

Sterilization and the Mass Media: Representations of Women in the California  
State Prison System (2006-2010)

by

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## Abstract

My research analyzes how mass media, specifically mass media journalism, represents women who are incarcerated and their reproductive rights. Grounded in an ideological rhetorical analysis of articles published from the top fifteen United States news sources on permanent sterilizations that occurred in California women's prisons from 2006-2010, this paper explores how language both creates and reinforces the segregation of women who are incarcerated from the remainder of society. Drawing on media and sociological theories, this analysis begins by examining the diction choices made by news media to convey how the women were asked to receive sterilizations, as well as how the legal status of the sterilizations is discussed in the chosen articles. The labels applied to these women (both verbally and visually), repetitively naming them as "inmates," is also discussed. The final part of the analysis provides the historical context to the articles and how the term, *eugenics*, is used by news media as a framing device. Conclusively—I argue that the focus on the women solely as "inmates," and the diction choices used by the news media— trivialize the seriousness of the sterilizations, and perpetuates the marginalization of these women from society.

## Chapter One: Media Shapes Reality

“Female Inmate Surgery Broke Law”

- *Los Angeles Times* July 14, 2013

“California Officials Demand Answers over Unauthorized Female Inmate Sterilizations”

-*Fox News* July 15, 2013

“California is facing more Woes in Prison”

– *New York Times* July 14, 2013

Words are perpetual shape-shifters—simultaneously, they are both the creators and creation of a shared reality. Language helps individuals to construct the material world in which they live. Yet, the authority to use discourse to build the world around us is not evenly dispersed. Particular institutions such as governments, theological organizations, media industries, and the individuals representing them, often carry a disproportionate amount of influence. In Michel Foucault's, “The Order of Discourse,” he argues that “truth, like other systems of exclusion rests on an institutional support: it is both reinforced and renewed by whole strata of practices....it is also renewed, no doubt more profoundly, by the way in which knowledge is put to work, valorized, distributed, and in a sense attributed, in a society” (53). As Foucault expresses, institutions not only help create “truth,” but simultaneously reinforce how reality is perceived. Because some institutions have more influence, it is imperative to examine the discourse employed by those with more power in order to see how it represents particular groups of people.

To begin with, all institutions and those working within them, have an ideological infrastructure- core bodies of ideas that reflect the beliefs, principles, or assumptions by which a society, culture, group, or individuals live. As Douglas Kellner writes in *Media and Cultural Studies*, “the concept of ideology forces [us] to perceive [that] all cultural texts have distinct biases, interests, and embedded values, reproducing the point of view of their producers and often the values of dominant social groups” (xiv). As Kellner argues, these inherent biases and values can be seen in *all texts* and often offer the values of principal social groups. Furthermore, if a dominant social group possesses the ability to shape values, there must, in turn, be a group of “others” that the beliefs are imposed upon. While the ability to impose values onto others may not be consciously performed (or ideal), it does exist.

The media have extensive control over the American public’s mindset and beliefs (Baudrillard *Simulacra* 21, Curran *Media and Society* 321, Seib *Beyond the Front Lines* 1, et al.). This influence is partially due to media saturation. For example, recent statistics from E-marketer<sup>1</sup> show that the average American adult spends eleven hours and fifty two minutes of his/her day with major media devices, including: phones for the use of social media, computers, and televisions (“Americans Will Spend More Time On Digital Devices Than Watching TV This Year: Research”). Since many spend over half of each day watching, listening, surfing, and accessing information through electronic devices—

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<sup>1</sup> E-marketer is (as described by their website) an independent market research company that provides insights and trends related to digital marketing, media and commerce...Its clients include two-thirds of Fortune 500 companies” (<http://www.emarketer.com/>).

specifically mainstream and popular media—the manifestation of the media as an authority in shaping reality becomes apparent. An added factor regarding the influence of how media consumption helps construct reality is the amount of time Americans spend reading the news, which increases annually. Recent Pew research found that the average American spends thirteen more minutes every day reading the news than she/he did in 2010 (“Americans Spend More time Watching the News”). Time spent increased from 57 minutes on average daily in 2010 to 70 minutes in 2013; an increase of 4745 *more* minutes (79 hours) of news consumption a year.

The level of influence on public opinion is especially high for news and journalistic media. Some scholars argue that the power from news media is so strong that their viewpoints are often considered to be common knowledge. In “Reinforcement vs. Change: The Political Influence of the Media,” Ascensión Andina-Díaz argues that the “control of public opinion” is so widespread that all people know about it: “It is universally accepted that media holds great power, as they transmit information to the public and are free to highlight certain news items and ignore others, setting the agenda of public life and creating consensus or disagreement on certain issues” (65). While this argument may be true to a degree, the power that the news media have goes beyond revealing and hiding aspects of public life. Certain scholars argue that what the media portray, predominantly in the news media, molds and filters how the world as a *whole* is perceived. For example, D. Macedo, in *What Americans are not Allowed to Know*, argues that the news media create the strongest ideological ties for the



public: “[news media produces] a reality effect [but they also produce] an effect on reality....Like signs, words have ideological power, and it is through the manipulation of language that the ideological doctrinal system is able to falsify and distort reality” (199). Macedo argues that there is an affiliation between the news creating a *reality effect* as well as using this *effect to create reality*. In other words, a dualism exists. Not only does news media help shape what is “the real world,” but through framing, filtering, prioritization, and the use of various other techniques, media shapes how an audience perceives “reality.”

