

There's news from the front...

AND IT SUCKS



Photos by Curt Kapus

Virginia L. Marchant

WITH FATHER'S DAY right around the corner, Lori Rueger wanted to find a nice gift for her father last June. Like many mothers, she went shopping at a nearby mall in Mount Pleasant, South Carolina, and brought her newborn daughter Alex with her. Like many infants, Alex soon became hungry and started to wail, and Rueger began searching for an out-of-the-way place to feed her.

Rueger spied a nearly empty Victoria's Secret store and asked the store clerk if she could use a dressing room. The clerk asked her if she would be breastfeeding, and when Rueger said "yes," the clerk told her, "You can't do that here. It's against company policy," and suggested that she use the public restroom next door. By this time, baby Alex's hungry wails had turned to screams.

"I thought, 'I can't take her in and feed her there. It's dirty. It's an impossibility.'" Rueger recalls, "I told her, 'Would you want to eat your lunch where someone was defecating?'"

"I left almost in tears," she adds.

After she returned home, Rueger contacted Victoria's Secret's corporate office and spoke with a representative in their client relations department, who restated the company's policy that prohibited breastfeeding in their stores. The representative told Rueger that they weren't "equipped" to handle it, and that there were "liability" issues.

"I just kept asking 'Why?'" Rueger says. "Most people who shop during the nine-to-five hours are moms. We're the major consumers."

When Rueger's story made headlines, a spokesperson for Victoria's Secret's parent company, Limited Brands, called the incident with Rueger a "misunderstanding" and stated that nursing mothers were welcome in their stores.

Last February, Rueger testified about her experience in front of the legislative committee reviewing the proposed bill that would protect a mother's right to nurse her child "in any location where the mother is authorized to be."

"Knowing that my daughter was hungry was gut-wrenching and I didn't want this to happen to any other mother or child ever again," Rueger says. "I hope our state can get this law passed to protect children and their mothers."

According to La Leche League International, which tracks breastfeeding legislation, twelve states in addition to South Carolina considered legislative measures to protect the rights of nursing mothers during the 2005-2006 legislative session. Of the six states whose breastfeeding bills became law this year (AL, AZ, KS, KY, SC, OR), five specifically addressed breastfeeding in public, and five state legislatures adjourned with their breastfeeding bills still pending (MA, MS, PA, SD, WV). Nebraska's legislature "indefinitely postponed" their breastfeeding in public debate when they adjourned in April, and only one state, Wisconsin, failed to pass legislation "permitting a mother to breastfeed in any public or private location where she is otherwise authorized to be."

Currently, 34 states clearly protect a woman's right to breastfeed where she has a legal right to be, while a handful of other states merely exempt nursing mothers from indecent exposure laws.

"People have the impression that if you're in a state with an exemption, then you're covered," says Melissa Vance, a practicing attorney and member of La Leche League's Legal Advisory Council, "but it doesn't prevent a private business owner from asking a [nursing] mother to leave."

Although exemption to indecency laws may benefit breastfeeding mothers by removing the possibility of prosecution, they can be problematic for topfreedom advocates, says Dr. Paul Rapoport, coordinator for Canada's Topfree Equal Rights Association.

“When you make breastfeeding an exception to indecency, you reaffirm the basic principle that women’s nipples are indecent,” he says.

In describing one of the more recent laws enacted this past year, the Topfree Equal Rights Association Web site commends the Kansas legislature for not codifying breastfeeding as an exemption to indecency exposure statutes.

“The one line in the new bill states simply, ‘A mother may breastfeed in any place she has a right to be.’ That, in our view, is almost model language,” the Web site reads.

Within the past three years, Colorado, Illinois, Ohio, Oklahoma, and Vermont have also passed similar laws that maintain a woman’s right to breastfeed wherever she has a right to be. The distinction between a public breastfeeding law and one that exempts nursing mothers from indecent exposure statutes may seem trivial, but can significantly affect nursing mothers, as Kasey Madden of Illinois discovered in 2003.

Not more than five minutes into her workout at Lifetime Fitness in Burr Ridge, Madden returned to the childcare area to find her five-month-old daughter, Sadie, crying inconsolably. Madden brought her baby to the toddler area where her two-year-old daughter Lizzie could play while she attended to Sadie’s needs.

