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# 62 Days

## Discussion and Action Guide

[www.62daysmovie.com](http://www.62daysmovie.com)

Guide presented by Rebecca Haimowitz, Filmmaker  
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## *A MESSAGE FROM DIRECTOR REBECCA HAIMOWITZ*



Thank you so much for bringing *62 DAYS* to your community.

I'm very honored to share Marlise Muñoz' story through this film. This story really moved me, and I was compelled to create a film that didn't shy away from the complexities of the issue. It's so important that people understand what happened to the Muñoz family, and

take a deeper look at the little-known law in the center of this controversy.

This story is located at the crossroads of several challenging debates, specifically around end-of-life decisions and reproductive rights. But there's a human story here too, about a family struggling to make a difficult decision and a law that takes that choice away from them.

I think this case is eye-opening for many individuals who may initially feel they support a law that "protects fetal life," but change their minds once they understand the far-reaching impact such laws can have on all women and families. To me, that's one of the great strengths of this film - that we can share the Muñoz' story as a way of opening minds to the unintended consequences of these laws. This is one of the few cases that transcends the arguments around reproductive rights, and demonstrates - through a personal journey - the real impact these laws have on Americans

I am fascinated by the ways women's bodies become polarized, and how pregnant women can lose autonomy. My previous award-winning film, *MADE IN INDIA* (2010), explored Americans outsourcing surrogacy to India. That film examined how reproductive technology was creating new opportunities for families, but also new ethical dilemmas regarding the commodification of women's bodies. Many of those same issues emerge in a new way in this film as well.

Most of all, I am committed to telling personal stories that reveal real-life challenges in our society. I hope that by sharing the Muñoz family's ordeal we can begin an important conversation and ultimately create social change.

With thanks,  
Rebecca Haimowitz

## *WHY BRING 62 DAYS TO YOUR COMMUNITY?*

More than a collection of words or an academic analysis, a story communicates beyond the head and find a home in the heart. A story connects us to a truth that is inescapable, an emotion that is undeniable and an experience that is unforgettable.

And the best way to tell a story, is with a movie.

*62 Days* informs viewers of the nuances and details on pregnancy exclusion provisions in advanced directives and their affect on end-of-life decisions for



women and their families. But it does so through a personal journey.

The 29-minute short documentary is a suspenseful and emotional film that presents an intimate portrait of a family in crisis, and reveals a growing political trend.

*62 DAYS* begins as a tragedy, unfolds like a thriller, and ends as a call to action. There's no denying that movies have emotional power and the potential to impact people with life changing messages of hope and truth. It is our greatest hope that your *62 DAYS* screening event will impact your audiences to learn more and be inspired to make their voices heard.

## *ABOUT THE FILM*

Marlise Muñoz was 33 years old and 14 weeks pregnant with her second child when she died. She suffered a pulmonary embolism and was pronounced brain-dead in a hospital in Fort Worth, TX. Marlise and her husband, Erick, were both paramedics, and had discussed their end-of-life wishes should they ever be in this situation. Marlise was clear: she did not want to be on life support, under any circumstances. And since a brain-dead patient is in fact legally dead, that should have been the end of this sad story. But the Muñoz family was forced to keep

Marlise on mechanical support against their will because of a little-known Texas law that states “a person may not withdraw or withhold life-sustaining treatment... from a pregnant patient.”

What followed was a painful ordeal, with critical implications about bodily integrity, rights and liberty.

The media picked up the story and the case ignited polarizing opinions: one side argued that if anything could be done to save this fetus, it should. The other claimed that the State was imposing a ghoulish and cruel mandate on the family, using a dead woman’s body to incubate a fetus. Everyone debated what choice the family should make. But the bottom line is that the Muñoz family didn’t have a choice. This law takes that choice away from family members and puts it in the hands of the state.

*62 DAYS* follows the Muñoz family’s journey from private loss, to unwanted media attention, and finally towards activism as they fight to change this law. The film reveals that this is not an anomaly: there are currently 32 states (and counting) with similar or identical pregnancy exclusion policies. The Muñoz’ personal journey is the jumping-off point for a timely examination of a growing trend of laws that seek to control a pregnant woman’s body. Even her dead body.

## *CONTEXT AND BACKGROUND*

*62 DAYS* tells an intimate story - using a personal journey to shed light on a larger issue.

In November 2014, Marlise Muñoz died from a blood clot in her lungs. With no activity in her brain or brain stem, her doctors were ready to pronounce her dead. Having spoken with Marlise previously about her end-of-life wishes, her husband and parents together requested that Marlise be taken off of life support. But John Peter Smith Hospital refused to take Marlise off life support because she was fourteen weeks pregnant.

