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An Attack on Privacy in Kansas

Ann Roe* was in the late stages of her second pregnancy when her physician told her the fetus she was carrying would likely suffer from a severe birth defect. Twenty-two weeks pregnant, she sought an abortion from Dr. George Tiller, one of the few doctors in the U.S. who performs the procedure during the late second and third trimesters. In the end, she didn't get an abortion—Dr. Tiller determined that the fetus was, in fact, healthy. But a grand jury convened by anti-choice activists in Wichita, Kansas is now seeking the private medical records of Roe and about 2000 other women from across the country who sought abortions from Dr. Tiller.

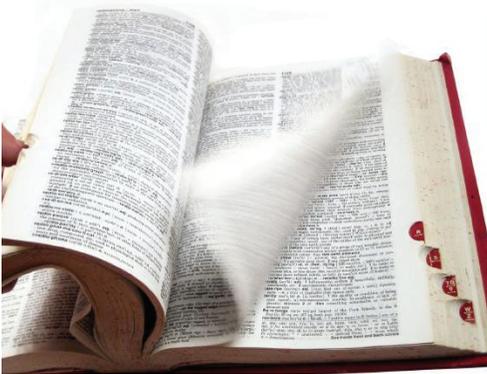
Anti-choice groups targeting Dr. Tiller have taken advantage of a little-used law that allows citizens to bypass the prosecutor and assemble grand juries themselves. Anti-choice activists were among the first witnesses to testify before the grand jury, and showed photographs of visibly pregnant women entering Dr. Tiller's office. Shortly thereafter, the grand jury subpoenaed the medical records of all women, 22 weeks pregnant or more, who have sought abortions from Dr. Tiller since 2003.

The Center is [representing Roe and other patients](#) who fear that their identities will be disclosed. While some personal details such as names and social security numbers would be blacked out from the records, the documents would still contain highly personal information that could potentially identify patients, particularly to people who know them. This includes mental health and medical histories, as well as each of the factors weighed by the patient in her decision to seek an abortion.

“Who knows who will get their hands on those documents and what they will do with them?,” [Ann Roe said](#). During the last grand jury investigation of Dr. Tiller, confidential information was leaked to the anti-choice group [Operation Rescue](#) and posted on its website.

In early February, the Kansas Supreme Court temporarily blocked the grand jury's subpoenas until it reviews arguments from both sides. For updates, please visit the Center's website, <http://www.reproductiverights.org>.

* *The name used is a pseudonym to protect the identity of the client.*



Glossary: Writ of Mandamus

A court order to a public officer, including the judge of a lower court, to follow the law by correcting its prior actions or ceasing illegal acts is called a writ of mandamus. The Center recently filed a petition for a writ of mandamus in the Kansas Supreme Court after a state district court ordered Dr. George Tiller to hand over the medical records of women who have sought abortions at his clinic. The Center is arguing that this decision by the district court is illegal because it imposes an unjustified intrusion on the privacy rights of Dr. Tiller's patients.

From the Latin, '*mandare*' (to command), '*mandamus*' means 'we command.'



Onyema Afulukwe

“...the Center’s Visiting Lawyers Program aims to give lawyers from around the world hands-on experience with the Center’s reproductive rights advocacy work.”

Visiting Lawyers, Future Partners

Winta Menghis wasn't sure how international legal advocacy could change the lives of women in her home country of Eritrea. Then she spent four months at the Center drawing the world's attention to [violations of women's human rights in Kenyan health facilities](#). The experience showed her that such advocacy could make a difference. She is now looking forward to using human rights tools as she continues to fight for women's rights.

That is precisely the goal of the Center's Visiting Lawyers Program, which aims to give lawyers from around the world, such as Menghis, hands-on experience with the Center's reproductive rights advocacy work. While at the Center, these lawyers draft shadow reports, carry out fact-finding missions, and help bring cases to United Nations and regional human rights bodies.

At the same time, visiting lawyers provide the Center with valuable expertise on their home countries. Onyema Afulukwe, a lawyer from Nigeria with a background in women's reproductive health, has used her knowledge to strengthen the Center's work on maternal mortality. The Center has also benefited from Afulukwe's broad experience, including as a UN monitor for the International Service for Human Rights.

The Visiting Lawyers Program not only trains future reproductive rights leaders, but also builds worldwide partnerships. During her time at the Center, Brazilian Carmen Campos focused on building an international case against that country over [its maternal mortality rates](#). She now plans to bring together local women's rights groups and the Center to collaborate on other reproductive rights cases. "I've seen what makes an organization like the Center effective, and I want to take those lessons back to Brazil," she says.



Briefing on Capitol Hill

A federal Freedom of Choice Act. Expanded access to emergency contraception. Healthcare for all pregnant women. These are the goals of the Center's first-ever [Reproductive Rights Federal Policy Agenda](#). And on January 24th, Center attorneys promoted the agenda's vision for the future in Washington, DC.

Janet Crepps, Deputy Director of the Domestic Legal Program, highlighted the policy goals to about 60 Congressional staffers during the Center's annual briefing on Capitol Hill. These meetings give us an opportunity to inform members of Congress and their staffs about the range of issues that we work on and the resources we can provide. Legislators will then know to call on Center attorneys as the experts in reproductive rights law when working on issues such as the Hyde Amendment, abstinence-only sex education, and international family planning assistance.

At this year's briefing, Celine Mizrahi, the Center's Legislative Counsel, also followed up on the updated [What If Roe Fell?](#) report and drew attention to how the [federal abortion ban](#) has encouraged anti-choice legislation at the state level. The International Legal Program raised awareness of obstacles to reproductive health and rights worldwide. Elisa Slattery, Regional Manager for Africa, and Aya Fujimura-Fanselow, Legal Adviser for International Litigation and Advocacy, discussed the Center's work on [access to quality maternal healthcare in Kenya](#) and the [contraception ban in the Philippine capital, Manila](#).



UN Photo/Evan Schneider

Sowing the Future

A three-year, \$3 million grant from an anonymous foundation and another significant grant from the Mertz Gilmore Foundation will enable the Center to begin implementation of its visionary new strategic plan. Launched in January, the plan calls on the Center to advance reproductive rights as human rights worldwide through a number of groundbreaking initiatives.

A Law School Initiative will engage U.S. law schools and law professors in shaping thinking and teaching on reproductive rights as human rights for the next generation of scholars, attorneys, policymakers and judges. A Research and Development Lab will bring together leading academics and practitioners with the Center's own experts to identify emerging issues, advance new thinking and develop innovative strategies. The final component will be the use of fact-finding and other human rights strategies to expand and strengthen the Center's litigation and advocacy work in the U.S. (You can read more about the Center's fact-finding strategies in the [December 2007 issue](#) of *What's New*.)

“Two significant grants will enable the Center to begin implementation of its visionary new strategic plan.”

Keep an eye out for future issues of ReproWrites for updates on these and other exciting new projects!