December 2011

Dear Friends and Allies:

National Advocates for Pregnant Women needs your support and we hope that you will consider making a year-end contribution.

As the end of the year approaches, we celebrate the recent defeat of the so-called “personhood” measure in Mississippi, numerous court victories, and our increasing success in reframing the public debate about abortion to one about the pregnant women who sometimes have them.

Despite these successes, however, NAPW and the women we represent are facing significant challenges. Through civil and criminal actions against pregnant women, prosecutors continue to press the courts to recognize separate rights for fertilized eggs, embryos and fetuses and to give outsiders the right to deny pregnant women their civil and human rights.

NAPW needs your continued financial support now more than ever before. Many of NAPW’s current cases involve the prosecution of pregnant women in the most conservative states with the most politicized courts and under the most difficult laws to challenge.

Since 1973, thirty-seven states have passed feticide and unborn victims of violence act laws. Every one of these laws was passed in the wake of a brutal attack on a pregnant woman. Every one was passed to address third parties who attack pregnant women, not the women themselves.

Yet today these laws are being used as the legal basis for arresting pregnant women and new mothers. These feticide and unborn victims of violence laws are, in fact, “personhood” measures in disguise.

In Indiana, Bei Bei Shuai has been charged with murder and feticide. She isn’t a third party attacker who hurt a pregnant woman. Rather, she is a pregnant woman who, after being abandoned by the father of her baby, was so ashamed and depressed that she attempted to kill herself by taking rat poison. With the help of friends who learned of the suicide attempt, Ms. Shuai survived. She was taken to the hospital where she underwent a cesarean surgery in an attempt to save her baby. Her daughter, named Angel, was born alive, but died in her mother’s arms shortly after she was born. Ms. Shuai fell apart with grief.

Rather than giving Ms. Shuai the support and counseling she needed, the State of Indiana arrested and charged Ms. Shuai with murder and attempted feticide. The State asserts that the murder and feticide laws mean that Indiana can treat pregnant women who attempt suicide as criminals but everyone else as people who need help. The state goes even further to assert that the feticide law should be interpreted in a way that would make every pregnant woman criminally liable for the outcome of her pregnancy.

In doing so, the State has revived the same biological argument that was used historically to uphold discrimination against women: that women’s unique biology justifies denying them jobs, equal access to education, and full participation in civil life. The State explicitly argues in Ms. Shuai’s case that “it is in no sense unfair or constitutionally problematic” if the law singles out pregnant women who attempt suicide for punishment because only women get pregnant.

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Ms. Shuai’s continued incarceration is a horrific injustice. It is also an act of political resistance.

Ms. Shuai has been incarcerated since March of this year. If her prosecution is upheld, this could be the fate of every woman who suffers a miscarriage or stillbirth in Indiana. If Roe were overturned, this could be the fate of every woman who intentionally end her pregnancy. If, however, Ms. Shuai would plead guilty to something – perhaps the lesser crime of child abuse, she would not be held behind bars while her case grinds its way through the court system. But, at the price of her own liberty, Ms. Shuai refuses to plead guilty to any crime because she knows she has committed no crime at all. Ms. Shuai also knows that pleading guilty would encourage the state to arrest other pregnant women in her situation, women who need compassion, not incarceration.

NAPW is standing with Ms. Shuai and fighting back. As co-counsel for Ms. Shuai NAPW is challenging her arrest and her ongoing incarceration. NAPW has mobilized massive and diverse support for Ms. Shuai. Five amicus (friend of the court) briefs were filed in support of Ms. Shuai on behalf of more than 80 local and national groups and individuals. These include public health and medical organizations, organizations and experts who address the psychiatric issues pregnant women and new mothers face, groups supporting women who have suffered pregnancy losses, civil rights organizations, and women’s, children, and family rights organizations. Not only that, but national and international coverage of her case inspired students from a local Indiana school, Bennett College, to brave the rain and cold to hold a demonstration demanding Ms. Shuai’s freedom.

Defending Ms. Shuai is expensive. The cost of not doing so is greater. Your generous contribution will help us continue the fight.

In Mississippi, 16 year-old Rennie Gibbs suffered a stillbirth. A Mississippi prosecutor charged her with the crime of “depraved heart” murder under Mississippi’s murder/feticide laws. The prosecutor claimed -- without scientific support -- that the stillbirth was the result of her drug use. NAPW stepped in and, working with local counsel, prevented Ms. Gibbs from being tried as an adult for the crime of murder. The Mississippi trial court recognized that a higher court should decide the legal question of whether or not the crime of “depraved heart” murder may be used to punish pregnant women. The state Supreme Court took the case and agreed to review it. Again, NAPW mobilized local, national and international support for Ms. Gibbs. Five amicus briefs were filed in support of Ms. Gibbs, including one that made clear how this arrest of a teenage mother violates international human rights treaties.

On the eve of the Mississippi Personhood Proposition 26 vote -- five members of the Mississippi Supreme Court decided to avoid the core question of whether pregnant women and teens like Ms. Gibbs who suffer stillbirths may be charged with murder. Rather than address the question squarely before it, the court announced that it was dismissing our pretrial appeal --498 days after having agreed to take that appeal -- as “improvindingly” granted. In other words, five of the nine judges on Mississippi’s Supreme Court did an about-face and held that a higher court will not determine if Ms. Gibbs has been charged with a real crime until after she first goes through a trial.