“I couldn’t leave Lizzie once she saw me,” Madden explains, “or I would have had two screaming daughters.”

As soon as Madden began nursing, she found herself at odds with the corporate policy of the fitness center, which has more than 35 centers in eight states. The center’s manager immediately approached her and said, “Some people are offended by the sight of a woman breastfeeding, and so we have designated areas for you,” and pointed to the infant area where her other daughter, Lizzie, was not allowed.

“I said, ‘that’s discrimination,’” Madden says.

“I asked him, ‘since some people find the sight of African-Americans and Hispanics offensive, do you ask them to use a separate part of the club?’ and he said, ‘it’s not the same thing,’” Madden recalls.

“I said stuff like, ‘what if I don’t feel like sitting on the back of your bus?’” Madden adds, “I was very angry.”

When Madden found that although Illinois law protected a nursing mother from prosecution under the indecency statutes, it lacked legal protection against discrimination and harassment, she channeled her anger into activism.

“Adult biases should never trump a baby’s right and access to nutrition,” Madden says, “Yet we interfere with parenting that is medically recommended, that benefits a child, all because it involves a breast.”

Madden wrote letters to the corporate office of Lifetime Fitness, notifying them that their policy directly violated state breastfeeding laws in two states where the company operated a total of 16 fitness centers. At the same time, she wrote to the editors of the Chicago papers, the governor of Illinois, several state lawmakers, and even the American Civil Liberties Union, describing her experience and the need for legislation. Her letter caught the attention of Senator Don Harmon, (D-Oak Park) who then

sponsored a public breastfeeding bill during the 2003-2004 legislative session.

Harmon’s efforts and Madden’s testimony before the Illinois General Assembly led to the passage of the Illinois Right to Breastfeed Act. “I really hope it encourages businesses to train their employees to respect the rights of nursing women, and if there is less negative response, then maybe more woman will breastfeed,” Madden says of the Act, which Governor Rod Blagojevich signed into law in August 2004.

Encouraging more mothers to breastfeed results in healthier babies and improves public health, according to Dr. Barbara Philipp, a pediatrician at Boston Medical Center. When Dr. Philipp talks about breastfeeding, she cites *Healthy People 2010*, a national initiative sponsored by the Center for Disease Control and Prevention to improve the health of all Americans.

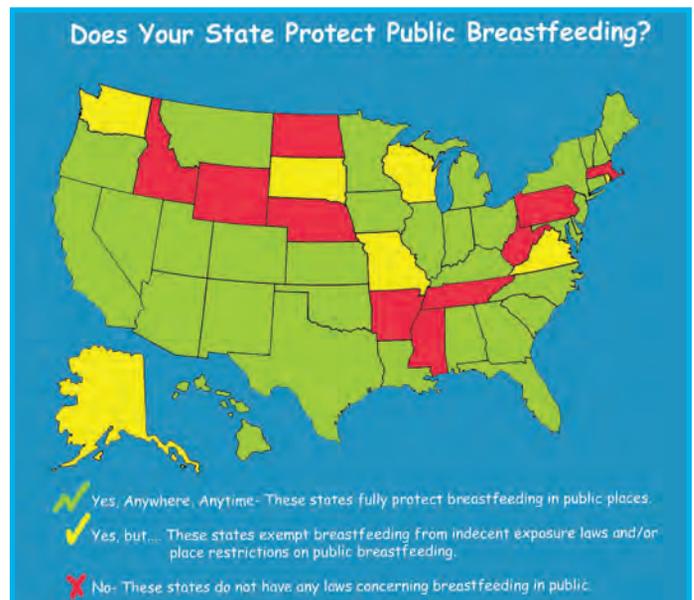
Healthy People 2010 set a goal of 75 percent of all mothers breastfeeding in the early postpartum period, 50 percent of mothers continuing to breastfeed at six months, and 25 percent of mothers breastfeeding at one year. The program lists social support as one of the main factors that affects breastfeeding rates in the United States.

Dr. Philipp says that society won’t support breastfeeding until the laws change, which is why Massachusetts and other states need breastfeeding legislation.

