

## **If You Really Care about Racial Discrimination, You Should Care about Reproductive Justice!**

### **What is Reproductive Justice?**

The Reproductive Justice (RJ) movement places reproductive health and rights within a social justice framework.<sup>1</sup> The movement supports the right of individuals to have the children they want, raise the children they have, and plan their families through safe, legal access to abortion and contraception. In order to make these rights a reality, the movement recognizes that RJ will only be achieved when all people have the economic, social, and political power to make healthy decisions about their bodies, sexuality, and reproduction.<sup>2</sup> RJ understands that Women of Color will continue to be denied the power to control their reproductive lives until racial discrimination is eradicated.

### **Why is Reproductive Justice a Racial Discrimination Issue?**

*Racial discrimination has robbed Women of Color of their agency to decide if, when and how to raise their children and given that decision-making power to others, including the government, to wield over them.*

Throughout our nation's history, racism, entrenched in institutions, policies, and customs, has prompted and perpetuated the denial of the rights of Women of Color to control their bodies and to raise their children. There are many examples. The racist belief that Native American traditions were inferior led the U.S. government to force children from their family homes and into abusive boarding schools. As part of an agenda to assimilate Native-American children into western culture, these boarding schools stripped them of their "identity, culture, spirituality, language, scientific and technical knowledge."<sup>3</sup> In the 1960s, pharmaceutical companies tested early forms of the birth control pill on Puerto Rican women.<sup>4</sup> This was thought to "kill two birds with one stone." First, it would reduce the number of children from this U.S. territory who could eventually gain unfettered entrance to the U.S. Second, it would ensure a safer product for the women who would ultimately benefit from the pill – middle and upper class White women pursuing careers and education.

*Racial and sexual stereotypes restrict the sexual autonomy of Women of Color.*

Racial and sexual stereotypes play a major role in the trafficking of Asian-American and Pacific Islander (AAPI) women. Asian women are trafficked as forced laborers, including sex workers, and some who enter brokered marriages with American men seeking "submissive" brides end up in abusive and exploitive relationships.<sup>5</sup>

Sexual exploitation of Black women was essential to the institution of slavery.<sup>6</sup> White women, humiliated by their husbands' sexual use of slaves, cast African women as "exotic temptresses" rather than victims.<sup>7</sup> These sexualized racial stereotypes of Black women as willing, available and insatiable was "systematically perpetuated" after slavery ended, and led to a failure to prosecute

rapes against black women.<sup>8</sup> Latina women are also stereotyped as over-sexed exotics or sexually repressed, due to their Catholic faith.<sup>9</sup> Those waging the battle for immigration restrictions in California continue to blame “hyper-fertile” Mexican women for the state’s problems.<sup>10</sup> Moreover, these stereotypes contribute to the repression of healthy sexual expression among Women of Color because they fear perpetuating these stereotypes.<sup>11</sup>

Police misconduct in Communities of Color has also led to a distrust of law enforcement and reluctance to report sexual assault.<sup>12</sup> A Woman of Color who is victimized may not report for fear that she will not be believed or that police will not devote adequate resources to finding the actual perpetrator, thus making the risks of filing a complaint outweigh the possible benefits. And finally, she may be reluctant to identify her abuser for fear of being rejected by her community for attempting to seek legal redress from a system that so often denies justice to People of Color.

*RJ opposes the deceptive use of racialized propaganda to limit the reproductive autonomy of Women of Color.*

Because Women of Color have and do face the most egregious and pervasive reproductive oppressions, fighting for RJ simultaneously addresses racial discrimination. All women deserve the ability to make independent and healthy decisions, free from undue pressure and coercion, about whether and when to bear and rear children. Contrary to claims made by those who oppose abortion on the grounds that it is “Black Genocide,” the RJ movement explicitly opposes attempts to limit births by Women of Color or otherwise control their childbearing and seeks to empower women in their efforts to parent.<sup>13</sup>

