

# American Civil Liberties Union (ACLU)

## Indigenous Peoples' Rights

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## Campaign and Advocacy

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### **Pregnant Women On South Dakota Reservation Denied Freedom To Make Medical Decisions**

FOR IMMEDIATE RELEASE

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PIERRE, SD The American Civil Liberties Union and the ACLU of South Dakota filed a Freedom of Information Act (FOIA) lawsuit today against Indian Health Services (IHS) seeking information about reports that pregnant women on the Cheyenne River Sioux Reservation are being pressured into taking medication to induce labor against their wishes. The FOIA lawsuit also seeks information on plans to build a birthing unit on the reservation, funded in large part with federal stimulus dollars.

"A woman living on the Cheyenne River Sioux Reservation has the same rights as any other woman to make medical decisions during pregnancy," said Alexa Kolbi-Molinas, staff attorney with the ACLU Reproductive Freedom Project. "No woman should be compelled to undergo induced labor against her will."

There is no obstetric care available on the reservation, the fourth largest in the United States. Although plans to build an obstetric care facility on the reservation have been pending since 2002, construction has not moved beyond its earliest stages despite an appropriation from Congress last year to finish the facility. Since most women on the reservation depend on IHS for healthcare, they are forced to travel 90 miles to St. Mary's Healthcare Center in Pierre for labor and delivery, the nearest facility with an IHS contract.

Many women are simply told that they must have their labor induced on a particular day without being given any information about the risks and benefits of induction, any discussion of their options or any choice in the matter. Many of the women undergo the forced inductions because they are dependent on IHS for their healthcare and feel they have no option but to comply, creating an inherently coercive situation. Making the situation even worse, because of the distance between the hospital and the reservation, if the women of the Cheyenne River Sioux Tribe are induced without any prior notice, they may not be able to have their family with them during labor and delivery or to make sure their affairs are looked after while they are hospitalized.

"It is bad enough that these women are denied basic healthcare services on their own reservation," said Robert Doody, staff attorney with the ACLU of South Dakota. "They should not also feel bullied into being induced at a time that is convenient for their doctor, and sacrifice the right to decide how to give birth."

The federal lawsuit was filed in the U.S. District Court for the Southern District of New York after IHS failed to respond in a timely manner to ACLU FOIA requests submitted in November 2009 for the documents, as mandated by law. The lawsuit seeks a court order requiring the agency to make the requested documents publicly available.

Concerns about the quality of IHS services have prompted a Senate investigation into what the Senate Committee on Indian Affairs has called "serious cases of mismanagement, malfeasance, retaliation against whistleblowers as well as potential criminal behavior" occurring in South Dakota, as well as other states. The committee will hold a hearing on Tuesday to explore these allegations. The Senate Committee on Indian Affairs will be broadcasting Tuesday's hearing at [indian.senate.gov/hearings/hearing.cfm?hearingID=4834](http://indian.senate.gov/hearings/hearing.cfm?hearingID=4834)

The complaint can be viewed at: [www.aclu.org/reproductive-freedom/aclu-v-indian-health-services-complaint](http://www.aclu.org/reproductive-freedom/aclu-v-indian-health-services-complaint)