My research explores how mass media, specifically mass media journalism, represents women who are, or were<sup>2</sup>, incarcerated and their reproductive rights. Examining how the news media portrays those who are incarcerated is a growing concern. Currently, the United States has more of its population in prison than any other country in the world. According to the International Center for Prison Studies, America’s population is less than five percent of the world, but American citizens constitute twenty-five percent of the population in all the world’s prisons, and the number of American citizens serving prison time has grown thirty-three percent in the last twenty years<sup>3</sup> (“World Prison Brief: United States of America”). The growth in the incarcerated population (since 1995), has more people than ever before labeled as “prisoners,” “felons,”

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<sup>2</sup> From this point on, I will use the phrase “women who are incarcerated” to refer to both women who are currently incarcerated and women who have been incarcerated in the past.

<sup>3</sup> According to the International Center for Prison Studies, in 1995, 1.5 million Americans were incarcerated. Currently, there are 2.3 million Americans in prison.

or “inmates.” Thus, as this population continues to grow, it becomes more important that the news media depict this growing population with accuracy.

News media industries and those working for them must pay closer attention to the representations of people who are incarcerated. In spite of the prison population growth, news media sources appear to be drifting away from talking about prisoners and prison life (Fleisher *The Myth of Prison Rape* 133, Churcher *Inmate Media* 56, Mason *Captured by the Media* 18, Miller *Social History of Crime* 1256, Sussman *Invisible Punishment* 65). When they do discuss prison life and the people affected, news media have been increasingly unfair in their depictions (Sussman 65). Peter Sussman argues in *Invisible Punishment* that news media lacks the initiative needed to create accurate portrayals of both prisons and prisoners:

It is the special role of the news media, guaranteed explicitly by the U.S Constitution to operate freely so that governmental officials and institutions, including prisons may be subjected to public scrutiny. In recent years, the news media have failed to meet their responsibilities to explore fully the operation of prisons. Much of the blame can be placed on government censorship....but the news media themselves must share some of the blame; they have often indulged in distortion and self-censorship in their coverage of crime, prisons, prisoners, and sometimes in response to presumed demands of the market place. (65)

As Sussman argues, the news media have been negligent in thoroughly researching the prison systems, and when they have tried to portray them, there

have been frequent falsifications presented (Fleisher *The Myth of Prison Rape* 133, Churcher *Inmate Media* 56, Mason *Captured by the Media* 18-19, Miller *Social History of Crime* 1257, et al.). Sussman describes a convulsion created by the news media: there is not enough news media portrayal of prisoners and prisons and when there are descriptions, they are often inaccurate. Both the public and the individuals who are incarcerated may suffer from these incorrect representations.

Individuals who are incarcerated fit within the definition of those who are marginalized in our society. A marginalized community is a group of people who are viewed as peripheral or less significant than mainstream society due, in part, to how a person may be labeled. Labels may reflect physical or mental attributes such as race, ethnicity, sex or gender identification, body structure, having a physical disability, or mental illness, just to name a few. Societal branding can also occur based on an event or life choice, such as experiencing homelessness or exchanging sex for money (sex work/prostitution). Marginalization can become repetitive and/or cyclical due to a separation from “the rest of society” because the label is reinforced, reused, and implied by news media. While this cyclical marginalization can be both conscious and unconscious, the journalistic depiction of a particular group is often associated with their segregation.

In *Kill the Messenger*, Maria Armoudian argues the news media have the ability to use discourse as a tool for isolation:

Through media, some social constructs, such as boundaries, stereotypes, frames, and social laws, get more exposure, promotion, and favorable presentation. The categories, divisions, and characteristics of....Jews, Catholics, Africans, Communists, Socialists, and other groups, for example, became 'true' in people's minds as a result of their repetition in mass media. These 'realities' then influenced and guided behavior and caused further demarcation of 'us' from a 'them.' (76)

As Armoudian argues, certain group traits are perceived to be factual, and are then reiterated so often by the news media that they are seen as "true" or "the truth." Armoudian argues that stereotyping can positively reinforce and create further separation between "society" and marginalized peoples. In turn, this re-solidifies the segregation.

### **Methodologies and Research Questions**

How groups and individuals are represented or portrayed through the larger configurations of institutions is intertwined between an ideology, and the discourse used to describe and reaffirm said beliefs—the rhetoric. Rhetoric, as Andrea Lunsford in *Writing Matters* describes it, is "the art, practice, and study of [all] human communication" (4). The interwoven relationship between the rhetoric (the tool used to shape perceptions about a group or culture) and the ideology (the underlying belief systems) are interdependent. Ideological rhetorical analysis

is important because it often challenges what is considered “natural” within a society. To paraphrase Sonja K. Foss in *Rhetorical Criticisms*, dominant ideologies control what participants see as regular or obvious by establishing the norm. Regular discourse then maintains and reaffirms these ideologies and it is thus seen as abnormal to challenge them (295). As Foss argues, dominant ideologies—such as particular types of labels, categories, and acceptable actions—are created and then reaffirmed by the language and text that contain the ideologies. Although these ideological views are perceived by culture as organic and normal, they can be challenged and changed in time. The example Foss gives is that of the American ideology of racism, and how, although far from non-existent, much has changed in the last two hundred years based on the discourse surrounding ideas of race and ethnicity (296).

Along with ideological rhetorical analysis, this paper also draws from methodologies adopted by media studies and mass communications. The “magic bullet” theory, also known as the “hypodermic needle model,” is included in my analysis. This concept was very popular in the 1930s and 1940s, and theorizes that the media are active in driving people’s behaviors. As Arthur Asa Berger explains in *Media and Society*, the media’s message is a bullet fired from the “media gun” into the viewers’ “heads” and actively shapes and creates the consciousness of the viewers (123). The metaphor works the same in “hypodermic needle model,” with the viewer being “injected” with stimuli. While both of these metaphors over-simplify the relationship between media and the

viewers<sup>4</sup>— and both have been modified and broadened during the past seventy years—they provide a basic foundation for understanding media’s influence on society.

