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Defending Dignity: An Exploration of the Menstrual Equity Movement in Prisons Through the
Lens of the Missouri Case

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Abstract

What does a successful approach to passing menstrual product access legislation for incarcerated women tell us about the strength of the menstrual equity movement? How do we build toward effective legislation and enforcement? The menstrual equity movement is a recent social movement which advocates for government funding of menstrual products for three vulnerable populations: unhoused women, students, and incarcerated women and seeks to fight menstrual stigma through awareness. In this thesis, I focus on menstrual equity for incarcerated women, a human rights and dignity issue. The issue of menstrual product (MP)¹ access has only been brought to the attention of society and government in the past decade. Following the passage of New York City's comprehensive menstrual equity legislation in 2016 and the federal First Step Act in 2018, 25 states have also passed legislation guaranteeing MP to incarcerated women. I look at menstrual equity as a social movement and its efforts to pass a legislative agenda guaranteeing MP access for incarcerated women. In particular, I analyze Missouri as a case study to highlight a lacking aspect of menstrual equity, a successful conservative strategy and frame to passing MP access legislation. I discuss the lessons the broader menstrual equity movement can learn from Missouri's approach, even though Missouri is only in conversation with the movement and not a part of the broader movement. The case study reinforces the bipartisan support behind MP access for incarcerated women and proves the need for the menstrual equity movement to adapt its initial frame and strategy past its New York City origins. The menstrual equity movement has made great strides in passing legislation guaranteeing MP access but the movement must contend with systemic oppression and menstrual taboos.

¹ Abbreviation for menstrual products

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I. Introduction

Menstrual equity is an issue addressing the unequal access to menstrual products (MP) for women who need them. Menstrual inequity occurs on multiple levels, but it is particularly acute in one of the most unjust and inhumane settings in the world, America's carceral system.² In this thesis, I focus on the efforts of the menstrual equity movement to provide MP access in prisons run by the United States' government on the state and federal level.

The menstrual equity movement is an emerging collective action campaign which advocates for the passage of "laws and policies that ensure MP are safe and affordable and available for those who need them".³ Menstrual equity leader Jennifer Weiss-Wolf created the framing of menstrual equity in 2016 to signal the issue as an inherent human right. The movement pushes legislators on the city, state, and federal levels in the US to pass legislation guaranteeing the free issuance of MP for school aged girls, women living in homeless shelters, and incarcerated women. However, the social movement is more than merely a policy agenda. The menstrual equity movement seeks to challenge the culture of period taboos and overcome systemic barriers, such as the powerful carceral system.

The United States possesses the highest incarceration rate in the world.⁴ Out of the 2 million American prisoners, 210,000 inmates are female, making the United States the nation who imprisons the highest number of women globally. Despite the high incarceration rate of women, prisons were built for men, as men have historically comprised a vast majority of the

² Klecko, Maria. "That time of the month: The harm of menstrual inequity and not talking openly about your period." *Temple Now* |, 26 January 2022, <https://news.temple.edu/news/2022-01-26/time-month-harm-menstrual-inequity-and-not-talking-openly-about-your-period>. Accessed 19 January 2024.

³ Chemerinsky, Erwin, and Jennifer Weiss. "Menstrual Equity a Legislative Toolkit." *American Civil Liberties Union*, <https://www.aclu.org/wp-content/uploads/legal-documents/121119-sj-periodequitytoolkit.pdf>. Accessed 16 January 2024.

⁴ Prison Policy Initiative. "United States profile." *Prison Policy Initiative*, <https://www.prisonpolicy.org/profiles/US.html>. Accessed 22 December 2023.

incarcerated population. Nonetheless, the rate of incarceration for women has increased by twice the rate of men's incarceration in recent decades.⁵

Up until the last two decades, minimal attention was cast on mass incarceration in America.⁶ The “war on drugs” cost Americans their loved ones, reduced funding for reentry programs, and increased recidivism rates. The opioid epidemic and unfair sentencing laws first drew black Americans, and now white Americans, into the carceral system. In the first two decades of the 21st century, the prison reform movement jumped on a moment of opportunity to campaign for racial justice and mobilize support for sentencing law reform. The prison reform movement proved successful in gaining adherents and starting a national conversation on mass incarceration. Nevertheless, the movement advocated for the collective good of all incarcerated individuals and not incarcerated women specifically.

The narrative shifted its focus to include incarcerated women's rights when women openly shared their stories of sexual abuse to a mainstream audience during the #MeToo movement. The hashtag #MeToo created a collective identity for women who suffered from sexual assault or abuse and effectively spurred government action on the issue. In 2014, the Department of Justice investigated Tutwiler Women's Prison in Alabama for sexual abuse allegations. From the investigation, “other deficiencies” came to light. The investigation found that Tutwiler Prison not only violated the dignity and basic human rights of their inmates with

⁵ Kajstura, Aleks, and Wendy Sawyer. “Women's Mass Incarceration: The Whole Pie 2023.” *Prison Policy Initiative*, 1 March 2023, <https://www.prisonpolicy.org/reports/pie2023women.html>. Accessed 22 December 2023.

⁶ Godvin, Morgan. 2023. “50 Years Later: The Evolution of Prison Policy.” JSTOR. <https://daily.jstor.org/evolution-of-prison-policy/>.

rampant sexual abuse but also neglected the menstrual health of its inmates. The Department of Justice found guards leveraged sexual favors from inmates in exchange for MP products.”⁷

Following the federal awareness on menstrual injustice from the DOJ investigation, the Tampon Tax movement campaigned with the economic goal of removing sales tax from MP but also sought to destigmatize menstruation, a topic with deep historic, religious, and cultural taboo. Jennifer Weiss-Wolf recounts the history of menstruation in the start of her menstrual equity novel, *Periods Gone Public*. Weiss-Wolf writes, “Nearly all of the world’s religions and core spiritual teachings have had something to say about menstruation.”⁸ In Christianity, “Menstruation is commonly assumed to be part of the reproductive package of pain foisted upon Eve,” a result of original sin.⁹ The Tampon Tax movement worked to dispel the shame and embarrassment women feel towards menstruation. The intersection of prison reform, the #MeToo, and Tampon Tax movements laid the foundations for the legislative success of menstrual equity. As a social movement, the menstrual equity movement has had legislative successes and failures.

In New York City, the first menstrual equity legislative campaign was successful. New York City became the first municipality to address menstrual inequity. Prior to 2016, no municipality in the United States possessed legislation guaranteeing MP for incarcerated women. New York City’s 2016 passage of 1122-A, 1123A, and 1128-A required the issuance of MP to students, shelter residents, and inmates and set a precedent for states and the federal

⁷ US Commission on Civil Rights. “Seeking Justice Behind Bars.” *U.S. Commission on Civil Rights*, 26 February 2020, <https://www.usccr.gov/files/pubs/2020/02-26-Women-in-Prison.pdf>, pp.219. Accessed 22 December 2023.

⁸ Weiss-Wolf, Jennifer. 2017. *Periods Gone Public: Taking a Stand for Menstrual Equity*. N.p.: Arcade Publishing, Introduction.

⁹ Ibid.

government.¹⁰ An even broader national criminal justice reform bill passed in 2018, known as the First Step Act, guaranteed MP access for incarcerated women in federal prisons. The First Step Act codified a previously written Bureau of Prisons memorandum in 2017 mandating all federal prisons to provide inmates with “healthcare products” including “tampons and sanitary napkins” “for free in a quantity that is appropriate to the healthcare needs of each prisoner” and “conform[ing] with applicable industry standards”.¹¹

Despite the momentous landmark set by the First Step Act, the majority of incarcerated women are held in local jails and state prisons, where individual states hold jurisdiction over their correctional institutions. According to the Prison Policy Initiative, only 14,000 women are incarcerated in federal prisons and jails. 76,000 women are imprisoned in local jails, and 72,000 women are incarcerated in state prisons.¹² The heavy incarceration of women on the local and state levels stresses the significance of state MP access legislation. Between the years of 2018 and 2023, 25 states passed legislation guaranteeing MP for incarcerated women. The first map below shows the partisan control of each state legislature in the US. The second map shows whether each state has passed MP access legislation for incarcerated women or not. The maps visualize how MP access for incarcerated women does not follow a partisan pattern.¹³

¹⁰ “Transcript: Mayor de Blasio Signs Intros. 1122-A, 1123-A and 1128-A.” 2016. NYC.gov. <https://www.nyc.gov/office-of-the-mayor/news/622-16/transcript-mayor-de-blasio-signs-intros-1122-a-1123-a-1128-a>.

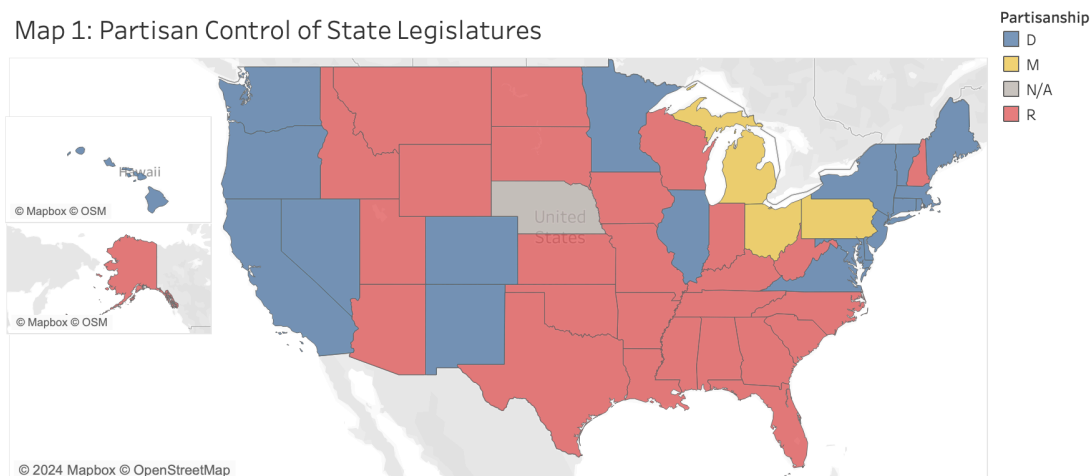
¹¹ Thune, Senator. 2018. “Text - S.756 - 115th Congress (2017-2018): First Step Act of 2018.” Congress.gov. <https://www.congress.gov/bill/115th-congress/senate-bill/756/text>

¹² Kajstura, Aleks, and Wendy Sawyer.

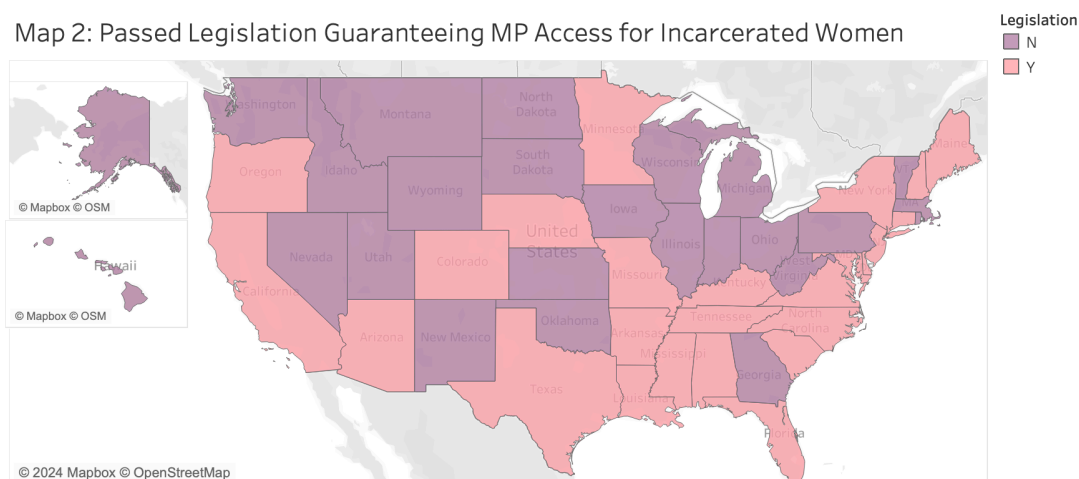
¹³ “State Laws Around Access.” 2023. The Prison Flow Project. <https://theprisonflowproject.com/state-laws-around-access/>.

NCSL. 2024. “Resource State Partisan Composition.” National Conference of State Legislatures. <https://www.ncsl.org/about-state-legislatures/state-partisan-composition>.

Map 1: Partisan Control of State Legislatures



Map 2: Passed Legislation Guaranteeing MP Access for Incarcerated Women



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While NYC and the federal government passed legislation, half of the states still do not have any legislation requiring MP for incarcerated women. Moreover, action at the federal level has also stalled. On the heels of New York City's legislation, Congresswoman Grace Meng of New York first introduced the Menstrual Equity for All Act in 2017 and reintroduced the failed bill again in every year following. Corey Booker introduced a broader reform bill for incarcerated women in the same year, but the bill also failed. And even in states which possess

¹⁴ Maps courtesy of Oliver Reidmiller, *Dickinson College '24, Data Analytics*

menstrual equity legislation, prisoners continue to receive minimal, if any, mediocre pads or tampons which do not last the length of their menstrual cycle.

The movement navigates the entrenched misogyny of the American political system agitated by the Trump administration. Even though the First Step Act passed under former President Trump, the Trump era was characterized by relentless misogyny and Trump's stigmatization of menstruation. In 2016, Trump attacked reporter Megyn Kelly for having "blood coming out of her wherever".¹⁵ The hurtful and vulgar comment speaks to the need for the menstrual equity movement to challenge people in positions of power who use menstruation as an oppressive tool.

Moving forward, we must ask what a successful approach of passing MP access legislation for incarcerated women looks like, and what this approach tells us about the strength of the menstrual equity movement? How do we build toward effective legislation and enforcement? Additionally, what conditions must be present to pass MP access legislation, and what makes this legislation successful? How has MP access legislation been passed in differing political contexts? Why has it been difficult for the issue of menstrual equity to gain traction?

This thesis is the first step toward answering these questions with its examination of Missouri. As we will see in subsequent sections, Missouri informs the broader movement of a lacking component, a conservative frame. Despite the political context of the state, non profit activism proved to be an effective route in raising consciousness on MP access and spurring legislative action. Multiple legislative attempts resulted in the passage of Senate Bill 53. Missouri's legislation uniquely guarantees MP to incarcerated women in jails and prisons. Legislation is the first step in shifting the culture of oppression to a culture of correction.

¹⁵ Weiss-Wolf, Jennifer. 2017. *Periods Gone Public*, Introduction.

II. Methodology

In this thesis, I examine failed and successful MP access legislation for incarcerated women on the local, state, and federal levels with a specific emphasis on the case of Missouri. In addition to examining legislative texts, I incorporate data from two interviews and draw on relevant literature from the field. In the following sections, I situate the project within the relevant literature and theoretical framework of social movement theory, before proceeding to an overview of the methodological approach utilized. I then turn to the justification for selecting Missouri as the case study. Finally, the section ends with an overview of data used in the thesis and its contribution to the field.

Literature

In the thesis, I pull from literature to contextualize and understand the menstrual equity movement. I used Michele Alexander's *New Jim Crow* for power analysis and to highlight the historically rooted oppression embedded in the prison industrial complex. To understand menstrual inequity as a dehumanizing issue, the *Palgrave Handbook of Critical Menstruation Studies* provided first hand accounts of incarcerated women's lived experiences of menstruating while incarcerated. Jennifer Weiss-Wolf's *Periods Gone Public: Taking a Stand for Menstrual Equity* not only explains the origins of the menstrual equity movement and frame but also gives the perspective of Weiss-Wolf, the key figure of the movement. Finally, to contextualize the precursor movements of menstrual equity, including second wave feminism, prison reform movement, #MeToo movement, and the tampon tax movement, I look at Gloria Steinem's *If Men got Periods*, Michele Alexander's *New Jim Crow*, and Jessica Valenti's *The Case for Free Tampons*. Literature in these beginning chapters explain the origin and importance of the menstrual equity movement.

Social Movement Theory

I analyze the menstrual equity movement as a social movement because of its grassroots connections to the prison reform, Black Lives Matter, #MeToo, and tampon tax movements. The menstrual equity movement seeks to enact political and social change through legislative action. I look at the menstrual equity movement from a bottom up perspective through cases of non profit and social movement activism. Social movement theory is applied to the menstrual equity movement to draw attention to the voices of those affected, examine movement organization, and advocate for a change in discourse.