Abortion opponents have launched a billboard campaign in Atlanta claiming that abortion has decreased the Black fertility rate (despite data showing otherwise), and accusing providers of attempting to exterminate Black people by locating a majority of abortion clinics in Black neighborhoods (also factually inaccurate).<sup>14</sup> Perpetuating these blatant lies, early in 2010, Georgia legislators introduced a bill that would forbid providers from “soliciting” or performing an abortion “based on the race, color, or sex of the unborn child or on the race or color of a parent.”<sup>15</sup> Sistersong Women of Color Reproductive Health Collective has been at the forefront of opposing this Bill and the related billboard campaign, emphasizing that Women of Color make reproductive decisions based on their lived experiences and in consideration of what is best for them and their families.<sup>16</sup>

*RJ demands that women not be discouraged from or punished for bearing and raising children.*

Women of Color, in particular, have been unfairly targeted and discriminated against for their childbearing, exposing the racial bias that devalues their motherhood and reinforcing the importance of fighting for RJ as a means of ending racial discrimination. In one of the most heinous examples of reproductive oppression, Women of Color – including Black women, Latinas and Native American women – were subjected to involuntary sterilization from the 1800s through the 1970s.<sup>17</sup> Sterilization was used as a form of eugenics, intended to reduce the number of what some deemed to be “socially undesirable” or “inferior” populations.<sup>18</sup> The RJ movement also rejects “overpopulation” arguments, which are similarly motivated by a desire to reduce birthrates in developing countries.<sup>19</sup> Such arguments unjustly blame these nations for environmental problems and shortages of natural resources, when in fact “the richest fifth of the world’s people consume 66 times as many resources as the poorest fifth.”<sup>20</sup>

For Women of Color on public assistance, the exploitation grows. “From the 1965 Moynihan Report...to current policies that push marriage as the answer to poverty...the scapegoating of single black mothers has been a consistent feature of the debates on welfare and has been institutionalized in public policy.”<sup>21</sup> Twenty-one states have instituted “family caps,” which deny benefits to any child born to a mother receiving welfare.<sup>22</sup> The states most likely to implement the family cap are states with higher percentages of African Americans and Latinos receiving assistance.<sup>23</sup> In the 1990s, government officials were clear that their motivation in encouraging those on public assistance to use Norplant, long-acting implantable birth control rods was “in hopes of decreasing their birthrate.”<sup>24</sup> Some clinics resisted women’s efforts to have these rods removed when they experienced serious side-effects.<sup>25</sup> Even though most people on welfare are not Black, a disproportionate number of Blacks rely on welfare, making such policies particularly damaging.<sup>26</sup>

*RJ demands that Women of Color have equal access to quality and affordable reproductive health care so that they can give birth to, and raise, healthy children.*

Employment is the primary source of health insurance, so discrimination in the workforce based on race, ethnicity, national origin and sex contribute to disparities in health care access. The economic situation for some groups has improved dramatically since the passage of laws prohibiting workplace discrimination, including Title VII and Title IX,<sup>27</sup> however, discrimination in employment remains a serious problem.<sup>28</sup> Asian-American and Pacific Islander women and Latinas are disproportionately represented in some low-income sectors that do not provide insurance, including domestic services, home-health aids and childcare.<sup>29</sup> While Black women are just as likely as White women to have their own employer-based insurance, they are half as likely to have insurance through a family member.<sup>30</sup> Lack of access to reproductive health care, including family planning services and prenatal care, means poorer health outcomes for Women of Color and their children. In fact, 35% of American-Indian/Native Alaskan women, 36.6% of Hispanic women, 22.6% of Black women, and 18.5% of Asian-American and Pacific Islander women are uninsured. This compares to a rate of 12.6% for Non-Hispanic Whites.<sup>31</sup>

### **How You Can Support Racial Equality and Reproductive Justice**

- Recognize that the unique barriers to Reproductive Justice faced by Women of Color are a result of intersecting forms of discrimination based on race and gender.
- Advocate for public benefit policies (welfare, social security, food stamps, housing, etc.) that do not disproportionately hurt Women of Color and provide fair and meaningful support to all women and families.
- Fight against racial and sex discrimination and stereotyping, which contribute to sexual oppression and punitive policies against Women of Color, especially those who are mothers.
- Speak out against the myth of “Black genocide” and affirm the right of all women to make their own reproductive decisions based on their own lives.
- Support the strong enforcement of all civil rights laws and oppose efforts to dismantle affirmative action.

