

## Legal system organizing against rights of pregnant women

Thr, May 20, 2004

**By PAM UDY**  
Guest Commentary

I am worried about women on the day they become mothers.

My pregnancy and the birth of my baby in March was not the peaceful, happy experience I expected it to be.

At every prenatal appointment I was told I "needed" a Caesarean section. The reasons varied. One month it was because I already had two Caesareans. The doctors said it didn't matter that I had two natural births after my Caesareans.

At 24 weeks they wanted me to schedule a Caesarean because my baby was breech, as if she didn't have time to turn. They wanted me to schedule when the ultrasound showed a skeletal problem. Yet they couldn't tell us what was wrong.

Ogden doctors told me I had to have a Caesarean. I asked for information showing how this would be safer than a vaginal birth for my baby. They didn't have any evidence that a Caesarean would be safe, but refused to allow me to labor. I changed to a Salt Lake doctor at 32 weeks. He told me how I birthed was my decision, saying that no one could force me to have a Caesarean. I did what I felt was best for my baby and me -- I planned a natural vaginal birth.

In the middle of labor I was told by yet another doctor my baby's skull could collapse and her brain bleed out. I was angry at this blatant scare tactic. My daughter was born safely, without any problem, despite the dire warnings of my doctors.

What if something had gone wrong? What if she had been born with multiple fractures? Would it have been my fault for not listening to the doctors? What if she hadn't made it through the delivery? Would I have been charged with murder? I hug my infant daughter tighter as I watch the Melissa Rowland case unfold. Rowland's case scares not just me, but my pregnant friends -- and it ought to scare all of us. It sets a legal precedent that makes doctors into all-knowing authorities or, worse, fortunetellers; and it reduces mothers to uniformed, blind followers or, worse, criminals. Pregnant women already face manipulation by their doctors. Are we also to face coercion by our legal system?

Pregnant women have the right to complete and true information about every test, procedure, drug and plan of treatment recommended by doctors.

Every woman has the right and responsibility to make decisions based on this information. Pregnant or not, we cannot delegate this responsibility to our doctors or any other caregiver. We can either consent or refuse any test, procedure, drug or plan of treatment recommended by our doctors. To refuse any recommendation is not a crime, even if it leads to sad and tragic outcomes. To blindly follow a doctor's recommendations without consideration for our own safety is to delegate our personal responsibility and free agency into the hands of others whose own interests directly conflict with our own. Doctors have time constraints, routine

policies they are forced to follow and malpractice-insurance rates to worry about. These legalities have begun to have precedence over the most important things: my baby and me.

District Attorney David Yocom's comments that he hadn't seen a case like this before and doubted that he would again, because no pregnant woman would do what Melissa did, is misinformed and degrading. Does he think all pregnant women jump at their doctor's command? Are we not allowed time to consider what the doctor is recommending, what the risks and benefits are, what the options are and how this differs from what we expected? To suggest, as the DA's office has, that only a mentally ill woman would refuse a surgery her doctor recommended is insulting and untrue.

I have the right and responsibility to make decisions about my health care, even while pregnant. This is a protected place the DA and the legal system are not welcome. When I asked a district attorney if I would be next for refusing a Caesarean my doctors recommended, he told me, "You look like a good mother." Has the court system started making judgments based on appearances? He doesn't know me -- maybe he said that because I was holding my healthy daughter in my arms. I wonder if he still thinks I am a good mom?

Benjamin Rush, physician and signer of the Declaration of Independence said: "Unless we put medical freedom into the Constitution, the time will come when medicine will organize into an undercover dictatorship to restrict the art of healing to one class of men and deny equal privileges to others. The Constitution of this republic should make a special privilege for medical freedom as well as religious freedom."

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