I use Suzanne Staggenborg and David Snow's definitions of a social movement. David Snow defines social movements as “collective challenges to systems or structures of authority”.¹⁶ Snow’s definition of a social movement highlights how a movement strives to question power. According to Staagenborg, social “movements consist of informal networks as well as formal organization, and they produce culture and collective identity as well as political campaigns”.¹⁷ MP access is an issue pushed by nonprofits, advocates, and legislators and operates within both informal networks and through formal legal and political institutions. Moreover, prison menstrual equity is an organized challenge to the powerful carceral state and patriarchy.

Menstrual equity challenges the stigmatization of menstruation and gains supporters through the construction of a collective identity. I engage with synthetic and new social movement theory to examine the strength of the menstrual equity movement. Synthetic social movement theory “views social movements as political entities aiming to create social change”.¹⁸

¹⁶ Snow, David, & Staggenborg, Suzanne. 2016. *Social Movements*, pp.10. N.p.: Oxford University Press.

¹⁷ Ibid.

¹⁸ Ibid, pp.22.

The synthetic theory combines political process and resource mobilization theories and adds the element of culture. The key elements of political opportunities, mobilizing structures, and cultural framing will be identified in the menstrual equity movement. New social movement theory recognizes how social movements now “rely on a range of networks and informal, participatory structures”, “are concerned with the cultural as well as the political sphere”, “appeal to many diverse participants”, “involve the construction of collective identities”, and “focus on a broad range of values related to quality of life”.¹⁹ The concept of a cultural opportunity structure proves especially relevant to the menstrual equity movement from new social movement theory. The lens of social movement theory provides a framework to understand the cultural and political significance of the menstrual equity movement. The menstrual equity movement works within the confines of the political opportunity structure to pass a legislative agenda but also challenges the culture of menstrual taboo.

Case Selection

Originally, I sought to look at multiple states as case studies. Missouri caught my interest because of the unique nonprofit activism successfully conducted in the state. As I delve into Missouri, several factors led me to focus exclusively on Missouri. Despite the political context of Missouri, the majority conservative state guarantees tampons and sanitary pads of an appropriate quantity and quality to incarcerated women. The specified diction in Missouri’s MP access bill sets the state apart from most other states’ largely vague and un-descriptive legislation. Missouri is also an important case study, as it is one of the few states that guarantees MP to women in jails and prisons. The majority of MP access legislation only calls for the issuance of products in prisons, yet the majority of incarcerated women are held in local and county jails. Finally,

¹⁹ Ibid, pp.24.

Missouri was chosen because of its social movement activism and conservative framing in the context of a red state.

Activism in Missouri raised public consciousness on the issue of inmate menstrual health and spurred legislative action. In 2018, Missouri Appleseed conducted a mail in survey addressing menstrual health in Missouri's two female prisons. At the time, the Missouri Department of Corrections provided sanitary pads of one size from a prison manufacturer. The survey found the pads were of mediocre quality and lacked absorbency, forcing women to make homemade tampons. Of the 80% of inmates who made homemade tampons, 28% of inmates contracted a vaginal infection in the last 6 months. Of the respondents, 50% of inmates reported having to change their provided pad at least every 30 minutes during their heavy cycle.²⁰ The results from the survey were horrifying but created a critical juncture to focus legislative attention on the violation of human rights and dignity suffered by incarcerated women in Missouri.

Despite the undignified conditions experienced by incarcerated women in Missouri, a MP access bill was not passed until 2021. SB 53 was signed into law by Governor Mike Parson following the failure of four previous bills. I analyze the four failed and one successfully passed MP access bills. Analysis of the legislative efforts in Missouri attempts to find what conditions are necessary to pass successful and effective MP access legislation. Additionally, the analysis seeks to address how the menstrual equity movement influenced legislative action in Missouri.

Outside adherents played an important mobilization role in finally pushing the fifth attempt at MP access legislation over the finish line as previous legislative attempts struggled to overcome the difficulties of working within the powerful carceral and polarized political systems. Missouri proved a conservative state can utilize an activism oriented campaign to pass

²⁰ "Missouri Appleseed Access to Menstrual Hygiene Products in Missouri Prisons."

reform legislation yet support from conservative organizations also proved necessary. Missouri also highlighted the bipartisan nature of menstrual equity, even though the state did not use the menstrual equity frame. Missouri's approach, which also incorporated followup, could be used as a possible model for states who have not passed any menstrual equity legislation.

Data

I first examine New York City's passed legislation, Bills 1128-A, 1123-A, and 1122-A. On a federal level, the failed Dignity for Incarcerated Women Act and Menstrual Equity for All Act, as well as the passed Federal First Step Act, are looked at. For the case study, Missouri's failed HB 920, HB 303, SB 212, HB 318 and passed SB 53 are analyzed. The language of the bills, bills sponsors, and legislative journey of the bills was addressed. The issue of menstrual equity as a rider or standalone issue on the bills was also observed. Voting patterns, co-sponsors, and coalition building were studied in the five bills. I analyze fiscal notes from HB 303 and SB 53 to compare the unclear nature of allocating funds for MP. Outside support for the bills was studied from witness testimonies for HB 318 and two interviews. The first interview was a zoom call with the Director of Missouri Appleseed, Liza Weiss. The second interview was conducted through email with the Director of the Nolan Center for Justice of the American Conservative Union, Kaitlin Owens.

Contribution

I seek to add a political science standpoint to a topic minimally covered in literature usually only pertaining to law. The thesis is written in the subfield of American Politics and analyzes menstrual equity as a social movement with a legislative agenda. Legislation and

scholarship around the issue is still minimal and quantitative studies remain almost nonexistent. Therefore, qualitative research was conducted on the development of legislative policy making and the exchange between social movement actors, lawmakers, and incarcerated individuals. I seek to raise awareness on prison menstrual inequity.

III. Mass Incarceration & Power

Prison menstrual equity must work within the confines of the carceral system to pass legislation and guarantee enforcement. In this section, I contextualize the setting of prison menstrual inequity, the power driven carceral system. I begin with Robert Dahl's definition of power as a framework for understanding the carceral system as a racially but also gendered oppressive institution. I then discuss the history of white supremacy and the cyclical nature of oppression in the United States from the end of the Civil War to mass incarceration. I highlight how politicians devised law and order rhetoric to regain their base of power over black and brown Americans. I end with a conversation on incarcerated women and the toll menstrual inequity takes on these women.

What is power?

“Power is a relation,” according to the political scientist Robert Dahl, “and it is a relation among people”.²¹ Dahl further defines power as, “A has power over B to the extent that he can get B to do something that B would not otherwise do”.²² The carceral system in the United States is an institution of power which sustains a racial hierarchy. Oppressive racial institutions do not disappear. The powerful institution of mass incarceration dates back centuries to the beginning of

²¹ Dahl, Robert. “The Concept of Power.” https://fbaum.unc.edu/teaching/articles/Dahl_Power_1957.pdf, pp. 203. Accessed 17 January 2024.

²² Ibid.

slavery in the United States. The colonies were built on the backs of African slaves, making America a slavocracy. White supremacy permeates American society from the start of this nation to the present. The discriminatory and oppressive nature of today's prisons can only be explained after addressing the history of racial hierarchy, slavery, white supremacy, and oppression in the United States.²³

In 1863, Abraham Lincoln issued the Emancipation Proclamation, declaring all slaves held in confederate states to be free. Two years later, the ratification of the 13th amendment abolished slavery nationally. The 14th and 15th amendments passed during Reconstruction guaranteed equal protection and the right to vote to all Americans. A century later, the Civil Rights Act of 1964 and Voting Rights Act of 1965 legalized the end of Jim Crow and segregation. Despite the deceptive monumental rulings to “end” racial discrimination and white supremacy, institutions of oppression never disappeared. The racial caste system did not end in America; it has been merely redesigned.²⁴

The civil rights movement is depicted as one of the most successful social movements in the United States because of its legislative success with the passage of the Civil Rights Act of 1964. However, history leaves out an important detail. Since the start of the movement, the civil rights movement was depicted as a threat to law and order. The civil rights movement challenged white supremacy, as the movement called for the end of the power imbalance whites held over blacks. The end of racial discriminatory practices meant whites lost their base of power over blacks. “The base of an actor's power consists of all the resources that he can exploit in order to affect the behavior of another”.²⁵ The discriminatory Jim Crow laws served as white American's

²³ Masera, Federico and Rosenberg, Michele, Slavocracy: Economic Elite and the Support for Slavery (October 1, 2021). Available at SSRN: <https://ssrn.com/abstract=4009954> or <http://dx.doi.org/10.2139/ssrn.4009954>

²⁴ Alexander, Michelle. pp.2.

²⁵ Ibid.

base of power, as the laws forced African Americans to attend racially segregated schools and restaurants, made blacks give up their bus seat for whites, and undermined their right to vote. The challenge to white power from the civil rights movement promulgated a countermovement which incorporated “racially sanitized” law and order rhetoric and utilized crime and punishment as the next source of power.²⁶

Begun by Richard Nixon, the southern strategy employed dog whistle language to gain the vote of Southern democrats by criminalizing the African American race. Nixon launched a racially motivated “war on drugs”. “The War on Drugs, cloaked in race-neutral language, offered whites opposed to racial reform a unique opportunity to express their hostility toward blacks and black progress, without being exposed to the charge of racism”.²⁷ The “crackdown” on drugs discriminately targeted African Americans with the excuse of maintaining law and order. Mass incarceration became white supremacy’s new base of power. The Comprehensive Crime Control Act of 1984 and Anti-Drug Abuse Act of 1986 became the new means of exerting power by creating racially biased mandatory minimum sentences for drugs. Powder and crack cocaine are the same drug, yet the Anti-Drug Act said otherwise. The Anti-Drug Abuse Act purposely targeted African Americans with the minimum mandatory sentence of five years for five grams of crack cocaine, whereas powder cocaine possession, more commonly used by whites, was given the same sentence for 500 grams.²⁸

During the Clinton administration, three strikes laws increased the severity of punishment for repeat offenders. In California, a repeat offender who convicted a felony after a conviction of

²⁶ Ibid.

²⁷ Ibid, pp. 53.

²⁸ Vera Institute of Justice. “Time Line | Vera Institute.” *Vera Institute of Justice*, <https://www.vera.org/justice-in-focus-crime-bill-20/time-line>. Accessed 24 December 2023.

two serious or violent crimes was automatically sentenced to life in prison.²⁹ Once someone enters the powerful carceral system, sentencing laws and mediocre reentry programs makes it almost impossible for them to get out. By 2008, the US prison population reached an unfathomable 2,307,500 individuals held in federal and state correctional facilities.³⁰ A United Nations Chronicle titled “The New Untouchables Crime: Punishment and Race in America” reported on the unprecedented and discriminant practice of mass incarceration in the United States. The United States comprises one-twentieth of the global population, yet incarcerates one-quarter of the world’s prisoners. Despite the law and order narrative, only one third of incarcerated individuals are convicted for violent offenses, whereas two-thirds of offenders are convicted for drug and property offenses. Even though crime rates have fallen, America’s criminal justice system remains severely punitive. The retributive and power-driven focus of the carceral system conveys the idea that public order sanctioned by force takes higher importance than rehabilitation and restorative justice.

The criminal justice system sustains America’s racial hierarchy by exerting high amounts of power to. In the words of Robert Dahl, “That some people have more power than others is one of the most palpable facts of human existence”.³¹ Since the beginning of America’s history, African Americans have always possessed less power. Whites in control exercise power to sustain the system of white supremacy. The relation of unequal power is seen through police brutality, sentencing laws, and high rates of mass incarceration suffered by African Americans. Power instills fear of the criminal justice system in African Americans.

²⁹ Legal Information Institute. “Three strikes | Wex | US Law | LII / Legal Information Institute.” *Legal Information Institute*, https://www.law.cornell.edu/wex/three_strikes. Accessed 24 December 2023.

³⁰ Vera Institute of Justice.

³¹ Dahl, Robert. “The Concept of Power”.

The United Nations Chronicle highlighted the racially motivated focus of America's criminal justice system. The chronicle states, "Crime and punishment in America has a color".³² Mass incarceration is another institution of power to segregate black Americans from the rest of American society. Black men face a one in three likelihood of imprisonment in their lifetime, whereas white men only have a one in seventeen likelihood of imprisonment.³³ In 2023, a UN report published by international experts advancing racial justice and equality found, following an official visit to the United States, "Black people in the US are three times more likely to be killed by police than if they were White, and 4.5 times more likely to be incarcerated".³⁴ Following the UN report, UN rights experts called for the "comprehensive reform" of America's criminal justice system, yet the report failed to call for activism on behalf of incarcerated women.³⁵

a. Mass Incarceration & Women

In the era of mass incarceration, the female prison population rapidly increased for both juveniles and adults, despite the historically low number of incarcerated women in past decades. The first federal prison for women did not open until 1927. In the early 1900s, women's prisons employed the reformatory ideal and built their prisons on the "cottage plan".³⁶ Reformatory prisons did not have a fence, but possessed gardens, kitchens, and classes for inmates. However,

³² Loury, Glenn C. "The New Untouchables Crime: Punishment and Race in America | United Nations." *the United Nations*, <https://www.un.org/en/chronicle/article/new-untouchables-crime-punishment-and-race-america>. Accessed 24 December 2023.

³³ DuVernay, Ava, director. *13th*. Netflix, 2016, <https://www.netflix.com/watch/80091741?source=35>.

³⁴ Dickinson, Daniel. "UN rights experts slam 'systemic racism' in US police and courts." *UN News*, 28 September 2023, <https://news.un.org/en/story/2023/09/1141652>. Accessed 24 December 2023.

³⁵ *Ibid*.

³⁶ *Ibid*, pp.428.

the United States now ranks as “one of the top incarcerators of women in the world”, where prisons do not look anything like the original cottage plan.³⁷

Power works within the confines of race, gender, and class. Compared to their male counterparts, the majority of incarcerated females have troubled pasts and originate from poverty. Female inmates are likely to be from a low socioeconomic class, mothers of young children, and unemployed. “African American women are twice as likely to be incarcerated than white women”, again highlighting the role of racial oppression in the criminal justice system.³⁸ Female inmates also are more prone to having a past history of trauma, including physical and sexual assault, mental illness, and substance abuse. According to PhD researcher Barbara Bloom, “as many as 80% of incarcerated women meet the criteria for at least one lifetime psychiatric disorder”. Finally, female inmates are more likely to be sexually and physically abused while incarcerated.³⁹

The carceral system views incarcerated men and women alike, and ignores the specific needs of women. In addition to the systemic power imbalance, prisons further exploit women through sexual assault and menstrual injustice. Prior to entering prison, society casts a taboo around menstruation. Women are forced to believe their periods are private, personal, and disgusting. Female inmates foster a negative mindset around menstruation prior to entering the criminal justice system. While incarcerated, the personal matter of menstruation becomes public. According to Feminist writer Carol Hay, oppression “arises through the unjust allocation of

³⁷Kajstura, Aleks, and Wendy Sawyer.

³⁸ Cowan, Beryl Ann. “Incarcerated women: Poverty, trauma and unmet need.” *American Psychological Association*, 17 April 2019, <https://www.apa.org/pi/ses/resources/indicator/2019/04/incarcerated-women>. Accessed 30 April 2023.

³⁹ Ibid

power or resources”.⁴⁰ It is, therefore, not a surprise that prior to 2016, no municipality in the United States passed legislation guaranteeing access to MP for incarcerated women.

As of 2023, the federal government, 25 states, and numerous municipalities mandate an allocation of free MP to incarcerated women. However, 25 states do not have any legislation guaranteeing free MP to incarcerated women.⁴¹ Access to menstruation products should be treated as a need, not a luxury. Incarcerated women should not feel dehumanized and worthless because of inadequate prison issued MP and care by the prison system. Menstrual inequity in prisons wages a physical and psychological toll, widens the power gap between inmates and guards, and violates human rights.

b. Dehumanization - A Psychological Toll

Family visits provide inmates with something to look forward to as a source of comfort, yet practices of menstrual injustice create a barrier. Strip searches are mandatory prior to a visit, even if the inmate is menstruating. During the search, menstruating inmates have to remove their tampon or lay their used pad on the floor. Inmates are not given another fresh tampon or pad to use following the search, and no woman wants to put a used pad back on after it has been on the floor. Without any MP during the visit, incarcerated women run the embarrassing risk of bleeding through their clothes. An inmate may already be wearing blood stained clothes prior to the visit, as laundry is washed only once a week, regardless whether inmates clothes are stained with menstrual blood or not. Incarcerated women should not have to choose between seeing their families but risk leaking through their clothes or not seeing their family at all. The inhumane

⁴⁰ Hay, Carol. *Think Like a Feminist: The Philosophy Behind the Revolution*, pp. 41. WW Norton, 2022.

