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GUESTS:

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FRIDAY, OCTOBER 25, 2013

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BONNIE ERBE: This week on *To the Contrary*, first, who's more important under the law: mother or fetus? Then, an ad campaign exposes gender discrimination. Behind the headlines: Governor Mary Fallin, the first Republican woman to chair the National Governors Association.

(Musical break.)

MS. ERBE: Hello. I'm Bonnie Erbe. Welcome to *To the Contrary*, a discussion of news and social trends from diverse perspectives. Up first, a groundbreaking lawsuit.

A Wisconsin woman who found herself in shackles for allegedly endangering her fetus is launching a first of its kind legal challenge to the state's fetal protection law.

Alicia Beltran says she was almost fully recovered from a Percocet addiction when she went to a health clinic for a prenatal checkup. Beltran, who's 28, was 14 weeks pregnant. When she refused a prescription for an anti-addiction drug, a skeptical doctor and social worker accused her of endangering her unborn child. She spent two months in a drug treatment center despite passing a drug test.

So, Congresswoman Norton, are fetal protection laws unfair to pregnant women?

DELEGATE ELEANOR NORTON (D-D.C.): Back to the drawing boards. There's got to be a better way to protect fetuses than by punishing the woman.

JENNIFER MARSHALL: We shouldn't pit the health and welfare of the mother against the health and welfare of the unborn child. And many states are enacting commonsense protection for unborn children as well as protecting the health and welfare of the mother at the same time.

MARJORIE CLIFTON: It's a tricky, tricky topic, but I would say that anything that discourages women from being honest with their doctors and getting prenatal care presents a problem just to begin with.

FRANCESCA CHAMBERS: Well, in any legal system you're going to have instances in where a law is improperly enforced. And at the heart of the issue right now, with the lawsuit that we're talking about, it just seems that the law was improperly enforced here.

MS. ERBE: Do you agree with that or do –

DEL. NORTON: Oh, my goodness.

MS. ERBE: Or let me ask you but – you know, clearly, the central question here is, is it constitutional, and is it in your mind?

DEL. NORTON: Frankly, I hate to say it but I think this is an easy lawsuit. It's going to fall for what we call vagueness. Because a woman has to, quote, "had lost self-control" – watch out everybody around this table – in order to – and if she has a criminal statute now, where the law requires and the constitution requires fine tuning before you subject someone to punishment even for stealing a dime. So I think that this law will fall and it will do what I said in the beginning, help people to think deeper about how to get the result they want.

MS. MARSHALL: Bonnie, I'm sure in the history of this program you've had a conversation or two about the issue of babies born addicted to cocaine. These are terrible problems about the health and welfare of an unborn child. And laws like these are intended to help that situation, to give the mother that's carrying that child the opportunity to get the treatment she needs, to get the help she needs, make sure there's some accountability there. And, you know, we can talk about the particularities of this case. You brought up some of the situations. But, in general, these laws are an important step from protect the unborn child, to protect the mother and get her the help she needs.

MS. ERBE: So what failed in this case, because after all her Percocet addiction was done by the time she saw this doctor, why throw her in jail?

MS. MARSHALL: And I don't know all the details of the situation. I don't know the arguments that the attorneys are making. But it seems like, you know, the application, the implementation of this law in this particular case; it did not do the best job of tailoring the law to fit her circumstances.

MS. CLIFTON: There was a study that was done about six years ago called the abortion reduction study and it was looking at law versus support systems. And I think what we see is that when abortion rates drop, when the health of children increases, it's when women have support they need via health care, you know, being – mental health, all of those kinds of things. You can't simplify addiction in this way because if anyone who knows addiction knows that it's far more complicated than a black and white law, will convince them to go in and get the care they need.

But, in the same vein, our country – we have 50 percent more infant deaths a year due to lack of prenatal care than any industrialized country in the world. Eleven thousand three hundred children die in the U.S. a year day one of birth due to lack of prenatal care.

So I think anything that discourages women from being honest with their doctor, from going to see their doctor is problematic. And I agree; it's back to square one in terms of how we look at this issue.

MS. ERBE: Do you see this kind of law as constitutional or not?

MS. CLIFTON: Well, the constitutionality – again, we need another show to discuss that, but I would say where it’s problematic is the execution of it. It’s the interpretation of it.

