

## Sawbones 340: Forced Sterilization

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**Clint:** *Sawbones* is a show about medical history, and nothing the hosts say should be taken as medical advice or opinion. It's for fun. Can't you just have fun for an hour and not try to diagnose you mystery boil? We think you've earned it. Just sit back, relax, and enjoy a moment of distraction from that weird growth. You're worth it.

[theme music plays]

**Justin:** Hello everybody, and welcome to *Sawbones*: a marital tour of misguided medicine. I'm your cohost, Justin McElroy.

**Sydnee:** And I'm Sydnee McElroy.

**Justin:** Syd, um, no cute intro this week.

**Sydnee:** No.

**Justin:** It's been, uhhh... I mean, it's just been... one fresh hell after another recently, and this is, uh—um, you know, it's always thrilling when one of those fresh hells stumbles into *Sawbones* territory. There's so many that we—

**Sydnee:** I wouldn't say "thrilling."

**Justin:** Thrilling is not the right word.

**Sydnee:** No.

**Justin:** If there was an... opposite? [wheezes] Why can't they come up with an opposite of "thrilling." Come on, Poindexters! English majors, let's—

**Sydnee:** It's 2020. [laughs quietly]

**Justin:** It's 2020. It's the opposite of thrilling. But, um—

**Sydnee:** I mean, upsetting. Disturbing?

**Justin:** See, I don't think you're there yet. We'll find something, I'm sure.

**Sydnee:** Well, I—and I should say at the top of this episode that we're going to be talking about the recent, uh... the, uh, recent report that there is a detention facility in Georgia, specifically an ICE-run immigrant detention facility in Georgia, that has been performing forced sterilizations, essentially.

**Justin:** Yeah.

**Sydnee:** Doing—doing procedures on inmates without their consent, without their informed consent, to render them incapable of having children. And, uh, we're gonna talk about that, and we're also gonna talk about the history of that in this country. And so I feel like we should say that right at the beginning, 'cause these are—

**Justin:** Yeah, if that's not something you're able to handle right now, you know, I—I get it.

**Sydnee:** A lot of these—we're going to go through the history, a lot of these crimes specifically have been committed against Black, Indigenous, and people of color in this country, as well as the people, um—the physically disabled, the mentally disabled.

**Justin:** And I do want to clarify one other thing before we get too much further. Sydnee did say [slowly] an *ICE-run* facility and not a *nice-run* facility.

**Sydnee:** No. [laughs quietly]

**Justin:** Like it sounded. Because that was very confusing for me personally, until I sort of parsed it. Sydnee does not think that this place is nice-run. It's an ICE—

**Sydnee:** No. US Immigration and Customs Enforcement, I-C-E, ICE facility.

**Justin:** But not... a nice-run facility.

**Sydnee:** No.

**Justin:** She doesn't think that.

**Sydnee:** No!

**Justin:** I don't want people snipping this out—before you know it it'll be their text message alert, is you saying it's a nice-run facility where there's forced sterilization.

**Sydnee:** This is a whole, like, *Adventure Time*, Ice King, Nice King kind of thing you're doing here.

**Justin:** Right, exactly, right, yes.

**Sydnee:** Okay. Uh, no. And I think a lot of people have heard these recent, uh, allegations.

**Justin:** And I, by the way, am forcing this joke for—for all it's worth, 'cause I don't think there's gonna be—

**Sydnee:** It's the only one for the episode.

**Justin:** —a lot of 'em in this episode, so let me just have this, and then I'll move on.

**Sydnee:** Here is why I think that it's important that we talk about it. Um, which I think for a lot of people is self-evident. But to just reinforce why, this is not new for the United States. As shocking and upsetting and horrifying as it is to hear what it happening in this detention center, I think that it is important, if uncomfortable, for us to all reckon with the fact that the United States has been engaging in this for essentially as long as we knew how to do these procedures.

**Justin:** You don't want to think you live in that country, but you do. Sorry.

**Sydnee:** Yes. I saw a lot of people saying—you know, there have been comparisons, I think for quite a while under this administration, to Nazi Germany, and a lot of people are saying, "See? This is proof."

But I think the important thing to understand is, we were doing this before Nazi Germany existed.

**Justin:** Right.

**Sydnee:** So, uh—we've talked about this some on our Eugenics episode, because all of this is tied into the history of eugenics. The two are pretty inextricable.

Uh, but I want to go—I want to specifically focus on how we have used the procedures that will—infertility, whether we're talking about things like tubal ligations, or hysterectomies, uh, or vasectomies. Some sort of procedure so that the person who has had it performed can no longer, uh, give birth or have a child, parent a child.