⁴¹ “State Laws Around Access.” 2023. The Prison Flow Project.
<https://thepriprisonflowproject.com/state-laws-around-access/>.

conditions of menstruation in prisons isolates women even further from the outside world, as women do not want to visit friends, family, or their attorney in blood stained clothes.⁴²

Delving even further into the issue of strip searches, group strip searches objectify and dehumanize female inmates. When conducted for their true intention, group strip searches serve the goal of finding contraband. However, testimonies of incarcerated individuals “suggest guards use this practice indiscriminately not to identify contraband but as a form of punishment and a means of control”.⁴³ During group strip searches, there is no privacy. In front of guards and other inmates, menstruating inmates must remove their pad or tampon. Without any products, menstrual blood runs down their legs. In the words of researcher Tomi-Ann Roberts, “Such treatment violates the most basic of human rights to bodily integrity, dignity, and privacy”.⁴⁴ The cultural taboo of menstruation as a private matter is shattered during these group strip searches. Rather, the openness of the search may invoke negative emotions of deep shame and self-disgust in all of the inmates.

The inhumane conditions of group strip searches takes a psychological toll on inmates. Society portrays the ideal female body as clean, hygienic, and perfectly groomed. Women are socialized to value their physical appearance above everything else in terms of self worth. “Women’s bodies are controlled in order to ultimately control their minds”.⁴⁵ Counter to the ideal feminine body and appearance, incarcerated women feel almost beastly because of unhygienic menstrual conditions. Especially during the group strip searches, incarcerated women negatively portray themselves and their fellow inmates as inferior women and humans.

⁴² O’Shea Carney, Mitchell.

⁴³ Duran, Alelur. 2022. “Prison strip searches violated my rights. End the inhumanity.” USA Today. <https://www.usatoday.com/story/opinion/columnist/2022/04/18/end-strip-searches-prisons/7236601001/>.

⁴⁴ Bozelko, Chandra, & Roberts, Tomi-Ann, pp. 53.

⁴⁵ Hay, Carol. pp.50.

In Chapter Six of the *Palgrave Handbook of Critical Menstruation Studies*, scholar Tomi-Ann Roberts reports on first hand accounts from incarcerated women involved in group strip searches. “One inmate stated that during the procedure, having her menstrual status publicly laid bare, made her feel ‘worthless as a woman’”.⁴⁶ Other inmates echoed this same mindset of intense shame with comments such as, “I felt like an animal” and “I felt less than human”.⁴⁷ Compared to the idealized clean and perfect female body stigmatized by society, incarcerated women feel disgusted by their appearance. The group strip searches, especially during menstruation, perpetuates feelings of worthlessness and dehumanization. Even when inmates are not menstruating during the searches, the inmates still feel a shared shame for their fellow menstruating inmates. The shameful mindset endured by inmates allows the carceral system to further exploit incarcerated women with its unequal power dynamics.

c. Power Dynamic

Prior to entering the criminal justice system, menstruation is a private affair controlled by women at their own discretion. Once in prison, menstruation becomes a public affair and a tool used to leverage power over inmates. Even if an incarcerated woman is in a state where legislation mandates access to MP, vague diction in legislation leaves room for guards to withhold products. In New Jersey, the enacted legislation states, “The Commissioner of Corrections must provide products like tampons and sanitary pads for free upon request”.⁴⁸ The key phrase “free upon request” opens the floodgates to a humiliating power imbalance between guards and prisoners.

⁴⁶Bozelko, Chandra, & Roberts, Tomi-Ann, pp.57.

⁴⁷ Ibid, 58.

⁴⁸ “State Laws Around Access.”

In *The Palgrave Handbook of Critical Menstruation Studies*, formerly incarcerated writer Chandra Bozelko illustrates the toxicity of this menstruation fueled power imbalance. “To ask a macho guard for a tampon is humiliating. But it’s more than that: it’s an acknowledgement of the fact that, ultimately, the prison controls your cleanliness, your health and your feelings of self-esteem”.⁴⁹ Women lose their bodily autonomy once they step foot into the carceral system. Incarcerated females feel helpless asking for MP, as inmates can not do anything if a guard refuses. Even worse, guards can use MP as a threat over inmates. “A Department of Justice investigator revealed that, at the Tutwiler Prison for Women in Alabama, correctional officers would withhold necessary menstrual items in order to coerce prisoners to have sex with them”.⁵⁰ Without proper legislation and regulation around this issue, incarcerated women face both physical and mental degradation. The menstrual equity movement must advocate for MP access legislation which makes MP products available in communal locations to tip the power imbalance in favor of incarcerated menstruators.

d. A Human Rights Violation

Menstruation is a natural bodily function experienced by half of the population at some point in their lifetimes. MP access should be a guaranteed human right. Even if legislation requires prisons to provide MP, most prison issued MP do not meet the quantity or quality to adequately support an inmate's cycle. Without access to sufficient MP, incarcerated women are susceptible to toxic shock syndrome, sepsis, and ovarian cancer.⁵¹

⁴⁹ Bozelko, Chandra. & Roberts, Tomi-Ann. *The Palgrave Handbook of Critical Menstruation Studies* [Internet]. Singapore: Palgrave Macmillan; 2020. PMID: 33347099, pp.50.

⁵⁰ “Unequal Price of Periods | American Civil Liberties Union.” *ACLU*, <https://www.aclu.org/report/unequal-price-periods>. Accessed 30 April 2023.

⁵¹ O'Shea Carney, Mitchell. "Cycles of Punishment: The Constitutionality of Restricting Access to Menstrual Health Products in Prisons." *Boston College Law Review*, vol. 61, no. 7, October 2020, pp. 2541-2594. *HeinOnline*, <https://heinonline-org.ezproxy.drew.edu/HOL/P?h=hein.journals/bclr61&i=2577>.

Kimberly Haven, a former inmate and now criminal justice reform activist, was forced to undergo an emergency hysterectomy after leaving prison. In prison, Haven refused to sacrifice her dignity by begging guards for pads. Instead, Haven made makeshift tampons out of the issued mediocre pads. Unknowingly, Haven traded her dignity in prison for a future without any possibility of having her own children. Haven is not the only former inmate forced to undergo a hysterectomy following her release. *In Cycles of Punishment*, Mitchell O’Shea describes multiple accounts of women with the same fate as Haven.

The mismanagement of incarcerated women’s menstrual health in prisons is a violation of the Eighth and Fourteenth Amendments of the Constitution. The health risks unknowingly imposed on incarcerated women is cruel and unusual punishment. No woman should suffer lifelong health consequences under the care of the state. Women should not have to plead with guards for products or wear blood stained clothes. Mismanagement of menstrual health violates the equal protection clause of the fourteenth amendment. Prisons who do not take care of all the needs of their female inmates discriminate on the basis of gender. Following the completion of their sentence, former female inmates paid their debt to society, yet they keep paying this “debt” with their tarnished reproductive health for the rest of their lives.⁵²

Besides violating the Constitution, inadequate menstrual healthcare also violates international law. More specifically, the United Nations implemented the Bangkok Rules to ensure the gender specific needs of incarcerated women. The Bangkok Rules were unanimously adopted by all members of the United Nations, including the United States. In the beginning of the treatise, the UN declares prisons must account for women’s distinctive needs in the name of gender equality. In rule five, the treatise explicitly states, “The accommodation of women prisoners shall have facilities and materials required to meet women’s specific hygiene needs,

⁵² Ibid.

including sanitary towels provided free of charge and a regular supply of water”.⁵³ “Even though the United States adopted the treatise as a UN member, most of its correctional institutions violate rule five. According to the Human Rights Watch, “Human rights are negatively impacted when women and girls cannot manage menstruation with dignity, but rights should also be at the heart of any solution”.⁵⁴ International human rights organizations need to continue to expose menstrual inequity in America’s prisons as a human rights violation. Further international exposure would raise public consciousness on the issue and pressure political institutions to act. Back in the 1980s and 1990s, “worldwide condemnation” of mass incarceration in the US spurred efforts toward prison reform.⁵⁵

Prison Reform

Beginning in the 2000s, the prison reform movement mobilized to challenge discriminatory sentencing laws and advocate for the rights of the incarcerated. The movement successfully spurred legislative action with Congress’ passage of the Second Chance Act in 2007. Cultural opportunity was seen when Michele Alexander’s *The New Jim Crow* became a New York Times bestseller following its publication in 2010. In the same year, the Fair Sentencing Act changed possession requirements from the Anti-Drug Abuse Act. Under the Trump Administration, the First Step Act was passed with bipartisan support in an age of polarized politics and law and order rhetoric.

⁵³ “UN General Assembly.” *ohchr*, 6 October 2010, <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/BangkokRules.pdf>. Accessed 30 April 2023, pp. 10.

⁵⁴ Human Rights Watch. “Menstrual Hygiene a Human Rights Issue.” *Human Rights Watch*, 27 August 2017, <https://www.hrw.org/news/2017/08/27/menstrual-hygiene-human-rights-issue>. Accessed 7 January 2024, Chapter 1.

⁵⁵ Chen, Cher W., and Alison D. Renteln. 2022. *International Human Rights: A Survey*. N.p.: Cambridge University Press.

Prior to the organization of the prison reform movement in the 2000s, the imposition of sentencing laws in the 1980s and 1990s exacerbated racial disparities in America's prisons. By the 1990s, human rights organizations took notice and published reports on the racially oppressive conditions in America. For instance, the Human Rights Watch published a paper on inhumane prison conditions in the United States in 1991. During the Clinton administration, funding for prison education programs was almost fully cut off. By the early 2000s, the unfathomable amount of Americans incarcerated became impossible to ignore, as white Americans were now also experiencing the forces of the powerful carceral system.

The war on drugs no longer affected just black Americans. The opioid epidemic drew white Americans into the same problems faced by black Americans: addiction, stigma, and incarceration. Since drug sentencing laws were also targeting whites, mass incarceration became an institution which no longer served its primary purpose of sustaining white supremacy. The scope of the carceral system's power was becoming unruly with the effects seen by white and black Americans. With whites also suffering under mass incarceration, Congress became more receptive to prison reform. The opioid epidemic pushed legislators to pass reform bills in favor of aiding a major demographic of their constituency, middle class whites. The prison reform movement jumped on the opportunity created by the opioid epidemic's opening of the polity.

The passage of the Second Chance Act in 2007 proved the mobilizing strength of the movement in passing a legislative agenda. Signed by President George W. Bush and backed by bipartisan support, the Second Chance Act "granted prisons funding for various reentry programs".⁵⁶ On the surface, the Second Chance Act gave hope to a shift in justice focus from retributive to rehabilitative, yet the goals and limit of prisoner eligibility tell a different story. The

⁵⁶ Colorado College History Department. "Second Chance Act – Past, Present, Prison." *Colorado College Sites*, <https://sites.coloradocollege.edu/hip/second-chance-act/>. Accessed 27 December 2023.

bill aimed to reduce recidivism, improve public safety, and decrease government spending. Grants from the bill were allocated to programs which aided the transition from prison to the outside world. Programs under the bill included job training, education, housing, substance use treatment, victim support, and support.⁵⁷ Nonetheless, the programs funded by the Second Chance Act only applied to prisoners eligible for release who did not commit violent crimes, hence still allowing the system to suppress the disproportionately black and brown incarcerated population. Institutionalized racism through the carceral system holds back true reform for rehabilitation.

In 2010, the Fair Sentencing Act addressed an instrument of the carceral system's power, unfair sentencing laws. On their face, sentencing disparities appear race neutral, yet the laws purposely enhance sentencing for crack cocaine compared to powder cocaine. Crack cocaine is more affordable and used primarily by black Americans. In contrast, powder cocaine costs more and is popular with white Americans. The act decreased the disparity in sentencing for crack and powder cocaine from a ratio of 100:1 to 18:1. Under the original 100:1 sentencing disparity from the Anti-Drug Abuse Act, "African Americans served virtually as much time in prison for non-violent drug offenses as whites did for violent offenses".⁵⁸ Similar to the Second Chance Act, the Fair Sentencing Act resulted from bipartisan support and compromise. The 18:1 ratio still reflects the misconception concerning crack cocaine, even though crack and powder cocaine are the same drug. The only fair ratio between crack and powder cocaine sentencing should be 1:1, yet the Fair Sentencing Act is a step in the right direction. When operating within the

⁵⁷ National Reentry Resource Center. "The Second Chance Act." *CSG Justice Center*, 2018, https://csgjusticecenter.org/wp-content/uploads/2020/02/July-2018_SCA_factsheet.pdf. Accessed 27 December 2023.

⁵⁸ ACLU. "Fair Sentencing Act." *American Civil Liberties Union*, <https://www.aclu.org/issues/criminal-law-reform/fair-sentencing-act>. Accessed 27 December 2023.

oppressive power structure which is the American criminal justice system, feasible reform only occurs with compromise and small steps.

Published in 2010, the *New Jim Crow* by Michelle Alexander raised public consciousness on mass incarceration. The book highlighted the severity of mass incarceration and the culture of oppression plaguing America. Very few reform novels make it to the New York Times bestseller list, yet the *New Jim Crow* proved an opening of cultural opportunity for the prison reform movement. The *New Jim Crow* spent an astounding 250 weeks on the New York Times best seller list.⁵⁹ The book is banned in prisons in several states, showing how far the carceral system goes to maintain its power over inmates. An oppressive institution can only hold power over its victims if the victims do not organize and protest. In North Carolina and Florida, the *New Jim Crow* is “strictly off-limits”.⁶⁰ New Jersey revoked the ban on the novel after the involvement of the ACLU. Even in states who do not explicitly ban the book, incarcerated individuals have trouble attaining a copy. The restrictions and bans on *The New Jim Crow* attest to the priority of the powerful carceral system to keep incarcerated individuals uninformed and under its control.

In 2018, the First Step Act was passed under the Trump Administration. In the age of polarization and partisanship, the First Step Act passed with surprising bipartisan support. Similar to previous legislation, the First Step Act sought to reduce recidivism rates and improve public safety. The First Step Act requires prisoners to be placed into recidivism reducing programs, implaces good time credits, changes mandatory minimums for certain drug offenders,

⁵⁹ Alexander, Michelle. “Opinion | The Injustice of This Moment Is Not an 'Aberration' (Published 2020).” *The New York Times*, 17 January 2020, <https://www.nytimes.com/2020/01/17/opinion/sunday/michelle-alexander-new-jim-crow.html>. Accessed 27 December 2023.

⁶⁰ Ibid.

and prohibits the shackling of pregnant inmates.⁶¹ In the documentary *The First Step*, CNN reporter and activist Van Jones gathers grassroots support for the passage of the First Step Act. Van Jones is hit by backlash from the left, right, and reformers. Democrats and prison reform advocates believed the bill was too much of a compromise with conservatives, as the First Step Act advanced only a few prison reform issues. Conservatives thought the bill asked for too much reform and opposed the bill with law and order rhetoric. Reform bills walk a fine line when trying to gain bipartisan support. According to Van Jones, “Bipartisanship is not gonna come from the top down. It’s gotta come from the bottom up”.⁶² Van Jones gains the support of law and order President Trump by allying with Jared Kushner, whose father was incarcerated and speaks for prison reform. Bipartisan support garnered by Van Jones’ activism passed the bill to the finish line. Change of oppressive institutions takes time, compromise, and small strides.

Although the primary purpose of the First Step Act was not oriented toward gender specific prison reform, the bill proved there was a feasible political opportunity for the advocacy of incarcerated women’s rights. The First Step Act prevents the use of restraints on pregnant inmates and mandates all federal correctional facilities to provide MP. The bill makes the Director of the Bureau of Prisons responsible for the availability of quality MP products of an adequate quantity in federal correctional facilities.⁶³ The passage of the First Step Act was an opportunity to open up the national prison reform discourse to include women, a population of incarcerated individuals who have been ignored. Historically, “women have been shut out of key

⁶¹ Federal Bureau of Prisons. “First Step Act Overview.” *BOP*, <https://www.bop.gov/inmates/fsa/overview.jsp>. Accessed 27 December 2023.

⁶² Kramer, Brandon, director. *The First Step*. Meridian Hill Pictures, 2021. *Youtube*, <https://www.youtube.com/watch?v=IECymGsNmyQ>.

⁶³ Thune, Senator.

roles in criminal justice” and “women *criminals* were always in short supply”.⁶⁴ Systems of oppression not only oppress individuals on the basis of race but also on gender.