Section 166.949 of the Texas Health & Safety Code states that “a person may not withdraw or withhold life-sustaining treatment under this subchapter from a pregnant patient.” This law motivated the hospital's decision to keep Marlise on

life support. The language in the statute seemed to leave open the possibility of protection for the fetus's life, although it was unclear. Keeping Marlise on life support protected the hospital from liability.

The film reveals a little-known law that essentially gives a second-class status to women and denies them equal rights when it comes to making end-of-life decisions. What happened to Marlise Muñoz is not an anomaly - it is the result of discriminatory laws that have unprecedented impact on women. The Muñoz' personal tragedy is the jumping-off point for a timely examination of a growing trend to enact laws that restrict, control, criminalize or punish pregnant women.

Many have questioned and criticized the hospital's decision, especially in light of her husband's request. Following the controversial situation, the media interviewed Tom Mayo, one of the authors of the statute. Tom Mayo told reporters that "they never meant for their law to be used to keep a pregnant dead woman 'alive' until the hospital could deliver the baby." The statute authors further stated that "they intended to keep a pregnant woman who was in a persistent vegetative state on a ventilator until she could deliver, but not a dead, pregnant woman."

On January 24, 2014, a district court judge in Texas ordered the hospital to remove Marlise from life support. The order was not longer than one page and simply stated: "The provisions of § 166.049 of the Texas Health and Safety Code do not apply to Marlise Muñoz because, applying the standards used in determining death set forth in § 671.001 of the Texas Health and Safety Code, Mrs. Muñoz is dead." The order contained no other reasoning or explanation for removing life support and did not address the situation of life support being necessary to secure the life of the fetus.<sup>1</sup>

At 11:30 AM on January 26, 2014, Marlise Muñoz was taken off life support. The fetus died moments afterward.

When the Muñoz family's story was first in the news, many people assumed this was somehow unique to Texas. But this film reveals that there are actually 32 states (and counting) with similar or identical laws on the books. People simply don't know about this, and our objective with this film is to raise awareness and inspire people to take action on a national level.

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<sup>1</sup> Pikus, K.M. Life in Death: Addressing the Constitutionality of Banning the Removal of Life Support from Brain-Dead, Pregnant Patients (2016) *Gonzaga Law Review*. Vol 51 Issue 2

As more legislation across the US is passed to protect fetal life, this inevitably take rights away from pregnant women. It is a difficult and controversial quandary that is usually relegated to abortion debates - but *62 DAYS* shows how there are, in fact, many other instances when the attempt to protect fetal life leads to unprecedented state control of an individual's body. After all, Marlise Muñoz didn't have an abortion, she died while pregnant. But the film reveals how "fetal protection laws" typically regulating abortion can have extreme consequences and test our ideas about medical ethics, state power and individual choice.

It is hard to imagine a more absolute denial of a woman's personhood than depriving her of the right to decide her own future, and then literally using her body without permission—possibly for weeks or months—as an object for a fetus to grow in. Yet this is exactly what the pregnancy exclusions envision in the now 32 states that have passed them. A majority of these laws prohibit life support from being withdrawn from a woman even if she retains some consciousness and is suffering extreme pain. In Texas and many other states, the laws would prohibit doctors from following a woman's wishes to remove life support even in the earliest stages of pregnancy.<sup>2</sup> It is hard to imagine a more absolute denial of a woman's personhood than depriving her of the right to decide her own future, and then literally using her body without permission.

There is no standardized management plan for obstetric care for a woman in a persistent vegetative state. There are current efforts to create multidisciplinary approaches.<sup>3</sup>

“If she is dead, I don't see how she can be a patient, and I don't see how we can be talking about treatment options for her,” --Thomas W. Mayo, an expert on health care law and bioethics at the Southern Methodist University law school in Dallas.<sup>4</sup>

The film shows both sides of the issue, including interviews with supporters of

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<sup>2</sup> Taylor, Katherine and Paltrow, Lynn Muñoz Case Shines Light on Dehumanizing 'Pregnancy Exclusion' Laws Rewire (Jan 9, 2014) <https://rewire.news/article/2014/01/09/marlise-Muñoz-case-shines-light-on-dehumanizing-pregnancy-exclusion-laws/>

<sup>3</sup> Fernandez, Manny and Eckholm, Erik (Jan 7, 2014) Pregnant, and Forced to Stay on Life Support New York Times <https://www.nytimes.com/2014/01/08/us/pregnant-and-forced-to-stay-on-life-support.html?ref=us&r=1>

<sup>4</sup> Romagano, MP, Scorza, W.E., Lammers, ST, Dorr, C, Smulian, JC Treatment of a Pregnant Patient in a Persistent Vegetative State (2017) American College of Obstetricians and Gynecologists. Vol. 0 No. 0

this law who feel that the government is obligated to enact laws designed to protect fetal life. This is not a simple issue, and this film shows different perspectives in order to create a complex and thoughtful look at the motivations behind these laws.