I also draw from scholars who use labeling theory (also known as social reaction theory) which dates back to the work of George Herbert Mead, social interactionism, and the work of the “forefather” of labeling theory, Frank Tannenbaum. In his work, *Crime and Community* (1938), Tannenbaum introduces the idea of *tagging*, and argues that people from a young age are separated from the larger part of society based on the way they are branded or “tagged.” This marking causes the individual to continually be “at war;” feeling as though they are always “against society,” and society feeling as if the individual is always “against them” (8). As Tannenbaum points out, tagging creates segregation between the person who is tagged and the rest of society, providing justification for those seen as outsiders to be treated poorly without second thought. This theory is known in contemporary sociology as dehumanization.

Incorporating theories from all three fields, this study examines the mass news media’s use of language to help shape the ideological structures and perceptions readers have about women who are incarcerated and their

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<sup>4</sup> What earlier concepts of the hypodermic needle theory and magic bullet theory emphasized was an idea of passivism by the viewer: the viewer was perceived as “the subordinate” to whatever “the dominate” (the media) told them was true. While this theory as an “objective truth” has been disproven over the last seventy years, it is the foundation (and for many researchers, the groundwork) for studies relating to how the media influences society’s beliefs in reality. Although it may seem “outdated” as a theory, it is fundamental in the field of mass communication, and thus is mentioned for this reasoning.

reproductive rights by examining the labels, diction<sup>5</sup>, and the framing devices. I examined national news archives and found a cluster of news stories that were published between July 7, 2013 and November 8, 2013 on the performance of surgical sterilizations<sup>6</sup> that occurred from 2006 through 2010 in two California state prisons for women<sup>7</sup>, Valley State and the California Institution for Women in Corona. I illustrate how even the smallest word choices (for example, pronouns) can influence how the women are represented. While my research is only a fraction of the research available that looks at how the media adds to the portrayal of, and helps shape the portrayal of, women who are incarcerated, I argue that through diction and, in particular the labels assigned to the women, the news media creates and reinforces a larger separation between women who are incarcerated and the general population.

How an idea, a person, or a group of people are represented within a society is not easily discerned. Even in the present day with the technological advantages of comparing multiple sources, perspectives, and media about a singular idea or news story, it is difficult. To observe how semiotics may influence culture and reality, one must take into consideration the varying media from

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<sup>5</sup> I am aware that diction is only one factor of newspaper articles. Other factors—such as grammar, nuances, and syntax—all play a role in how news media may be interpreted. However, these components are not discussed in the paper because they are outside the limitations of my research.

<sup>6</sup> I choose to use the word *sterilization* over *tubal ligation* in my research because the term sterilization is found more frequently in the articles being analyzed. The nine mass media articles reference *tubal ligations* 34 times and *sterilizations* 76 times.

<sup>7</sup>This paper focuses specifically on women because in the investigative report (as well as in two of the nine articles), it is stated that no records were found on the practice of sterilizations being performed in the California male prisons from 2006-2010 (Johnson).

which people receive information including: the radio, print, television, and the Internet.

In the last decade in the United States, the Internet has been the “go to” medium. According to research conducted by the Poynter Institute, television used to be the primary source for news, but today the Internet and television are about equal in viewership (“Pew: Half of Americans get news digitally, topping newspapers, radio”). Yet, regardless of what appears to be an even disbursement among media apparatuses, a crucial component of this statistic is that a large number of people under twenty-five (seventy percent) receive the news solely online. Thus, as time goes by, Internet news may become the leading source used to read news stories. Because news websites and web articles are becoming a growing principal source for the majority, and because my goal is to analyze how the media influences individuals’ and society’s views, I chose to examine online news.

Within the context of these online articles, I ask the following questions:

- How do these articles represent prisons, sterilization, and mothers in prison?
- What ideologies are embedded in these representations about prisoners, sterilization, and mothers?
- How do the ideologies surrounding the texts about prisons, sterilization, and women who are incarcerated inform and impact larger societal structures?



These questions can be viewed as layers within soil, or horizons (see Figure A.). The first question examines the “surface level,” and what this layer signifies may be more obvious and easier to discern. The remaining questions investigate the ideologies and their influence on larger societal structures “below the surface,” which are not as easily observed. All three questions share commonalities, but as the analysis descends, larger societal institutions are examined. The representations within the articles influence ideologies embedded in society, and those ideologies inform institutions. Thus, these questions emerge from, and inform on, various levels.