III. Feminist Roots & MP Access Legislation

As prison menstrual equity must tackle the carceral system, it must also overcome society’s oppression of women. This section seeks to contextualize the feminist roots of the menstrual equity movement, as the previous section laid the framework for the prison reform movement. The prison reform and tampon tax movements primed national discourse for menstrual equity. The movement for prison reform in the early 2000s opened the conversation on the rights of incarcerated individuals. The second and third waves of feminism brought women’s rights to the forefront of political discussion. Both movements spurred legislative action through social movement activism. Hence, the two movements laid the framework for the menstrual equity movement, particularly in prisons.

In *Think Like a Feminist*, Carol Hay discusses the role oppression plays throughout American society, writing “Oppression is an overarching system made up of patterns of subordination”.⁶⁵ Oppression degrades individuals on the basis of a three legged stool: race, class, and gender. Feminism seeks to call attention to the gender based oppression of women. As a precursor of the menstrual equity movement, Gloria Steinem’s thought provoking article, “If Men Could Menstruate”, published in 1978, discusses the oppressive nature of menstruation. Second wave feminist Steinem begins the article by explaining how the in power superior group uses what it has to justify its superiority, whereas the inferior group is blamed for its inferiority

⁶⁴ Friedman, Lawrence M. *Crime and punishment in American history*, pp.211. Basic Books, 1993.

⁶⁵ Hay, Carol. *Think Like a Feminist: The Philosophy Behind the Revolution*, pp.166. WW Norton, 2022.

by what it has. With this premise, “Logic has nothing to do with oppression”.⁶⁶ Steinem then applies this concept to the power imbalance between men and women and how menstruation is seen as a sign of inferiority for women, the inferior group. Steinem cleverly flips the narrative by asking, “So what would happen if suddenly, magically, men could menstruate and women could not?”.⁶⁷ In this hypothetical world where men menstruate, menstruation would no longer be a taboo and sign of weaknesses. In fact, menstruation would be a part of every facet of daily life. Menstruation would be a sign of power and strength. The government would have always recognized the right to sanitary products as a basic hygiene and healthcare need. “Sanitary supplies would be federally funded and free”.⁶⁸ According to Steinem’s logic, the movement for menstrual equity would not be needed in a world where men menstruate. Therefore, menstruation is only seen as a taboo, as the superior group framed menstruation as a weakness. The menstrual equity movement is a monumental step for women acknowledging menstruation not as a weakness but a perfectly normal bodily function that we should not be afraid to talk about. Menstruation should no longer be seen as a source of inferiority.

Even though Gloria Steinem’s article is a clear call for menstrual equity, social movements require an organized collective action campaign of mobilized adherents who act on a moment of political and cultural opportunity. In 1978, Steinem’s article alone did not have enough mobilizing force to re-energize the feminist movement. However, three decades later, the political and cultural opportunity structures were more receptive to restored calls of feminism. In 2006, activist and business executive Tarana Burke started the #MeToo movement. The #MeToo movement created a powerful collective identity, inspiring women to publicly share their sexual

⁶⁶ Steinem, Gloria. 2020. “If Men Could Menstruate - The Palgrave Handbook of Critical Menstruation Studies.” NCBI. <https://www.ncbi.nlm.nih.gov/books/NBK565636/?report=reader>, pp.2.

⁶⁷ Ibid.

⁶⁸ Ibid, pp.3.

assault survival stories through social media. Social media was a new and effective mobilizing structure for social movements. The #MeToo movement called awareness to the subordinate status of women and “how far we still have to go in popular culture”.⁶⁹

According to CNN, the #MeToo movement created a public reckoning to topple powerful men in all realms. However, not all powerful men were held accountable by the shared sexual assault stories of their victims. Jessica Leeds, Mindy McGillivray, and E. Jean Carroll publicly shared their sexual assault stories of Former President Trump, yet Trump was never held accountable.⁷⁰ The #MeToo movement effectively mobilized thousands of women, yet the movement alone could not dethrone the most powerful men in American politics. However, the activism of the movement prompted sexual assault inquiries in prisons.

In 2014, the Department of Justice investigated Alabama’s Tutwiler Prison for Women over concerns of sexual abuse. The Department of Justice found “Tutwiler has a toxic, sexualized environment that permits staff sexual abuse and harassment”.⁷¹ “Prisoners [were] compelled to submit to unlawful sexual advances to either obtain necessities, such as feminine hygiene products and laundry service, or to avoid punishment”.⁷² The investigations of the DOJ questioned the degrading power imbalance between guards and inmates, which represses incarcerated women into subordinate and powerless roles. The DOJ investigation also served as a

⁶⁹ Witte. 2018. “#MeToo helps shine light on access to feminine hygiene products in prison.” NBC News. <https://www.nbcnews.com/news/us-news/metoo-helps-shine-light-access-feminine-hygiene-products-prison-n860946>.

⁷⁰ Lee, MJ. “Donald Trump's accusers: 'The forgotten' women of the #MeToo movement.” *CNN*, 19 July 2019, <https://www.cnn.com/2019/07/19/politics/donald-trump-accusers-me-too-movement/index.html>. Accessed 8 January 2024.

⁷¹ US Department of Justice. “Findings Letter - Julia Tutwiler Prison for Women - January 17, 2014.” *Department of Justice*, 17 January 2014, https://www.justice.gov/sites/default/files/crt/legacy/2014/01/23/tutwiler_findings_1-17-14.pdf. Accessed 29 December 2023.

⁷² *Ibid.*

critical event for the menstrual equity movement by acknowledging prison menstrual inequity as an issue.

In the same year of the investigation, Jessica Valenti published one of the first articles of the menstrual equity movement. The article framed MP access not only as a healthcare issue but as a human dignity issue. Valenti's article raised awareness to the unequal and undignified conditions experienced by menstruating low income girls and women, school aged girls, and incarcerated women. "The Case for Free Tampons" proved the cultural readiness of society for the menstrual equity movement and the need to debunk taboos and misconceptions surrounding menstruation. The article provoked "outraged conservatives", Milo Yiannopoulos. Yiannopoulos believed Valenti's article to be "a volley of provocation, misandry, and attention-seeking from the far-left in a political atmosphere that rewards women... for demanding MORE FREE THINGS".⁷³ Yiannopoulos' comment attests to the misinformation and stigma surrounding menstruation and MP access.

Stigma has held back governments from addressing MP access for far too long. Jyoti Sanghera, chief of the UN Human Rights Office on Economic and Social Issues, called the stigma around menstrual hygiene "a violation of several human rights, most importantly the right to human dignity".⁷⁴ Even though Valenti wrote the article in 2014, SNAP or WIC still does not cover MP. As wisely stated by Valenti, "this is less an issue of costliness than it is of principle: menstrual care is health care, and should be treated as such".⁷⁵ The framing of menstrual equity as a dignity and healthcare issue added universal and bipartisan appeal to the movement for later success in passing legislation.

⁷³ Weiss-Wolf, Jennifer. 2017. *Periods Gone Public*, Introduction.

⁷⁴ Valenti, Jessica. 2014. "The case for free tampons | Jessica Valenti." The Guardian. <https://www.theguardian.com/commentisfree/2014/aug/11/free-tampons-cost-feminine-hygiene-products>.

⁷⁵ Ibid.

According to Time Magazine, 2016 was the year of the period. The tampon tax movement, an intersection of feminism and economics, effectively mobilized support to end the sales tax on MP. The movement to abolish the tampon tax followed the #MeToo movement, as issues faced by women were finally taking up space. Taboos around menstruation were being questioned. Products deemed as necessary are exempt from sales tax, such as most food, disposable paper products, prescription and over the counter drugs, and most clothing. By not exempting MP from sales tax, the government sent a message that MP were not a necessity. The tampon tax movement proved forceful in mobilizing bipartisan support.

The campaign to abolish the tampon tax targeted both sides of the political aisle by appealing to gender equity, a reduction in taxes, social justice, and decreasing the power of government. States with democrat and republican governors signed legislation to repeal the tampon tax. By 2016, New York, Illinois, Chicago, Washington DC, and New York City repealed the tampon tax. As of 2023, 29 states no longer levy a sales tax on MP.⁷⁶ The framing of the tampon tax movement effectively garnered bipartisan legislative support for the issue and proved the political opportunity structure was receptive to passing social movement legislation concerning menstruation.

a. NYC Precedent Setting Legislation

In 2016, New York City passed the first comprehensive piece of menstrual equity legislation. The precedent setting legislation ensured the allocation of MP to the three vulnerable populations: women in shelters, public school students, and incarcerated women. Bill 1128-A requires all NYC Public Schools who educate students in grades 6 through 12 to stock MP in

⁷⁶ Period Law. "Period Law aims to End the Discriminatory Tampon Tax Once and For All." *Period Law*, <https://www.periodlaw.org/>. Accessed 30 December 2023.

their bathrooms. Bill 1123-A mandates the Department of Citywide Administrative Services to make MP available in homeless shelters. Bill 1122-A requires the city's correctional facilities to ensure access to MP.

In a study examining how New York City passed its menstrual equity legislation, particularly focusing on the school aspect, researchers found three phases of the policy cycle: conceptualization and design, legislative process and passage, and introduction and implementation of the policy. Even prior to the introduction of the bill, Council Member Julissa Fefferas-Copeland started a dialogue with the community through roundtable discussions on menstrual health. Bill advocates heard first hand accounts from women of the three vulnerable populations who struggle with period poverty. These personal stories were later shared as testimonies in support of the bill and “featured in supportive media articles”.⁷⁷ Especially for the school piece of the legislation, legislators used the experiences of students to create effective and strong policy. For instance, MP are made available in school bathrooms to give students agency and discretion, rather than having a nurse distribute the products. In 2015, a pilot program was launched in two New York City high schools, where MP were made available for free in school bathrooms. The pilot showed the community the feasibility and importance of MP access.

According to researcher Margaret Schmitt, “Beyond generating support from key community leaders and organizations, the legislative team was also eager to push this issue into the broader public consciousness”.⁷⁸ Advocacy groups and media outlets shared the “real narratives” of women from the roundtable discussions. The social movement storytelling tactic was the first driver of New York City's menstrual equity campaign, as it launched a conversation

⁷⁷ Schmitt, Margaret, et al. “A Policy for Addressing Menstrual Equity in Schools: A Case Study From New York City, U.S.A.” *Frontiers*, 22 December 2021, <https://www.frontiersin.org/articles/10.3389/frph.2021.725805/full>. Accessed 2 January 2024.

⁷⁸ Ibid.

on menstrual health throughout the community. To gain legislative support, MP were framed as an “essential hygiene item”. In the words of Mayor de Blasio, “They’re necessities. They’re fundamental to the well-being of all women and well-being of transgender, intersex, and gender non-conforming individuals as well”.⁷⁹ The framing of MP as akin to toilet paper successfully silenced funding opposition. Also key to the passage of the city’s legislation, a member of the finance committee was a main supporter of the bill. New York City “highlights the importance of homegrown narratives directly from girls, women, and social service providers to mobilize political will”.⁸⁰ Period stories of everyday people are the true “lifeblood of the [menstrual equity] movement”.⁸¹

As for the political context, New York City is a largely blue and progressive city. Hence, the unique political context of the city may lessen the feasibility of some of its tactics and successes in a more moderate and conservative setting. Nonetheless, the tactic of storytelling utilized by the menstrual equity campaign in the city serves as an effective tactic for any state without MP access legislation. New York City’s storytelling mobilized adherents and resources with an emotional appeal. The city’s law “served as a foundation for advocates across the country at both the state and federal levels”.⁸²

b. Dignity for Incarcerated Women Act & Menstrual Equity for All Act

Despite the success in New York City, two MP access bills proposed in Congress failed in 2017. New York City’s menstrual equity campaign successfully pushed legislation through a

⁷⁹ “Transcript: Mayor de Blasio Signs Intros. 1122-A, 1123-A and 1128-A.” 2016. NYC.gov. <https://www.nyc.gov/office-of-the-mayor/news/622-16/transcript-mayor-de-blasio-signs-intros-1122-a-1123-a-1128-a>.

⁸⁰ Ibid.

⁸¹ Weiss-Wolf, Jennifer. 2017. *Periods Gone Public*, Introduction.

⁸² “Unequal Price of Periods | American Civil Liberties Union.”

window of opportunity, yet “windows of opportunity open and close, often suddenly and unexpectedly.”⁸³ The 2016 elections unexpectedly closed the windows of opportunity for the two federally introduced bills in 2017. Following the 2016 election of Former President Trump, Republicans controlled both houses of Congress and the White House.⁸⁴ The Republican controlled legislative and executive branches closed the political opportunity structure, as the Trump led Republicans did not seek to pass progressive reform. The proposed federal legislation lacked social movement activism and a bipartisan frame, yet the legislation was also not introduced in a receptive environment.

The Dignity for Incarcerated Women Act, introduced by Senator Cory Booker in 2017, sought to improve the overall wellbeing of incarcerated women. The bill primarily focused on incarcerated caretaker parents with sections discussing visitation guidelines, banning restraints on pregnant inmates, and providing trauma informed care. The bill also included free access to menstrual and healthcare products. In Section J, the Director is required to make various healthcare products available to prisoners for free “in a quantity that is appropriate to the healthcare needs of each prison” and in quality that “conforms with applicable industry standards”.⁸⁵ The healthcare products include tampons, sanitary napkins, moisturizing soap, shampoo, body lotion, vaseline, toothpaste, toothbrushes, and ibuprofen. The bill also required incarcerated women to have access to a gynecologist and restricted strip searches by guards of

⁸³Bloom, Jack M. “Political Opportunity Structure, Contentious Social Movements, and State-Based Organizations: The Fight against Solidarity inside the Polish United Workers Party.” *Social Science History* 38, no. 3–4 (2014): 359–88. <http://www.jstor.org/stable/90017040>.

⁸⁴Dewitt, Ellen. 2020. “How Congressional Control Has Changed Over the Past 100 Years.” Stacker. <https://www.newsweek.com/how-congressional-control-has-changed-over-past-100-years-1559725>.

⁸⁵Booker, Corey. “Text - S.1524 - 115th Congress (2017-2018): Dignity Act | Congress.gov | Library of Congress.” *Congress.gov*, 11 July 2017, <https://www.congress.gov/bill/115th-congress/senate-bill/1524/text>. Accessed 3 January 2024.

the opposite gender. The bill included similar language to later passed MP access bills but also went beyond the normal list of necessary “healthcare products”.⁸⁶ The bill died in the Senate.

Also in 2017, Congresswoman Grace Meng first introduced the Menstrual Equity for All Act. Primarily focused on combating menstrual inequity, the bill required state prisons who received funding from the Edward Byrne Memorial Justice Assistance Grant Program to provide free MP. Large companies with 100 or more employees would be directed by the Secretary of Labor to provide free MP in their bathrooms. The bill also instituted a refundable tax credit for low income women for MP. Grant funds from the Emergency Food and Shelter Grant Program could be used by homeless assistance providers to purchase MP. The bill was referred to several house committees and a subcommittee yet made no further progress.⁸⁷ Congresswoman Meng has introduced the bill and similar menstrual equity bills several times following the initial failure of the bill in 2017. Most recently, the Menstrual Equity for All Act was reintroduced in May of 2023. Again, the bill was referred to multiple committees and two subcommittees yet no action has been taken since 2023.⁸⁸

Why did the Dignity for Incarcerated Women Act fail in 2017 and the Menstrual Equity for All Act fail multiple times, when the First Step Act passed in 2018? New York City introduced menstrual equity into public consciousness through effective storytelling. The political opportunity structure in the city was open to the movement’s legislative agenda, yet the same can not be said on the federal level during the Trump administration. The sad truth appears

⁸⁶Ibid.

⁸⁷ Office of Congresswomen Grace Meng. “Meng Renews Effort to Make Menstrual Hygiene Products More Accessible and Affordable to Women.” *Congresswoman Grace Meng*, 13 February 2017, <https://meng.house.gov/media-center/press-releases/meng-renews-effort-to-make-menstrual-hygiene-products-more-accessible>. Accessed 3 January 2024.

