

Sex for *our* pleasure or *their* profit?

# new view campaign

**Challenging the Medicalization of Sex**

nvc listserv

Health Policy For Women Based on Science, Not Politics or Profits



National Advocates  
for Pregnant Women

N A P W

Lynn M. Paltrow

[LMP@advocatesforpregnantwomen.org](mailto:LMP@advocatesforpregnantwomen.org)

[www.advocatesforpregnantwomen.org](http://www.advocatesforpregnantwomen.org)





CHIP SOMODEVILLA/GETTY



RIGHTS RACE



# Ten Reasons Women Are Losing While Gays Keep Winning



Even as gay equality becomes one of the fastest-advancing civil rights causes in history, reactionaries are still turning back the clock for women. Why?



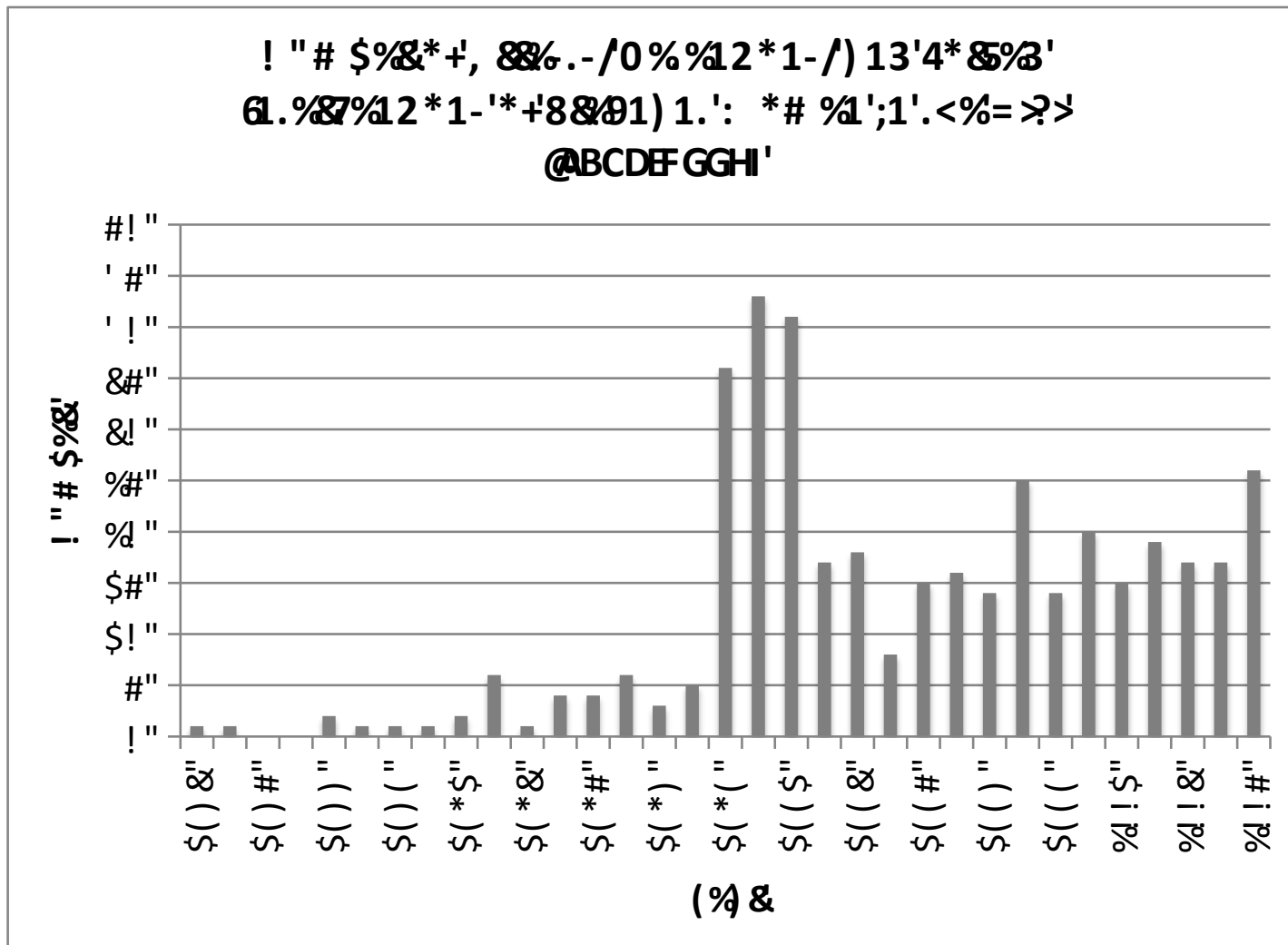
JAY MICHAELSON 07.06.14 5:45 AM ET



# Arrests of and forced interventions on pregnant women in the United States (1973-2005): The implications for women's legal status and public health

