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CONTACT: ALEX WALDEN
AWALDEN@RABENGROUP.COM
(202) 587-2868

**FIRST FEDERAL CHALLENGE TO ARREST OF PREGNANT WOMAN
UNDER “PERSONHOOD”-LIKE MEASURE FILED IN WISCONSIN**

Suit filed to free woman arrested and detained in treatment facility in violation of constitutional rights and accepted medical standards

WISCONSIN – Attorneys for Alicia Beltran announced today that they filed a [petition](#) in federal court seeking her immediate release from state custody, challenging the constitutionality of a 1997 Wisconsin law that deprives pregnant women of their constitutional rights and permits state action that is dangerous to maternal, fetal, and child health.

In this case Alicia Beltran, a 28-year-old pregnant woman, sought early prenatal care and confided in health care workers about her prior use of painkillers and her efforts to end that use on her own. Instead of commending Ms. Beltran for her progress, she was arrested on July 18, 2013 by Wisconsin law enforcement officials.

She was arrested under a Wisconsin law passed in the guise of protecting fertilized eggs, embryos, and fetuses from any pregnant woman who “habitually lacks self-control in the use of alcohol or controlled substances.” According to papers filed with the court, Ms. Beltran was forcibly taken into custody by law enforcement when she was 15 weeks pregnant, put into handcuffs and shackles, and brought to a court hearing. Although a lawyer had already been appointed to represent her fetus, Ms. Beltran had no right to counsel – and therefore had no attorney – at her initial court appearance. Then, without testimony from a single medical expert, the court ordered her to be detained at an inpatient drug treatment program two hours from her home.

Attorney Linda Vanden Heuvel, who subsequently became counsel for Ms. Beltran, explained that “Locking up Ms. Beltran, under the [Wisconsin law](#), does not serve the best interests of Ms. Beltran’s future child and most certainly tramples the rights of Ms. Beltran, a woman who was not in fact using any controlled substances at the time of her arrest and who is committed to having a healthy pregnancy.”

The petition filed in Milwaukee in the Eastern District of Wisconsin asserts violations of numerous constitutional rights including the right to physical liberty, the right to due process notice, privacy in medical decision-making, the right to carry a pregnancy to term, the right to have an abortion, the right to privacy in medical and personal information, the right to be free of illegal searches and cruel and unusual punishment, and the right to equal treatment under the law. Sworn [statements](#) from medical experts in support of the petition conclude that the arrest and detention of Ms. Beltran lacks medical justification and increases risks to the pregnancy.

Lynn Paltrow, Executive Director of National Advocates for Pregnant Women and a co-counsel, explained “The Wisconsin law takes away from a pregnant woman virtually every right associated with constitutional personhood – from the most basic right to physical liberty to the right to refuse bad medical advice.” She added, “This kind of dangerous, authoritarian [state-action](#), is exactly what happens when laws give police officers and other state actors the authority to treat fertilized eggs, embryos, and fetuses as if they are already completely separate from the pregnant woman.”

Four states (Minnesota, Oklahoma, South Dakota, and Wisconsin) have laws that explicitly permit detaining pregnant women alleged to have used alcohol or drugs. All were passed in the late 1980’s and 1990’s with support of anti-abortion organizations. Proceedings under these laws are generally confidential and rarely come to public attention. This is the first constitutional challenge to such a law.

Ms. Alicia Beltran is represented by Linda S. Vanden Heuvel, of Vanden Heuvel & Dineen, S.C.; Sarah Burns and Avram Frey of the Reproductive Justice Clinic at the New York University School of Law; and Lynn Paltrow and Farah Diaz-Tello of National Advocates for Pregnant Women.

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