⁸⁸ Meng, Grace. “HR 3646 - Menstrual Equity for All Act of 2023.” *Congress.Gov*, 30 August 2022, <https://www.congress.gov/bill/118th-congress/house-bill/3646/all-actions?overview=closed&s=1&r=11&q=%7B%22search%22%3A%5B%22Department+of+Health+and+Human+Services%22%5D%7D#tabs>. Accessed 3 January 2024.

that MP access as a standalone issue does not hold enough mobilizing force, as the issue requires effective social movement activism and lacks powerful elite allies to open the political opportunity structure. Periods still hold stigma, making the issue challenging for legislators to address. Grace Meng faced difficulty when finding support for her legislation as “co-workers [were] embarrassed to discuss the issue”.⁸⁹ To gain nationwide appeal, period stigma must be addressed by all Americans. As a social and political movement, the menstrual equity movement was still in its preliminary stages in 2017. MP access for incarcerated women passed as a rider on the federal First Step Act in 2018 and was included as a rider in many state’s legislation. Once stigma is addressed, the public and legislators must be informed on the realities incarcerated women face in prison when it comes to their periods.

V. Case Study: Missouri

Introduction

At first glance, Missouri appears to be a relatively straightforward legislative victory for the menstrual equity movement following the passage of SB 53, which ensured the free distribution of MP to incarcerated women, in 2021. Nonetheless, a closer investigation reveals the complexity of Missouri as a case study. Non profit activism paired with the support of the American Conservative Union eventually led to the successful passage of legislation. The case study seeks to answer if Missouri is actually a part of the broader movement or merely in conversation with the movement? Additionally, how did Missouri frame menstrual equity? The case of Missouri provides an example of an effective strategy and framing for conservative states, which the broader movement lacks.

⁸⁹ Goldberg, Emma. “Many Lack Access to Pads and Tampons. What Are Lawmakers Doing About It? (Published 2021).” *The New York Times*, 13 January 2021, <https://www.nytimes.com/2021/01/13/us/tampons-pads-period.html>. Accessed 3 January 2024.

To gain a better understanding of the Missouri case, I address the series of legislative acts with an analytic lens to investigate why it took five proposed bills to ensure quality MP for incarcerated women in Missouri and what this tells us about the broader menstrual equity movement. I begin with an examination of the key event, an initial survey conducted by a nonprofit, that raised public consciousness on MP access for incarcerated women and initiated the legislative series. I then proceed to an analysis of the five legislative bills before turning to a brief discussion about a second follow up survey that was administered. I conclude with a discussion of a key takeaway from the Missouri case.

Missouri Appleseed & the Initial Survey

Prior to 2021, incarcerated women in Missouri's prisons were provided lackluster one size fits all prison manufactured pads. Following the menstrual equity victory in New York City in 2016, nonprofit activism in Missouri followed. Missouri Appleseed sought to challenge the status quo in the state where the menstrual health of incarcerated women was largely ignored. Missouri Appleseed is an independent nonprofit organization which is a part of the greater Appleseed Network. Missouri Appleseed "works to improve the systems and policies at the intersection of public health, criminal justice, and child welfare" through "research, advocacy, and education".⁹⁰ A year after New York City's passage of comprehensive menstrual equity legislation, Missouri Appleseed gained funding from the Missouri Foundation for Health to conduct research on MP access in Missouri's two women's prisons. In 2018, Missouri Appleseed worked with the Missouri Department of Corrections to distribute feminine hygiene surveys to a

⁹⁰ Missouri Appleseed. n.d. Missouri Appleseed - Missouri Appleseed. Accessed February 28, 2024. <https://missouriappleseed.org/>.

randomly selected group of inmates.⁹¹ The surveys from Missouri Appleseed initiated the campaign for MP access in Missouri. As a starting point, the survey raised public consciousness on an issue most legislators and the public did not know existed. Similar to the roundtable discussions in New York City, the surveys galvanized the support of adherents for a legislative agenda for MP access.

Most organizations rarely receive approval from the department of corrections to conduct research, as the powerful carceral system seeks to shut out the public and outside organizations. However, Missouri Appleseed gained access to the women's prisons in the state to successfully conduct two surveys. The question then must be asked, how did Missouri Appleseed gain approval for its surveys? A one on one zoom call with the executive director of Missouri Appleseed, Liza Weiss, gave insight into how Missouri Appleseed built their relationship with the Missouri Department of Corrections.⁹² As Weiss acknowledged, prison research is no walk in the park. Through a mutual connection from St.Louis University, Missouri Appleseed was granted access to Missouri's prisons.⁹³ The connection fostered a good relationship with the Missouri Department of Corrections' administration, allowing Missouri Appleseed to put their foot in the door. Even though connections paved the way for the successful passage of legislation in Missouri, a strategy founded on interpersonal connections proves difficult to replicate in other states, as connections vary and require the resource of time.

Liza Weiss built a trusting relationship with the Missouri Department of Corrections through the investment of time and her connection from St.Louis University. Liza Weiss personally met with the Missouri Department of Corrections to propose her initial research plan,

⁹¹ "Missouri Appleseed Access to Menstrual Hygiene Products in Missouri Prisons." *Missouri Appleseed*, <https://missouriappleseed.org/menstrual-product-access-in-missouri-prisons-and-jails/>. Accessed 14 November 2023.

⁹² Reidmiller, Molly. "Liza Weiss Zoom." 6 Nov. 2023.

⁹³ Ibid.

which involved conducting in person interviews with inmates to assess the quality of the prison provided pads. Weiss' initial proposal was declined, as it might require approval from an institutional review board and staff to help with the interviews in Missouri's already understaffed prisons. Weiss' initial proposal sought to utilize the powerful social movement tactic of storytelling and presented an opportunity to work within a window of cultural opportunity. The face to face interviews would likely have produced emotional and personal testimonies similar to New York City's roundtable discussions. The emotional testimonies of the inmates could have been used as testimonies in favor of legislation and highlighted in media stories. Emotion is a powerful tool in transcending party politics.⁹⁴ However, the movement has to work within the realm of the carceral system and must abide by their decision. In person interviews were a missed opportunity to facilitate elements of the menstrual equity movement in Missouri, yet Liza Weiss was not deterred.

Following the denial of the first proposal, Weiss sought Missouri DOC's approval for a second proposal, distributing written surveys to a randomly selected group of incarcerated women in Missouri's prisons. The perseverance of Weiss paid off, as the surveys were approved because of their efficiency. Missouri Appleseed worked with researchers and Missouri DOC to distribute and collect the surveys on the menstrual well being and health of inmates. To make it as anonymous as possible, selected inmates mailed their completed surveys back to Missouri Appleseed through the prison mail. The designed survey stressed anonymity, as the unequal relation of power places fear into inmates if they speak out or question their current treatment. Missouri Appleseed wanted inmates to feel they were safe in honestly answering the survey.

⁹⁴ Frevert, U., Pahl, K.M. (2022). Introducing Political Feelings: Participatory Politics, Institutions, and Emotional Templates. In: *Feeling Political*. Palgrave Studies in the History of Emotions. Palgrave Macmillan, Cham. https://doi.org/10.1007/978-3-030-89858-8_1

For Missouri's case, the interpersonal relationships built by Weiss with the Missouri Department of Corrections were an effective tool in raising awareness and mobilizing resources. Missouri Appleseed distributed the surveys to ninety incarcerated women, twenty prison nurses, and twenty correction case managers. 91.1 % of participants responded to the survey, and the results were shocking. 50% of inmates said they had to change their pads at least every 30 minutes during the heavy phase of their cycle. 80% of inmates made homemade tampons, and 28% of inmates who made homemade tampons had a vaginal infection in the last 6 months.⁹⁵

Liza Weiss personally dropped off the surveys and met with the wardens to explain the importance of the study. According to Weiss, face-to-face meetings with wardens is key to building trust in a relationship with a department of corrections.⁹⁶ In prisons, the classical era of face-to-face political communication appears to still hold the most weight and power. In one prison, the warden appeared to be very excited about the survey, whereas the other prison's warden did not foster the same enthusiasm. The reliance on the good will of individual wardens proves problematic for conducting prison research and implementing Missouri's strategy in other states, as goodwill is not stable. An effective and replicable model for advancing the interests of menstrual equity through grassroots research and activism can only be achieved if prison research becomes more transparent and accessible.

Despite the challenges of replicability, the importance of Missouri Appleseed's surveys must be acknowledged. Missouri Appleseed initiated social movement activism in the state by signaling the start of a new cycle of contention of movement activism and working as a mobilizing structure to initiate the movement's legislative agenda. The surveys raised consciousness on MP access for incarcerated women and inspired legislators and nonprofits. A

⁹⁵ Ibid.

⁹⁶ Reidmiller, Molly. "Liza Weiss Zoom."

year after the survey, legislator Mary Coleman first introduced a MP access bill in the state legislature. Speaking to the galvanizing force of the surveys, Coleman's bill failed, yet this failure did not stop other legislators from introducing more bills on the issue. The surveys pressured legislators to change the inhumane menstrual conditions in Missouri's carceral system.

Legislative Action

Local and state legislative action ensued in response to the initial surveys. In April of 2019, the St. Louis City board passed a bill requiring free industry-standard pads and tampons be provided in the city's jails. In May of the same year, the state legislature passed an appropriations bill to allocate funds for better quality products in its two women's prisons. However, a bill to strictly codify the issuance of adequate MP at the state level for both jails and prisons took two more years to pass. After four failed bills, Missouri Senate Bill 53 passed in 2021 and required all jails and prisons to provide free quality MP. Considering the passage of the Federal First Step Act in 2018 and Missouri's appropriations bill for MP in 2019, this section seeks to explore the reluctance and implicit opposition of the legislature to pass a bill explicitly ensuring the issuance of adequate MP in Missouri's correctional facilities. I follow the legislative series of introduced MP access bills to identify the conditions surrounding the four failed bills in comparison to the successful SB 53. Overall, I seek to answer why SB 53 passed and the other four bills failed in an effort to discern an effective strategy for the broader movement when advocating for change in conservative states.

HB 920 - (2019)

In 2019, Republican Representative Mary Coleman introduced House Bill 920 to Missouri's legislature. HB 920 was a standalone bill focusing on the availability of "certain healthcare products" for incarcerated women at no cost.⁹⁷ HB 920 did not make it very far in its legislative journey, as the bill died in the House. The bill employed the term "healthcare products" in reference to tampons and sanitary napkins. Sections 217.199 and 221.065 held the director of corrections, sheriffs, and jailers responsible for the availability of free "healthcare products" of an "applicable industry standard" for incarcerated women in the state.⁹⁸ The bill did not apply the menstrual equity frame developed by the broader social movement, as it instead applied a healthcare frame to broker the coalition of progressive and conservative groups in Missouri. The healthcare frame resonates with conservatives, as healthcare products connotes health and safety, compared to the progressive frame of menstrual equity.

HB 920 set a standard of strong legislative language for future bills to follow. HB 920 became a template, as sections 217.199 and 221.065 are found with similar wording in every MP bill following its failure. Sections 217.199 and 221.065 address who is held accountable for the distribution of products, as well as product type, quality, and quantity. Specific language lessens the chances of the unequal power dynamics of the carceral setting to seep through and holds the system accountable.

The first table below displays the results of the first house vote on HB 920. As seen from the table, descriptive representation or partisanship does not explain the vote. However, it is important to note the specific composition of Missouri's state legislature as displayed in table two. Female legislators share the lived experiences of gender and the struggles of menstruation with female inmates, yet not all female legislators voted in favor of the bill. In terms of criminal

⁹⁷ "Bill Sponsors: MO HB 920 | 2019 | Regular Session." *LegiScan*, <https://legiscan.com/MO/sponsors/HB920/2019>. Accessed 20 November 2023.

⁹⁸ *Ibid.*

justice, both parties have not had the best track record.⁹⁹ Any MP access campaign can not rely on descriptive representation or partisanship for passing a successful legislative agenda, especially in a political setting similar to Missouri.

Table 1: HB 920 First House Vote

	Yeas	Nays
Total	26% (33)	74% (92)
Republican	82% (27)	85% (78)
Democrat	18% (6)	15% (14)
Female	12% (4)	24% (22)
Male	88% (29)	76% (70)

Table 2: 2020 Missouri State Legislature Demographics¹⁰⁰

Party		Gender	
Republican	71%	Male	75%
Democrat	29%	Female	25%

HB 303- (2019)

House Bill 303 was introduced by Republican Representative Jim Hamsen, initially discussing the inmate canteen fund. However, MP access for incarcerated women was added to

⁹⁹ In recent years, the democratic party has led efforts calling for prison reform, such as the "Dignity for Incarcerated Women Act" proposed by Corey Booker and Elizabeth Warren. However, Bill Clinton passed the three strikes law only a few decades ago, which increased the prison population. Along the conservative side, Nixon promulgated the "war on drugs", exacerbating mass incarceration and targeting African Americans more than any other group of Americans. Conservatives have not been as vocal about prison reform, considering the law and order rhetoric utilized by former President Trump. However, the American Conservative Union advocates for prison reform, specifically for incarcerated women.

¹⁰⁰ "Resource State Legislator Demographics." 2020. National Conference of State Legislatures. <https://www.ncsl.org/about-state-legislatures/state-legislator-demographics>.

the bill as a rider by Representative Tracey McCreery. McCreery, a female democrat, is a political adherent for MP access in Missouri's prisons.¹⁰¹ The bill made it to the fiscal committee, where a fiscal note was drafted. Shortly after, the bill died following a public hearing in the Senate. The fiscal note from failed HB 303 serves as an important document for acknowledging the ambiguity and lack of concern in the appropriation of funds for MP access in prisons.

In the fiscal note, the committee's reliance on best guess assumptions and estimations highlights the need for quantifiable data on MP access. The committee blindly estimated the appropriations to add tampons to the available healthcare products for inmates, as Missouri DOC never surveyed incarcerated women on whether they would prefer tampons or pads and how many products they use. In 2018, Missouri DOC estimated 2,664,000 pads were used by inmates at a cost of \$114,774. The DOC estimates each inmate will use 859 products in the coming year.¹⁰²

Adding tampons into the equation, it was assumed only 50 percent of the population will request tampons, and the other 50 percent will request pads. Tampons cost \$0.18 per product and pads cost \$0.0389 per product. The department estimated the new annual cost would total \$235,584 for MP. The current expenditure appropriated for MP was \$114,774. Therefore, the state would need to appropriate an additional \$171,678 for tampons to also be offered. The DOC admitted it "has nothing to base the assumption that 50 percent of offenders will use tampons over pads. It is a best-guess assumption".¹⁰³ How can strong effective policy be passed from "best guess assumptions"? Any other realm of policy and funding is not calculated from "best

¹⁰¹ On HB 318, McCreery served as a cosponsor. McCreery also spoke on passed SB53 in a video posted on Missouri Appleseed's website.

¹⁰² "Committee on Legislative Research Oversight Division." *Missouri Bill Tracking*, 16 June 2023, <https://documents.house.mo.gov/billtracking/bills191/fiscal/fispdf/1136-03P.UPD.pdf>. Accessed 21 November 2023.

¹⁰³ *Ibid.*

guess assumptions”. The “best guess assumption” approach drives home the takeaway that the menstrual health of incarcerated women is no priority of Missouri’s government. HB 303 died after a public hearing held in April of 2019.

SB 212 (2020)

In 2020, MP access appeared again in Missouri’s legislature. Republican Senator White and Republican Representative Christofanelli introduced a bill in December of 2020 regarding the modification of provisions relating to the department of corrections and probation. The original bill did not seek to improve menstrual health conditions for incarcerated women. However, as was the case in HB 303, sections 217.199 and 221.065 were added to the bill as a rider. Again, the language of the MP access sections did not change. Similar to the two prior MP access bills, the bill died in the chamber from lack of mobilized support.

HB 318 (2021)

One year later, Republican Representative Bruce DeGroot introduced a standalone MP access bill, House Bill 318. DeGroot’s bill showed the most promise compared to the previous failed bills, as DeGroot gained a bipartisan coalition of cosponsors and gathered support from community members and organizations for witness testimonies. HB 318 utilized the identical sections of 217.199 and 221.065. The bill was cosponsored by Republican Adam Schnelting, Democrat Tracy McCreery, Democrat Rasheen Aldridge, Democrat LaKeySha Bosley, Republican Tom Hannegan, Democrat Marlene Terry, Democrat LaDonna Appelbaum, and Democrat Ian Mackey. The coalition building seen in HB 318 demonstrated the necessity of bipartisan support to move MP access legislation further along the legislative process. HB 318

failed, yet the following examination of social movement activity surrounding HB 318 demonstrates how it set the stage for the successful passage of SB 53.

Witness testimonies for HB 318 infused social movement activism into the legislative equation. Prior to HB 318, no witness testimonies discussed MP access for incarcerated women. A broad coalition of the Missourian community expressed their favorable support for HB 318. The informing testimonies built support for the issue of MP access for incarcerated women by adding moral, cultural, and human resources to the MP access campaign. The testimonies also created a collective identity and further raised public consciousness in favor of menstrual equity. The testimonies utilized a personally affected strategy, a key social movement narrative technique.