Journal of Health Politics, Policy, and Law

Lynn M. Paltrow and Jeanne Flavin





Overwhelmingly, the targets for arrest, detention, and forced interventions are low-income women: 72%

59% of the women are of color

52% are African American



Neglect charges against Britta Smith for using crack cocaine while she was pregnant with Brittaney, now 7 months, were

In 112 cases, the disclosure of information to the police or other state authority that led to the arrest, detention, or forced intervention was made by health care or other “helping” professionals;

In some states, the majority of cases came from just one or a few hospitals.

# Reporting and Race

Nearly half of all African-American women were reported to the police or other authorities by health care providers . . .

compared to less than one-third of white women.

In re AC

1962





The Washington Post Magazine

# Whose Life Is It, Anyway?

**Angie Carder lived a very simple life...  
and died a very complicated death**



*...my friends. I have two dear  
...ie. Susie drives and we go to  
...d hook school when we can. I  
...more because I got caught and  
...e.  
...reat person. He is very close to  
...gs. He is a Taurus. His name*

ND IN IT SHE PASTED TICKET  
... Centre—Kiss, Jethro Tull.  
...succession of boyfriends, an  
...ttle labels, a cardboard heart  
...of 13 on, Angie seemed to  
...stake than most kids in pre-  
...cording them, making them  
...many things made her happy:  
...olling Stones concert in Tex-

**I have an  
obligation to  
give that  
fetus an  
opportunity  
to live.'**

*Emmet Sullivan,  
judge, D.C. Superior Court*

when  
dead  
Rick  
stepfa  
Stone  
ebrate  
and I  
partie  
just to  
So  
full o  
times  
with  
work  
have,  
Mark  
her d  
in her  
no.

*Condolences are extended to those who  
lost the mother and child.*

DC Appellate Court



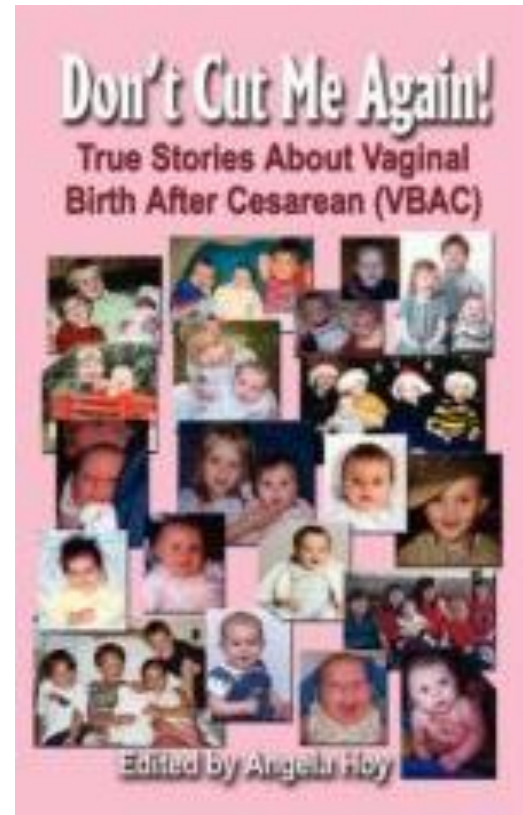
“The expectant mother has placed herself in a special class of persons who are bringing another person into existence . . . “



“I submit, a woman who carries a child to viability is in fact a member of a unique category of persons.”

*In re A.C.*, 573 A.2d 1235, 1254 (D.C. 1990) (Belson, J., dissenting in part).

Whatever the scope of Ms. Pemberton's personal constitutional rights in this situation, they clearly did not outweigh the interests of the State of Florida in preserving the life of the unborn child.