DEL. NORTON: On its face, it’s unconstitutional.

MS. CLIFTON: And that’s the – yeah, and that’s the challenge of I would say any law is how you interpret and how you execute.

DEL. NORTON: You could have written a (constitutional law ?). These people do no. It’s too broad.

MS. ERBE: But wait. I’ll get to you in a second, I promise. But what would be constitutional?

DEL. NORTON: You’d have to be very particular about women, particularly if what you – and here I oppose this – but if you want a criminal penalty, you’d have to be so particular in order to pass a constitutionality test of that order, take you right away, away from criminal sanctions to civil sanctions or to what I think is most appropriate. If ever the words carrot and stick had any meaning, they have a meaning in this situation.

MS. CHAMBERS: What I was going to say is going back to something you said, what makes this specific case that we’re talking about, let’s bring this all to light different. Within regards to what they do already say in the law, it says that you have to have a severe addiction, to be a severe user. And that’s something here that it’s clearly not the case. That was not the case with this woman. It did not meet the standard of what is already in the law. So that’s why I said it was an improperly enforced law.

DEL. NORTON: She went to jail.

MS. CHAMBERS: If they had just done that, then we wouldn’t even be having this discussion currently. It was the enforcement of the law, not the law itself that was the problem.

DEL. NORTON: No, it was not. She went to jail. So the judge has to have found that, under the law, you are guilty. That’s why it’s going all the way up on a constitutional matter.

MS. CHAMBERS: But we all agree she’s going to win the case.

DEL. NORTON: Yeah. We agree on constitutional grounds.

MS. CHAMBERS: She’s going to win the case.

DEL. NORTON: So implementation – you can’t dodge how you have to write a law. And what you have to face is the criminal sanction – do you want a criminal

sanction or is some other sanction or some other way to get her there? And I must tell you, I think you want to get her there very early. So you'd have to think of incentives that didn't wait until she was even feeling that maybe – you know, maybe something is going to happen. You have got to reach out.

And people have found ways to reach out today. We're doing it in big cities where – in poorer neighborhoods, for example. You have people that go into the neighborhoods just looking for people who have become pregnant. If you care about this issue, that's the way to go about it. They aren't looking for people who have been on drugs. They are simply looking for poor women or minority women who will get to the emergency room when the birth is about to occur. We can do this. There are not so many that we cannot handle this. And we've got to handle it. I agree with you.

MS. ERBE: Can we afford it?

DEL. NORTON: Well, it's not that there's a wholesale birth – (inaudible).

MS. MARSHALL: This the whole way that the pro-life movement is moving, it's to provide all kinds of prenatal care and opportunities for support for mothers in need, mothers who many not have expected a pregnancy. So, yes, I think absolutely we can handle this.

MS. ERBE: But do you agree that's how the pro-life movement – my information about how the pro-life movement was moving differs from yours. You're obviously steeped in it. I'm not. I'm just an observer. But I understood the pro-life movement was not sending people out into the streets to look for and help pregnant women but really setting up these – what do they call them – pregnancy crisis centers, crisis pregnancy centers.

MS. MARSHALL: Actually, they're known as pregnancy care centers now to –

MS. ERBE: They'll give people blankets and sort of send them on their way.

MS. MARSHALL: No, no. They're giving them ultrasounds.

MS. ERBE: They're not paying –

MS. MARSHALL: They're giving them ultrasounds and helping them discern what's going on with their pregnancy, what needs there might be. You know, it's starting upon –

MS. ERBE: But they're not providing medications, doctor visits, food for the baby, nutrition for –

MS. MARSHALL: No. They're getting them connected with all kinds – that's the whole network that pro-life pregnancy care centers exist to help with is to connect

them with churches, with neighborhood centers, access to the kind of health care that they need, and so on.

MS. CLIFTON: Yeah. And I would say the interesting thing is, while this has become a polarized topic, it wasn't decades – even two decades ago. There was, you know – there were Republican and Democratic women – and I would say, when they poll them, removed from these terms of pro-life and pro-choice, people agree on what the solutions are. They agree. I mean, you've said it here, the support for women versus making them feel on the attack.

