

September 2021

Arrests and Other Deprivations of Liberty of Pregnant Women, 1973-2020

In 2013, the Journal of Public Health Law and Policy published a peer-reviewed study by Lynn M. Paltrow and Jeanne Flavin documenting arrests, detentions, and equivalent deprivations of physical liberty of women between 1973 and 2005 in which being pregnant was a necessary element of the crime or a “but for” reason for the coercive or punitive action taken. The study documented 413 such cases National Advocates for Pregnant Women (“NAPW”) has further documented approximately 1,254 such cases from 2006-2020, bringing the total since 1973 to over 1,600 such cases. While each case’s records reside in NAPW’s files, the sources below, taken together, document nearly all of the 1,254 criminal cases independently identified or verified by NAPW.

Investigative Reports, Research and Commentaries:

1. Lynn M. Paltrow, [*Constitutional Rights for the “Unborn” Would Force Women to Forfeit Theirs*](#), Ms. Magazine (Apr. 15, 2021) (reporting more than 1, 200 cases from 2006-2020 nationwide)
2. Wendy A. Bach, [*Prosecuting Poverty, Criminalizing Care*](#), 60 Wm. & Mary L. Rev. 809 (2019) (documenting 124 cases in Tennessee from 2014 to 2016)
3. If/When/How: Lawyering for Reproductive Justice, [*Roe’s Unfinished Promise: Decriminalizing Abortion Once and For All*](#) (2019) (documenting 21 arrests of people who end their pregnancies and those who have supported them in 20 states since 1973-2018)
4. Editorial Board, [*A Woman’s Rights*](#), N.Y. Times, (Dec. 28, 2018)
5. Grace Elizabeth Howard, [*The Criminalization of Pregnancy: Rights, Discretion, and the Law*](#) 64–65, 68–70 (Oct. 2017) (unpublished Ph.D. dissertation, Rutgers University) (documenting 182 cases in South Carolina, 501 cases in Alabama, and 99 cases in Tennessee from 1973 to 2015)

6. Lynn M. Paltrow & Lisa K. Sangoi, [*The dangerous state laws that are punishing pregnant people: In the past 10 years, arrests and forced interventions of pregnant women have skyrocketed*](#), ThinkProgress (Sept. 28, 2016) (reporting more than 1,000 cases in the United States from 1973-2016)
7. Nina Martin, [*Take a Valium, Lose Your Kid, Go to Jail: In Alabama, Anti-Drug Fervor and Abortion Politics Have Turned a Meth-Lab Law into the Country's Harshes Weapon Against Pregnant Women*](#), ProPublica, (Sept. 23, 2015) (documenting 479 cases in Alabama from 2006 to July 2015)
8. Lynn M. Paltrow & 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*](#), 38 J. Health Pol., Pol'y, & L. 299 (Apr. 2013); (Documenting 413 cases across the United States from 1973-2005)

Books:

1. Michele Goodwin, [*Policing the Womb: Invisible Women and the Criminalization of Motherhood*](#) (2020)
2. Linda C. Fentiman, [*Blaming Mother: American Law and the Risks to Children's Health*](#) (2017)
3. Jeanne Flavin, [*Our Bodies, Our Crimes: The Policing of Women's Reproduction in America*](#) (2009)

Documentaries:

1. Jo Ardinger, [*Personhood: Policing Pregnant Women In America*](#) (2019)
2. Incite Pictures, [*BEI BEI*](#) (2019)
3. National Advocates for Pregnant Women, [*NAPW: The Case of Alicia Beltran*](#) (2019)
4. Civia Tamarkin, [*Birthright: A War Story*](#) (2017)
5. Rebecca Haimowitz, [*62 Days*](#) (2017)