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<sup>11</sup> SisterSong, What is Reproductive Justice?, [http://www.sistersong.net/reproductive\\_justice.html](http://www.sistersong.net/reproductive_justice.html) (last visited June 25, 2009).

<sup>12</sup> Asian Communities for Reproductive Justice, Mission and Vision, <http://www.reproductivejustice.org/mission-vision.html> (last visited June 25, 2009).

<sup>13</sup> Jael Silliman et al., UNDIVIDED RIGHTS: WOMEN OF COLOR ORGANIZE FOR REPRODUCTIVE JUSTICE 7 (2004).

<sup>14</sup> *Id.* at 221.

<sup>15</sup> NAT'L ASIAN PAC. AM. WOMEN'S FORUM, HUMAN TRAFFICKING AND ASIAN & PACIFIC ISLANDER WOMEN AND GIRLS (Feb. 2008), available at <http://napawf.org/resources/issue-briefs-factsheets/>. NAPAWF also notes that while there is sex trafficking, the U.S. government places undue emphasis on sex trafficking to the exclusion of other forms of forced labor, including domestic servitude, manufacturing, and drug dealing.

<sup>16</sup> DOROTHY ROBERTS, KILLING THE BLACK BODY: RACE, REPRODUCTION, AND THE MEANING OF LIBERTY 29 (1997).

<sup>17</sup> *Id.* at 32-33.

<sup>18</sup> *Id.* at 11, 31.

<sup>19</sup> SILLIMAN ET AL., *supra* note 3, at 216.

<sup>20</sup> *Id.* at 217.

<sup>21</sup> For an exploration of how racial stereotypes influence sexual expression, see GAIL WYATT, STOLEN WOMEN: RECLAIMING OUR SEXUALITY, TAKING BACK OUR LIVES (1997). SisterSong's 2007 Conference, entitled "Let's Talk About Sex!" was a groundbreaking attempt to start a conversation on healthy expressions of sexuality among Women of Color. See SisterSong, Post Conference Report (July 2007), available at [http://www.sistersong.net/documents/LTAS\\_Post\\_Conference\\_Report.pdf](http://www.sistersong.net/documents/LTAS_Post_Conference_Report.pdf).

<sup>22</sup> Anannya Bhattacharjee, *Private Fists and Public Force: Race, Gender, and Surveillance*, in POLICING THE NATIONAL BODY: RACE, GENDER AND CRIMINALIZATION IN THE UNITED STATES 14-15 (Anannya Bhattacharjee & Jael Silliman eds., 2002).

<sup>23</sup> For examples of such anti-abortion propaganda, see Black Genocide, <http://www.blackgenocide.org/> (last visited Jan. 29, 2010).

<sup>24</sup> See Shaila Dewan, *Anti-Abortion Ads Split Atlanta*, N.Y. TIMES, Feb. 6, 2010, at A9, available at <http://www.nytimes.com/2010/02/06/us/06abortion.html>.

<sup>25</sup> H.B. 1155, 2010 Leg., 2009-2010 Sess. (Ga. 2010), available at [http://www.legis.state.ga.us/legis/2009\\_10/pdf/hb1155.pdf](http://www.legis.state.ga.us/legis/2009_10/pdf/hb1155.pdf).

