

Forced Sterilization of Immigrant Women in US Detention Center

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Abstract

This article addresses the reports of immigrant Latin American women being forcibly sterilized in the Irwin County ICE detention center through an intersectional approach and by using Critical Discourse Analysis (CDA) on data retrieved from news articles from the past six years and sources on the history of the practice of forced sterilization. How are these women vulnerable to this kind of abuse? The results indicate that immigrant Latin American women are in fact vulnerable to forced sterilization because of their position within the intersecting inequalities of gender, race and status, but that it is exacerbated by the negative discourses by the political elites and media (re)produce about them.

Keywords: intersectionality, CDA, forced sterilization, USA

Introduction

In September of 2020 a nurse, Dawn Wooten, filed a report in which she denounced “staggering negligence” (Treisman, 2020) in following the safety protocols in place to avoid the spread of the virus in the Irwin County Detention Center in Georgia, USA, where she had been working during the first outbreak of novel coronavirus covid-19 in the spring and summer. The facility, owned by the private prison company LaSalle Corrections, is currently still being used by the US Immigration and Customs Enforcement (ICE) as a place to effectively incarcerate immigrants, mainly from Latin American countries, who were caught either crossing the border or living in the US illegally (ibid.).

Nurse Wooten (represented by the Government Accountability Project: a whistleblower protection organization and Project South: a social justice advocacy group) has had her declaration incorporated into a 27-page complaint by a coalition of human rights groups. It was then filed with the DHS Office of Inspector General, on behalf of Wooten and immigrants detained at the facility (ibid.).

Despite the main focus of the report being the unsafe conditions in which the detainees were kept during the first part of the pandemic, the most disturbing information to come out of nurse Wooten’s report was not just the fact that precautions against the spread of a deadly virus were not being taken. It was the allegation of what was happening to the women who sought treatment by the facility’s gynecologist, dr. Mahendra Amin, who were instead being, either violently, or unknowingly forcibly sterilized (Washington & Olivares, 2020).

An independent investigation was launched following the report which later confirmed that the procedures performed on a still unknown total number of women (of at least 57 that we know of as of October 2020) were “unnecessary”, “overly aggressive” and “in the uniform absence of truly informed consent” (ibid.). The victims reported receiving unwanted medical procedures, and many of them were not even sure which procedures exactly they had undergone (ibid.). Some also reported that they were left bloody, still bleeding and/or badly bruised after the operations. The operations performed on the unknowing women include tubal ligations, hysterectomies (surgical removals of the uterus), and injections of the birth control drug Depo-Provera (known to have dangerous side-effects) (ibid.). There was no evident reasoning behind the procedures, or anything that seemed to justify the high number of them. As one last grim detail: we know that Amin was referred to by staff and detainees as the “uterus collector” (ibid.).

Several of the women who got operated on would later be deported and, after ICE stopped sending patients to Amin (5 weeks after the independent investigation had concluded) the women in the detention center declared that none of them had received any further gynecological care (ibid.).

The women subjected to this inhumane procedure were all marginalized and that is what made them vulnerable to this kind of treatment in the first place: of being poor, undocumented, immigrant women from Latin America. These intersecting inequalities, the ones due to gender, race and class, together with efforts by conservative media outlets and spokespeople contribute to the climate and environment that allows, and encourages, damaging attitudes and actions against them. By using intersectionality as an analytical approach towards the social inequalities that affect these women, while emphasizing the contexts of place and time of the power relations perpetrated by the discourse set forward by the media and political elites, we also consciously apply it to a case that is relative to gender based violence, because the “complex inequalities” interacting with each other, we believe, fall into the category of “widespread uncriminalized violence against women and minoritized ethnic and national groups [that is] de facto condoned by the state” (Walby, 2009, p.192).

This whistleblower report restarted the conversation on the US’s long and tragic history of eugenics and forced sterilization. A history that more than just repeating itself, seems to only be continuing into the present with new and sometimes subtler ways to bring about older and more malign beliefs and convictions, making this case relevant to understand how the women who were forcibly sterilized. We here use the term “forced sterilization” because none of the women who went through the procedures had given informed consent to it. The systemic nature of forced sterilization is “...fundamentally a violation of the prohibition on discrimination...” (Patel, 2017, p. 10) and considered an exploitative act towards these women in which an authority figure forced them into sterilization where the women either consented to a procedure without understanding it, under duress, invalid consent was given or not obtained (Patel, 2017, p. 2).