*62 DAYS* shows all Americans that people with the capacity for pregnancy deserve the same security and the protection that everyone else is entitled to regarding end-of-life plans. This film is of vital importance now, as so many states are forming legislation on similar issues.

## *Partnerships*

### **ACADEMIC PARTNERSHIPS**

Seek out other clubs, student groups, or academic departments that can benefit from helping you promote the event. For example, law schools, women's studies, bio-medical ethics, medical schools, social work and psychology programs.

### **COMMUNITY PARTNERSHIPS**

Look for local organizations, or public institutions (schools, hospitals, etc.) that have an interest in supporting the film or the cause by using their reputation to promote the event. If potential partners are willing to help, be sure to provide them with promotional copy for their newsletters, and social media. Cast the widest net possible!

If you are able to find one or more key partners, delegate the workload!

### **CULTIVATING RELATIONSHIPS**

Once an organization has agreed to sponsor your event, you will want to keep in touch to show them that you value their support. Send over a thank-you letter and keep them in the loop about the progress of the event, even after the event has taken place. If your organization has a newsletter, start sending it to them. Always make responding to their concerns a priority.

### **INVITE DECISION MAKERS**

To add impact to your event, invite those who are influencers or decision-makers regarding women's rights and medical directives. Examples are physicians, hospital administrators, local ACLU representative, local National Advocates for Pregnant Women, attorneys and academics.

Organizing guest director – Inviting the Director to speak with the audience in

person or via Skype is a wonderful way to engage the audience after the screening event. It also enriches the screening event.

### **WORKSHOPS**

consider having partner organization(s) host a workshop related to the subject matter of the film. Your partner organization can direct or curate the workshop presenter(s).

### **AFTER PARTIES**

Ask your partner organization(s) to host a small party or reception at the same or a nearby venue after the screening. This is a great way to encourage networking and building community!

## *Screening Materials*

- DVD—Be sure to order your copy of *62 DAYS* in advance of the event to ensure the DVD is in perfect playback condition! Purchase the film through Women Make Movies at: [http:// www.wmm.com/filmcatalog/pages/c965.shtml](http://www.wmm.com/filmcatalog/pages/c965.shtml)
- Press Kit & Film Stills – Film summary, team bios, critical reviews, and awards – use this for your promotion.
- Press Release Template – Information and suggested language to help you promote your screening event to local media outlets.
- Digital Invitation Template – Customize and post to use in your online promotional efforts
- Email Sign-Up Sheet – Print several copies of this and pass them around at your screening, then return the filled out forms with your DVD them to Erin at [62days@third-stage.com](mailto:62days@third-stage.com)
- Discussion Guide – Questions and suggested topics for a post-screening discussion

## *Event Considerations*

### **LOCATION**

When considering a location for your screening event, consider the following:

- Is this location accessible for my target audience?
- Does the venue have the proper equipment and space needed to host a film screening?
- Necessities include: projector, screen, sound system, computer or DVD/Blu-Ray drive, enough seating for the anticipated audience, and (possibly

refreshments)

- When picking a venue, you may want to bring a DVD with you to test video and audio quality if the necessities are not already present at the venue. Ask to test any provided equipment to make sure it works properly for the event.

### OFFER FREE CHILDCARE!

Events that offer childcare often enjoy wider audience attendance.

Often, screening events are held in the following venues:

Local theater Campus auditorium

Community/civic center

Public library

Town hall

Small concert venue

Festivals

Conference centers

Non-profit Meeting Space

Faith-based spaces

### **PLANNING TIME**

Pick your screening date plenty in advance. We recommend giving your self a 4 to 6 week minimum planning window for domestic screenings.

Set your event time to make it easy for your audience to attend. Events with student audiences will be different than a general public audience. Whoever your audience, give yourself a buffer before and after the film for additional programing, such as an introduction to the film and topic and discussion after the screening. If you involve service partners, allowing them to set up tables for their materials is another way to engage event partners.

## SPREAD THE WORD

Get the word out about your event!