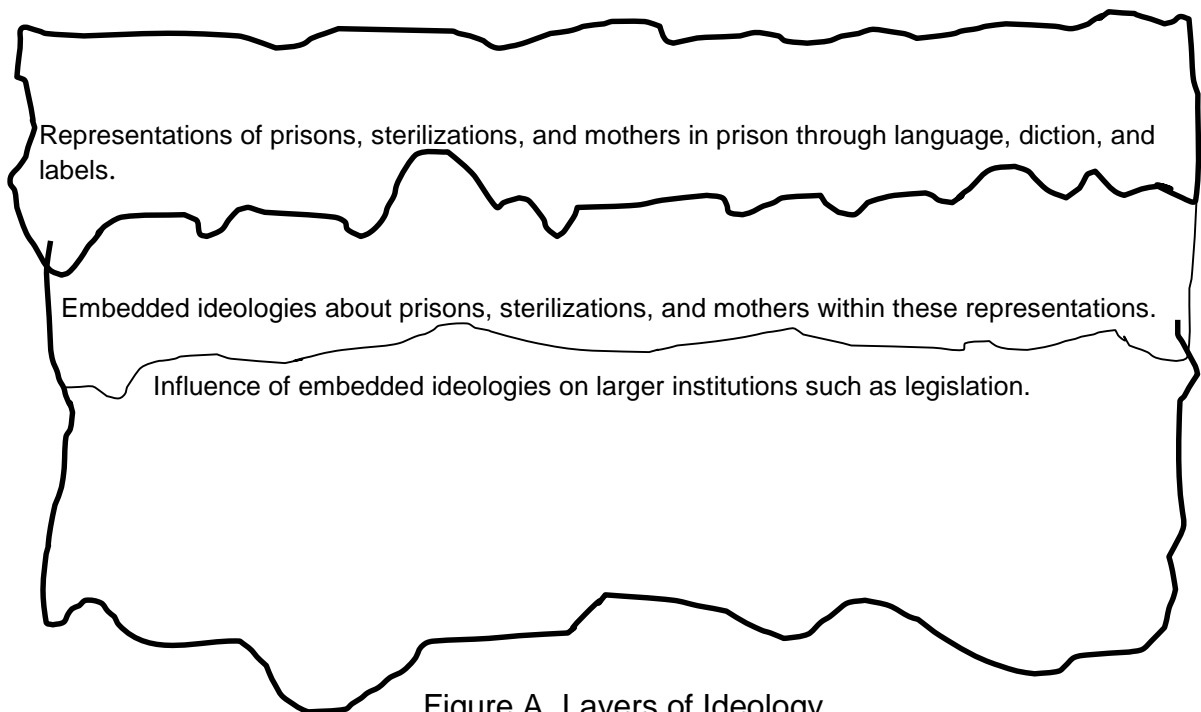


Figure A. Layers of Ideology

### *Online News Sources*

News from around the world is available through most computers and “smart”<sup>8</sup> devices, from countless sources, and obtainable almost anywhere. Based on a review of popular search engines (Google, Yahoo, and Bing), I searched for terms and phrases that could potentially be related to articles about sterilizations in California women’s prisons. Several of these phrases were found in the original article published about this investigation, “Female inmates sterilized in California without approval” by Corey Johnson<sup>9</sup>, or were slightly modified to find related words and terms that may have pertained to the same story (see table 1.1). I also activated a Google News Alert<sup>10</sup> from July of 2013 to the present date<sup>11</sup> to notify me of any news story containing those phrases. After searching through close to ten thousand results listed on search engine pages (many pertaining to the sterilization settlements in North Carolina<sup>12</sup>), blogs,

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<sup>8</sup> According to *The Collins Dictionary* a smart device is “An electronic device generally connected to other devices or networks via different protocols such as Bluetooth-NFC-WiFi-3G-etc. that can operate to some extent interactively and autonomously”. Examples of Smart Devices are tablets, many cell phones, Nook and other online reading devices, and laptops.

<sup>9</sup> This article is outlined and discussed in greater detail in the following chapters.

<sup>10</sup> A Google News Alert is a service offered by Google that automatically notifies a user when new content from news, web, blogs, etc., matches a set of search terms selected by the user that is then stored into their Google account.

<sup>11</sup> March 27, 2014.

<sup>12</sup> In the summer of 2013, North Carolina became the first state to begin financially compensating people who received a forced sterilization in the United States from 1927-1981 (when it was legal

YouTube postings, and re-postings of the original article from the *Center of Investigative Reporting*, I found approximately one hundred news articles written about sterilizations in California women's prisons performed from 2006 to 2010.

Table 1.1 *Words and Phrases used in Search Engines and Google Alerts* (in alphabetical order)

California law	California State prison(s)	California Welfare	Female inmate(s)	Female inmate(s) in California
Female inmates sterilized	Females in prison	Forced sterilization <sup>13</sup>	Minorities in prison	Prison conditions
Prisoner rights	Prisons and reproductive health	Sterilization	Sterilization in California prisons	Sterilization in prisons
Sterilized without approval	United States reproductive health	Voluntary sterilization	Women and prison	Women in prison

Since my emphasis is not limited to how *all types of online news media* shape representations of prisons, sterilizations, and women who are incarcerated, but to examine how *mass news media*<sup>14</sup> form these perceptions, I chose to focus on those news websites that a large number of Internet users employ on a regular basis as their primary news source. In order to best

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to do so). The state government set aside ten million dollars to pay the 2,500 people who were involuntarily sterilized in North Carolina. For more information, see *Against their Will: Sterilizations in North Carolina* (2014) by Kevin Bogos.

<sup>13</sup> Forced Sterilization, also known as compulsory sterilization or involuntary sterilizations, is when an institution (often a government system) removes the ability for an individual to reproduce. The reasons why an individual is chosen vary. This is done through some type of surgery on the reproductive system for women usually through a hysterectomy or tubal ligation, and for men usually through a vasectomy. To see more on this, please see: *A Tale of Two Villages* (2009) by Michael Nevins, *An Image of God: The Catholics Struggle with Eugenics* (2013), or *A Century of Eugenics in America* (2010) by Paul Lombardo.

<sup>14</sup> It is important to clarify the differences between “media” and “mass media”. According to the *Oxford Dictionary*, media is “the means of communications regarded collectively”, but “mass media” differs in the amount of people it is intended to reach (by definition larger audiences). Mass media is defined as “large-scale organizations which use one or more technologies to communicate with large numbers of people.”

ascertain how to evaluate the sources of online news, I used commercial traffic web data sites to determine the popularity of a website. These sites calculate the average monthly visitors to all Internet sites, and the numbers are updated continuously, some daily, and used to determine a website's ranking. According to a compilation by EbizMBA of the top three most popular commercial traffic web data sites<sup>15</sup>, the top fifteen news sites in the United States of America in descending order are: *Yahoo! News*, *The Huffington Post*, *CNN*, *Google News*, *The New York Times*, *Fox News*, *The Guardian*, *NBC News*, *Daily Mail (Mail Online)*, *USA Today*, *The Washington Post*, *The Wall Street Journal*, *BBC News*, *ABC News*, and *The Los Angeles Times* ("Top Fifteen Online News Sources in America"). These news sites are accessed by between 30 and 125 million visitors from the United States per month, with an average of two million visitors per website per day.