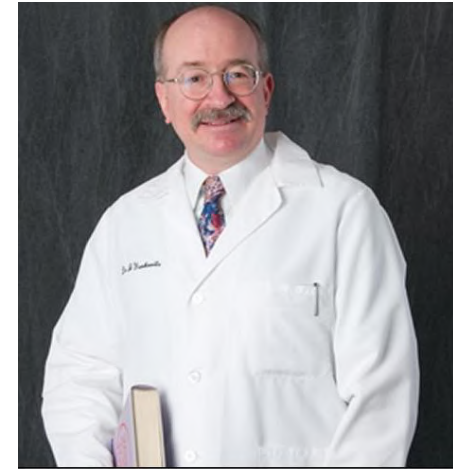


# Tampa Bay Times

01:00 PM, Friday, November 8, 2013



## **USF obstetrician threatens to call police if patient doesn't report for c-section**



"I am deeply concerned that you are contributing to a very high probability that your fetus will die or your child will incur brain damage if born alive. At this time, you must come in for delivery," "I would hate to move to the most extreme option, which is having law enforcement pick you up at your home and bring you in, but you are leaving the providers of USF/TGH no choice,"

## *Mother Accuses Doctors of Forcing a C-Section and Files Suit*



Rinat Dray is suing, saying that doctors at Staten Island University Hospital threatened her.

Yana Paskova for The New York Times

PROGRESS NOTES

E	TIME	MFM Director
-1	2:50 PM	<p>Asked to speak to patient by Dr. Donalik at 1:30 PM because she refused a C-section. The fetus is at risk for serious harm without the C-section. The risk to the patient is small. There is no viable alternative C-section. There is a high probability that C-section will prevent or substantially reduce the risk to the fetus. The fetus is &gt;23 weeks gestation and does not have a lethal prenatal anomaly. The probable net benefits of C-section significantly outweigh the possible risk to the woman. The woman has decisional capacity.</p>
		<p>I have decided to provide her refusal to have a C-section. Her physician Dr. Donalik and hospital attorney Mr. F. [unclear] are in agreement.</p> <p style="text-align: right;">[Signature]</p>

Does being part of a unique category of persons mean that laws and policies addressing pregnant women need not be based on science?



Kim Hardy is reunited at home with her son Aréanis, who had tested positive for crack cocaine at birth and was sent into foster care. At right, Hardy enters Muskegon County District Court with Donald Mangione of the sheriff's office center, and Tony Tague, the prosecutor who has spearheaded a drive to charge mothers whose newborns test positive with a felony.



# CHILDHOOD'S END

BABIES BORN TO CRACK-ADDICTED MOTHERS ARE LIKE NO OTHERS. BRAIN DAMAGED IN WAYS YET UNKNOWN, THEY'RE OBLIVIOUS TO ANY AFFECTION. HOW DO YOU CARE FOR A BABY WHO HATES TO BE HELD? BY ELLEN HOPKINS



*Rolling Stone*

## The Epidemic That Wasn't



In a 1988 photo, testing a baby addicted to cocaine.

By SUSAN OKIE

Jose Azell/Aurora

By Theresa Vargas  
The Washington Post

updated 5:01 p.m. ET, Thurs., April 15, 2010



Jahi Chikwendiu / Washington Post

## Many Crack Babies Successful; Damage Reports Exaggerated

Saturday, April 17th, 2010 5:01 am

NEWSOK.COM *Oklahoma Statehood*

## Effect of drugs challenged,

November 15, 2007

By Jeff Raymond

Deepening research shows babies who are exposed to cocaine or methamphetamine in the womb fare similarly to other babies as they age.



# Indiana prosecuting Chinese woman for suicide attempt that killed her foetus

Bei Bei Shuai took rat poison when her boyfriend left her, leading to the death of their unborn child. Now she's facing life in prison





**BEI BEI FREE!**

**I try to stay strong for  
this case.**

**Not only for me,  
but for all the pregnant women.**

**-Bei Bei Shuai**

# HOW INDIANA IS MAKING IT POSSIBLE TO JAIL WOMEN FOR HAVING ABORTIONS



<http://safeabortionwithpills.org/>

PLAN C:  
A SAFE  
ABORTION  
WITH  
PILLS

BACKGROUND    FAQ    WHO WE ARE    **HOME**

Did you know there is a safe option for a private, at-home abortion using pills?

WHERE CAN I GET PILLS?

HOW DO I USE THEM?