NAPW will continue to support Rennie Gibbs every step of the way. We are in this for the long haul and hope you will join us in defending Ms. Gibbs and advancing the rights of all pregnant women.

In Alabama, Hope Ankrom continued her pregnancy to term and as a result, was arrested under a drug law that was designed to protect children. In 2006, the Alabama legislature passed a “chemical endangerment” law that was designed to provide special penalties for people who bring children into methamphetamine laboratories. Prosecutors, however, have been using this law almost exclusively as a mechanism for arresting pregnant women who go to term and test positive for having ever used a controlled substance. NAPW has been working hard to ensure that women in Alabama are zealously represented, supported by experts and amicus, and by local and state-based activists.

Recently, in the first case to reach a mid-level appellate court, NAPW got news that was devastating, but not surprising. In
a 5-0 opinion, the court held that a “chemical endangerment” statute – which makes it a crime for “a responsible person” to expose “a child to an environment” in which he or she causes or permits a child to be exposed to a controlled substance – can be used to punish pregnant women who use any amount of an illicit drug and go to term.

Why? Because the court found two dictionary definitions of the word “child” that include the unborn. For the record, NAPW has been unable to find any dictionary definition of the word “environment” that includes a pregnant woman’s womb.

NAPW does not think pregnant women are the same as methamphetamine labs.

As a result of the Alabama court’s decision, even women who take controlled substances prescribed by their doctors, including methadone and medicine routinely administered during labor and delivery, could now be arrested under the law.

This absurd, dangerous, and unconstitutional interpretation of the chemical endangering not only expands the war on drugs to women’s wombs, but also makes every statute in Alabama that uses the word “child” – including the state’s child abuse law -- applicable to pregnant women in relationship to the fetuses they carry.

NAPW is committed challenging this decision and the ongoing prosecutions of pregnant women. Fortunately, in this case, the woman charged, Hope Ankrom, is not at risk of going to prison. Unfortunately, there are 40-50 other women in Alabama who have been similarly charged and who are already or may soon be locked up if these prosecutions are not stopped.

As we look toward 2012, NAPW needs your financial support to continue to be there for Bei Bei Shuai, Rennie Gibbs, Hope Ankrom, and other women in Indiana, Mississippi, Alabama and across the country.

NAPW cannot continue to make a difference in the lives of pregnant and parenting women without the support of people like you.

Every contribution to NAPW not only supports direct legal advocacy work, it also supports the education, organizing and activism that challenges the political and cultural environment that makes it possible to see pregnant women as proper subjects of the criminal injustice and the child removal systems.

In 2011, your support enabled NAPW to:

Produce the on-line video, How Mississippi’s Proposition 26 Can Hurt All Pregnant Women that was viewed by more than 15,000 people.

Create public education material that inspired the American College of Obstetrics and Gynecology Committee on Healthcare for Underserved Women to call on doctors to oppose mandatory reporting laws that deprive pregnant women of their right to medical confidentiality.

Organize and carry out writing contests, internships, and conferences that bring new activists into the movements for reproductive and social justice.
Enable twenty-two women in recovery to attend the oral argument in Hope Ankrom’s case demonstrating to Ms. Ankrom and the public that even if the appellate court did not support her, mothers in Alabama do.

Tell people in Mississippi and across the country that what is at stake is the personhood of pregnant women, not just the right to choose abortion or the decision in Roe v. Wade.

Your generous support at this time will enable NAPW to continue our successful integration of legal advocacy, public education and organizing strategies.

NAPW does not litigate and leave. NAPW sees each case and each policy issue as an opportunity to share information, build local capacity and support new grassroots leadership.

With your support, NAPW will continue to win cases – getting charges dismissed and preventing courts from recognizing separate legal rights for eggs, embryos and fetuses. We will not only continue to defend existing US legal doctrine protecting the rights of pregnant women and their families but also bring international human rights law to bear on behalf of the pregnant women we represent.

With your support, NAPW will continue to empower local grassroots leaders and organizations across the county, find new allies to expand the base of the reproductive justice and allied causes, build coalitions across social justice movements, and mobilize local and national experts to support pregnant and parenting women.

With your support NAPW will continue our cutting edge research, reframing and education efforts that are helping people understand that you cannot have a culture of life without valuing the women who give that life. We will continue to shape the public conversation by speaking at conferences, in classrooms, and at rallies and by providing cogent and inspirational arguments through our Activist Updates, press releases, articles, on-line posts, and comments to the media.

As 2011 comes to an end, we are grateful to our donors who have been so generous in supporting our mission and work. The contributions from people like you are absolutely vital. Your financial support makes it possible for us to represent Bei Bei Shuai and Rennie Gibbs, and advocate on behalf of so many other women and families. Your year-end contribution will give us the resources we need to sustain our work in 2012 and beyond. We simply cannot do this work without the support of people like you.

Please, give generously. Every donation makes a huge difference in our ability to advance reproductive justice and advocate for all pregnant women.

Yours truly,

Lynn M. Paltrow, J.D.
Executive Director