It is important to understand how large these numbers are when talking about how many American citizens visit these websites on a monthly basis. The largest website for news, *Yahoo!*, has an average of 125 million visitors in the United States every month. *The Los Angeles Times*, which is the lowest ranked online news source out of the top fifteen, averages 30 million visitors from the United States monthly. According to the United States Census Bureau, the U.S. population is 317.5 million ("World Population Counter<sup>16</sup>"). Taking into account

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<sup>15</sup>See Appendix A. Extra Tables A. 1 *Top Fifteen News Sources in America*

<sup>16</sup> U.S. population based on Census Statistics accessed on March 23, 2014 ("World Population Counter").

the many variables (repeat visitors<sup>17</sup>, the ability to visit the same source on multiple smart devices, the amount of people who are led to new sites through social media and who do not “seek out” mass media sources for news, etc.), one cannot just look at the number of *Yahoo! News* visitors and say that one in three Americans visit the site on a monthly basis (125/317.5). However, what these figures suggest is that articles posted on the top fifteen news websites are seen more frequently than any others online. Research shows that American Internet-users are creatures of habit. According to a review of data from Nielson and Pew statistics by David Tewksbery in “What do Americans Really want to Know? Tracking the behavior of News Readers on the Internet,” several studies have been conducted about Americans’ dedication to particular websites: “With millions of sites to choose from on the web, the average at-home Internet user goes online at least 22-times a month, but only visits about 48 different sites” (14). Tewksbery explains that the most popular websites receive somewhere between 14 and 63 percent of all users every month (14). If the average Internet user only looks at the same 48 sites a month, and the most popular sites have the vast majority of users, then consequently, a limited number of news sites may be seen or read at a high frequency.

I integrated information regarding the news viewing habits of America with the commercial traffic web sites’ quantitative data and my desire to look solely at

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<sup>17</sup> Repeat visitors means that one person may visit *Yahoo! News* once a day, every day, counting them as thirty visitors for the month according to these data sites since they can’t differentiate discrete viewers. According to Webdesign.com a repeat visitor is someone who “comes to your website more than once”.

mass media, which led me to analyze the articles published by the top fifteen news sites cited previously. I compiled a list of these news sites and found that nine of the fifteen had published one article each pertaining to the sterilizations in California prisons. The nine included: *The Huffington Post*, *Yahoo! News*, *The Guardian*, *Los Angeles Times*, *ABC News*, *The New York Times*, *Fox News*, *NBC News*, and *Mail Online (Daily Mail)*. No articles were published about the sterilizations in California by *CNN*, *BBC*, *The Wall Street Journal*, or *The Washington Post*. *Google*, although included in the top fifteen news sources, does not publish independent articles. Rather, Google provides sources for the stories, and therefore was not included in this study. *USA Today* developed a video about the sterilizations, but because I focus only on print articles, the video is not included in my analysis.

### **Outline of Analysis**

The analysis itself is separated into three chapters. For a better contextual understanding of the nine mass media articles, all three chapters include interspersed excerpts from “Female inmates sterilized in California prisons without approval,” by Corey Johnson. Johnson is an investigative reporter for the non-profit and independent news website, *Center for Investigative Reporting*, which is stationed in Sacramento, California. Johnson was the first journalist to publish his findings on the practice of the sterilizations on females in California prisons. His article, published on July 7, 2013, is credited as the original source in all nine of the news articles included in this study. Since “Female inmates

sterilized in California prisons without approval,” provides the root text utilized by the mass media news sites for their versions of the investigation, I use it in applicable parts of my analysis as background information and to contextualize the topics used in the mass news media articles and to show the topic’s origins.

Chapter Two entitled Diction: How Word Choices Influence, examines the word choices used in the mass media articles and how they may imply meaning for the reader. I began by examining the words used to describe how women were asked to receive sterilizations. In the next section, I analyze the words in the articles used to discuss the legality of the sterilizations. In both sections, I include the definition of the words found. Because most people use some type of dictionary to learn the denotation of a word—these definitions are provided to further explain how diction may convey a particular connotation that does not prioritize the women—and to show how the "average news reader" may understand the tone of the event because of the words used. The next chapter of my analysis entitled An Analysis of Markers- Labels Reflect Power, explores the semiotics used in the mass news media articles to brand the women. It is separated into two sections: one focuses on the label, “inmate,” and the images that reinforce that label and a second focuses on the use of pronouns as labels. Lastly, Chapter Four, Identifying the Event as Eugenics, discusses the use of the word, *eugenics*, as a framing mechanism.

I argue that diction choices made by certain mass news media articles water down the seriousness of the sterilizations. Furthermore, the repetition and

high frequency of branding (“inmate”) dehumanizes the women, and in turn decreases the significance of these events. Through their use of particular labels and word choices, some news media sources encourage readers to ignore larger issues. In other words, Americans may be being partially blinded to very real problems affecting women who are incarcerated because of how the mass news media frames them and the sterilizations; framing and emphasizing particular traits (such as being an “inmate”) while ignoring others not only contributes to the distortions the American public has about the prison system and those who have been affected by it, but continually reinforces these distortions.