Store below 25°C (77°F)  
[See USP Controlled Room Temperature]  
Protect from light and moisture

4 Tablets    NDC 12634-933-94  
**CYTOTEC**<sup>®</sup>  
(misoprostol)  
Tablets, USP  
Rx Only    **200 MCG**

LOT:

EXP:

**Each Tablet contains:**

Misoprostol 200 mcg

**USUAL ADULT DOSAGE:**

See package insert for full prescribing information.

**Keep This and all Medication Out of The Reach of Children.**

Dispense in a tight, light-resistant container as defined in the USP using a child-resistant closure.

**Manufactured by:**    **Repackaged & Distributed by:**

G.D. Searle LLC Division of Pfizer    Apotheca, Inc

NY, NY 10017

Phoenix, AZ 85006

NDC 0025-1461-34

# False Certainty

Why did the pathologist in the Purvi Patel feticide case use the discredited “lung float test” to show her fetus was born alive?



1.6k

By Leon Neyfakh



Purvi Patel is led out of the courtroom in handcuffs after being found guilty of felony neglect and feticide on Feb. 3, 2015, in South Bend, Indiana.

# Purvi Patel Released From Prison After Resentencing

By BECCA COSTELLO

Posted September 1, 2016



IN THE  
**Supreme Court of the United States**

WHOLE WOMAN'S HEALTH, *et al.*,  
*Petitioners,*

*v.*

KIRK COLE, *et al.*,  
*Respondents.*

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT  
OF APPEALS FOR THE FIFTH CIRCUIT

BRIEF *AMICI CURIAE* SUPPORTING PETITIONERS  
FOR NATIONAL ADVOCATES FOR PREGNANT WOMEN,  
A BETTER BALANCE: THE WORK AND FAMILY  
LEGAL CENTER, BACKLINE, THE CENTER ON  
REPRODUCTIVE RIGHTS AND JUSTICE AT BERKELEY  
SCHOOL OF LAW, CHOICES - MEMPHIS CENTER FOR  
REPRODUCTIVE HEALTH, CHOICES IN CHILDBIRTH,  
DESIREE ALLIANCE, FAMILIES FOR JUSTICE AS  
HEALING, FAMILIES & CRIMINAL JUSTICE, LEGAL  
SERVICES FOR PRISONERS WITH CHILDREN,  
SISTERLOVE, INC., THIRD WAVE FUND, THE WOMEN  
AND JUSTICE PROJECT, AND WOMEN ON THE RISE  
TELLING HERSTORY ("WORTH")

SARAH E. BURNS  
SARAH SAMUELS WHEELER  
*Reproductive Justice Clinic*  
*Washington Square*  
*Legal Services, Inc.*  
*NYU School of Law*  
245 Sullivan Street  
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875 6th Ave., Suite 1807  
New York, NY 10001  
(212) 255-9252  
lmp@advocatesforpregnant  
women.org

*Counsel for Amici Curiae*



Alicia Beltran



Tammy Loertscher



# **NAPW: The Case of Alicia Beltran**

<https://vimeo.com/148612192>



**POLICE LINE DO NOT CROSS**



Bei Bei Shuai speaks to supporters at an April 7 rally Downtown.



Bei Bei Shuai was moved to tears upon seeing the amount of support.

Dave Cerola



Supporters of all ages turned out to voice their opinion.



Buy Photo 🛒

The Opinion Pages | OP-ED CONTRIBUTORS

## Pregnant, and No Civil Rights

---

By LYNN M. PALTROW and JEANNE FLAVIN NOV. 7, 2014

---

WITH the success of Republicans in the midterm elections and the passage of Tennessee's anti-abortion amendment, we can expect ongoing efforts to ban abortion and advance the "personhood" rights of fertilized eggs, embryos and fetuses.

But it is not just those who support abortion rights who have reason to worry. Anti-abortion measures pose a risk to all pregnant women, including those who want to be pregnant.

Such laws are increasingly being used as the basis for arresting women who have no intention of ending a pregnancy and for preventing women from making their own decisions about how they will give birth.