Okay. So, if you haven't—if you're not aware, there is a nurse at a Georgia detention facility named Dawn Wooten, who has revealed that in the last, I think, four years, multiple patients there, multiple clients there, I guess, multiple of those who has been incarcerated, have been subject to hysterectomies. Which already is a little shocking, uh, because that isn't—even if you were seeking a procedure to stop fertility, you typically aren't going to have a hysterectomy performed.

**Justin:** Real quick, what's a hysterectomy?

**Sydnee:** To remove the uterus, and perhaps also ovaries, it depends. But, uh, that is not—usually if you are going in specifically—if you have a uterus and you have ovaries and Fallopian tubes, and you're going in to have a surgical procedure only so that you will not have children, solely to stop the ability of you having children, you wouldn't need to remove all of that to do that.

Uh, you could do something called a tubal ligation, which is a way of just simply blocking off the Fallopian tubes so that the sperm cannot fertilize the egg. You don't need to remove everything, which is a much more invasive procedure, with a lot—especially if you remove the ovaries, with a lot of other kind of medical things you need to do. A lot of follow-up and management afterwards.

So that already is a little... wh—why? What are we doing here?

The allegations are that many have been coerced into the procedure, by either simply abusing a language barrier that existed, just not explaining it in a way the patient would understand what was happening, withholding information as to, like, what exactly what this surgery was, specifically the reversibility. There's a lot of misunderstanding that, "Well, if you get a tubal ligation, you can always just get it reversed if you change your mind."

And the truth is, while yes, there are procedures that can attempt to do that, if you have a tubal ligation done, it is permanent. The understanding is, this is a permanent decision to not have children. It should never be phrased as something you could get undone.

Similar to the vasectomy you had.

**Justin:** Yes.

**Sydnee:** Did the doctor look at you and say, "But you can always undo it."

**Justin:** If he did, I worry I might've instinctually punched him in the mouth.

**Sydnee:** [laughs quietly]

**Justin:** So let's hope that he didn't.

**Sydnee:** So, uh—and then also, by insinuations that maybe things will go a little easier on you in terms of the legal aspects of all of this if you go along with what we're saying here.

Um, I'm not gonna get in to all the specifics. So far, I think we're early into understanding exactly the nature of what happened to each individual patient. I don't think we know all of that information yet, and some of the things I've seen tweeted from other individuals are pretty shocking and upsetting.

So, I don't know exactly what happened, but I think one way or another, it sounds like a gynecologist at this facility, who has been referred to in some reports as the *uterus collector* was doing an abnormally large number of hysterectomies on patients who did not know that that's what was happening. Um, which is abuse, and assault, frankly.

Um, so of course ICE has not admitted to this charge. This is still—this is a, you know—this is going to go to court, and I think there should be an investigation. I think obviously hopefully if you have... a soul, you would agree that this needs to be thoroughly investigated to figure out who did what, and let's stop them, and... I mean... I've seen a lot of people call for, if this is true of this gynecologist they need to lose their license. Well, they need to be in jail.

**Justin:** Yeah.

**Sydnee:** I mean, that's it. This is criminal. This is not just like, "Ooh, you were a bad doctor." I mean, you were. But this is also criminal.

**Justin:** Surely bad. It's very bad.

**Sydnee:** Um, the—now, when we go into—and again, if you think, like, "Well, there's no way this is happening in the United States of America," this is kind of the purpose of this episode is to say, like, "Well, okay."

If we go to the earliest examples of this in this country, uh, we usually are targeting, with these practices, like, as a—as an institution, as a state, we're usually targeting people who the state has decided, the people in power have decided should not continue to reproduce. They have deemed them undesirable to reproduce. And so you see specific groups being targeted over and over again.

One that we have already—a lot of the early laws focused on was anybody who had any sort of physical disability. Uh, someone who was deemed "feeble-minded" is the term that was used a lot of the time, and that could encompass a lot of different things.

Um, anyone who they didn't want to have children could've been deemed feeble-minded, so you'll see that—I hate to even use the word "diagnosis" because it doesn't mean anything—that that was what the doctors were saying.

Um, but then also to target specific racial groups. Um, and again, when we think about, like, the modern eugenics movement—and by "modern" I mean not ancient history, so we're really talking about late 1800's, early 1900's when we say "modern."

Um, a lot of people associate that with Nazi Germany, but it's important to remember—and we talked about this in the Eugenics episode—a lot of it started here, in the US.

**Justin:** Right.

**Sydnee:** A lot of the original thinkers who wrote the books, and sort of laid out the framework for this, were United States... I guess scientists, we could call them.

