

Center for Constitutional Rights

Discrimination, Detention, and Deportation: Immigration & Refugees

<https://ccrjustice.org/home/blog/2020/09/18/allegations-forced-sterilization-ice-detention-evoke-long-legacy-eugenics>

Public Facing Advocacy Writing

The CCR blog

On September 14th, Dawn Wootena nurse working at a Georgia ICE detention center [blew the whistle on the conditions](#) within the privately-operated Irwin County facility: many of the immigrants forcibly detained in the center are experiencing inhumane living conditions, a lack of protections against COVID-19, and extreme medical neglect. Medical staff, as well as detained women, allege an alarmingly high rate of hysterectomies being performed by a privately contracted doctor.

This is not the first reproductive injustice to have occurred in immigration detention: the attempt by the Office of Refugee Resettlement to [bar immigrant minors from accessing abortion](#) gave rise to a class-action lawsuit. The zero-tolerance [family separation policy](#) that Trump championed should also be seen as an attempt to deny immigrants detained at the U.S. Southern border the fundamental reproductive right to safely raise ones family without fear of persecution. If we are to make sure that these shocking violations of human rights never happen again, they must be contextualized not only within the inherent harm of the immigration system but also as horrifying extensions of this countrys desire to control and exploit marginalized populations. Failing to trace the history of forced sterilization obscures both crucial lessons and avenues for collective resistance towards reproductive justice.

Forced sterilization, considered a [form of torture](#) by the United Nations, is just one way in which governments have weaponized reproduction to subjugate communities that are considered undesirable and expendable in a nation. As European colonialism swept across the Global South, a [logic of genocide and population control](#) was used to stifle insurrection and set in motion the white supremacist subjugation of Black, Indigenous, and Brown people. In the United States, the present-day context of forced sterilization reached its peak in the eugenics movement that gained immense popularity in the early 1900s. From 1907 until the late 1970s, state governments intentionally engaged in a practice of sterilization to prevent anyone with undesirable traits disabilities, poverty, a criminal record, specific racial backgrounds [from procreating](#).

As a result of state sterilization programs, [at least 60,000 people](#) (with some estimates reaching 70,000) were sterilized in over 32 states in the U.S. in the 20th century. The motivations of the various sterilization programs throughout the country were deeply racial, colonial, and sexist. In California alone, over 20,000 people in state institutions were sterilized between the early 1920s and the 1950s, and there is evidence that California specifically targeted [Latinx women](#). At one point in the 1970s, at least [one in every four](#) Indigenous individuals capable of giving birth between the ages of 15 and 44 were sterilized. Over [one third of women](#) on the U.S. occupied island of Puerto Rico, mostly working-class, were sterilized between the 1930s and the 1970s. Although Black women were only 25 percent of North Carolinas population in the 1960s, they made up almost [65 percent](#) of all sterilizations of women during that period. To emphasize how common this form of reproductive abuse was, speaking at a 1964 public hearing in Washington, D.C., Fannie Lou Hamer, herself a survivor of a nonconsensual hysterectomy, nicknamed the involuntary sterilizations of poor Black women in the South the [Mississippi appendectomy](#).

Within the context of the criminal legal system, coerced sterilization in exchange for a sentence reduction remains rampant. In November 2017, an Oklahoma woman named Summer Thyme Creel was encouraged by a judge to get herself sterilized. Summer was charged with [using a counterfeit check](#) and had the procedure at the suggestion of U.S. district judge Stephen Priot, who said he would consider it as a factor during her sentencing. Also in 2017, a Tennessee judge attempted a coercive sterilization policy for incarcerated people that offered a 30-day sentence reduction if they got the birth control implant Nexplanon or a vasectomy. Moreover, there is substantial evidence of incarcerated people receiving illegal sterilization procedures in prison within the last two decades: a [Center for Investigative Reporting report](#) in 2013 revealed that nearly 150 incarcerated women in California state prisons were sterilized without the required state approvals and/or consent between 2006 and 2010.

Disabled people are especially vulnerable to reproductive control in the United States. Although it became illegal in the United States to punish incarcerated people with sterilization in 1942, the 1927 Supreme Court ruling in [Buck v. Bell](#) still allows for the forced sterilization of individuals in state institutions. The decision-making power allotted to guardians can be abused to sanction forced sterilizations as well, and the consent of guardians has historically outweighed the bodily autonomy of disabled individuals. The targeting of disabled people for sterilization, drawing from ableist notions that disabled people should not give birth or exercise their sexual agency, is not a thing of the last century: this is still happening. In 2008, 29-year-old Kirsten Johnson [won a case](#) in Illinois to prevent her sterilization her guardian had, without her knowledge, consented to the procedure on her behalf. At the time, it was still legal in the state to forcibly sterilize disabled people (the law wasnt prohibited until 2010). Even in 2018, the state judiciary of Washington [considered a proposal](#) that the ACLU believes could expand the use of sterilization for individuals under guardianship.

This systemic pattern of state-sanctioned reproductive control extends outward to people of marginalized genders too. Many trans and non-binary people in the United States face covert forms of coerced sterilization during the process of changing identification documents to affirm their gender identity. While it is not federally required in the U.S. for trans and non-binary people to undergo sterilization

procedures to alter their gender on documents like birth certificates, some states do require some sort of [sex reassignment surgery](#) that may interfere with a trans individuals ability to reproduce.

It is essential to understand that all contemporary incidents of coerced reproductive control take place at the intersections of xenophobia, colonialism, racism, ableism, cisheteropatriarchy, and class oppression in the United States. The horrific abuse happening at the Irwin County Detention Center in Georgia, an act of biological warfare against migrants, emerges from this living legacy. This reality calls on us to work towards the abolition of immigrant detention and all other carceral institutions, both public and privately owned, that work to perpetuate the violent act of limiting the reproductive freedom of marginalized people. Understanding the roots of injustice makes clear the path of struggle: we must commit to reaffirming the right to bodily autonomy, the right to terminate pregnancies, and the right to reproduce without fear of coercion or criminalization.

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