How does this play out? Based on the belief that he had an obligation to give a fetus a chance for life, a judge in Washington, D.C., ordered a critically ill 27-year-old woman who was 26 weeks pregnant to undergo a cesarean section, which he understood might kill her. Neither the woman nor her baby survived.





re **form**

**Join the  
movement.**

**International Drug Policy  
Reform Conference**

[www.reformconference.org](http://www.reformconference.org)

Ira Glasser: The Long Arc of Social Justice (2011 International Drug Policy Reform Conference)

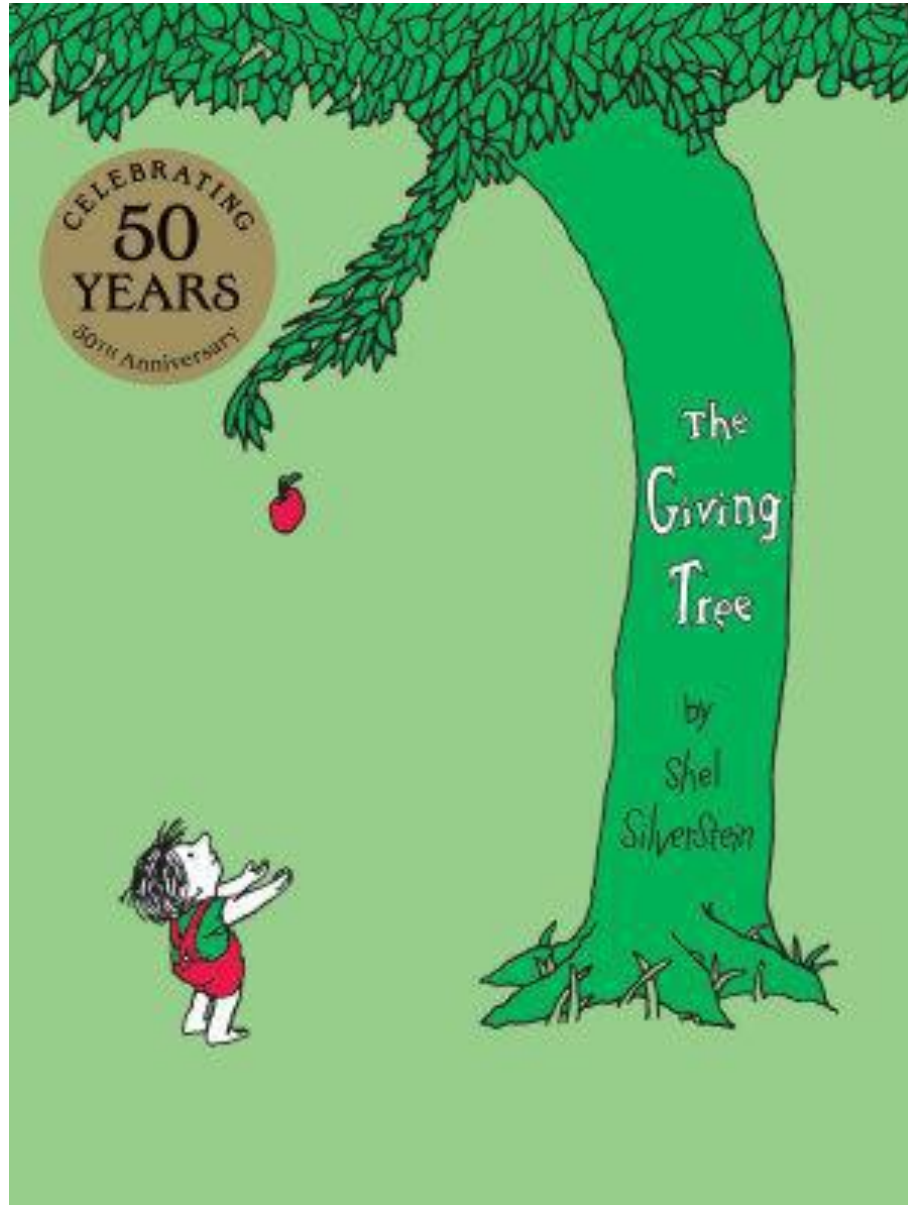
## DAYENU: IT WOULD HAVE BEEN ENOUGH

What does this mean, "It would have been enough"? Surely no one of these would indeed have been enough for us.