There were the Fitter Family contests here in the US in the 1920's. We've talked about that before, but you could go to the state fair and just, like, you could show your... prize... pig, or cow, or whatever. You could display your family, and you would bring along, like, your pedigree, all of your family tree and, like, what diseases you didn't have, and everybody would sit there and take pictures.

It started with the Better Baby contests, and then it ended with the Fitter Family contests. Who has the fittest family?

**Justin:** That's disgusting, obviously. But how did you get your kids to do that?

**Sydnee:** [laughs quietly]

**Justin:** Like, the amount of standing still and just being still that would require? I don't know. Maybe—I don't know what—maybe things were just so much more boring back then that that was, like, real entertainment. I guess they wouldn't be asking for an iPad. But wowzer, those are some well-behaved kids in your monstrous, uh, display, there.

**Sydnee:** If it's like our fairs, you just promise 'em they can go look at the giant pumpkins afterwards.

**Justin:** Yes.

**Sydnee:** Look how big that pumpkin is.

**Justin:** I'll let you fill a huge tube full of different colored sugars.

**Sydnee:** [laughs quietly]

**Justin:** Is one that we've used.

**Sydnee:** So, part of it initially was—

**Justin:** That's *two* jokes!

**Sydnee:** —trying to—[laughs]

**Justin:** Not a joke.

**Sydnee:** —trying to encourage people to breed. I mean, and I know this sounds like a perverse way of talking about, like, human... relationships, and things like intimacy and, like, deciding to have children, but this is the way the eugenics movement looked at humans. Like—

**Justin:** Let's state this up front. Eugenics: bad. Don't like it. Very bad.

**Sydnee:** Yeah!

**Justin:** We're gonna be reciting—you're gonna be reciting—not we. You're gonna be reciting some different positions that have been taken by this movement. You do not need us every sentence to come up with a value judgment for you, so you know where we're at on eugenics. Let me just say it up front. No good, very bad, don't do it.

**Sydnee:** So—[laughs] exactly. And—and they would encourage people that they thought had desirable traits to... seek out other with those desirable traits, in order to breed, and then they would—the flip side of that was, We would prefer—the eugenists would prefer if people who had undesirable traits—and whatever they deemed undesirable was undesirable—would not have children.

And this initially could only be done through, like, trying to get people... like, "Well, don't—don't have sex." [laughs quietly]

Um, but that's not a very successful... I think we know by now in the United States of America that telling people not to have sex... doesn't work.

**Justin:** No.

**Sydnee:** Um, but, uh, once there were surgical procedures to do this, this is where this movement really starts to take place.

Um, initially the thought was that if somebody is having a child, and they say—and, like, initially this was just thought in the, um, case of a c-section—you say that, "I know this is the last kid I want to have. I don't want to have any more kids."



There was initially this thought, "Well, like, after they have the kid, maybe you could do a hysterectomy. Just remove their uterus, and then that person doesn't have to have any more children."

That was kind of the first thought of, like, a surgical infertility procedure. Um, in 1880 in Toledo, Ohio, a Dr. Lungren did the first—what we know as a tubal ligation procedure, so—instead of—

**Justin:** That's, imprecisely, having the tubes tied, is that right?

**Sydnee:** Well, there are different ways you can go about it. When we say "tubes tied" I think a lot of people assume, like, they just cut 'em and tie 'em off.

Um, initially you could just cauterize them. So, a lot of these early procedures were actually, um, removing the tubes in a sense. They were destroying the tubes. So, you could remove the tubes, you could destroy the tubes, you could occlude them with clips. Um, there are lots of different ways to accomplish this goal.

Um, in the early procedures, it was easiest just to destroy them. Um, cauterize them. Uh, and again, the procedure has undergone many, many changes since then. But the idea is that we are occluding, we're blocking off these tubes to permanently remove fertility.

Um, other methods of birth control, like oral contraceptives and the shot that you can get, the depo shot, didn't come along until the 50's. So, tubal ligation was an option before. It was that, and we had condoms and barrier methods and things, but we didn't have these other medications that were easier to take, and more widely applicable, until—

**Justin:** And less permanent.

**Sydnee:** —and—yeah, exactly, less permanent—in the 50's. Um, the eugenics movement of the early 1900's saw these procedures and thought, "Okay. We can use this new technology, this new surgical procedure, to... stop people from having children."

Uh, initially, like I said, they had just encouraged people not to have sex. That didn't work. So then they tried to pass laws to prevent certain types of marriages that they thought would produce inadequate offspring. Um, that doesn't work because sex and marriage are not the same thing.

And so then they said, "Well, let's institutionalize everybody, through all of their child-bearing years, so that they can't reproduce."

