

Oklahoma woman convicted of manslaughter, sentenced to four years in prison for miscarriage

Chase Lawrence
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On October 5 an Oklahoma woman was found guilty of first-degree manslaughter of a non-viable fetus, after suffering a miscarriage at 17 weeks, and sentenced to four years in prison.

Brittney Poolaw, 21, was charged with manslaughter on March 17, 2020 after she went to the Comanche County Hospital to seek help. She has remained incarcerated since her arrest over 18 months ago, not being able to pay the \$20,000 bail set by the court.

The fetus tested positive for methamphetamine, amphetamine, and another drug in the liver and brain, according to an obstetrician-gynecologist. According to the US National Institute of Health's National Institute on Drug Abuse (NIDA), research indicates methamphetamine is associated with significant pregnancy complications such as "increased rates of premature delivery [and] placental abruption (separation of the placental lining from the uterus)."

However, the doctor who did the autopsy on the fetus says the drugs may not have killed the fetus. A medical examiner found a congenital abnormality, placental abruption and chorioamnionitis, where bacteria infect the membranes that surround the fetus, and did not list the use of controlled substances as the cause of the miscarriage.

Notably, Oklahoma's murder and manslaughter laws do not apply to miscarriages that occur before 20 weeks, nor does Oklahoma law outlaw abortions. Medical viability of a fetus, where its survival rate is above 50 percent, is at around 25-26 weeks, according to the American College of Obstetrics and Gynecology, while the Supreme Court in *Roe v. Wade* established legal viability at 28 weeks. The Centers for Disease Control and Prevention defines fetuses delivered before

20 weeks as miscarriages.

In direct contradiction to the medical and legal facts, prosecutors nonetheless filed manslaughter charges against Poolaw. The jury found her guilty after less than three hours of deliberation.

The detective in the case stated that "when she found out she was pregnant she didn't know if she wanted the baby or not. She said she wasn't familiar with how or where to get an abortion."

It is unknown whether or not Poolaw in fact took methamphetamine in order to induce an abortion, and her own statement to police indicated she was unsure whether or not she wanted to keep the pregnancy.

According to the National Advocates for Pregnant Women, "In recent years, Oklahoma prosecutors, especially in Comanche and Kay Counties but also in Craig, Garfield, Jackson, Pontotoc, Payne, Rogers, and Tulsa counties, have been using the State's felony child neglect law to police pregnant women and to seek severe penalties for those who experience pregnancy losses."

Medical organizations, including the American Medical Association, American College of Obstetricians and Gynecologists, National Perinatal Association, American Academy of Family Physicians, American Society of Addiction Medicine and others, have roundly denounced this use of "prosecutorial discretion" to prosecute women for having miscarriages.

The American Medical Association stated in its Policy Statement *Oppose the Criminalization of Self-Induced Abortion*, that "Our AMA: (1) opposes the criminalization of self-induced abortion as it increases patients' medical risks and deters patients from seeking

medically necessary services.” This is exactly what the result of the prosecution of Poolaw will be, as more and more women will avoid medical care for fear of potential prison sentences for miscarriages.

The political context for this reactionary and barbaric case is a full-fledged assault on abortion rights. Oklahoma and 13 other states have recently adopted “fetal heartbeat” abortion laws, with Oklahoma Republican Governor Kevin Stitt signing the law on April 26 of this year. While the enforcement of this law was temporarily blocked by an Oklahoma county judge on October 4, along with another defining abortions as “unprofessional conduct” by doctors, two other laws restricting access to abortions and two restricting access to abortion pills have gone into effect, according to the *Oklahoman*.

The extreme-right US Supreme Court has allowed an abortion ban in Texas to go into effect even though it clearly contradicts the Supreme Court’s 1973 *Roe v. Wade* ruling which established abortion as a constitutional right. The Texas law deputizes anti-abortion activists to sue those providing abortions, and anyone connected to assisting an abortion financially or otherwise.

According to a study by the National Advocates for Pregnant women, from 1973 to 2005 there were 413 cases of women being prosecuted or deprived of liberty for miscarriages. Since then, the number has skyrocketed to 1,254 cases between 2006 and 2020.

In the face of this escalating assault, the Democrats have done nothing to defend abortion rights, in stark contrast to their campaigns to inject racial and gender politics into every aspect of political and social life.

Poolaw’s prosecution is part of a full-scale assault on basic democratic rights by a ruling elite which finds that it is increasingly unable to control social opposition and maintain massive levels of social inequality with bourgeois-democratic means, and as a result turns to authoritarian and fascistic means, epitomized above all by Trump’s January 6 coup d’etat. Both the Democrats and Republicans stand exposed for their role in this process.



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