*Dayenu* means to celebrate each step toward freedom *as if* it were enough, then to start out on the next step. It means that if we reject each step because it is not the whole liberation, we will never be able to achieve the whole liberation. It means **to sing each verse as if it were the whole song—and then sing the next verse.**

# Throw that **PINK PILL** Away

a song about rejecting Flibanserin,  
the so-called "Pink Viagra"



**NEVER GIVE UP,  
FOR THAT IS JUST  
THE PLACE AND  
THE TIME THAT  
THE TIDE WILL TURN.  
Harriet Beecher Stowe**

**SPRING**  
Malalai Jo









**theguardian**

**Judge says Purvi Patel should be freed immediately after feticide con...**

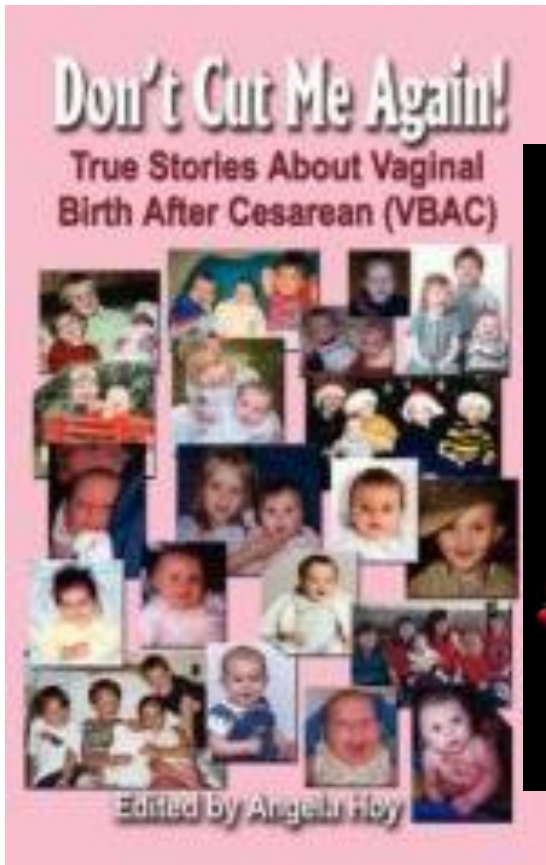
Indiana court rules that woman originally handed 20-year sentence for taking abortion-inducing drugs can be released after charge downgrade...

[theguardian.com](https://www.theguardian.com)



Since 1973 drug testing has become a multibillion-dollar industry.

# Pemberton, v. Tallahassee Memorial Regional Medical Center, (Florida 1999)



Indian v. Bei Bei Shuai (Indiana, 20011)



# The best interests of the fetus

Florida gave Samantha Burton's "unborn child" its own doctor and legal representation, while she got nothing

## Pregnant Woman Fights Court-Ordered Bed Rest

ACLU Asks if Pregnant Women Can Be Penalized For Drinking, Speeding, Poor Eating

BY SUSAN DONALDSON JAMES

Jan. 14, 2010



**Pregnant woman's involuntary hospitalization raises legal, ethical, medical questions**



MY BODY IS  
NOT  
A BATTLEGROUND  
FOR YOUR  
WAR ON DRUGS



CHILD  
BEARING  
WITH  
DIGNITY

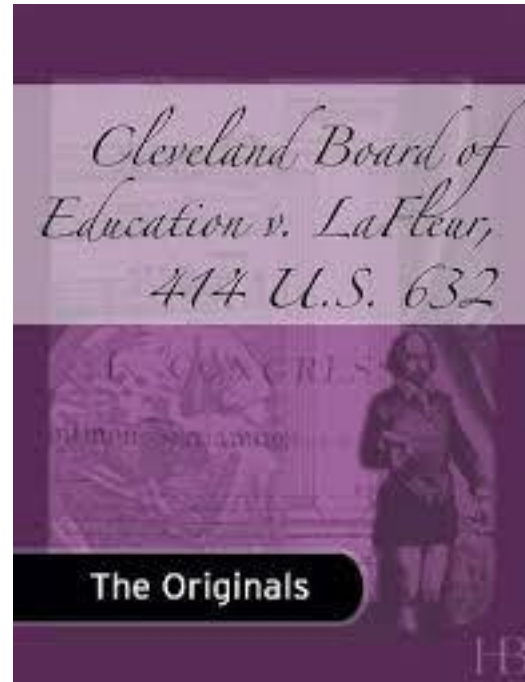
National Advocates for Pregnant Women

Sakoma Park  
MARYLAND

National Advocates  
for Pregnant Women  
NA W

McCormack v. Hiedeman, 2012 U.S. App. LEXIS 19051  
(9th Cir. Idaho Sept. 11, 2012).