In this article, after a brief presentation of the case and history of the broader eugenics/historical discourse background, a sample of articles from prominent US media outlets will provide the data relevant to the current discourses surrounding the victims. We selected and analysed the most influential strategies that frame discursive models of immigrant Latin American Women as “cognitive and ideological manipulations” (van Dijk, 2015, p. 473) using Critical Discourse

Analysis. Finally the current findings will be compared to the historical ones in order to analyze the correlation between the victims' social position within intersecting inequalities and the discourses currently surrounding them.

Brief historical overview of eugenics in the US

To better understand the reasons behind forced sterilization of marginalized women, as in our case, we must first delve briefly into the history of the beliefs and practices that have come to be known as eugenics, and later neo-eugenics.

While the idea of using selective breeding to create a better offspring dates back to ancient Greece, the origins of the eugenics movement as it is known today come from early 1900s Europe, specifically the United Kingdom, and were directly inspired by Charles Darwin's theories of evolution and natural selection (Levine & Bashford, 2010). Francis Galton, the man credited with having first developed this research, called it "eugenics" from the Greek word "eu" meaning "good" and the suffix -genēs which means "born" (ibid.).

The popularity of eugenics made it across the Atlantic very early on, with the first eugenic policies being implemented in the US in the early 1900s (ibid.). Although starting out with so-called "positive eugenics", which meant encouraging reproduction between those perceived to be "genetically desirable", the movement in the US quickly turned to so-called "negative eugenics", which aimed to eliminate the presence of people who were considered physically, mentally and even morally undesirable through sterilization and/or segregation (ibid.). Early eugenics policies in the US include the anti-miscegenation laws which criminalized interracial marriages (ibid.). For the most part, in the early 20th century, the people most impacted by negative eugenics practices were women deemed unfit to bear and/or raise children under the definition of being "feeble-minded" (ibid.). Since it would have been too high a cost for the government to maintain these women inside institutions (such as mental hospitals) until they were no longer of child-bearing age, the easiest solution was to sterilize them and then let them out into society (ibid.). Emblematic of this is the 1927 case of *Buck v Bell*, in which a petition was filed to sterilize the then 18-year-old Carrie Buck, because she allegedly posed a threat to society, on the grounds that she was "feeble-minded within the meaning of the law" (Lombardo, 2008, p. 104), as was her mother and as would be her child (ibid.). So, with the sentence "three generations of imbeciles is enough" the Supreme Court ultimately ruled that compulsory

sterilization of the “unfit” was for the “health and protection of the State” and it has, to this day, never been expressly overturned (Lombardo, 2008, p. 169).

The eugenics movement then lost some of its popularity after World War II, due to it being extensively used by the Nazis, but it never truly disappeared. It would start to veer more towards “social engineering” as a response to the social anxieties of the times, such as concerns about welfare, Mexican immigration and the civil rights movement, and would be based on the conviction that even broader “defects”, such as poverty, were genetically transmitted and should be targeted and stopped (Kluchin, 2009, pp. 10, 20). This shift, together with advancements in birth control technology and application would define the next era for the movement, which would be called “neo-eugenics” (ibid.).

Significant Historical Discourses

As it turns out, a precedent for what is happening today can be found in the not-too-distant past, we therefore chose to look at historical discourses around victims of forced sterilization from the 1950s-1970s. To do so we used the chapter “Sterilizing “unfit” Women” in Rebecca M. Kluchin’s book *“Fit to be Tied: Sterilization and Reproductive Rights, 1950-1980”* (2009). The reason to look closer at these decades was because an important change happened in the demographic of who was getting forcibly sterilized: there was a rise from “only” 23% of these women being black to 64% (Kluchin, 2009, pp. 73-74, 94). The cause of this was a combination of the 1964 Civil Rights Act that granted people of color access to federal programs, such as welfare, and the emergence of government funded family planning (ibid.). This meant that women of color then came much more into contact with healthcare personnel who believed in eugenics (ibid.). This also meant the emergence of negative discourses towards women of color that reinforced the neo-eugenic thinking of the time, two of which we will be the main focus: the “welfare queen” and the “pregnant pilgrim” (Kluchin, 2009, pp. 74-75, 84-85).