## Chapter Two: Diction- How Word Choices Influence

In journalistic media, words, word clusters, and phrases are often the tools used in part to build representations and to reveal structures of power present within society. Thus, diction is vital to analyze because of how it may affect an audience. In *Language, Society, and Power*, Linda Thomas states that diction is essential to analyze when looking at how the news shapes information that is presented: “One of the most important and interesting aspects of the potential power of the media from a linguistic point of view is the way people and events get reported” (51). What Thomas calls linguistic point of view is what is known colloquially as “the style” or “filter” of how a story can be presented; depending on the words chosen by a storyteller, or in this case, a journalist, there can be a very different connotation provided. In “An Analysis on Syntactic and Semantic Factors Found in Newspaper Headlines,” Nania Tioni explains this idea:

In reporting news in the newspapers, journalists are free to use words and expressions, language style and linguistic structures. These differences in the linguistic choices, the language style and the linguistic structures lead to different versions and views of the same event in different newspapers. Therefore, people who read different newspapers about the same event will get different perceptions about the event, based on the journalists’ use of linguistic choices and linguistic structures. (50)

One can argue that a journalist’s perspective is limited; journalists have bosses and corporations to answer to, they are given specific information they must incorporate within the news story, and there could be underlying articles or

outside artistic influences molding the journalist's ideas. However, Tioni's argument makes a vital contribution to questions about diction choices in the news: journalists *do* get to choose what words they use to describe the "who/what/when/where" of a situation.

I examined the interconnectivity between language choice and inferred connotation by reviewing singular word choices as well as the word clusters used by the mass media news in each article. In the following section, "Coerced, Forced, Pressured, or Tricked," I categorize verbs used to describe the process by which the women were asked to receive sterilizations. In the section entitled "Illegal, Unauthorized, or a Violation," I analyze words used to describe the legal status of the sterilizations. As mentioned in the introduction, both sections cite dictionary definitions of the words being analyzed. This is done in order to show differences in words choices and to highlight the connotations or tones expressed with each word.

### **Coerced, Forced, Pressured, or Tricked**

In the articles about the California women's prison sterilizations, all nine of the mass media news sources use a word to describe how the women were presented with the option of sterilization. In the original article, Johnson uses the verb *coerced* to convey how the women were informed: "Former inmates and prisoner advocates maintain that prison medical staff coerced the women, targeting those deemed likely to return to prison in the future." While some of the articles parallel Johnson and use *coerce*, a total of four verbs are used in all and are listed in Table 2.1. All four of the words (*coerced, forced, pressured, tricked*)

are used to describe the circumstances under which the women received sterilizations, and all four contain different undertones. I offer an extended analysis of these words to show how word choices create a quality of seriousness or severity regarding the events that happened. *Coerce* means to “persuade (an unwilling person) to do something by using force or threats: obtaining (something) by using force or threats” (*Oxford Dictionary*). *Force* means “obtained or imposed by coercion or physical power” (*Oxford Dictionary*). *Pressured* is defined as “the use of persuasion, influence, or intimidation to make someone do something” (*Oxford Dictionary*). Lastly, *Trick* is “a cunning or skillful act or scheme intended to deceive or outwit someone: a mischievous joke” (*Oxford Dictionary*). As the definitions illustrate, the words *coerced* and *forced* share similar attributes— each word is found in the other’s definition, and both reference an exhortation of power or authority used to gain something from another individual. An example of the use of the word *coerce* occurs in *Yahoo! News*: “some women who underwent the procedure say they felt coerced into having a tubal ligation while incarcerated” (Abby Ohlheiser).

Table 2.1 *Words used to Describe how Women were Asked to Receive Sterilizations.*

Word Chosen	Number of times used	Location:
Pressure(d)/Pressuring	17	<i>Yahoo! News</i> (three times), <i>New York Times</i> , <i>Fox News</i> (three times), <i>The Guardian</i> , <i>NBC News</i> (two times), <i>Daily Mail</i> (three times), <i>ABC News</i> , <i>The Los Angeles Times</i> (three times)
Coerce(d)	8	<i>New York Times</i> , <i>Yahoo! News</i> , <i>The Guardian</i> , <i>NBC News</i> , <i>Daily Mail</i> (two times), <i>ABC News</i> , and <i>The Los Angeles Times</i>
Force(d)/ Forcing	5	<i>Yahoo! News</i> (three times), <i>The Huffington Post</i> , <i>The Guardian</i>
Tricked (4)	4	<i>Fox News</i> (three times) and <i>The Los Angeles Times</i>

The word *pressure* is similar to the terms *coerce* and *force*. For instance, its definition implies that “pressuring” may happen through a form of intimidation. An example occurs in *The Los Angeles Times* article by Patrick McGreevy: “some women told *The Times* they felt pressured or misled into giving consent.” Yet, unlike the definitions of the words *coerce* and *force*, *pressure* does not convey the performance of an action based on mechanisms of power. Both

coerce and force imply there is some might, physical or otherwise, but this same might is not implied in the word *pressured*.

The word least like the other three in connotation is *tricked*, which implies that what occurred is not based on an act of dominance or aggressive behavior, but rather a deception or even light-heartedness. Two of the nine news articles used the word *tricked* to describe how the women were influenced prior to receiving the sterilizations. *Fox News* used the word *tricked* to describe how the sterilizations occurred: “there are now allegations that the women were tricked” (“Calif. officials demand answers” July 13, 2013). From a linguistic point of view, this usage could alter how the story is presented and perceived. Additionally, the word *tricked* suggests an intellectual separation between the deceivers and the deceived, making the action that was performed not one of force, but rather one of intelligence.

### **Illegal, Unauthorized, or a Violation**

Media have multiple purposes, including prioritizing events for their readers. In *Media Effects: Advances in Theory and Research*, Malcom McCombs argues this prioritization has a lot to do with how an article is framed: “After decades of exploring cognitive, long-term implications of daily journalism, researchers have discovered that media audiences not only learn actual information from exposure to news, but that people also learn about the importance of topics in the news based on how the news media emphasizes those topics” (2). McCombs’s argument is similar to Tioni’s and Thomas’s: news

media have the ability to shape perceptions for their readers. However, McCombs's argument extends this idea by stating that words not only shape perceptions, but, frame whether or not a story should be seen as important or not. Consequently, how the sterilization and the law are talked about or framed by the news media plays into this argument. Whether a happenstance is characterized as legal or illegal can convey whether an event should be considered a priority or not. In the following section, I further illustrate how diction affects the reading audience and how words shape prioritizations for a reader, by examining how the legality of these sterilizations is discussed in the mass news media articles. Interrogating how the law is discussed is also important because of Johnson's emphasis on lawfulness in his original article.