Mandatory maternity leave – Due Process – an irrebuttable presumption

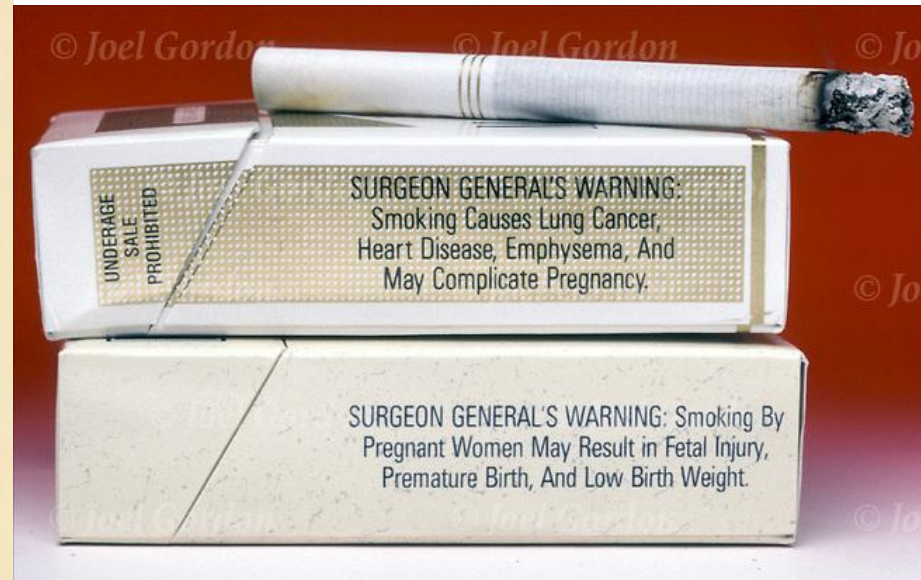
### Intermediate Scrutiny

From a fundamental right that can only be justified by a compelling state interest to a right that may be fundamentally burdened as long as that burden is not “undue”

# Brief of Amici Curiae Women Injured by Abortion and an Abortion Survivor at 4, *Whole Woman's Health v. Cole*, No. 14-50928 (5th Cir. 2015) (“WIA” Br.).

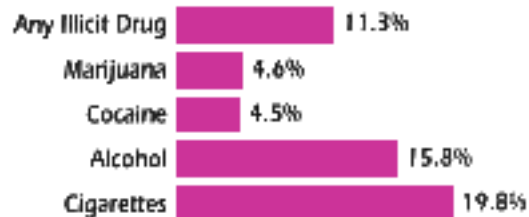
Moreover, the negative feelings that WIA depicts as unique to abortion can and do occur with every kind of pregnancy. For example, the plain fact of a pregnancy leads some women to feel shame; this is not surprising, in light of longstanding negative societal attitudes towards sex and pregnancy. From *The Scarlet Letter* to modern-day social policy proposals, prevalent attitudes toward sex and pregnancy have generated and continue to generate significant shame for women.<sup>81</sup> Indeed, the history of reproduction in the United States has long been grounded in cultural ideals about sexuality and maternity that rely on social stigma to discourage sex and birth outside of heterosexual marriage or among those deemed “unfit” to parent.<sup>82</sup>



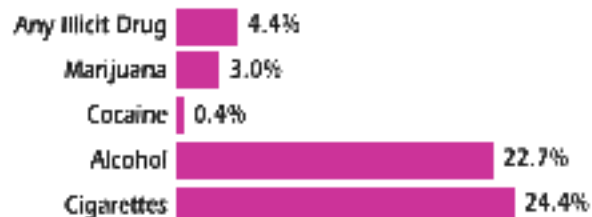


## Drug Use During Pregnancy\* Among Racial and Ethnic Groups

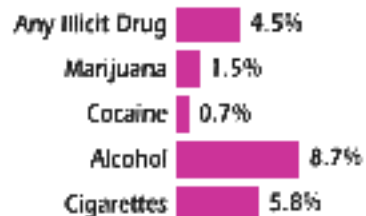
### Blacks



### Whites



### Hispanics



\*Percent of American women who gave birth in 1992 and used drugs during pregnancy