“We need this bill as fast as we can get it, and we need to support breastfeeding in the strongest terms,” says Dr. Philipp. “Let’s make it clear that breastfeeding is not a form of indecent exposure or lewd behavior.”

The provisions of breastfeeding laws can vary widely, as can their interpretations. Virginia’s law protects nursing in public, but only on property owned, leased or controlled by the Commonwealth, and Vermont’s law limits the right to breastfeed to where a mother is authorized to be with her child.

At least eight states have legislation specifically maintaining that a woman may breastfeed wherever she is authorized to be,



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“irrespective of whether or not the nipple of the mother’s breast is covered during or incidental to the breastfeeding.” At the opposite end of the spectrum, the law in Missouri states that a woman has a right to breastfeed her child in public “with as much discretion as possible.” According to the LLL International Web site, “this restrictive language requiring discretion does not promote breastfeeding, and should not be copied by other states. It is likely that this language is also unconstitutional and unlawful.”

Attorney Vance says that Missouri’s law essentially makes an act that is not illegal anywhere, illegal in some circumstances. Even more troublesome, the words ‘modesty’ and ‘discretion’ mean different things to different people.

“Some people think that it means in the bathroom, in the corner, under a blanket or towel, not breastfeeding in the presence of men or children, or not nursing a child older than a few weeks,” Vance says. “It creates more problems than having no legislation at all.”

Georgia’s law originally required that breastfeeding be conducted in a modest manner, but in 2002, the Georgia legislature amended the law and removed the restrictive language. In 2003, Wyoming adopted a house resolution that supports breastfeeding, but before Wyoming’s legislature passed the resolution, the House removed the portion that affirmed a woman’s right to breastfeed anywhere in public. Although this resolution does not carry the weight of an actual law, it is an important first step in affirming a woman’s right to breastfeed.

In North Dakota, the Senate introduced a bill last year to exempt breastfeeding from indecent exposure statutes, and codify a mother’s right to breastfeed in public. When the Judiciary Committee amended the bill to require nursing mothers to act “in a discreet and modest manner,” the bill’s original supporters opposed its passage and the House voted against it.

“‘Tasteful’ and ‘discreet’ are code words for ‘no nipples—we’re American,’” says Rapoport, “We have boiled down the issues with the body to a few square inches, or round inches in this case.”

According to Rapoport, the term ‘discreet’ has been left out of many laws not for the convenience of the mothers, but for the legislators who don’t want to have to define what ‘discreet’ means.

“Why should women feel they have to be discreet, and how easy is it to do that 100 percent of the time?” Rapoport asks. “Babies look away, or they fuss, or they open shirts. Sometimes it can be very easy, and sometimes not. It depends on the two persons involved,” he says.

Another problem, according to Rapoport, stems from the general public’s lack of education about breastfeeding laws and the rights of nursing mothers. “We have a lag between the law and what people actually know and expect,” he says. “Socially, women are still harassed for having their breasts out and breastfeeding, whether there’s a law or not.”

While legislation may offer some protections, it does not guarantee that women who nurse their children will evade discrimination or removal from public places.

While Amy Schoon ate lunch with her family at the Hoover House restaurant in West Branch, Iowa, her eight-month-old son needed to eat too. Even though Iowa’s 2002 breastfeeding law clearly states that a mother may breastfeed “in any public place where the woman’s presence is otherwise authorized,” the restaurant’s owners, Carl and Janet Nelson, decided differently. They told Schoon to “cover up,” use the restroom to breastfeed, or leave.

“I was appalled that they threw me out of a restaurant for feeding my baby,” says Schoon, who notes that she was adequately covered by her T-shirt.

After the local paper published her story, Schoon received derogatory e-mails and anonymous phone calls that questioned her character. “I was shocked by the response. They called me sleazy and other negative things,” she says.

Schoon describes Iowa City, which lies next to West Branch, as a “college town,” and “progressive,” yet her confrontation with the Nelsons sparked a local debate about public breastfeeding. She says that while the majority of people supported a woman’s right to breastfeed, some gave the impression that they supported breastfeeding—but only under certain conditions.

“It’s okay for your baby to eat, as long as it’s under a heavy blanket where it can’t be seen,” Schoon says.