So, you know, my hope is that – and certain sanctions I should say of the pro-life movement, you do see this, the sort of, how do we look at this differently because this isn't getting where we need. And I think – you know, again, depolarizing and looking at what the systemic issues are. And, again – in general, as people, we respond better to support than we do attack. And so this to me feels like an attack. So how can we create something that feels like a support?

MS. ERBE: All right. Let us know what you think. Please follow me on Twitter @BonnieErbe or #tothecontrary. From pregnancy to sexism.

A new ad campaign launched this week by U.N. Women reveals that despite decades of global advancement, sexism and discrimination against women is still rampant worldwide.

U.N. Women hired an ad agency to conduct Google searches on phrases such as “women should” and “women can't.” The search engine's auto complete function generated phrases, such as “women should be slaves,” “should not work,” “cannot drive,” and “need to be controlled.”

The ads display the most popular responses over the mouths of women, showing in graphic form how women are silenced by gender bias. The United Nations organization's officials believe this is proof it needs to continue making the case for gender empowerment and equality.

So Marjorie Clifton, what about this campaign? Do you think it's a good idea?

MS. CLIFTON: Well, I think it's very telling. What Bing and Google and all these great search engines allow is sort of removing the human hands to sort of see in a very, you know, analytical way what humans and what people are actually doing online without having any interventions. So what we're seeing is the unfortunate truth but also the global truth that we're looking at now. And I think what – again, these search engines do is open up the world to us and so, especially in the United States, where we think we're this wildly empowered, you know, group of women, when we actually rank 73 in the world for the percentage of women in parliament.

But having spent time in the Middle East, I can tell you all the terms that they're talking about and the things that – the realities that women are looking out, they're very, very different. There is still a lot of work to do. So I think it's a wonderful campaign because it – again, Google being something that has opened the doors to women across the world but also very reflective of attitudes.

MS. CHAMBERS: I also think it's a great campaign. I know a lot of young women in my generation probably have no idea what women in these other countries are facing. And you were talking about this before the show, that I would call a lot of what young women in America are concerned about "first world problems," but – you know, today, I'm worried I don't have a dress to wear for the show, what am I going to do, you know, while someone in other countries, you know, worried about what they – you know, this and this and this. And so I think this is –

MS. ERBE: In Saudi Arabia not being able to drive.

MS. CHAMBERS: Yeah. Not being able to wear a dress without a – wrap it all. So that is something I think is really great to at least show my generation that, you know, here's some people with some real problems.

DEL. NORTON: You know, I certainly hope that you're right, that the census was global, that most of these came from outside the United States. My reading of it was that they didn't quite tell us enough about where they came from.

But it does look – the only comfort I take is that people – you know, if – for the ones in the United States – I can't speak about outside of this country where you have much greater acceptance of sexism – but for the ones in the United States, it must have been just an opportunity to vent. And, you know, who come to vent at times like this are the people – are the haters, you know, the ones that couldn't in polite company say exactly the same thing. Now, of course, globally, the kind of thing is said in polite and impolite company. So I do think it would be helpful to break this down to know where these responses are coming from.

MS. MARSHALL: Yeah. Count me a skeptic on this one. You know, whenever I type something into Google, it's always a bizarre pattern that the auto-type takes. So I just – I don't quite see it as much of analytic tool as you might have suggested.

The other thing I wonder if it does is if it just kind of flattens out the issues that women face. So rather than helping us understand the real context of actual women in concrete circumstances, some of which are very horrifying circumstances and I think your comparisons, our first world problems, is a very apt contrast. I just – I don't know that it really helps us get far ahead in solving actual problems.

MS. ERBE: But you talked about first world problems. There is – yes, I don't think there's anybody who would dispute, for example, being a woman in the United States, you probably have better access to education, health care, and economic

empowerment than just about anywhere except the Nordic countries in Europe. On the other hand, we have so many fewer women in Congress, in parliament than other countries, and we've certainly never had a female country leader. And something like 60 countries to this date have, most of them democratically elected at this point.

So does your generation kid itself in terms of where America really is in terms of women's rights? Do they still think we lead the world?

MS. CHAMBERS: I think that many probably are uneducated on that issue and probably do think that. However, at the same time, I know so many young women who are very concerned about getting more women in Congress, about having the first woman president. Everyone knows we haven't had the first woman president yet as other countries have. Everyone knows Margaret Thatcher, I would assume.