Use your social media presence. Announce your screening on all your social media outlets and e-newsletters and ask all your partners to do the same. Mention the screening throughout the months previous to the event.

Don't forget to tag partners and/or sponsors in your posts so that they can help spread the word.

Add your event to calendars/invite people on websites like Meetup, Facebook, and Evite. You can create an event or invitation and send it to your friends/invite users to attend.

# 62 DAYS

## Film Screening and Panel Discussion

Tuesday, November 27  
5:30-7:30 PM  
Fordham University  
Lincoln Center Campus  
McMahon 109  
155 W. 60<sup>th</sup> St.



62 DAYS is a documentary film about Marlise Muñoz, a brain-dead pregnant woman whose family was forced to keep her on life support against her wishes because of a little known law that states "a person may not withdraw or withhold life-sustaining treatment...from a pregnant patient."

This film follows the Muñoz family's journey as they fight to change this controversial law, showing the human story behind the headlines. The film screening will be followed by a panel discussion.

**Panelists**  
**Rebecca Haimowitz**, Director and Producer of 62 Days  
**Lynn Paltrow, JD**, Founder and Executive Director, National Advocates for Pregnant Women  
**Elizabeth Yuko, PhD**, bioethicist, writer, and Adjunct Professor of Ethics, Fordham University  
Moderated by **Daisy Deomampo, PhD**, Assistant Professor of Anthropology, Fordham University

*Co-sponsored by the Departments of Sociology & Anthropology and Communication and Media Studies, the Program in Women, Gender, and Sexuality Studies, and the Deans of Fordham College Rose Hill and Fordham College Lincoln Center.*

For further information or to RSVP, please contact Prof. Daisy Deomampo at [ddeomampo@fordham.edu](mailto:ddeomampo@fordham.edu).



# 62 DAYS

A DOCUMENTARY FILM BY REBECCA HAIMOWITZ

OFFICIAL SELECTION  
St. Louis  
OFFICIAL SELECTION  
CHICAGO FEMINIST  
FILM FESTIVAL  
OFFICIAL SELECTION  
MEET THE PRESS  
FILM FESTIVAL  
BEST WINNER  
WASH DC WOMEN  
FILM FESTIVAL  
OFFICIAL SELECTION  
UNAFF 2018  
OFFICIAL SELECTION  
ROCKY MOUNTAIN  
WOMEN'S FILM  
FESTIVAL  
OFFICIAL SELECTION  
SICWALK  
OFFICIAL SELECTION  
WOMEN'S FILM  
FESTIVAL  
OFFICIAL SELECTION  
NEW YORK FILM FESTIVAL

Special Screening and Discussion with Director **REBECCA HAIMOWITZ**  
and Professors **ANNE COUGHLIN** and **MICHELE GOODWIN**

## WEDNESDAY, NOV. 14

5 p.m. /// Purcell Reading Room /// Food will be served.

Co-Sponsored by **Virginia Law Women**, **American Constitution Society**,  
**Women of Color** and **Feminist Legal Forum**

UNIVERSITY OF VIRGINIA  
SCHOOL OF LAW

Find other calendars in your community where you can contribute your screening, such as an events calendar for local papers or magazines. Usually there is a print and online version.

### **WRITING A PRESS RELEASE**

Open your press release by introducing the film, mentioning any awards or accolades the film has received. Make sure to note that your organization will be hosting the event. Then, provide a summary and some details about the film and a quote or two. Mention the screening date, location, admission cost/donation, whether it is open to the public, and your organization's stake in the screening whether it just be supporting the cause or if you are raising money, etc. Have someone look over the text, and then send away!

### **LOCAL PRESS**

Reach out to media outlets and influential organizations in your area to see if they'd be willing to promote the event, especially if your event aligns well with their mission. [http:// www.raindance.org/how-to-write-a-press-release-for-film/](http://www.raindance.org/how-to-write-a-press-release-for-film/)

### **FLYERS AND POSTCARDS**

If you use printed materials to publicize your event, go to the places where your audience is likely to be. University campuses, cafes, community supermarkets and community centers can all be a great place to hang flyers. Most local coffeeshops have community boards and are often willing to have you put your posters up.

### **SOUND**

If your event is in a large venue or has a larger audience, consider using hand held microphones for audience members to use to ask their questions. Be sure there are microphones for the panelists to speak into!

