example, effectively existed in Ireland since 1983, when a clause added to the constitution gave fetuses legal rights equal to that of a woman. What this has meant, in practice, is that women are consistently denied their human rights while pregnant and in labor.
23. More information can be found in Erika Guevara Rosas's "El Salvador and "Las 17":" <https://www.nytimes.com/2015/03/03/opinion/el-salvador-and-las-17.html>

ARTWORK (details of)



In Louisiana, Denise Mumm



Dolls in Motion, Liz Ndoye



Bei Bei Shuai, Tania Kravath



Journal Entry 14, Francine Perlman



Tamara Loertscher Fighting Back, Helen Klebesadel



This Is Not Public Property, Susan Gabel