



She survived a forced sterilization. Activists fear more could occur post-Roe.

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CLARIFICATION

In this article, Elaine Riddick, an abortion opponent, is quoted saying “I think a woman should have control of her body.” She is speaking about forced sterilization and not indicating support for abortion rights. The headline has been adjusted to reflect this.

Elaine Riddick was 13 years old when she says she was raped by a neighbor in Winfall, N.C. Nine months later, in 1968, she was involuntarily sterilized in the hospital while delivering her first and only child.

“I had no idea,” she told The Washington Post, adding that she didn’t find out about the operation until five years later, at age 19, after she had married and hoped to have more children.

The doctors “butchered” her — cutting, tying and cauterizing her fallopian tubes — she said she was told when she learned of her sterilization during a medical examination. After the sterilization, Riddick had lost blood and fallen ill frequently. “I didn’t have a childhood because of the hemorrhaging and passing out,” she said. “This is how badly they damaged my insides.”

Riddick, who is now 68 and lives in Marietta, Ga., is one of tens of thousands of survivors of forced sterilization in the 20th century — a disproportionate share of them Black, like Riddick. She was subjected to a eugenics program by the state of North Carolina, which sterilized 7,600 people between 1929 and 1974 because they were deemed “unfit” to be parents. In 2017, after fighting for compensation for almost 50 years, she received \$47,000 from the state.

North Carolina had labeled Riddick “feebleminded” — the same justification that had been used in 1924 to authorize the sterilization of Carrie Buck, a Virginia woman who had also been raped as a minor. Buck’s case went to the Supreme Court, which in its 1927 ruling in *Buck v. Bell* upheld mandatory sterilizations of people considered unfit to bear and raise children. That decision has never formally been overturned.

With the Supreme Court’s decision last month in *Dobbs v. Jackson Women’s Health Organization*, states now have full license to legally compel a person to continue a pregnancy. For many activists and legal experts, this isn’t a far cry from *Buck*, which used similar legal reasoning to allow the government to prevent certain people from becoming pregnant in the first place. Some lawyers and activists worry that the use of forced sterilization could be expanded

The *Buck* case paved the way for thousands of forced sterilizations throughout the 20th century. Today, these sterilizations continue, primarily affecting people with disabilities, and individuals under guardianships and conservatorships.

Professor Victoria Nourse at Georgetown University Law Center said the *Buck* ruling denied “a right of bodily integrity, or that there was a claim of equality.” She added, “And *Dobbs* does the same thing.”

Justice Clarence Thomas cited *Buck* in a 2019 opinion on two Indiana abortion laws to tie his opposition to abortion to the historical use of abortions in racial eugenics schemes. Some historians and legal scholars have called the comparison misguided.

“Justice Thomas has very selectively and opportunistically misread *Buck v. Bell* as something that is about racism against Black people and abortion, which it was not,” said Michele Goodwin, a law professor at the University of California at Irvine.

But legal experts say there are notable similarities between *Dobbs* and *Buck*, even if one compelled pregnancy and the other precluded it.

“On one hand, there is a law that says that certain categories of people shall be prevented from determining their own reproductive destiny, such as to be able to have a child,” Goodwin said. “On the other hand is lawmakers enacting laws saying, ‘We will force you to have children even when you don’t want to,’ and there’s a lot in common in that.”

For Jasmine Harris, a University of Pennsylvania law professor, the issue of forced sterilization has personal significance: She is descended from one of its survivors. She was 11 years old and growing up in the Bronx when her Puerto Rican grandmother, Rita, mentioned “la operación.”

She learned that Rita, after giving birth to Harris’s father in the early 1950s, had received a hysterectomy, a procedure to which Puerto Rican women of that generation were sometimes subjected without their informed consent.

“She vaguely remembers someone saying, ‘Are you done [having children]?’” said Harris, “and she said she was done and they basically performed a hysterectomy.”

One-third of all women in Puerto Rico between the ages of 20 and 49 were forcibly sterilized between the 1930s and 1970s through a program supported by the U.S. government that sought to control the growth of the island’s population. The program also aimed to promote the migration of textile workers to New York, Harris said, under the theory that having children would make it difficult for women to enter the workforce. Rita, a textile seamstress, worked in a Bronx factory and traveled between Puerto Rico and New York throughout her life.

Today, 31 states have laws that allow the forced sterilization of people with disabilities, according to a report issued in January by the National Women’s Law Center.

“That’s really grounded in the assumption that disabled people like me can’t or shouldn’t make our own decisions about our bodies, that other people need to make those decisions for us,” said Ma’ayan Anafi, the report’s author and the center’s senior counsel for health equity and justice, who is autistic. “We know that assumption is wrong and it’s dangerous, and it’s been used for years to justify the reproductive coercion of disabled people.”

Often, these states deem a person with a disability unable to provide informed consent to a sterilization and claim the individual’s health would be harmed by a pregnancy, according to the report.

Anafi added, “Laws were passed as recently as 2019, so the legacy of forced sterilization is very much alive today.”

Robyn Powell, an associate professor of law at the University of Oklahoma, who uses a wheelchair because of arthrogryposis, a condition characterized by joint stiffness, said she has been offered a hysterectomy by doctors “dozens of times, for no reason other than the assumption that I shouldn’t reproduce.”

Powell said doctors have suggested hysterectomies since her early 20s without providing a reason. “It’s not for any sort of medical reason,” she said. “It’s always been this societal belief that, ‘Oh my goodness, you’re a woman in a wheelchair. Why would you want to reproduce?’ or ‘Should you be reproducing?’ ”

Anafi worries that judges could use the *Dobbs* decision to allow more people with disabilities to be forcibly sterilized. Before ruling on sterilization, judges often consider a person’s access to abortion and other methods of nonpermanent birth control. The *Dobbs* ruling has abortion rights advocates worried that the court could curtail access to birth control, particularly given Thomas’s concurrence suggesting that the court revisit decisions including one protecting the right to contraception.

“A lot of judges have said that disabled people have a lot of trouble getting nonpermanent birth control,” Anafi said. “They assume the person won’t be able to use it properly, and so because of that, they conclude that sterilization is the best and sometimes only option.”

As a survivor of forced sterilization, Riddick worries about the impact of *Dobbs*. Although she opposes abortion, she is concerned that the decision will lead to more forced sterilizations among Black women. She worries that the government could restrict family size for people receiving government assistance.

Ultimately, Riddick believes that “women should have control of their reproductive health” and that the government should not interfere with their decisions.

“I think a woman should have control of her body,” she said. “I didn’t have control of my body, and I have been devastated since I found out that this is what happened to me. I never had the chance to say yes or no.”