Well, that's... pricey. So, the way that this surgery came in was, "Oh, this is perfect. We can label someone—" usually initially it was feeble-minded. "We can label someone feeble-minded. We can put them in an institution, because we've labeled them feeble-minded. We can force them to have this procedure done. And then we can just release them whenever, because one, if we don't institutionalize them forever saves money. And two, we have protected the interests of society, because now they can't pass along... "

**Justin:** Their genetic material.

**Sydney:** Exactly. And so... this—this became the kind of—this was the way that people were handled in the United States. From the first law that was passed in Indiana in 1907, soon 30 states would pass laws that basically allowed you to force sterilization upon someone who you felt was not genetically suitable to bear children, who would not be conducive to the interests of society.

Um, these were—now, as you can imagine, as they started doing this, uh... taking people from their homes for whatever reason, doctors could—could give this diagnosis and institutionalize people. Um, people were sent there if their families just didn't like the way they behaved. Obviously unmarried women who became pregnant were often targets of this as well. Uh, and then again, as I said, um, the disabled were immediately targeted by these laws.

Uh, but you could put people in institutions, sterilize them, and then... you were done. Uh, there were legal challenges that immediately arose as these laws were passed throughout the country. And, um, the decision that we've talked about before, *Buck v. Bell* in 1927 by the Supreme Court kind of put it to rest. There was a young woman named Carrie Buck who was being held in an institution, again for this diagnosis, "feeble-minded."

Uh, her mother had also been diagnosed with this, and Carrie had become pregnant out of wedlock, which was already a strike against her at this time.

**Justin:** Right.

**Sydnee:** Um, it also was probably the result of a sexual assault. Uh, so after she had her child, they institutionalized her and said, "You know, her mother was feeble-minded, she's feeble-minded, this child probably is."

And the doctors there felt like this would be the case to take to the Supreme Court. This would be the case that they could use to lay the groundwork to allow these forced sterilization in the United States for as many reasons as they wanted.

So this case was challenged, it did go to the Supreme Court, and the final decision, as quoted by Oliver Wendell Holmes, uh, "Three generations of imbeciles is enough."

And so they decided that it is okay if, in the interest of the state, we need to sterilize someone with disabilities, with a lower cognitive ability, and it opened the door for—with undesirable skin color, whatever our decision is, we are allowed to do that, um, in an 8 to 1 decision. And so, as of 1927, it became... easy, for states to begin to engage in this activity.

There's a lot more to talk about, but let's take a quick break before we do.

**Justin:** Probably the happiest you've ever been to hear marketing messages... here in this brief oasis of commercialism. Let's go the billing department.

**Sydnee:** Let's go.

[theme music plays]

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[ad break]

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**Justin:** Uh, Syd, don't—I f—I feel like we're just getting—I mean, we just made it... it's *wild* that that recently—8 to—you really need to reevaluate the country that you think you live in, when that recently, 8 of the Supreme Court justices thought that, like, this was fine! This was fine!

**Sydnee:** I think it's really—and we'll get to this point, but I think it's really—again, it's important, if you want to understand everything that's happening today,

it's important to understand that not too long ago, the idea of eugenics, the idea that it was okay to surgically force people not to reproduce because you didn't like the traits they might pass on, and the idea that there is a perfect or master race, is not that old, and it took hold really firmly in this country. And we're gonna get to—

**Justin:** Yeah, it's not that old, and it's not that un-American. [laughs] Like, it's pretty—

**Sydnee:** No, it's not.

**Justin:** —uniquely American.

**Sydnee:** We're gonna get to a pretty big reason why it did take a downturn. Um, before that, I think this—this sort of shocked me, too. The state that pursued this most heavily initially was actually California.

**Justin:** Hmm.

**Sydnee:** So California passed—

**Justin:** Not—not the [holding back laughter] hippie paradise it is today.

**Sydnee:** No. They passed their own law in 1909. And a lot of these laws that were passed throughout the country were pretty similar, just allowing that the state can sterilize somebody if it is in their best—if they are deemed not capable of raising a child.

So, uh, they passed their law in 1909, and a lot of it... here is where—it gets tied to, if people can't take care of themselves, and they're living in poverty, then the idea at this time is that maybe that's some sort of genetic thing. The eugenicists thought, "Maybe it's all tied in there. Maybe there's something wrong with these—with the DNA of these people who can't seem to... pay their rent, feed their kids."

Um, there's something there. And this was also tied to criminality for a while, as well, although this was a much looser association, and it was really—they—the eugenicists had a really hard time trying to prove that part of it. They tried really hard though—that you could find the gene for poor, the gene for murderer, and then just eliminate these people from society.

But because of that tie-in to poverty, you see a lot of migrant workers in California who were initially targeted by these laws. So, the people who were forced to have these procedures done initially were heavily the Latino population and the Asian population. So, they were the victims of this, early on.