Although the law is discussed in all four sections of his article, Johnson uses a section titled "Seeking Patient Consent," in addition to the introduction of his article, to discuss the legality of the sterilizations. In his introduction, he establishes a foundation for questioning the legality of the latest sterilization practices in prisons (2006-2010) by talking to state representatives about state sterilization laws. He cites fund disbursements as well as the process by which prisoners receives sterilization: "Federal and state laws ban inmate sterilizations if federal funds are used, reflecting concerns that prisoners might feel pressured to comply. California used state funds instead, but since 1994, the procedure has required approval from top medical officials in Sacramento on a case-by-case basis." By including the time stamp (1994), Johnson emphasizes it has been almost twenty years since the state capital has placed a prerequisite of

committee board approval for sterilization surgeries. He then re-emphasizes this prerequisite by talking to officials from Sacramento. The individual who has been tracking medical services and costs for the California Prison Health Care Receivership Corp. since 2008, Dr. Ricki Barnett, reported that no requests were brought to the health care committee.

In the section, “Seeking Patient Consent,” Johnson provides readers with an overview of the variances of the law, and explains how acts pertaining to sterilization have changed: “Lawsuits, a U.S. Supreme Court ruling and public outrage over eugenics and similar sterilization abuses in Alabama and New York spawned new requirements in the 1970s for doctors to fully inform patients. Since then, it’s been illegal to pressure anyone to be sterilized or ask for consent during labor or childbirth.” Though there have been modifications in regulations in the last forty years<sup>18</sup>, including the illegality of asking a person to receive a sterilization during labor<sup>19</sup>, Johnson’s final interview with a woman who was once incarcerated at Valley State, Kimberly Jeffrey, appears to contravene said laws.

In Johnson’s article, the legality of the sterilizations is discussed among experts, the state prison staff, and state representatives. Dorothy Roberts, University of Pennsylvania law professor and expert on sterilization, told Johnson that the Supreme Court decided women are not allowed to make decisions during labor due to the pain levels; she also said that if sterilizations took place in

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<sup>18</sup> For more on these modifications in the law, please see the following court cases: *Tennessee v. Lane*, *Board of Trustees of University of Alabama v. Garrett*, and *City of Akron v. Akron Center for Reproductive Health, Inc.*

<sup>19</sup> See above.

federal prison, they would be considered illegal. Johnson cites several quotations, laws, and diction choices to discuss the legality of the sterilizations: in total he uses “against the law” twice, “illegal” twice, and “unauthorized” once to describe the procedures.

Although not equal in frequency, the journalists in the nine mass media articles also discuss the laws surrounding and pertaining to the sterilizations. In order to verify that I examined all of the legal references, I made a note every time I saw a word or word cluster that related to the law in general. In the nine articles there were six phrases used: “illegal(ly),” “broke the law,” “against the law,” “erodes the ban,” “unauthorized,” and “violates/violate/violating/violated.” Table 2.2 shows where these words and clusters were located in the text, and how frequently they were used<sup>20</sup>. I looked up the definitions of words on the chart in order to see how they express the legality of the sterilizations to the reader. After considering the definitions from both *The Oxford Dictionary* and *Black’s Law Dictionary*, I separated the words and phrases into the following four sections: “Illegally/ broke the law/ against the law,” “erodes the ban on eugenics,” “violate(s)/violated/violating/violation,” and “unauthorized.” These sections were created to cluster synonymous words and phrases together.

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<sup>20</sup> In order to find words and word clusters as they appeared in the news articles, I used a program called Antconc, a digital “multiple- platform Corpus Analysis Toolkit” (“Antconc Homepage”).



Table 2.2 Words found Relating to Legality in Mass Media Articles

Words	Number of Times	Source	Context
Broke the law	1	<i>The Los Angeles Times</i>	<i>The Los Angeles Times</i> uses "broke the law" once in the title of the article, "Female inmate surgery broke Law"
Illegal(ly)	2	<i>Yahoo! News</i> <i>ABC News</i>	<i>Yahoo! News</i> uses the word in their article title "California Prisons Were Illegally Sterilizing Female Inmates"
Against the law	2	<i>Yahoo! News</i>	* <i>Yahoo! News</i> uses "against the law" to state how long it has been illegal to forcefully sterilize people in California.  * <i>Yahoo! News</i> uses "against the law" in reference to the illegality of asking a woman if she wants to receive sterilization during labor
Erodes the ban on eugenics	3	<i>Fox News, NBC News, and The Los Angeles Times</i>	All three use it in reference to Senator Ted Lieu's quotation: "Pressuring a vulnerable population – including at least one documented instance of a patient under sedation, to undergo these extreme procedures erodes the ban on eugenics."
Violate(s)/violated/ violating/ violation	10	<i>Yahoo! News</i> <i>Huffington Post</i> (2) <i>New York Times</i> <i>NBC News</i> (4) <i>Los Angeles Times</i> (2)	All ten are in reference to some legal phrasing or rights: **"in violation of state law" **"violation of state and federal laws" **"violation of rights" **"violation of Eighth amendment" **"violated state law" * "violation of state rules" **"violates California State laws" **"violates Constitutional protections against cruel and unusual punishment" **"clear violation of state law" **"practice violates constitutional protections against cruel and unusual punishment".
Unauthorized	10	<i>Huffington Post</i> (2) <i>Fox News</i> (3) <i>NBC News</i> (4) <i>Los Angeles Times</i>	All ten references are found before phrases referring to the sterilizations: **"unauthorized sterilizations"(2) **"unauthorized female sterilization (2) **"unauthorized and unnecessary sterilizations" **"unauthorized surgeries" **"unauthorized tubal ligations" (2)