<sup>26</sup> SisterSong, Sistersong Collective Opposes HB 1155, the Sex and Race Selection Bill, News Release, Feb. 12, 2010, [http://sistersong.net/documents/SS\\_HB\\_1155\\_news\\_release.pdf](http://sistersong.net/documents/SS_HB_1155_news_release.pdf).

<sup>27</sup> ROBERTS, *supra* note 6, at 111.

<sup>28</sup> *Id.* at 93.

<sup>29</sup> POPULATION AND DEVELOPMENT PROGRAM AT HAMPSHIRE COLLEGE, 10 REASONS TO RETHINK OVERPOPULATION (2006), available at <http://popdev.hampshire.edu/projects/dt/40>.

<sup>30</sup> *Id.*

<sup>31</sup> SILLIMAN ET AL., *supra* note 3 at 50. During the 1980s, welfare recipients were commonly depicted as "welfare queens" (i.e., "African-American, long-term welfare recipients who live in inner-city ghettos and regularly have babies"). Lucy Williams, *The Ideology of Division: Behavior Modification Welfare Reform Proposals*, 102 Yale L.J. 719, 742 (1992).

<sup>32</sup> Jodie Levin-Epstein, *Lifting the Lid Off the Family Cap: States Revising Problematic Policy for Welfare Mothers* CHILD BEARING AND REPROD. HEALTH SERIES (Ctr. for Law and Social Policy, Washington, D.C.), Dec. 2003, available at [http://www.clasp.org/publications/family\\_cap\\_brf.pdf](http://www.clasp.org/publications/family_cap_brf.pdf). For information on state family cap policies, see Office of Family Assistance, Dept. of Health and Human Services, *TANF Eighth Annual Report to Congress* ch. 12, available at <http://www.acf.hhs.gov/programs/ofa/data-reports/annualreport8/chapter12/chap12.htm#15>.

<sup>33</sup> Levin-Epstein, *supra* note 19, at 2.

<sup>34</sup> ROBERTS, *supra* note 6, at 104.

<sup>35</sup> *Id.*

<sup>36</sup> *Id.* at 215.

<sup>37</sup> Title IX of the Education Amendments of 1973, 20 U.S.C. § 1681 *et seq.*; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*

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<sup>28</sup> Clea Benson, CQ, *Race Gap: Still Hard at Work*, CQ POLITICS, July 26, 2009, available at <http://www.cqpolitics.com/wmspage.cfm?docID=weeklyreport-000003177528>.

<sup>29</sup> Over 20% of Caucasian workers, 30% of African-American workers and 40% of Latino workers are members of the low-wage workforce in low-wage industries. Judy Patrick & Surina Khan, *Economic Recovery: Fairness for Low-Income Families*, HUFFINGTON POST, Dec. 3, 2008, [http://www.huffingtonpost.com/judy-patrick-and-surina-khan/economic-recovery-fairness\\_b\\_147957.html](http://www.huffingtonpost.com/judy-patrick-and-surina-khan/economic-recovery-fairness_b_147957.html).

<sup>30</sup> National Women's Law Center analysis of 2007 data on health coverage from the Current Population Survey's 2008 Annual Social and Economic Supplement, using CPS Table Creator, [http://www.census.gov/hhes/www/cpstc/cps\\_table\\_creator.html](http://www.census.gov/hhes/www/cpstc/cps_table_creator.html). Employment discrimination therefore contributes to the insurance gap between Black and White women because the disparity in marriage rates is correlated to the ratio of "employed men to employed women for each race/ethnicity group." David Fein & Theodora Ooms, *What Do We Know About Couples and Marriage in Disadvantaged Populations? Reflections from a Researcher and a Policy Analyst* 10 (Ctr. For Law and Social Policy, Washington, D.C.), June 2006, available at [http://www.clasp.org/admin/site/publications\\_archive/files/0203.pdf](http://www.clasp.org/admin/site/publications_archive/files/0203.pdf).

<sup>31</sup> National Women's Law Center analysis, *supra* note 28.