### **MISCELLANEOUS**

- Have chairs prepared off to the side of the screen.
- Raise the lights so people in the audience can see each other.
- Identify one person who will moderate and have them briefly introduce panelists and speakers before the discussion begins.
- If the film director is present, introduce her prior to the film screening to offer a short welcoming remark. Begin the discussion by asking her why she made the film and why the issues raised in the film are important to her.
- Create space for announcements of upcoming community events related to the film and towards the end of the discussion.

## *DISCUSSION QUESTIONS*

- Who should have the right to make medical decisions for a brain-dead patient?
- How do fetal protection laws conflict with other laws, and who should decide whose rights are more important?
- What would be different if the case were reversed, (eg: if the family were trying to keep a dead pregnant woman on life support and the state wanted to terminate mechanical support)?
- Supporters of these laws feel that we should always “err on the side of life” and do whatever possible to keep the fetus gestating. What do you think about that?
- Many of the doctors and caregivers involved in this case felt their hands were tied by this law. What role should medical providers play in these decisions?
- Many people in the news and social media attacked Erick Muñoz for wanting to remove Marlise from life support. He claimed he was honoring her wishes. What could be done in the future to help families in these difficult positions?

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## RESOURCES

What are the Laws in Your State?

<https://www.legalconsumer.com/healthcare/topic.php?TopicID=29&ST=NV>

### Academic and Press

Pazanowski, Mary Anne (Oct, 2017) Providers Beware: Debate Grows Over When Death is Really Death” Healthcare on Bloomberg Law. <https://www.bna.com/providers-beware-debate- n73014471009/>

Fernandez, Manny and Eckholm, Erik (Jan 7, 2014) Pregnant, and Forced to Stay on Life Support New York Times [https://www.nytimes.com/2014/01/08/us/pregnant-and-forced-to-stay-on-life-support.html?ref=us&\\_r=1](https://www.nytimes.com/2014/01/08/us/pregnant-and-forced-to-stay-on-life-support.html?ref=us&_r=1)

Sperling, Daniel (2005) Do Pregnant Women Have (Living) Will? Journal of Health Care Law and Policy Vol 8 Issue 2 <http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1105&context=jhclp>

Lueders, Sherry (2014) The Right to Privacy: Pregnant Women’s Health Care Directives in Washington King County Bar Association Bar Bulletin. <https://staceyromberg.com/2014/07/the-right-to-privacy-pregnant-womens-health-care-directives-in-washington/>

Taylor, Katherine and Paltrow, Lynn Muñoz Case Shines Light on Dehumanizing ‘Pregnancy Exclusion’ Laws Rewire (Jan 9, 2014) <https://rewire.news/article/2014/01/09/marlise-Muñoz-case-shines-light-on-dehumanizing-pregnancy-exclusion-laws/>

Romagano, MP, Scorza, W.E., Lammers, ST, Dorr, C, Smulian, JC Treatment of a Pregnant Patient in a Persistent Vegetative State (2017) American College of Obstetricians and Gynecologists. Vol. o No. o

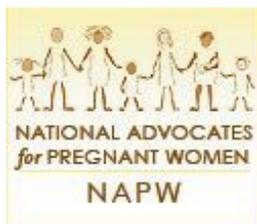
Pikus, K.M. Life in Death: Addressing the Constitutionality of Banning the Removal of Life Support from Brain-Dead, Pregnant Patients (2016) Gonzaga Law Review. Vol 51 Issue 2

HB03642: Enacted by the Legislature of the State of Texas relating to the withdrawal or withholding of life-sustaining treatment for a pregnant patient; affecting the prosecution of a criminal offense.

National Advocates for Pregnant Women Medical and Public Health Group Statements Opposing Prosecution and Punishment of Pregnant Women (March 2017)

Greene, M; Wolfe, L.R .Reproductive Laws for the 21<sup>st</sup> Century Papers (August, 2012) Center for Women Policy Studies

## *Our Partners*



### **National Advocates for Pregnant Women**

<http://advocatesforpregnantwomen.org>

National Advocates for Pregnant Women (NAPW) is a non-profit organization that works to secure the human and civil rights, health and welfare of all people, focusing particularly on pregnant and parenting women, and those who are most likely to be targeted for state control and punishment - low income women, women of color, and drug-using women.



### **American Civil Liberties Union Texas Chapter**

<https://www.aclutx.org>

The American Civil Liberties Union of Texas is the leading civil rights organization in the Lone Star State. Since our formation in 1938, we have worked in the courts, the legislature, and through public education to protect civil rights and individual liberty.



### **Center for Reproductive Rights**

<https://www.reproductiverights.org>

The Center for Reproductive Rights uses the power of law to advance reproductive rights as fundamental human rights around the world.