The first witness, Arnie Dienoff, a state public advocate, proposed an “amendment that various brands and options are offered as to not create a toxicity or infection issue. This is a real and serious issue in the women state prisons. Please take this bill seriously and finally do something about fixing the problem”.¹⁰⁴ Dienoff reflects a sense of urgency which the legislators lacked prior to this bill. Cadence Wesson, the director of a nonprofit for incarcerated women known as the Help, drew on other legislation passed in southern states. Wesson remarked, the bill “draws upon similar bills that other states have passed including Georgia and Louisiana”.¹⁰⁵ By mentioning bills passed in a similar political context, Wesson argues the possibility of passing MP access legislation in a red state context. Wesson also mentioned the relevant fact “that the rate of women incarcerated in that state has more than doubled between 1989 and 2015”.¹⁰⁶

¹⁰⁴ Missouri House of Representatives. “HB 318.” *Missouri House of Representatives*, <https://house.mo.gov/Bill.aspx?bill=HB318&year=2021&code=R>. Accessed 5 December 2023.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

Wesson recognized the importance of passing a bill which “formalizes the Department of Corrections’ policy statute” from 2019.¹⁰⁷

Cheryl Adelstein from the Jewish Community Relations Council stressed MP access as a “health and dignity issue”, a frame utilized throughout the witness testimonies and broader menstrual equity movement.¹⁰⁸ Adelstein strategically mentioned the passage of the First Step Act impacting federal prisons. Adelstein’s testimony serves as a cultural resource, as she supports the campaign as a faith community representative. Not surprisingly, Elizabeth Weiss from Missouri Appleseed testified in support of HB 318. Jessica Price from the National Association of Social Workers, Olivia Mclarnan from Dream Corps Justice, and Ron Berry from the St.Louis Area Diaper Bank also testified in support of the bill, showing the reach of support for this bill.¹⁰⁹

A key player in the passage of the successful SB 53, Kaitlin Owens from the American Conservative Union spoke on the ACU’s support for the bill. Owens presented a compelling argument, speaking on the historic nature of prisons being designed primarily for men. Owens asked, why are MP not considered necessary products? Owens believed HB 318 “would create a sense of relief and hope”.¹¹⁰ Owens also addressed opposition to the bill by stating, “failing to act could actually waste precious taxpayer dollars without any additional public safety benefit”.¹¹¹ Owens called for conservative support by framing HB 318 as a “starkly conservative bill, focusing on public safety and human dignity”.¹¹² Prior to Owens testimony, the issue of MP access had not been framed as a conservative issue. The testimony of Owens was an influential

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² Ibid.

social-organizational resource for the movement's later legislative success. The added political pressure on conservatives from the ACU was a missing element of the campaign prior to HB 318.

The Missouri Planned Parenthood stated their agreement with Missouri Appleseed in their written testimony.¹¹³ Matthew Rosene's testimony raised awareness to the financial burden imposed on indigent incarcerated women when MP are not provided for free. Rosene mentioned the easy implementation of HB 318 considering the policy from Missouri DOC in 2019.¹¹⁴ Twyla Adair, a formerly incarcerated woman who served time in federal, Missouri, and Kansas prisons, shed the perspective of someone who lived through menstrual inequity in prisons and created a moral resource for the movement. Adair remarked, "every place I have been, there has been a constant struggle to receive the proper personal hygiene care that a woman needs during menstrual times".¹¹⁵ The campaign for MP access missed an opportunity by not highlighting the story of Twyla Adair prior to this witness testimony. Incarcerated women possess a unique collective identity which is a powerful tool in mobilizing further political support.

The final testimony was delivered by Jill Barnas from the Missouri Science and Technology Policy Initiative. Barnas' testimony added quantitative statistics to the argument in favor of HB 318. Considering the "best guess assumptions" used to derive HB 303's fiscal report and the lack of any data surrounding the issue, quantifiable statistics adds legitimacy and a data driven argument to the MP access campaign. Barnas' testified, "In Missouri, incarcerated individuals make a base pay of \$7.50-\$8.50 per month; feminine hygiene products cost 70-80% of their monthly wage". Barnas also reflected on the role of race in prisons. "Incarceration disproportionately affects ethnic minorities who may further be affected by reduced healthcare

¹¹³ Ibid.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

practices while incarcerated”.¹¹⁶ Barnas mentioned the legislative history of menstrual equity, as she referred to New York’s legislation in 2016 and the First Step Act.

Despite the analytical and convincing arguments of the witnesses, no house votes were recorded, as the bill most likely did not make it to this stage. However, HB 318 was introduced around the same time as the passed SB 53. It appears HB 318 was added to SB 53 following HB 318’s failure, and the support raised by the witness testimonies carried over to SB 53, contributing to its passage.

SB 53 (2021)

Republican Senator Tony Luetkemeyer introduced Senate Bill 53, titled “Modifies provisions relating to the administration of Justice” in 2021. The initial bill sought to recruit and retain police officers by removing residency requirements. The initial bill had no intended purpose of prison reform, as it was on a topic resonating with the majority conservative legislature. However, as the bill moved through the legislative process, efforts to reform the criminal justice system trickled through. The senate committee substitute version added definitions of sexual misconduct between law enforcement and detainees and defined a respiratory chokehold. Following the murder of George Floyd at the hands of police by a respiratory chokehold, the Black Lives Matter Movement changed the political opportunity structure with its calls for policing reform and stricter legislation. Sexual misconduct between incarcerated women and guards was brought to light during the DOJ’s investigation of Tutwiler Prison in Alabama. Following the investigation, pressure was put on the carceral system to minimize sexual assault. The added definitions were motivated by social movements call for reform, including the Black Lives Matter, prison reform, and #MeToo movements. The new

¹¹⁶ Ibid.

sections showed a receptivity for further social movement reform in the bill, proving to be a valuable window of opportunity for the menstrual equity movement to pursue.

In the house committee substitute version, MP access sections 217.199 and 221.065 were added with almost identical language to the previous bills. Rather than using the term “healthcare products”, the bill referred to MP as “feminine hygiene products”. In June of 2021, the committee on legislative research oversight drafted a fiscal note for SB 53. In the note, the committee mentioned the appropriated funds from 2020, where the DOC appropriated an additional \$113,571 of funding combined with the already allocated \$114,774 for better quality MP.¹¹⁷ In total, the DOC allocated \$228,348 for MP for 2020 and the subsequent years following. Compared to the fiscal note for HB 303, the additional funds allocated for quality products is almost \$60,000 less than the estimated costs calculated by the DOC. The needs of the incarcerated population weigh less than raising funds, as the government seeks to reduce costs and maximize benefits. Additionally, the committee did not increase the allocated funds for the following years to compensate for inflation and an increased inmate population, as the committee originally suggested in the HB 303 fiscal note. The low balling of fiscal policy is favorable to taxpayers, yet incarcerated women continue to pay with their reproductive health.

Also important to note, sections 217.199 and 221.065 are emergency clauses, meaning they will take effect immediately once the bill is passed and approved. The bill justifies the sections as emergency clauses because “immediate action is necessary to ensure women incarcerated or held in custody are able to address their basic health needs”. Sections 217.199 and 221.065 are “deemed necessary for the immediate preservation of the public health, welfare, peace, and safety”.¹¹⁸ The urgent nature surrounding the sections as emergency clauses signals a

¹¹⁷ “Committee on Legislative Research Oversight Division.” *Missouri Senate*, 16 June 2023, <https://senate.mo.gov/FiscalNotes/2021-1/0461S.12T.ORG.pdf>. Accessed 22 November 2023.

¹¹⁸ “Senate Bill 53.”

breakthrough of the MP access campaign in successfully raising awareness and support on the issue. Menstrual equity should be seen as an urgent and basic health issue by every level of government. SB 53 was finally signed into law by the Governor in July of 2021.

Follow up Survey

After the passage of SB 53, Missouri Appleseed conducted a follow up survey in Missouri's prisons. The second survey showed improvement in menstrual health conditions for inmates. Since DOC started supplying free tampons, only 10.3% of respondents reported using homemade tampons, a stark decrease from the initially reported 80%.¹¹⁹ "Only 10.3% of respondents reported having had a vaginal infection in the past 6 months", compared to the initially reported 22.5%.¹²⁰ However, the quality of pads and tampons still appears lackluster. When reporting how often they changed the provided pads and tampons during heavy flow days, "44.7% of pad users said every 30 minutes or more frequently" and "54.3% of tampon users said every 30 minutes or more frequently".¹²¹ The percentage of pad changing frequency dropped 5.3% since the first report. Nonetheless, the importance of both surveys conducted by Missouri Appleseed prevails. The surveys initiated the call for MP access for incarcerated women and showed the improvement of health conditions following legislation passage.

Conclusion

Throughout the case study, I sought to find what enabled the passage of SB 53. Examining how conditions changed inform the broader takeaways from the case study. SB 53 passed compared to the previous four failed bills because of a build up of support from the

¹¹⁹ "Missouri Appleseed Access to Menstrual Hygiene Products in Missouri Prisons."

¹²⁰ Ibid.

¹²¹ Ibid.

legislative series but also because of the coalition formed between Missouri Appleseed and the American Conservative Union. Coalition building is the most influential changed condition resulting in the passage of SB 53 and a key takeaway from Missouri.

Each bill of the legislative series increased support for the passage of SB 53 and provided a legislative framework. HB 920 introduced the issue of MP access for incarcerated women to the legislature and set a template for legislative diction. The voting records for the bill also informed the campaign on the need for bipartisan support and coalition building, as descriptive representation and partisanship is not an adequate strategy for passing MP access legislation. In a fiscal note, HB 303 gave legislators a ballpark estimate for tampon appropriations but also showed the need for a data driven approach rather than their best guess assumptions. Witness testimonies from HB 318 added the social movement narrative tactic to the legislative equation and garnered moral and emotional support for the issue. The testimonies also displayed the wide support from the Missouri community. The built up support from the legislative series allowed SB 53 to move farther along the legislative process, yet a final push was needed to pass the bill.

The final push came from the unlikely partnership of Missouri Appleseed and the American Conservative Union. During the interview with Liza Weiss from Missouri Appleseed, Weiss mentioned she contacted Kaitlin Owens, the director of the Nolan Center for Justice from the ACU to support SB 53 following the failure of the previous bills.¹²² Weiss contacted Owens because of Owen's testimony before the Civil Rights Commission on the lack of access to feminine products for inmates and Owen's role in drafting a MP access model bill to ALEC.

The American Conservative Union advocates for conservative policy and ranks politicians on their level of conservatism. Under the ACU, the Nolan Center for Justice advocates for conservative reform of our "badly broken" criminal justice system to keep the

¹²² Reidmiller, Molly. "Liza Weiss Zoom."

public safe yet restrain costs.¹²³ One policy issue advocated by ACU's justice center directly aligns with the menstrual equity movement. Under the issue of dignity for incarcerated women, the ACU speaks to the need for access to feminine hygiene products and healthcare. According to their website, "When women are unable to afford MP during incarceration, they are forced to resort to alternative methods that are both dehumanizing and unsanitary".¹²⁴ Similar to the legislators in Missouri, the ACU does not use the collective frame of menstrual equity, but rather addresses the issue as access to feminine hygiene products. Support from the ACU appealed to Missourian legislators because of the conservative political context of the state but also the influence of Former President Trump. Many Missourian legislators look up to Former President Trump and legislation he signed into law. The ACU supported the criminal justice reform First Step Act signed by President Trump and included MP access as a rider.

Kaitlin Owens is an effective force in mobilizing conservative support for incarcerated women's rights. In 2017, she worked with the Director of Criminal Justice at the American Legislative Exchange Council (ALEC) to introduce a model bill titled, "Dignity for Incarcerated Women." ALEC is a nonprofit composed of conservative legislators and business executives who draft model legislation. The model bill sought to improve conditions for incarcerated pregnant women, restrict male officer access to female undress areas, and provide access to feminine hygiene products for incarcerated women. In 2018, the bill was finalized and passed onto ALEC members. Any conservative legislator who is a part of ALEC could introduce the model bill to their legislature. Additionally, the model bill was sent to any conservative legislator who did not have a similar law enacted in their state. ALEC and ACU prove conservative

¹²³ American Conservative Union. *Nolan Center for Justice*, <https://conservativejusticereform.org/>. Accessed 22 November 2023.

¹²⁴ Ibid.

support for menstrual equity exists, yet conservative support is often overlooked because of the alternative frame they use.

As a reform oriented nonprofit working in a conservative political context, Liza Weiss knows Missouri Appleseed must work with conservatives to pass reform legislation. Liza Weiss strategically drew the influential ACU into the campaign for MP access for incarcerated women. According to Kaitlin Owens, the ACU was the reason SB 53 passed.¹²⁵ Kaitlin Owens and members of the ACU traveled to Missouri to “assure a bunch of conservatives in [Jefferson City] that [SB 53] in fact was an important piece of legislation that should not be controversial”.¹²⁶ Owens effectively framed the bill as a “starkly conservative” piece of legislation, which was a powerful missing tactic before ACU was included in the campaign. Missouri’s MP access campaign lacked a powerful mobilizing structure prior to the involvement of the ACU. The ACU brought a formal network of conservative support and framing, as a social-organizational resource for mobilizing reluctant political leaders. The coalition of Missouri Appleseed and the ACU united the MP access campaign and legislators as a collective actor during a window of opportunity to finally pass SB 53.

VI. Discussion

This section considers Missouri’s relation to the broader movement with key takeaways from the case study. I analyze important elements of Missouri’s MP access campaign and their application to the menstrual equity movement. I then transition to a conversation on takeaways from the broader menstrual equity movement. To conclude, I critique the movement’s leadership and its current lack of diverse voices.

¹²⁵ Received by Kaitlin Owens, *Feminine Products*, 14 Nov. 2023.

¹²⁶ *Ibid.*

The case study of Missouri provides three key takeaways. As discussed in the case study's conclusion, the coalition formed between Missouri Appleseed and the ACU mobilized conservatives to pass SB 53. Additionally, the ACU employed an implicit common sense frame which resonated with conservatives. Lastly, Missouri's MP access campaign is in conversation with the broader menstrual equity movement, yet it is not a part of the movement. From Missouri, the broader movement should learn it must not rely on descriptive representation and requires adaptation past its NYC origins.

I found the correspondence with Kaitlin Owens to be enlightening for the future framing of the menstrual equity movement. When I first reached out to Owens concerning menstrual equity, she responded saying, she “never heard it called ‘menstrual equity’” before.¹²⁷ Owens said the ACU “calls it, really for what it is, ensuring feminine hygiene products”.¹²⁸ I then realized the frame of menstrual equity is not found anywhere in Missouri. No legislation introduces the issue as menstrual equity but rather access to feminine hygiene or healthcare products. Missouri Appleseed framed their survey as “access to feminine hygiene products in Missouri Prisons”.¹²⁹ The menstrual equity frame does not exist in a conservative setting, such as Missouri, as menstrual equity does not resonate with conservatives.

However, even though conservatives do not use the explicit frame of menstrual equity, it does not mean a conservative frame does not exist. In Missouri, conservatives were receptive to a common sense and health frame. In Jefferson City, Owens framed MP access as “common sense” to legislators and stated the issue for what it is, access to feminine hygiene products for

¹²⁷ Received by Kaitlin Owens, *Feminine Products*.

¹²⁸ Ibid.

¹²⁹ “Missouri Appleseed Access to Menstrual Hygiene Products in Missouri Prisons.” *Missouri Appleseed*, <https://missouriappleseed.org/menstrual-product-access-in-missouri-prisons-and-jails/>. Accessed 14 November 2023.

incarcerated women.¹³⁰ The framing of access to feminine hygiene products resonates with conservatives for two reasons. Firstly, the word hygiene or healthcare, in reference to MP, avoids using the word menstruation. Menstruation still casts societal taboo and stigma. Lawmakers on both sides of the political aisle struggle when faced with a conservation concerning menstruation, as seen by Congresswoman Grace Meng with her attempted passages of the Menstrual Equity for All Act.¹³¹

Secondly, the conservative framing strategically uses the word feminine to place an emphasis on femininity. Conservatives believe gender is binary, as sex and gender share the same definition.¹³² Nonetheless, gender and sex are not the same concept. Sex is assigned at birth and “refers to the physical and biological aspects of an individual”. Gender is a “personal, internal perception of oneself and is based on socially constructed roles, behaviors, and customs. Gender is a “broad spectrum” which can change over time.¹³³ By labeling menstruation as a solely feminine issue, conservatives exclude menstruators who do not identify as cis-gender women, leaving out non-binary and transgender menstruators. The framing of feminine hygiene product access enforces the conservative ideal of “traditional” gender norms compared to the progressive menstrual equity frame.