Less than two weeks after Schoon’s removal from the restaurant, local mothers and breastfeeding advocates organized a “nurse-in” after learning that Hoover House also held wet T-shirt contests.



“We’re a ‘hide and peek’ society when it comes to breasts,” says Rapoport, “[Shoon’s] example is an illustrious one for showing that the basic use of women’s breasts in this culture is commodification with a strictly commercial meaning.”

“When people say that a woman’s breasts can’t be seen in public, I respond that they can as long as someone’s throwing a five dollar bill at them,” he adds.

Rapoport points to our culture’s discomfort with breastfeeding as a sign of “the abject body,” which he describes as the perception of the body and all functions associated with it as “a potential calamity.”

“When fluids come out of the body it is assumed to be a lack of control, and there’s a question whether the fluids themselves may be harmful,” Rapoport says. “When it comes to breastfeeding, nipples are put in the same category, yet medically, breast milk is the cleanest fluid that can come out of a body.”

Heather Cushman-Dowdee, a breastfeeding mom of three, multi-media artist, and political activist living in Los Angeles, California, agrees with Rapoport’s view. Her online socio-political cartoons often explore the public reaction to breastfeeding and other alternative parenting practices.

“The idea of seeing and possibly getting near a lactating woman is really strange to some people.... They of course should be ashamed of themselves and get a good therapist,” she says.

Dowdee notes that her travels to other countries have given her a global perspective on breastfeeding in public. “I haven’t been everywhere, but I’ve been a lot of places where they (women) just breastfeed. It’s just what they do,” Dowdee says.

Kathy Abbott, the MA/RI/VT area La Leche League Liaison to the Massachusetts Breastfeeding Coalition, explains the double message that nursing mothers in this country receive from media sources, corporate entities, and the general public.

“On the one hand we tell mothers that ‘Yes, breastfeeding is best, you really should try it,’” Abbott says. “On the other hand, mothers are also hearing, ‘But we don’t want to *see* you do it, because it really is, well, you know—quite disgusting,’” she adds, wrinkling up her face for emphasis.

By contrast, New Jersey mom Karen Kapus says that she feels comfortable when nursing her son Spencer in a naturist environment. “People feel it is beautiful. They will look me in the eye and talk to me while nursing,” she says. “At the Eastern Naturist Gathering, you could tell they felt it was part of being natural.” Breastfeeding goes hand in hand with naturism,” Kapus adds.

But many mothers do not breastfeed in public simply because they do not see enough other mothers doing it. “So what do moms do? They either choose not to breastfeed, or they try it, for a month or two maybe, and then they stop,” Abbott says.

“When women are choosing not to breastfeed because of the public response, that’s a real problem,” says Lorig Charkoudian, a Maryland mother who launched an Internet-based letter writing campaign in 2004 after a Starbucks employee told her to cover her then 14-month-old daughter Aline or breastfeed her in the bathroom.

When Charkoudian spoke to a district manager for the corporation, he told her that while Starbucks had no official policy, breastfeeding fell into the category of behaviors that might create complaints, and therefore employees could approach nursing mothers.

According to Charkoudian, she informed the district manager about how breastfeeding differs from other inappropriate social behaviors and how the actions of the Starbucks employee discouraged breastfeeding.

“Policies that ask a woman who is breastfeeding to cover up or go to the bathroom reinforce the idea that what she is doing is shameful, and make it more complicated to breastfeed, both psychologically as well as logistically,” says Charkoudian, who contacted Starbucks’ corporate headquarters in Seattle to report the incident and request a change in their procedures.

Charkoudian says that while she is pleased that Starbucks agreed to train its employees to comply with Maryland’s breastfeeding law, her campaign continues to petition the company to fulfill its claim of social responsibility by adopting a nationwide policy that employees will not interfere with breastfeeding mothers while in their store.

“Ultimately, every state should have legislation, and every company should have policies that say a woman can breastfeed without being asked to leave, cover up, hide, or be ashamed,” Charkoudian says.

Rapoport agrees. “The increased ease of breastfeeding in public isn’t going to come until a woman’s breast in general is more accepted without any sanction, without any social stigma.” **N**

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