MS. ERBE: Angela Merkel.

MS. CHAMBERS: Yeah. Exactly. So no – this is something – that's an issue.

MS. ERBE: Dilma Rousseff in Brazil.

MS. CHAMBERS: Yeah. That's an issue that young women in my generation are very concerned about, but when it comes down to, you know, food, water, places to live, things like that, I really just don't think that they have no idea what it's like in some of these other countries is all.

MS. CLIFTON: Yeah. And I would argue awareness is the first step. You can't get into deep dive policy. You can't – you can't deal with it in a so-called flat way until you actually know that the problem is there. I think that's the beauty of this campaign.

And I think what's really interesting and very telling about a lot of – you know, again, generationally but even in the country is – for example, Malala, who was nominated – youngest woman ever for a Nobel prize. And just even having her on that international stage to point to the lack of education for women in Pakistan and in the Middle East was extremely powerful.

And I think, you know, all the debate on Sheryl Sandberg, and, you know, the fact that she was a woman who was willing to stand up and start talking about it, and we need more women of color and women of other experiences and backgrounds to have similarly – I think storytelling is very powerful. And that's what this ad campaign does, by the way. It tells a story. It's visual. It draws audiences in in that way.

DEL. NORTON: Yeah. But I think it can polarize things in countries around the world. That is to say if you confront people with that kind of way to try to take them out of their cultural patterns with women in a black and white way that – in that way – in fact I was kind of mystified. Who are they aiming this at? Are they aiming it at those who use this language? Are they aiming it at women, some of whom would also adopt this

language? So I just don't know what they're trying to get at with this. It revealed something, but how do you use it?

MS. CLIFTON: But if you look at social media campaigns, you look what's happening in Egypt and other developing areas of the world, what it has done in terms of creating an anonymous way for women – and they are engaging, because we see it, again, with all this organic search and what social media does is reveal the true voices of people in a society where they're not allowed to talk about it. So I think that's where the power is.

MS. ERBE: All right. Behind the headlines: Governor Mary Fallin, the first woman to serve as governor of Oklahoma. She's now the third woman to chair the National Governors' Association. We sat down with Governor Fallin to discuss her plans in her new role.

(Begin video segment.)

GOVERNOR MARY FALLIN (R-OK): My initiative as the chair will be to focus on jobs and our economy, and, basically, working with education and our employers to close the skills gap between what our employers need with their workers and what type of skill sets our workers have.

MS. ERBE: Governor Fallin says her top priority is education. She says the National Governors Association wants the controversial No Child Left behind Act reauthorized. Fallin says that would help states with funding for education.

GOV. FALLIN: In the meantime, what the governors are doing is to work together to find the best practices, you know, what works best in their individual states, and, frankly, what doesn't work as it relates to educational academic standards, bringing more rigor to the classroom, being able to set goals and get the specific results so that we can have a highly skilled educated workforce.

MS. ERBE: But critics question Fallin's commitment to education. Oklahoma reportedly leads all other states when it comes to cutting per capita education spending. Fallin insists that was done because state funding declined to emergency levels due to the recession. She hopes to boost education spending next year.

GOV. FALLIN: This year, we did dedicate a large portion of our new revenue that we had towards education, but along with the funding issue also comes education reform, having academic rigor, higher standards, setting goals, expecting better results, making sure that we align our education courses with what our employers need.

MS. ERBE: Five states now have female governors. Four of them are Republicans. Governor Fallin is the first Republican woman to chair the NGA, but the third woman to lead the organization.

GOV. FALLIN: Women bring different perspectives as it relates to talking about issues, whether it's on the state level or whether it's in a national position like the chair itself. But, in the end, what the American people want to see is solutions to their problems.

MS. ERBE: Women are assuming political office more often but still trail men considerably. Her advice for other women considering a run for office, get involved in the community or work for other candidates, even if you're married with children.

GOV. FALLIN: As challenging as a wife and a mother to serve in political office – you know, many times, women are raising children just like I did when I first started out in office. I had a brand new baby and a three-year-old in my first elected position, but I wanted to get out and work on some issues facing the state of Oklahoma in our Oklahoma legislature.