Considering the importance of context specific frames in social movements, the broader menstrual equity movement has overlooked the alternative conservative frame used by the ACU in Missouri. In social movements, framing is a “communicative device that gives a specific

¹³⁰ Received by Kaitlin Owens.

¹³¹ Goldberg, Emma. “Many Lack Access to Pads and Tampons.

¹³² Prusaczyk, E., Hodson, G. The Roles of Political Conservatism and Binary Gender Beliefs in Predicting Prejudices Toward Gay Men and People Who Are Transgender. *Sex Roles* **82**, 438–446 (2020). <https://doi.org/10.1007/s11199-019-01069-1>

¹³³ Simkus, Julia. 2023. “What Is The Difference Between Sex and Gender.” Simply Psychology. <https://www.simplypsychology.org/sex-gender.html>.

meaning to a situation”.¹³⁴ Jennifer Weiss Wolf, the architect of the movement, created the menstrual equity frame in 2016.¹³⁵ Weiss Wolf is a feminist writer and lawyer, who is a member of NYU’s Birnbaum Women’s Leadership Center. Weiss Wolf operationalized the menstrual equity frame in New York City, which created a collective identity and increased public support for the issue. The menstrual equity frame proved effective in NYC with the passage of its menstrual equity legislation for the three vulnerable populations of women. But the application of the menstrual equity frame proves useful and effective in only specific political contexts.

In a blue setting, such as New York City, the framing of the issue as menstrual equity adds strength to the issue. However, in a moderate or conservative setting, such as Missouri or Congress, the framing of the issue as menstrual equity detracts from the appeal of the frame. In Congress, Grace Meng’s Menstrual Equity for All Act has failed numerous times since its initial introduction in 2017. In Missouri, the ACU alternative common sense frame mobilized conservative support for the passage of SB 53. Missouri’s frame informs the broader movement of a needed bipartisan frame to operationalize in differing political contexts.

Missouri proves a conservative state can utilize aspects of social movement activism without fully engaging in the broader movement. Missouri is in conversation with the movement, yet it is not fully a part of the menstrual equity movement. Compared to the rest of the movement, Missouri employs a different framework with its common sense and health frame and only uses certain social movement tactics. According to David Snow’s definition of a social movement, Missouri’s MP access campaign is without a doubt in conversation with the

¹³⁴ Caramani, Daniele, editor. *Comparative Politics*. Oxford University Press, 2020. *Moodle*, https://moodle.drew.edu/pluginfile.php/496834/mod_resource/content/1/%5BCaramani%202020%5D%20Comparative%20Politics%205e.pdf. Accessed 11 January 2024.

¹³⁵ Weiss-Wolf, Jennifer. 2017. *Periods Gone Public: Taking a Stand for Menstrual Equity*. N.p.: Arcade Publishing.

menstrual equity movement.¹³⁶ The MP access campaign, like the broader movement, challenges the power of the carceral system and systemic oppression of women.

Under Staggenburg's definition, Missouri only possesses certain elements of a social movement.¹³⁷ Missouri Appleseed, ACU, Missouri DOC, Missouri legislators, and organizations who testified for HB 318 are the informal and formal organizations of the MP access campaign. Missouri's campaign somewhat launched a political campaign with the first Missouri Appleseed survey which resulted in the legislative series. However, political support was not actively sought until HB 318 when Missouri Appleseed reached out to ACU. No political protests were held, and the campaign did little to persuade politicians to vocally support the issue.

Missouri's campaign lacks the last component of Staggenburg's definition and a key component of new social movement theory: culture and collective identity. Missouri still imposes a sales tax on menstrual products, speaking to the failure of the tampon tax movement to mobilize support and educate the public. With their alternative frame, the frame does little to rally support for the issue or create a collective identity. By evading the word menstrual in its frame, Missouri fails to educate the public on menstrual equity or challenge menstrual stigma. Additionally, Missouri lacked media utilization and coverage on MP access during the campaign, resulting in a missed opportunity. However, more media highlighted the issue after the passage of SB 53. News stories included coverage of Patty Burger, a formerly incarcerated woman and now activist, who spoke about the dehumanizing nature of menstrual inequity.¹³⁸ In witness testimonies for HB 318, Twyla Adair, another formerly incarcerated woman, discussed her

¹³⁶ Snow, David, & Staggenborg, Suzanne.

¹³⁷ Ibid.

¹³⁸ Weinberg, Tessa. 2021. "With new law and state funds, some Missouri jails lift fees for tampons and pads • Missouri Independent." Missouri Independent. <https://missouriindependent.com/2021/11/29/with-new-law-and-state-funds-some-missouri-jails-lift-fees-for-tampons-and-pads/>.

experience of menstrual inequity in prison. The stories of Patty Burger and Twyla Adair possessed the potential of launching a storytelling driven campaign. In New York City, the social movement storytelling tactic powerfully mobilized support for menstrual equity and its legislative agenda. The roundtable discussions were covered by the media and raised public consciousness on the issue which Missouri lacked. A campaign built around real experiences and emotion through storytelling holds the strongest appeal.

Despite the failure of the campaign to highlight the stories of Burger and Adair, Missouri Appleseed was key to mobilizing support for MP access. Missouri Appleseed is the reason why the MP access campaign launched in Missouri and why the campaign is in conversation with the menstrual equity movement. The first round of surveys were a critical event to raising public consciousness on the issue and initiating the legislative series. Missouri Appleseed forged interpersonal relationships with the Missouri DOC to conduct the surveys. Coalitions were built between Missouri Appleseed and ACU and a bipartisan group of legislators in support of HB 318. The witness testimonies for HB 318 were the first time social movement activism entered the legislative realm, adding moral, emotional, and logical appeal to the MP access campaign. The wide variety of witnesses proved the campaign's reach on adherents. Missouri Appleseed's second set of surveys added a unique element of followup to show the impact and importance of passing legislation.

The campaign in Missouri fostered multiple elements of social movement activism, yet it appears the activism tactics were used only toward the end of the legislative initiative. MP access adherents missed an opportunity by not enhancing their social movement activism earlier on in the campaign, yet the feasibility of social movement activism in the political and civic context of Missouri must also be addressed. Compared to the progressive reform oriented climate

of New York City, Missouri does not enrich the same civically motivated culture. A study conducted in 2022 ranked states by their political engagement. New York was ranked 9th, whereas Missouri ranked 34th.¹³⁹ The lack of emphasis on political and civic engagement in the state is one explanation for why the campaign in Missouri did not focus on cultural opportunities, such as educating the public, engaging with the media, or organizing rallies.

Compared to New York City, Missouri also lacked important resources, including time. Liza Weiss runs Missouri Appleseed while also teaching as an adjunct professor. Missouri Appleseed is a small, underfunded nonprofit. Liza Weiss could not devote her time and career to menstrual equity as her New York City counterparts did. Furthermore, the conservative political climate is yet another factor working against social movement reform in the state. Conservatives seek to preserve the status quo. Reform is viewed as a challenge to their ideology and party. However, framing and support from conservative organizations, such as the ACU, casts reform in a light approachable to conservatives.

Transitioning to the broader movement, the campaign in Missouri educates the movement of three broad takeaways. To start off, the movement can not rely on descriptive representation or partisanship to pass its legislative agenda. The first vote for HB 920 indicated women did not support the MP access legislation solely because they shared the lived experience of menstruation with incarcerated women. Legislators of both parties voted against HB 920. The broader movement must wage campaigns targeting the specific demographics in each state's legislatures. In Missouri, the legislature is composed of 75% males, 71% republicans, and 88% whites.¹⁴⁰ Conversely, "Black people constituted 12% of state residents, but 39% of people in jail

¹³⁹ McCann, Adam. 2022. "Most & Least Politically Engaged States." WalletHub. <https://wallethub.com/edu/most-least-politically-engaged-states/7782>.

¹⁴⁰ "Resource State Legislator Demographics."

and 34% of people in prison”.¹⁴¹ The movement in Missouri should have strategically highlighted a story of a specific incarcerated woman resonating with the majority white male Republican legislature, such as formerly incarcerated Patty Burger, who is a white woman. Although, the movement must not ignore the voices of women of color, considering the inequitable rate of imprisonment of African Americans. However, race and party must be taken into account when finding a strategic representative for a specific menstrual equity campaign.

The strategic mobilization of specific figures leads to the next broad takeaway, the movement’s need to adjust to differing political contexts. The movement’s origin in New York City and its focus on the menstrual equity frame holds the movement back from adjusting its campaign. Missouri attests to the broader movement’s inability to adjust its campaign. The movement must operationalize a bipartisan frame and build coalitions between non profit activist organizations and moderate and conservative groups. Missouri proves the effectiveness of a conservative frame. The coalition of Missouri Appleseed and the American Coalition Union is an example of a powerful partnership the overall movement could replicate in other states. The roots of the movement in New York City and its east coast elite leadership stifles the movement from garnering support outside the political left.

Jennifer Weiss-Wolf is the key figure of the menstrual equity movement, who also led the tampon tax movement. As a feminist writer and lawyer, Weiss-Wolf possessed the time and resources to dedicate to the menstrual equity movement. After a facebook post ignited her passion for menstrual equity in 2015, Weiss-Wolf wasted no time in raising awareness on the issue. Weiss-Wolf traced the globe talking to politicians and innovators about menstruation. She launched a menstrual policy nonprofit called Period Equity, testified before legislatures, drafted

¹⁴¹ Vera Institute. n.d. “Incarceration Trends in Missouri.” Vera Institute. Accessed March 5, 2024. <https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-missouri.pdf>.

model bills, protested at rallies, briefed reporters, and spoke at universities.¹⁴² In her book *Periods Gone Public*, Weiss-Wolf discusses the origins of the movement and its frame.¹⁴³

Weiss-Wolf believes menstrual equity will be a catalyst for the application of the equity lens for all issues plaguing the US. The influence of Weiss-Wolf on the movement and her menstrual equity frame undoubtedly ignited social and legislative activism in New York City, followed by the federal and state governments. However, Weiss-Wolf's heavy reliance on the menstrual equity frame restricts the movement from securing legislative victories in red states. The movement needs to step away from its belief that the menstrual equity frame will mobilize support in any political context and allow other frames to be used.

Congresswoman Grace Meng is an eminent political figure and leader of the menstrual equity movement on the federal level. Grace Meng is a member of the House of Representatives and represents Queens in Congress. Congresswoman Meng introduced her comprehensive Menstrual Equity for All Act in Congress every year from 2017 to 2023. The bill has failed every time, yet Meng remains perseverant. Support for menstrual equity exists in Congress, considering the passage of the rider for MP access in the First Step Act. Nonetheless, the menstrual equity frame does not effectively mobilize legislators, as was the case in Missouri. Meng should consider reframing the bill with a bipartisan frame and form partnerships with Republican legislators. Menstrual equity only passed as a rider in Missouri and the federal government. Menstrual equity as a standalone issue does not hold enough political incentive in a moderate or conservative context. In the current political opportunity structure, the movement will achieve greater legislative success if it strategically adds menstrual equity as a rider on other pieces of legislation.

¹⁴² Weiss-Wolf, Jennifer. 2017. *Periods Gone Public*.

¹⁴³ Ibid.

Another influential figure of the movement, Jessica Valenti, is a feminist writer. Valenti wrote *The Case for Free Tampons* for the Guardian in 2014. Valenti's article incited discourse on MP access in the media. The article raised public consciousness for the tampon tax and menstrual equity movements and challenged menstrual taboos. Weiss-Wolf, Meng, and Valenti are all from New York City, where they experience the vibrant civic and political culture of NYC.

Kimberly Haven and Chandra Bozelko are formerly incarcerated women who turned to activism following their release from the carceral system. Kimberly Haven resides in Maryland and advocates for criminal justice reform. Haven spearheaded Maryland's menstrual equity campaign. Haven shares her experience of undergoing an emergency hysterectomy following her release from prison because of a lack of MP access. Maryland was one of the first states to pass MP access legislation for incarcerated women in 2018. Haven is also tied to NYC, as she is a member of Columbia's Collective Leadership Institute. Chandra Bozelko is a writer from Connecticut and menstrual equity activist. Chandra became the first incarcerated woman to have a published byline in a mainstream newspaper. Bozelko wrote an article for the Guardian about her experience of menstrual inequity while incarcerated. The article later was included in the *Palgrave Handbook of Critical Menstruation Studies*. Haven and Bolzelko uniquely share their lived experiences of MP access while incarcerated. Their stories add the powerful technique of storytelling to the movement.

Nadya Okamoto is the final influential figure of the menstrual equity movement and is the only figure who is not from the east coast. She founded Period. at the young age of 16 in her hometown of Portland Oregon. Period. is a nonprofit seeking to eradicate period poverty and advocate for menstrual equity. Okamoto grew Period. into a global activist group during her five

years as executive director. Period. has chapters in a majority of states in the US and in nations across the globe, where chapters connect with local grassroots activists. Okamoto left Period. and co-founded August, a sustainable MP company. Okamoto published *Period Power: A Manifesto for the Menstrual Movement* in 2018. Okamoto and Weiss-Wolf are the only authors to explore the menstrual equity movement in the US in published novels.

The leaders of the menstrual equity movement have succeeded in passing a legislative agenda in many municipalities, states, and the federal government. Nonetheless, the lack of diversity, in terms of ideology, geography, and ethnicity, of the movement's leadership prevents further legislative success. A majority of the figures are from or tied to New York City, a city receptive to reform. Except for Okamoto, all of the figures live in northeast blue states and share the same progressive ideology. Most of the leaders are white women. The movement requires the inclusion of leaders from moderate and conservative backgrounds of differing geographical locations. Leaders from differing political and geographical contexts know how to frame issues to their base.

The menstrual equity movement is repeating the same mistakes of the first two waves of feminism. In the words of Okamoto, "the women's movement in the US has been criticized since its founding stages for being exclusive in terms of race, class, gender identity, and sexuality"¹⁴⁴. Menstrual equity is an intersectional issue, and the movement has the potential of embodying intersectional feminism.¹⁴⁵ However, the current leadership restricts the movement to only white feminism, holding back the movement from intersectionality.¹⁴⁶ The movement must focus on elevating diverse voices, especially women of color, into their leadership ranks. Mass

¹⁴⁴ Okamoto, Nadya. 2018. *Period Power: A Manifesto for the Menstrual Movement*. N.p.: Simon & Schuster Books for Young Readers, Chapter 8.

¹⁴⁵ Okamoto, Nadya. 2018. *Period Power: A Manifesto for the Menstrual Movement*.

¹⁴⁶ Schuller, Kyla. 2021. *The Trouble with White Women: A Counterhistory of Feminism*. N.p.: Bold Type Books.

incarceration is a racially and gendered oppressive institution. Women of color are disproportionately affected by menstrual inequity, yet their voices are missing from the menstrual equity movement.

The menstrual equity movement is vertically organized, driven by an elite leadership. It is almost impossible to organize a true grassroots movement of women currently incarcerated, yet the voices of the incarcerated could be a powerful tool in informing the broader movement. There are formerly incarcerated women in the movement's leadership, but the movement's leadership must work harder to mobilize directly impacted people. The surveys conducted by Missouri Appleseed were a foundational event for giving the incarcerated a voice. The movement must support and elevate incarcerated women and women of color to the forefront of the moment. A diverse leadership will propel the movement past its New York City elite drive roots.

VII. Conclusion

Menstrual equity is a bipartisan issue. Of the 25 states who have not passed MP access legislation for incarcerated women, 8 have blue controlled legislatures, 14 have red controlled legislatures, and three are moderate.¹⁴⁷ Menstrual equity made impressive strides since the origins of the movement in 2016 with its legislative agenda and increased media coverage. However, the issue has trouble gaining traction in half of the country and has only passed as a rider in some legislatures because of implicit opposition and systemic oppression. A future bipartisan frame walks the fine line of appealing to legislators from both parties yet also

¹⁴⁷ "State Laws Around Access." 2023. The Prison Flow Project.

<https://theprisonflowproject.com/state-laws-around-access/>.

NCSL. 2024. "Resource State Partisan Composition." National Conference of State Legislatures.