And I think that it would be very naive to say, "But it was just because they were the ones who were poor."

I think there was also—I mean, it was written—a very strong bias towards, "Let's stop anyone who's not white from reproducing."

Uh, so basically they would coerce these patients who were already in hospitals, maybe they had just had a child, or they had been put into some sort of institution because they were diagnosed with something. They would then coerce them once they were there into the procedure, or just do it, you know? Sometimes it was, like, talking them into it, then sometimes they just did the procedure.

Um, they also used it in prisons very frequently; especially the vasectomy was used a lot in prisons. Again, with the idea that we could stop criminal behavior by stopping these people from reproducing.

Um, about 80% of the country's forced sterilizations before 1921 were done in California.

**Justin:** Yikes, y'all!

**Sydnee:** So... um, another early attempt at this same kind of—again, I think from a eugenics perspective, was in actually Puerto Rico. In 1937, they passed Law 116, which the idea was, we—it was the last law, last eugenics law passed in the United States or a territory thereof, and it was aimed at curbing the population. So, the idea was Puerto Rico is living in poverty, many of the people there, it's because there's too many people. And so if we can limit the number of people, then we can fix poverty, was, again the argument.

Um, but by the time this law would be repealed in 1960, about 37% of women of childbearing age had been sterilized.

**Justin:** Jeezy Pete.

**Sydnee:** So a third... a third of people who could give birth in Puerto Rico had been sterilized. Uh, they were not told the procedure was permanent. Um, many were threatened. Uh, this was—one story I would hear is that one tactic that doctors would use is if someone came in to the hospital in labor to deliver a baby they would say, "We will not let you in and assist you in this delivery unless you agree to have this procedure done after you have this child."

So they would threaten them with lack of medical care. And not just in Puerto Rico, this happened in the US as well, of course. Um, but, uh, eugenicist leaders in the US would actually fly—would actually bring Puerto Rican doctors to New York to train them in these procedures, and send them back in order to curb the population of Puerto Rico and stop them from reproducing.

**Justin:** [quietly] God.

**Sydnee:** Uh, sterilizations across the US were becoming more popular, and started targeting Black people in the South, Mexican immigrants, Asian immigrants, certainly Indigenous people through the Indian Health Services were being targeted with these efforts.

There is a brief pause in this eugenics narrative, in this forced sterilization narrative in the country, for two reasons. Um, one is that in 1942, the Supreme Court ruled that, "Look. If we're gonna do this on criminals, if we are going to—" and when I say "criminals," I mean people who have been put in jail, who... the state believes have committed a crime, whether or not that is true. But if we're going to do that to people who are incarcerated, we have to do it to all of them, because of equal protection.

So what the Supreme Court at least recognized is that when we're talking about how they were doing these procedures on people who were incarcerated in return for, like, plea deals and things like that, they were targeting Black people and brown people. White... collar criminals. [laughs quietly]

**Justin:** [snorts]

**Sydnee:** Were not being subjected for these forced procedures or these deals. And so what the Supreme Court said was, "Look. If we really believe that committing a crime is a genetic trait, and you can stop it through forced sterilization—

**Justin:** You have to apply it to the white collar criminals, too.

**Sydnee:** Exactly. And so that put a—

**Justin:** I mean, I love—listen. Don't get it twisted. We're wild about these forced sterilizations here on the Supreme Court. 15 years, we've been loving these things. We just want it to be...

**Sydnee:** Sterilize the white people too.

**Justin:** It's—it's gotta be everybody who's getting sterilized. We're—we're not second-guessing the forced sterilization. We're wild about it. But—

**Sydnee:** But it's gotta be everybody.

**Justin:** —it's gotta be more—everybody.

**Sydnee:** Um, the other big dent in the eugenics movement was the Nazis. Uh, it's one of things where as you're laying this out, you have to understand, a lot of Americans were not outraged by any of this so far. They were not—this was not being fought. It was being disputed in scientific journals. I mean, there were definitely, like, you know, scientists and people in that field going, "I don't know that any of this makes sense, this eugenics stuff. I don't know that it really holds."

But, like, as a whole, the American people were saying, like, "Well, if somebody's not capable of raising a child, maybe this is just what we need to do."

**Justin:** We also don't know—we're not historians. We don't know the extent to which—or time travelers. We don't know the extent to which the American people was paying attention to this.