The “welfare queen” was the idea that black women were promiscuous, hypersexual and deliberately having children out of wedlock to take advantage of the welfare system instead of having to support themselves by finding a job (Kluchin, 2009, pp. 75-76). It painted a picture of black women being inherently dishonest and undeserving of welfare, an image that was portrayed both in articles, political statements, and even “scientific research” of the time (Kluchin, 2009, pp. 76-77, 80-82). The discourse of the “welfare queen” mirrored the eugenicist thinking of the time, where “scientific” and “biological” factors were used to claim that people of color were

inferior [to white people], that women of color were seen to have bad traits and values that their children would inherit and be taught as well (ibid.). Those very children were thought to inevitably grow up to be “lazy” “immoral” and just as “bad” citizens as their mothers (ibid.). The women of color who were receiving welfare were seen as “unfit” and representing “un-American values” and therefore preventing these women from reproducing and performing sterilization was almost perceived as an act of patriotism (Kluchin, 2009, pp. 76-77, 84).

The discourse of the “pregnant pilgrim” builds on the one about the “welfare queen” and came about a bit later. It started to take hold in the late 60s and early 70s, when there was a rise in immigration from Latin American countries (Kluchin, 2009, pp. 84-85). An image of pregnant Latin American immigrants crossing the border to have their children in the US in order to make them eligible for welfare, emerged. Suddenly immigrant Latin American women were linked to several issues, including overpopulation (ibid.).

The base of both these negative discourses was rooted in the same racist and eugenicist ideals that women of color were “taking advantage” of a welfare system they were not entitled to- and it was then used as an excuse to take away their reproductive rights. (Kluchin, 2009, pp. 91-94, 101-106).

Contemporary Right-wing Political Discourses

To critically examine contemporary discourses and their role towards immigrant Latin American women, we used Critical Discourse Analysis (CDA) on US right-wing anti-immigration political discourses (re)produced by politicians and media. Specifically, we analyze five online national news articles published by four different news sources within the last six years. We selected articles containing statements from influential right-wing politicians, such as a statement by Donald Trump in which he expressed how “The United States has become a dumping ground for Mexico” (Walker, 2015).

Understanding that “via repeated political or media discourse about similar events, and via specific discourse moves of generalization, they may condition the generalization and abstraction of specific mental models to more general structures of knowledge and ideology...” (van Dijk, 2015, p. 473), we acknowledge the powerful role of politicians and the media in framing immigrant Latin American women in a negative light. The articles’ (re)production of discourses illustrate how US politicians and media’s “...language use produces and legitimates racism...”

(Bryman, 2016, p. 562) and other inequality by creating a negative discursive model of the women (van Dijk, 1993, p. 258-259). Based on a constructivist understanding of the power discourses pose, the CDA lets us understand and expose the social inequality that the women are exposed to because of a generalized negative perception of immigrant Latin American women (Juul & Pedersen, 2012, p. 406; Suurmond, 2005, p. 19; van Dijk, 2015, p. 466). The approach therefore has a strong attribute in its aim of describing dominant discourses roles in manufacturing concrete models and by exploring social inequality (van Dijk, 1993, pp. 258-259). While being aware that we are dealing with complicated power dynamics, the choice of analysis "... is not motivated by the wish to picture these elites as the villains in the simplistic story of social inequality, but rather to focus on the unique access of these elites to public discourse, and hence on their role in the discursive management of the public mind" (van Dijk, 1993, p. 280).

The CDA findings identified some strategies used by right-wing politicians and media which through prejudice and stereotyping (re)produce discourses based on a generalized negative model of immigrant Latin American women. Specifically, three overall and interlinked discourses to how models of immigrant Latin American women are framed have been identified based on the analysis.

(I) Discursive strategic usage of "us" and "them" is significant. This dichotomous rhetoric creates a structure in the political discourses that frame Latin American immigrants by generating a negative representation of "them" by systematically associating "them" with cultural differences in contrast to "us", with "us" being perceived as positive holders of "American values" (van Dijk, 1993, pp. 258-259). The discursive negative model of Latin American women expressed through an inferior "them" is identified as communicative discrimination, an instance of discourse dominance, which generates inequality and social injustice based on racism (van Dijk, 1993, p. 260).

(II) Latin American immigrants, in general, are framed as an economic burden, as lazy and undeserving of welfare. They are presented as a burden to the American society by being framed as incapable of being self-sufficient and therefore expected to be welfare-dependent. This is coupled with a negative discourse that frames Latin American immigrants as reproducing "un-American values", such as laziness and unwillingness to support themselves, thus being seen

as undeserving welfare recipients, and presenting them as taking advantage of the US welfare system, which would make them an economic threat.