<https://www.ncsl.org/about-state-legislatures/state-partisan-composition>.

acknowledging the multiple sources of oppression this issue represents. The American Conservative Union's common sense frame proved promising for other conservative settings, yet also proved problematic. By framing MP access as a "common sense issue", the frame does not validate the need for social movement activism and turns a blind eye to the systemic oppression and power dynamics challenging the movement and our country. The ACU alternative frame shifts the progressive framework of menstrual equity and draws attention to the movement's lack of bipartisan framework. However, the ACU frame is not the solution for changing the mindset of oppression.

Menstrual equity tackles historical oppression by giving agency to women. The Nineteenth Amendment only gave women the right to vote in 1920. The first female supreme court justice was not appointed until 1981. The first female Vice President was not elected until 2020. In its 247 years as a nation, the United States still has not elected a female President. As of 2024, women hold only 28.2% out of the 535 seats in Congress. On the local and state level, only 12 governors are women. 32.7% of state legislators are women, and 25.8% of mayors are women.¹⁴⁸ Even in 2024, women do not hold even close to a majority of government positions. Women in power will not automatically result in further passage of MP access legislation, yet representation of women matters. Systemic oppression holds women back from serving in positions of power, and women's voices deserve to be heard.

Returning to Dahl's definition of power, the power of the patriarchy keeps women from attaining power. Since women have never held a majority of positions in government, the lived experiences of women are not reflected in law. In the words of Former President Obama in regard to the tampon tax, "women's experiences aren't always reflected in our laws because

¹⁴⁸ Center for American Women and Politics. "Current Numbers." *Center for American Women and Politics*, January 2024, <https://cawp.rutgers.edu/facts/current-numbers>. Accessed 10 January 2024.

women are often not at the decision-making table”.¹⁴⁹ MP access is not an important policy agenda for legislators when a majority of the legislators have never menstruated. Besides the lack of lived experience, menstruation still holds a taboo in our society. Legislators feel embarrassed to even discuss menstruation. How can menstrual equity be addressed if our nation’s leaders do not even feel comfortable discussing the topic? The framing of menstruation as a private and discreet matter only for women needs to change.

The menstrual equity movement seeks to pass legislation but to also educate the public and challenge stigma. A key step to strengthening the movement is reframing menstruation as a visible, perfectly normal bodily function experienced by half of the population in their lifetime. As noted by Gloria Steinem, menstruation is only portrayed as a source of inferiority, as it is something innate to the inferior group, women.¹⁵⁰ The menstrual equity movement would not be necessary if men menstruated. Therefore, women must take back menstruation and restore its power. Menstruation no longer needs to be a source of inferiority and embarrassment. Menstruation should be a topic every person feels comfortable discussing. MP should be seen as an essential, akin to toilet paper and groceries. SNAP and WIC still do not cover MP, meaning the menstrual equity movement still has more work to do.¹⁵¹

Shifting to the prison element of the menstrual equity movement, incarcerated individuals are oppressed by a society that views them as unworthy and as lost causes. The carceral system enforces white supremacy through unequal power relations imposed on incarcerated individuals. Incarcerated individuals are individually blamed for crimes they committed, yet structural inequalities forced a majority of the incarcerated into desperate situations. The war on drugs is a

¹⁴⁹ Weiss, Jennifer. “New York Makes History, with Tampons and Pads.

¹⁵⁰ Steinem, Gloria. 2020. “If Men Could Menstruate”.

¹⁵¹ USDA. “SNAP Retailer Reminder - Allowable Items | Food and Nutrition Service.” *USDA Food and Nutrition Service*, 8 November 2023, <https://www.fns.usda.gov/snap/snap-retailer-reminder-ineligibles>. Accessed 10 January 2024.

source of power for maintaining white supremacy by discriminately targeting African Americans.

Crime should not be blamed on the individual but on society as a whole. The United States did not become the world's top incarcerator because of a high amount of malicing individuals in the country. The United States became the top incarcerator because the nation criminalized systemic inequalities. The United States has always been a "slavocracy" and the carceral system is merely another oppressive institution.¹⁵² The first step to challenging mass incarceration is transforming how we view incarcerated individuals and their rights. Incarcerated individuals should be rehabilitated and not blamed. Incarcerated individuals deserve dignity and basic human rights. Incarcerated women should not be denied their basic human right to MP solely because society views them as unworthy. As a movement, prison menstrual equity has been tasked with the difficult pursuit of overcoming the repressive framing of women, menstruation, and incarcerated individuals.

Moving forward, the movement must first push for the passage of MP access legislation for incarcerated women in the remaining states. Legislation is important, as laws make a statement on our values and provide enforceable standards. MP access policy is key to removing the stigma surrounding menstruation.¹⁵³ The movement has succeeded in passing federal and statewide legislation in half of the country. However, the second step of the movement must focus on passing stable and enforceable policy with specified diction, including jails in its legislation.

A majority of menstrual equity policy uses vague and inconsistent diction, taking agency away from incarcerated women and allowing power dynamics to take over. Additionally, most

¹⁵² Masera, Federico and Rosenberg, Michele, "Slavocracy.

¹⁵³ Weiss-Wolf, Jennifer. n.d. *The Palgrave Handbook of Critical Menstruation Studies*, Chapter 41.

MP access legislation only guarantees MP to women incarcerated in prisons. Missouri is an outlier, as SB 53 utilizes specific diction and guarantees MP in jails and prisons. Even though the First Step Act was an important step in ensuring MP on the federal level, the First Step Act requires further clarification. In the First Step Act, the Director of the Bureau of Prisons is tasked with making products available, yet the bill does not specifically address who in the correctional facilities allocates the products. The bill mentions the Director must ensure MP are provided in a quantity to fulfill the needs of inmates and are of a quality that fits industry standards.

Realistically, the Director will not be in every federal facility making sure products are distributed in a manner fitting to the bill. Presumably, correctional officers will be tasked with this duty, yet the bill does not specify. How do specific correctional officers know if products measure up to industry standards?

The bill also does not quantify a minimum number of products that every inmate should receive and only defines healthcare products as tampons and sanitary napkins.¹⁵⁴ To strengthen legislation, the direct agent who provides the products must be detailed. The direct agent, a correctional officer, must be trained on what quality products look like. A minimum quantity of products should be described and more than the standard number of tampons and sanitary napkins should be allocated, as regular and super flow tampons and heavy flow pads should be included. Menstruation is a unique experience for every woman. Finally, the strongest MP access policy ensures availability of products in common areas, such as bathrooms. Guards should not be given the power to use MP as collateral over inmates. Policy allowing inmates to pick up products from common areas decreases the imbalanced power dynamic and places agency back in the hands of incarcerated women to control their own menstrual cycle.

¹⁵⁴ Thune, Senator. 2018. "Text - S.756 - 115th Congress (2017-2018): First Step Act

Enforcement of MP access legislation has been almost non-existent, and federalism further exacerbates the issue. Each level of government must pass its own legislation guaranteeing MP access and also enforce the legislation. Even the Bureau of Prisons, the highest supervisory authority over correctional facilities, made a mediocre effort in enforcing the standards set by the First Step Act. Under the First Step Act, the Attorney General is required to submit a report to Congress two years following the enactment of the bill and then every year thereafter for a period of five years.¹⁵⁵ In the 2020 First Step Act Annual Report, one sentence in the operational policies and guidance section reports on the enforcement of section 611, the MP access rider. The report states, “Through its policies and contracts, the BOP continues to provide sanitary products and ensures they are available and accessible to female offenders”.¹⁵⁶ To generate the reports, the Bureau of Justice Statistics collects data through its National Prisoner Statistics Program from the Federal Bureau of Prisons on an annual basis. Despite the claim in the report of prisons following section 611, no data is found in “Data Collected Under the First Step Act, 2019” in regards to menstruation or provided products.¹⁵⁷ In fact, menstruation and the distribution of necessary products is not mentioned in any report conducted by the Bureau of Justice Statistics from 2018 to 2021. Without any data, it is not known if section 611 of the First Step Act is even being followed. Section 611 and prison menstrual inequity is low on the federal government’s priorities. The federal government sets a low bar for the enforcement of MP access

¹⁵⁵ “Attorney General’s First Step Act Section 3634 Annual Report.” 2020. Office of Justice Programs. <https://www.ojp.gov/Attorney-Generals-First-Step-Act-Section-3634-Annual-Report-December-2020>.

¹⁵⁶ Office of the Attorney General. 2020. “The Attorney General’s First Step Act Section 3634 Annual Report.” Office of Justice Programs. <https://www.ojp.gov/Attorney-Generals-First-Step-Act-Section-3634-Annual-Report-December-2020>, pp.12.

¹⁵⁷ Bureau of Justice Statistics. 2020. “Data Collected Under the First Step Act, 2019.” Bureau of Justice Statistics. <https://bjs.ojp.gov/content/pub/pdf/dcfsa19.pdf>.

legislation. Proper inspection and quantifiable data is essential to ensuring the menstrual health of incarcerated women following the passage of legislation.

Besides legislation and enforcement, the menstrual equity movement can only be strengthened if it addresses its opposition. The case study of Missouri proves resistance exists, yet legislators will not outwardly oppose the issue. It is difficult to discredit an issue which is a clear human rights and dignity violation. However, opposition arises when it comes to the financial aspect of allocating funds for menstrual funds. Taxpayers do not want their taxes increased to fund MP for inmates. Legislators do not desire to detract from other programs or increase the budget for the issuance of MP in prisons. Kaitlin Owens effectively rebutted against financial opposition. Owens argued, “failing to act could actually waste precious taxpayer dollars without any additional public safety benefit”.¹⁵⁸ By not providing MP to inmates, incarcerated women will succumb to infection and possibly need surgeries. Healthcare costs to treat these preventable infections and conditions will cost taxpayers more in the long run, silencing financial opposition. However, in Missouri, the appropriations bill passed two years before SB 53. Therefore, financial opposition was not the main obstacle for menstrual equity in Missouri, as the issue of MP access itself raised resistance. Financial opposition could have been a factor in the failure of the four MP access bills, yet it was not the main source of opposition. The issue struggled to gain traction in Missouri’s conservative context, as MP access lacked political incentive prior to the support of the ACU.

Overall, menstrual equity has surpassed its initial stages as a movement and has proven effective in passing a legislative agenda. The menstrual equity movement has utilized social movement tactics to push its legislative agenda. The models of Missouri and New York City prove resourceful in building a successful approach with the use of surveys, storytelling,

¹⁵⁸ Received by Kaitlin Owens.

framing, and coalition building. To truly gain a footing in every state, the movement requires diverse powerful advocates, including federal politicians, state governors, well known reformers, and celebrities. Elite allies and directly impacted women are crucial to building support and changing the political opportunity structure. Real narratives of incarcerated women affected by menstrual equity must be shared throughout the media to increase public consciousness. Menstrual equity needs to be a topic discussed in every household in this nation.

The question must then be asked, does the movement need to change to attract legislators, or does the movement need to focus on changing the political opportunity structure by putting its energy into electing people who support the cause? For the short term, the movement requires a collective frame appealing to legislators regardless of political affiliation. The #MeToo movement demonstrated the importance of an appealing collective action frame. However, if the frame changes to something too vague, the movement then lacks focus. Jennifer Weiss-Wolf created the menstrual equity frame to embody the democratic creed and opportunity, yet this frame does not resonate with conservatives.¹⁵⁹ Menstrual equity requires bipartisan support for the issue to make true progress, making compromise and adjustment a necessity. Weiss-Wolf acknowledges the current political opportunity structure is not a receptive climate for menstrual equity, as she believes “at a future time and in a more receptive Congress”, MP products will be guaranteed under SNAP and WIC.¹⁶⁰ In the long run, the movement must invest time in electing political leaders who are adherents of the menstrual equity movement. Menstrual equity will only pass feasibility as a rider issue on legislation unless the political opportunity structure is changed. Future efforts of the movement should include backing political campaigns of politicians who show their support for the movement.

¹⁵⁹ Weiss-Wolf, Jennifer. n.d. *The Palgrave Handbook of Critical Menstruation Studies*, Chapter 41.

¹⁶⁰ Weiss-Wolf, Jennifer. 2017. *Periods Gone Public*, Chapter 7.

In this thesis, I have sought to increase awareness on the issue of MP access in prisons. Currently, there is a “research vacuum” on menstruation in prisons in the United States and internationally.¹⁶¹ Of the research conducted on menstrual inequity in prisons, most research is conducted in the law field and lacks quantifiable data. I draw on previous law research by introducing menstrual inequity as a rights violation. However, I move past this initial claim and add a unique lens to the issue with the examination of MP access as a social movement. The obstacles and weaknesses faced by the movement from my analysis of Missouri will hopefully inspire future research into other state’s approach to MP access legislation passage.

This thesis and my future research aims to strengthen the menstrual equity movement and hold the government accountable for the menstrual health and dignity of incarcerated women. Without sufficient research, the voices of struggling incarcerated women will never be heard. According to researcher Janice Kathleen Moodley, “raising awareness regarding menstruation and hygienic practices, as largely a neglected area in terms of research, is imperative to dignified menstrual health practices for vulnerable women”.¹⁶² Research is key to pressuring the 25 states who do not have menstrual equity legislation for incarcerated women.

Raising awareness to the conditions experienced by cis-gendered incarcerated women was the main focus of the thesis, yet the experiences of non-binary and transgender menstruators must not be ignored. Considering the lack of research on menstruation in prisons in general, the point of view of menstruating inmates who do not identify as a cis-gender women is invisible and silent. Menstrual equity legislation guarantees MP for incarcerated individuals held in female correctional facilities but not in other facilities. Incarcerated individuals who are detained

¹⁶¹ Moodley, Janice Kathleen, et al. “Incarceration, Menstruation and COVID-19: A Viewpoint of the Exacerbated Inequalities and Health Disparities in South African Correctional Facilities.” *International Journal of Prisoner Health*, vol. ahead-of-print, no. ahead-of-print, Oct. 2022. EBSCOhost, <https://doi.org/10.1108/IJPH-05-2022-0033>.

¹⁶² Ibid, 7.

in male correctional facilities do not receive MP, even in states with passed menstrual equity legislation. Any incarcerated individual should be provided MP for free to manage their menstrual health with dignity and discretion. As highlighted by Former New York City Mayor Bloomberg, MP are “fundamental to the well-being of all women and well-being of transgender, intersex, and gender non-conforming individuals as well”.¹⁶³ The roundtable approach of New York City and surveys of Missouri should be utilized to voice the lived experiences of incarcerated transgender, intersex, and nonbinary menstruating individuals.

In regard to future research, the realm of private prisons must be investigated in the name of menstrual equity. My research has focused on state and federal government run prisons. However, I am curious if private prisons also have to follow passed MP access legislation and how this legislation is enforced. Additionally, immigration detention centers should be explored. Are girls and women held in ICE detention centers provided adequate MP? Every field of researchers must pull together to address menstrual equity. No one should feel less than human when their body is performing a perfectly natural function. All correctional facilities must provide free MP.

I focused on MP access for incarcerated women, yet the menstrual equity movement advocates for the issuance of MP for three vulnerable populations: incarcerated women, women in homeless shelters, and school aged girls. To no surprise, 25 states have not passed MP access legislation for students, and 47 states have not passed legislation to guarantee MP access for unhoused women.¹⁶⁴ Further research must be conducted to study the strengths and weaknesses of the movement with its legislative agenda for students and unhoused women. The diction of

¹⁶³ “Transcript: Mayor de Blasio Signs Intros”.

¹⁶⁴ Elflein, John. 2023. “Period products in schools by state U.S. 2023.” Statista.

<https://www.statista.com/statistics/1424030/period-products-in-schools-by-us-state/>.

NCSL. 2023. “Brief State Actions to Increase Access to Menstrual Products.” National Conference of State Legislatures. <https://www.ncsl.org/health/state-actions-to-increase-access-to-menstrual-products>.

menstrual equity legislation for schools and homeless shelters must be analyzed to create stable policy. Lessons learned from the prison aspect of the menstrual equity movement can inform the campaign for MP access of unhoused women and students and vice versa.

In the words of Weiss-Wolf, “menstrual equity is still an evolving concept and goal”.¹⁶⁵ We must not stop our fight for MP access for marginalized menstruators. The menstrual equity movement challenges systemic oppression and how we think about menstruation. Every faucet of the menstrual equity movement requires further exploration. In the name of awareness, more researchers have to delve into this issue. Research is key to shattering stigma and defending the dignity of all menstruators.

¹⁶⁵ Weiss-Wolf, Jennifer. 2017. *Periods Gone Public, Introduction*.

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