**Sydnee:** Sure.

**Justin:** I mean, like, we didn't suddenly lose our taste for it because we went to war with the Nazis. I think that we saw the Nazis, and had to define ourselves in opposition to them, because they were the—

**Sydnee:** Exactly.

**Justin:** —the all-enco—anything that they were representative of, we—we probably were looking in ourselves. Like, "Well, we know that they're—" and I think that a lot of it was seen—if I had to guess. Again, this is pure conjecture. But seeing the Nazis take a lot of these eugenics arguments to the logical extreme probably—or to the—I think that's what I'm—yeah. Probably made a lot of people lose their taste for it, because it takes it out of theory, and reminds you that, oh, these are actual human lives that you are, you know, moving around on a chessboard, trying to get the perfect person.

**Sydnee:** That's exactly what seems to have happened, because after Americans saw what was happening—literally saw pictures of what was happening in Nazi Germany, I think the idea of preventing pregnancy had not seemed so bad, but then once you realized, like, well, if we continue this, we're murdering. Then murder is the result. Genocide. This is genocide, and what we're doing is genocide, it just doesn't seem as bad because it's in an operating room, and it's clean, and sterile and—

**Justin:** Clinical genocide. It's still genocide.

**Sydnee:** —but it's genocide. Um, so after World War II, the numbers dropped of these forced sterilizations, but you see a resurgence of this later. There was a brief pause and then, like, as we move into the later years of the 50's—actually, it's funny. I was looking at West Virginia history specifically to see what our state—I don't know that history in our state, and we were not big on the forced sterilizations. We participated, but our state was not responsible for tons of them.

Um, but, like, '55 I think was the peak year for us or something.

**Justin:** Um, I'm sorry, folks, and this is somewhere where I differ from my wife, I still think 55 is too many. Uh, and [crosstalk]—

**Sydnee:** No, 1955 was the year. [laughs quietly]

**Justin:** Oh, okay, got it. Sorry.

**Sydnee:** No. But, um, the—but in the later 50's into the 60's, you start to see these ideas start to come back. And, uh, that really won't subside, and we'll get into this, until, like, the late 70's, when all this stuff is challenged again. Um, but again, I want to speak to a couple other—we talked about this original idea of, like, you're disabled so we don't want you to reproduce was kind of where it



started. Either you have a physical disability or, um, developmentally delayed, something like that. It quickly branched out into certain racial groups, and specifically in the American South, Black people were targeted.

Um, this started all the way back when these laws were initially passed. North Carolina actually created a eugenics board back in the 30's, and that would—that would add heavily—North Carolina, uh, committed a lot of these forced sterilizations because of this eugenics board, aimed largely at Black women, uh, but Black people in general, Black men, too.

And, um, they eventually have actually paid, like, settlements to people since then, in the years since then, because of this. Uh, but in Southern states, doctors would take advantage of a lack of literacy and medical understanding to manipulate people into these procedures without actually forcing them.

That's the—that's the other thing. Like, you—as you see the eugenics movement from, like, a very, "Oh, I'm doing this to you because the state doesn't want you to have kids," to backhanded ways of preventing people, coercing people, or just taking advantage of the fact that they don't understand. So, um, one important trial that brought light to a lot of what was happening in the South was in 1973, there were three, uh, young Black women, Katie, Mary Alice, and Minnie Lee Relf, who were 17, 14, and 12. And their mother brought them to the doctor and was told that they could all get birth control shots. The shot was available, and she said that's okay, that's good, I want them to get the birth control shot.

Um, now, the oldest sister Katie got the shot—which, by the way, was still—and this is a whole other history—was still in trials, was still experimental to begin with. But the older sister Katie got the shot, as well as an IUD that her mother didn't know about, an inter-uterine device to prevent pregnancy.

The younger two, Mary Alice and Minnie Lee, got tubal ligations performed.

**Justin:** [hisses quietly]

**Sydnee:** Without their mother's consent, against their will, without any explanation that the doctor was permanently removing their ability to have children. In, like, all—and we're talking about a level of health literacy—all the mother had signed on the form was an X for her name. So, nothing was explained, nobody gave consent. Um, and this was—this case, when it was brought forward, led to the discovery that between 100,000 and 150,000 people in the South,

Black people in the South, were subject to forced sterilizations through these tactics. Uh, you could just take advantage of the fact that they don't know what the piece of paper they're signing says, lie to them, tell them it's—"Oh, well, we can reverse it always if you ever change your mind."

Or, uh, threaten that we'll take away your government benefits if you don't get this done. This was a common tactic.

So, you see the eugenics movement move into this, like, "Well, it's not that we don't want you to reproduce, it's that we don't want to pay for it. So this is really a financial thing."

**Justin:** Right.

**Sydney:** Um, that was the justification. Uh, similarly, Native American people were subject to this same treatment through the Indian Health Service. In 1970, Title X was passed, which is the family—the Population Research and Voluntary Family Planning Program, um, which was to help in part use federal funds to pay for certain services, certain healthcare services.