## Meth Babies Are the New Crack Babies

EXPAND



## Generation Of Meth Babies



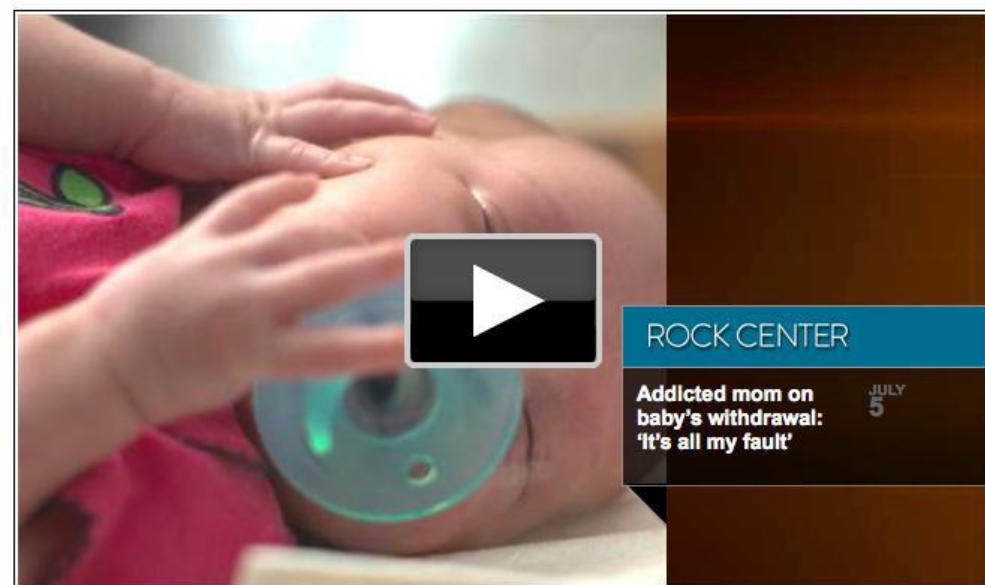
# Prescription drug addiction among pregnant women becoming 'monstrous tidal wave'

Thursday Jul 5, 2012 4:46 AM

EMAIL

f Like 467

Tweet 7



“NAS” Babies

NBC’s Brian Williams: “For those of us who were reporters back in the 1980s, it was an awful new trend we were covering at the time, and it was the first time our viewers were hearing about the young, innocent infants. A generation of crack babies, born addicted to drugs because of their mothers’ habit. Sadly, a new generation has meant a new habit – prescription pain meds, Oxycontin, Vicodin; other powerful drugs in that same category. And now we are seeing the infants born to mothers abusing these drugs.”

# What Laws and Policies Coincided With This Media Coverage?

- Prosecutions of pregnant women and new mothers
- Expansion of state child welfare laws to reach pregnant women in relationship to the eggs, embryos, and fetuses they carry and sustain
- Expansion of state civil commitment and in Wisconsin, the children's code laws to permit deprivations of pregnant women's liberty with limited or no procedural protections
- 2003 amendments to the Federal Child Abuse Prevention and Treatment Act (state reporting requirements regarding "drug affected" newborns)
- Modest funding set asides relating to pregnant women; demonstration grants for model treatment programs and research









**PICTURE OF THE DAY**



**Plea Bargain for Mom in C-Section Case**

A woman charged with murder for allegedly delaying a Caesarean section that could have saved one of her twins pleaded guilty Wednesday to child endangerment in a deal with prosecutors.





theguardian

**Judge says Purvi Patel should be freed immediately after feticide con...**

Indiana court rules that woman originally handed 20-year sentence for taking abortion-inducing drugs can be released after charge downgrade...

[theguardian.com](https://www.theguardian.com)

# The New York Times

## Case Explores Rights of Fetus Versus Mother



Darren Hauck for The New York Times

Alicia Belmont, 29, was sent to a drug treatment center despite insisting she was not using drugs.



**We Need You to Sign the Online Change.org Petition:  
Oppose the Prosecution of Bei Bei Shuai and  
Indiana's Attempt to Create a System of Separate and  
Unequal Law for All Women!**

<http://www.change.org/petitions/protect-pregnant-women-free-bei-bei>



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#FREE  
PURVI

LEARN MORE AT

[ADVOCATESFORPREGNANTWOMEN.ORG](http://ADVOCATESFORPREGNANTWOMEN.ORG)

[HOME](#) \ [CULTURE](#) \ [HEALTH](#)

## Colorado Dems defeat fetal homicide bill filed after grisly attack on pregnant woman



Dynel Lane is seen exiting the courtroom area after her first appearance on Thursday, March 19, 2015, at the Boulder County Jail, in Boulder, Colo. (AP Photo/The Daily Camera, Jeremy Papassa) [NO SALES more >](#)

“Vagina”