MS. ERBE: Fallin hopes she can be a role model for young girls.

GOV. FALLIN: I can still remember some of my role models when I was a young girl and people I admired that were in office. My mother, for example, was the mayor of a little-bitty town I grew up in. I always admired, you know, my mother and her service. And certainly I've watched other women that have paved the way for me to be able to get to the position I'm at today and we are hoping we can encourage women of all political parties to get more involved and to know that they really can make a difference in public policy.

(End video segment.)

MS. ERBE: What kind of a difference is she making, not only as the governor – first female governor of her state but also as the chair of the National Governors Association?

MS. CHAMBERS: Well, you know, she's the first Republican – woman to be chair of the National Governors Association. And I think that that says a lot to women out there. I think that says a lot to Republican women who might be interested in running for office and seeking higher elected position that you can do it. Like she said, she had a brand new baby when she ran for office. How impressive is that? That is very inspiring. And I think her story will probably encourage other women to get involved, like she said.

DEL. NORTON: Very impressive. And, you know, perhaps becoming chair of the National Governors Association has caused her to get (religion ?) for education. This is, of course, the governor who not only cut education more deeply than any other state but has not raised it.

But let me tell you what becoming chair of a larger organization will do for you. You will begin to think more broadly. And I applaud her because that's going to be heard back in her state now. So she's hardly going to be able to continue the hard line

she took on education while she admonishes the governors from around the country to focus on education. You can't focus on it without also focusing on what it costs.

MS. MARSHALL: Well, she actually has raised education funding since the emergency times that she was mentioning. But more important than that is the education policy that goes with it. And she has been a champion of educational choice and giving parents the opportunity to choose safe and effective schools, greater accountability to taxpayers for how those dollars are spent. This is the most important part of the education equation is how are the dollars spent, and is it empowering those closest to the students to make the decisions?

MS. CLIFTON: I think the governorship though is something that we really need to look at in terms of pipeline for women in general because I think what's wonderful about the women's caucus and women we see on the Capitol Hill is they come together in ways that sometimes the men don't. And I think the governorship is actually a direct pipeline to the presidency in a lot of cases. We've seen a lot of governors become president of the United States.

So I'm hoping that those numbers, as we see more female governors on the rise, and, again, having other women in that role that inspire others and build them up by states can be a really important stepping stone for our –

MS. CHAMBERS: And four of them – four of them, I was going to say, are Republicans on the right, so (at least ?) for us.

MS. ERBE: Why is it that Republican women dominate as governors and Democratic women dominate in Congress?

DEL. NORTON: I think it's the moment. I don't think that has – I don't think that has historically been the case. You saw that the prior chairs were both Democrats. I think that what you need is more women like her, who took a broader view. She is very different, even with her very conservative background, from the Republicans and the tea party takeover we have in the House.

MS. MARSHALL: I think you've got women governors, and, you know, the conservative governors in general have very high favorability ratings. They are pro-life. They're standing for marriage as the union of a man and a woman. They favor educational choice. They favor accountability to taxpayers. I think, by and large, this is reflecting the tenure of these states. And it's the kind of conversation that Americans want to be having right now.

MS. CHAMBERS: I was just going to say, I'm just throwing this out there too you as far as like women – as far as women governors go is that, you know, if I was running for governor and I had children, it would be a little bit easier I would think to run for governor than it would be to run for Congress because you're constantly in

Washington, D.C., whereas as governor, you get to stay back in your home state and you get to be with your family a little bit more often, I would assume.

MS. ERBE: That's an interesting point.

MS. CLIFTON: And I have to tell you, during this government shutdown, the conversation that was being had was the problem we've got in the divide and the polarity of our country is that the families are not living in Washington. They're not living together anymore. They're going back. They're standing in – whereas they used to stand on the soccer field side by side on Saturday and it made it a lot easier to have, you know, a bipartisan conversation. We've become very separate. So I agree that I think being home in our states makes it a little easier for women with children.

MS. ERBE: All right. That's it for this edition of *To the Contrary*. Please follow me on Twitter @BonnieErbe and #tothecontrary. And visit our website, pbs.org/tothecontrary, where the discussion continues. And whether you agree or think to the contrary, please join us next time.

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