Um, the result for the Indian Health Services, for our Indigenous population, is between 1970 and 1976, between 25 and 42% of women of reproductive age who came in seeking healthcare services had sterilization performed.

Again, uh, the concept of informed consent doesn't really apply, 'cause who knows what the doctor was specifically saying, what they were explaining. Was it reversible or not? Nobody was ever told these things.

Um, and in some cases it was completely blatant. There were two young women who were brought in for appendectomies and while they were there, they had a sterilization procedure performed, without anyone knowing this was happening.

Um, the same thing again in California, to go back to California. Um, there was a 1975 case in which 10 Latina women sued a hospital for sterilization without consent. Same thing. They were not told that this was permanent. They were not told, they were coerced into this happening.

Um, so you see these abuses happening again, now targeted not so—I mean, I don't want to say that disabled people weren't being targeted, 'cause certainly that can—you know, the rights of disabled people are still in jeopardy in this

country to this day. But you see these specific abuses aimed at certain racial groups that are deemed less desirable to reproduce.

Um, so all of these cases in the 70's kind of—it came to a head. Um, I don't know if it was that we can say we realized this was occurring, or it came to light to the point where we couldn't deny it was occurring anymore as a collective, as a society. Um, a central figure in this effort is Dr. Helen Rodriguez-Trias, who lived and worked in both New York and Puerto Rico, and understood all of the abuse that was occurring very well in Puerto Rico, and helped to form The Committee to End Sterilization Abuse.

And through their efforts, along with help from the ACLU, and there were some studies published from the CDC that kind of shed light on a lot of this stuff, they advocated to the Department of Health, Education, and Welfare, which is now the HHS, Health and Human Services, to change the guidelines and requirements for this procedure.

And this is where, if you've ever wondered why there seem to be more regulations surrounding sterilization procedures specifically, this is where this comes from.

So, the committee guidelines required a 30 day waiting period between when you would sign consent for the procedure and when you would have the procedure done, the idea being that nobody can... talk you into it in that moment because they're threatening you, they're trying to take something away from you because you're vulnerable, maybe you're sick or have just given birth or something like that. The idea being that they'll give you time to really think about it, and make sure that it is what you want and not just what the state or the doctor wanted.

And during that time they also said, you know, these people should be offered counseling services, that they have to be provided in the right language, so that you can't use that as a way to not fully inform someone. Um, and it wouldn't be the doctors. We're gonna get somebody else in there who—because the doctors unfortunately could not be trusted, because of their complicity in this, historically. Not every single doctor, but certainly there were doctors who were complicit in this.

Um, as part of that, the patient had to, like, be able to by the end of it explain exactly what was happening to them, that they understood its permanence and, you know, and that they had an awareness of what they had agreed to.

**Justin:** Right.

**Sydnee:** They became effective on November 1st, 1975. Initially it applied only to New York. This is where this started. But eventually the rest of the country would be pressured to follow suit. There were more lawsuits in different places and, um, you know, federal, national guidance began to kind of enforce this concept.

Uh, along with the fact that federal funds were not—they were prohibited from being used for forced sterilization procedures as well. And so this should have put an end to it. Like, at this time, all this effort in the late 70's should have put an end to this.

Um, but what we have found, as recently as a report from 2005 to 2013 in California state prisons, showed that 132 women had tubal ligations performed without appropriate consent. There were records that were falsified. There were records that were removed. Again, many of the patients came forward and said, "We were not told that it was permanent, or we were told that we had to do this for various reasons, legal reasons, or, again, benefits or something."

Um, they were coerced into doing it. One of the doctors who was responsible for a good percentage of these procedures made the comment that the money that these procedures cost, these sterilization procedures cost, was minimal, compared to what you save in welfare paying for these unwanted children as they procreated more.

**Justin:** [breathes heavily]

**Sydnee:** Which is... the language of eugenics.

**Justin:** Yeah. I mean, pure and simple.

**Sydnee:** Yes. Um, it's—there's nothing—there's nothing hidden about that. A lot of these modern eugenics—and by "modern" now I mean today—efforts focus on, uh, "We want to prevent pregnancy because we don't feel like you can support children financially." And so it's not in the interest in some sort of genetic race, master race thing. It's in the interest of the state to save money. Um, is the argument.

**Justin:** I mean, can you—but can you pick a worse one right now? What's the worst one, Syd? Can you actually choose? I actually am sitting here trying to choose. I can't choose!