(III) Immigrant Latin American women are perceived as the source of the above-mentioned problems because of their alleged “hyper fertility”. Latin American women are framed both as pregnant immigrants that, by giving birth to welfare-dependent citizens, could lead to a potential bankruptcy of the welfare system, alleging that these women and their reproductive systems are being perceived as the “core of the issue”. The term “anchor babies” can also be found as intertwined in the discourse. It refers to children born to non-citizen mothers that give birth in countries with birthright citizenship laws, and who would then be able to help their mother, and other family members, to become legal residents or citizens. This discursively frames immigrant Latin American women's reproductive capabilities as a socio-economic threat, presenting them as cause for future “burdens” on the US welfare system.

Our findings have thus shown how conservative political discourse, ingrained in racism and neo-eugenic ideals, impacts immigrant Latin American women by defining them as a harmful “them” to a good, American, “us”, by postulating that they will take advantage of a system they are not entitled to and that it is in their nature to do so.

Comparison of Historical and Contemporary Discourses

By looking at the past we can see how discourses concerning women of color played a role in justifying forced sterilization. In the contemporary discourses, we see how many of the same aspects as the historical discourses can be directly traced to the present. The framing of immigrant Latin American women as an inferior “them” to the superior, American “us” remains largely unchanged. Immigrant Latin American women are still being described as wanting to take advantage of US welfare using their children to do so, they are being painted as not having the so-called “good values” of American taxpayers and instead bringing “bad” values into US society. The negative model of Latin American immigrants being an economic “burden” on society, receiving welfare while being perceived as undeserving of, is clearly seen in both the historical and contemporary discourses. A small change has been identified with the “pregnant pilgrim”, as the discourse has revived with new terminology, namely “anchor babies”, however the idea is roughly the same, being that they come to the US and give birth there in order to “exploit” the welfare system and infiltrate American society.

This echoes the neo-eugenic opinions of the past, the very same opinions that were used as an argument for forced sterilization in the 50s to 70s. While we cannot say this for sure, it is very likely that the same social patterns play a role in the treatment of the women at the ICE center. They are being described as inferior dishonest people in the discourses, so they are treated as such in the detention center.

Acknowledging the existence and persistence of eugenics, the negative discourses that we have identified in specific historical moments, and the contemporary conservative narrative around Latin American women, makes a compelling argument for them being vulnerable to this kind of treatment - i.e. being kept in “prisons” and being forcibly sterilized - especially because these women are already at the intersection of various inequalities, mainly: gender, race and social status, which already makes them vulnerable to other different forms of systemic oppression and violence. Recognizing the role of authoritative figures and media in constructing discourses on Latin American women and how these create an environment that might result in forced sterilization abuse (Gutiérrez, 2008, pp. 75-77). In this specific case the systemic oppression manifests in actual physical and medical violence, and we argue that it is a result of all of these different factors converging.

Conclusion

In conclusion, we argue that these women’s position at the intersection of gender, race and social status and the negative discourses surrounding them, indeed correlate to them being vulnerable to forced sterilization in a situation of incarceration. We have found that the negative discourses surrounding the women were directly related to different inequalities intersecting: the “them” vs. “us” is related to their “inferior” race, the “dependent on welfare” is related to their social status and them “having babies to take advantage of welfare” is related to gender.

The fact that the intersecting categories that the immigrant Latin American women are positioned within, which are reflected in and (re)produced through discourses, leads directly to their position of vulnerability to forced sterilization. This leads us to think that underlying “eugenics values” are still very much present in people’s attitude towards certain groups of people, and some of the most targeted groups remain poor people, immigrants and women.

While the right-wing political discourses are not explicitly stating that these women should be sterilized, the neo-eugenic thinking is still detectable and indirectly contributing to the abuse of

these women. If these patterns keep reproducing undetected, history will continue to repeat itself.

Author's note

Latest developments

Not long after we had already concluded conducting our research, a 160 pages class-action lawsuit was filed and published on the 21st of December 2020 on behalf of 35 women against the ICDC, ICE and dr. Amin (Oldaker et al. v. Giles et al., 2020). The lawsuit informs of the living conditions at ICDC, describing forced sterilization as part of a broad pattern of discrimination, institutionalized abuse, violence and medical negligence experienced by the women at ICDC (ibid.). It denounces that in 2018 multiple women reported Dr. Amin's abusive actions verbally and in writing to the ICDC administration and ICE, but have nonetheless continued sending the women to be mistreated by Amin, until a few weeks after the whistleblowing in September 2020 (ibid.). This has received attention and been addressed by the Committees on Immigration & Nationality Law, Bioethical Issues, Health Law, International Human Rights and Sex & Law which "Call for Measures to Ensure Health, Human Rights and Public Health Protections for Detained Immigrant Women" (The Association of the Bar of the City of New York, 2021).

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