[pauses]

**Sydnee:** [sighs] I...

**Justin:** I don't know. It's all bad! There's no *good* reasons for eugenics. I think we—

**Sydnee:** No, no.

**Justin:** —settled on that early in the show.

**Sydnee:** But I think that, like, when you start to try to paint it different ways, you—

**Justin:** Yeah, you don't recognize it.

**Sydnee:** —you don't recognize it right away.

**Justin:** That's the trick.

**Sydnee:** And I think it's important to strip it away and say, at the end of the day, whether it's because—I mean, 'cause this has been used—we talked about this in the Eugenics episode. In recent court cases, judges have said, like, a condition of your parole is a vasectomy.

**Justin:** Yeah.

**Sydnee:** I mean, that—how—[stammers]

**Justin:** [stammers]

**Sydnee:** That's—I mean, if you strip it all away, we're practicing eugenics. That's what all of this is.

**Justin:** Yes.

**Sydnee:** So when you hear these allegations from Dawn Wooten, do you think that this is probably true? Yeah! I mean, why would think it wasn't true?

**Justin:** Yeah, it seems true.

**Sydnee:** I mean, we have a—we have been doing this—

**Justin:** It seems more true now at the end of this episode than it did at the beginning. [laughs quietly]

**Sydnee:** We know—I have seen the statistic multiple places that because of that Buck v. Bell decision that 70,000 sterilizations were done without consent or against consent. Uh, how many more have been done that we don't know? I mean, that's the thing. How many more have been done using these sorts of tactics where, "Look. Maybe we let you go if," or "Maybe we'll go a little easier on you if... "

**Justin:** Think about the Relf sisters in '73, right? They found that out, and it led to 100,000 people who had had this done. Like, who knows what we've missed?

**Sydnee:** And I think it is—it bears a brief mention, too. The problem is, because we've had to try to put all these regulations around these procedures to protect people, so that vulnerable populations aren't subject to them against their will, the flip side is that we've also made it more difficult for people who want to have these procedures done to go get them done freely.

**Justin:** Yeah.

**Sydnee:** There were states where you had to get—if you are a woman seeking this procedure, seeking one of these procedures, you have to get your husband's signature. [laughs quietly]

**Justin:** [snorts]

**Sydnee:** Assuming you have one, I guess—to have these procedures performed. To this day, there are still private hospitals who require those sorts of things. Um, that you, like, see a psychologist first, and write an essay about why you want to have this done. Uh, and, you know, even now, there still is that waiting period in place if you're going to have—it depends on your insurance. If you have private insurance it's not always the truth. But depending on your insurance, if you do

have Medicaid, there is a waiting period between when you sign the form and when you can have the procedure done.

And all these things were put in place—again, for good reasons, you know, to try to protect people, but the flip side is that it has removed autonomy over our bodies in another direction.

**Justin:** Yeah.

**Sydnee:** Um, and again, a lot of this tends to be aimed, over and over again, at Black, Indigenous, and people of color in this country, and specifically at this moment, when we have seen so much racist rhetoric used against people trying to immigrate to the United States, it is hard to imagine that it isn't true, that this would be leveled against people who are being detained in these inhumane fashions, like the concentration camps on our borders, that this wouldn't be happening in one of our facilities. We have the whole history. Why wouldn't it be?

**Justin:** Um, thank you for listening. We know this was a tough one, so thank you for sticking through it. Um... I guess vote would be the thing that I would say.

**Sydnee:** I—I think voting is part of what we need to do, of course. Of course we—of course, I'm not removing that. But I think that, um... I don't understand why every headline isn't, "The United States continues to participate in eugenics and human rights abuses," and we need to stop it now.

**Justin:** Well, we've had in kids in cages for months. I mean, it—it—you know, where's the outrage? It's just—I mean, we're inundated with stuff like this. I mean, it doesn't surprise that this—people wouldn't be taking to the streets. And we should mention, by the way, like... and this has only occurred to me now but, like, we're not in any way trying to normalize by contextualizing. You know what I mean? Like, it—it—

**Sydnee:** No. No, my point is simply that if you find these—'cause there are people who are saying, "Well, do we really know? Well, let's—let's investigate, let's see if this is really true."

You have no reason to think it isn't, because we've been engaging in these types of activities... for as long as we've been able to do them. So I—I am simply trying to provide the context that it is completely believable. It is sadly and disturbingly believable that this is happening.

**Justin:** Um, thank you for listening. Thanks to The Taxpayers for the use of their song "Medicines" as the intro and outro of our program. Thanks to you for being with us. And, uh, be sure to join us again next week, for *Sawbones*. But until then, my name is Justin McElroy.

**Sydnee:** I'm Sydnee McElroy.

**Justin:** And, as always, don't drill a hole in your head.

[theme music plays]

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