*Illegally, Broke the Law, or Against the Law*

The word *illegally* is found twice in the compiled 7037 word count of all nine articles; it is found in two of the nine articles and only occurs at one-fifth of the rate the words *violates* and *unauthorized* do. Although Johnson uses it, a potential reason for this difference is the weight the word *illegal* holds in comparison to weaker words such as *violates*. According to *The Oxford Dictionary*, the word *illegally* is the adjective form of “illegal,” and means “contrary to or forbidden by law, especially criminal law,” and dates back to the seventeenth century French word, *illegalis*. *Black’s Law Dictionary* has a similar definition, but provides a more expansive definition:

Not authorized by law; Illicit; unlawful; contrary to law. Sometimes this term means merely that which lacks authority of or support from law; but more frequently it imports a violation. Etymologically, the word seems to convey the negative meaning only. But in ordinary use it has a severer, stronger signification; the idea of censure or condemnation for breaking law is usually presented. (9ed)

In both definitions there is a transparent indication that when something is deemed “illegal” it goes against the law: words such as “forbidden,” “illicit,” and “unlawful” are used to convey the seriousness of an action. In addition, “illegal” as a term also infers a black and white, or binary ideal about an action. Either the act was legal, and within the statutes of a particular location or authority, or it was illegal. Similar to the term *illegal*, both *broke the law* and *against the law* (as

seen in *Black's* definition) are idioms that express comparable ideas in colloquial American phrasing. While “broke the law” and “against the law” do not use the word *illegal*, it is implied from the context.

### *Erodes the ban on eugenics*

Another quotation used in reference to the law occurs in three of the nine articles and is taken from a letter by the Women’s Caucus in California<sup>21</sup>. Written to the federal receiver’s office for the California prison system, the Women’s Caucus wrote: “Pressuring a vulnerable population — including at least one documented instance of a patient under sedation — to undergo these extreme procedures erodes the ban on eugenics.” When looking at the quotation in context, it can be inferred that the events that happened violated the statutes put in place to protect individuals from eugenic practices. Because “erodes the ban on eugenics” is a phrase and not a singular word, I examined how the key words in the phrase convey meaning. According to *The Oxford Dictionary*, the word *erodes* means to “gradually wear away,” and the word *ban* is “officially or legally prohibited.” The words *erodes* and *bans* when they are placed together imply: the gradual wearing away of something that is either officially or legally prohibited. To infer that something happens gradually implies less of an illegal or legal binary. Concurrently, to say something “erodes” implies a slow process, or a removal bit by bit, as if the sterilizations were acts that wore away the orders against these

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<sup>21</sup> The letter is written from the Women’s Caucus in California to the Medical Receivers office of the California Prison System, and was written to call for an investigation on the sterilizations. To see the letter in its entirety, please see <https://www.documentcloud.org/documents/725563-07-10-13-lieu-to-sharon-levine.html>

practices. Thus, an ambiguity is created for readers because something cannot be illicit or unlawful if it happens little by little.

### *Violate(s)/Violated/Violating/Violation*

A derivative of the word *violate* is found in five of the nine articles and is one of the two most common terms used by journalists to describe the legality of the sterilizations. Five out of ten times, the word *violate* was found clustered with the word *law*; for example, “in violation of state law,” “violation of state and federal laws,” “violated state law,” “clear violation of state law,” and “violates California state law.” The other five mentions relate to the law or governing statute terms, and therefore were included in the count as well: “violation of rights,” “violation of Eighth amendment,” “violation of state rules,” “violates Constitutional protections against cruel and unusual punishment,” and “practice violates constitutional protections against cruel and unusual punishment.” Use of the word *violate* is less potent than the word *illegal*. *The Oxford Dictionary* defines “violate” as, “a break or failure to comply with a rule or formal agreement.” *The Black’s Law Dictionary* defines the word similarly: “Injury; Infringement; breach of right or duty.” Neither definition mentions the word *law* directly. Neither are defined in their relationship to the law, but rather a break or failure to comply with a rule, which is softer than law breaking.

### *Unauthorized*

The word *unauthorized* is used as an adjective to describe the types of sterilizations performed. This word is found at the same frequency as the word

*violated* (ten times). *The Oxford Dictionary* defines “unauthorized” as “not having official permission or approval.” There is no legal definition of “unauthorized” in *Black’s Law Dictionary*, but there is a definition for “authorized”: “how a party is verified when they start a transaction; an agreement between two or more persons” (9ed). Inference of this word is *there was an ability to receive approval or authorization, but it was not received*. By stating something was “unauthorized” as opposed to being illegal or one of the other words chosen, pliability is implied. If something is not authorized, then it occurred without approval from a person or group in authority. A different idea about the gravity of these sterilizations can be construed to the readers when “unauthorized” is the word choice.

## **Conclusion**

Research suggests that there is a connection between what occurs in the justice system and the news media’s portrayal of events. In *Paradise Lost: Media in (In)Justice and (In)Justice in Media*, Emily Battersby, a law professor who focuses on media studies, describes this connection as a loop:

Because popular culture influences the public's perception of our justice system, and because politicians strive to support their constituents' opinions, the ideals and theories set forth by media may be introduced into our legal institutions. Although this chain of inference may have its strengths and weaknesses, depending on the precise principle at issue, it is clear that popular culture affects legal institutions. (33)

As Battersby states, the public's opinion about a topic is often shaped by popular culture, which is then influenced by the media, and because most elected officials seek the support of the majority, these factors can create a three sided see-saw between the public, the media, and political influence. Katrin Voltmer in *Public Policy and Mass Media* explains the back-and-forth relationship: "Adapting to the priorities of the media is therefore a strategy to respond to what are believed to be the demands and preferences of the electorate... policymakers and journalists are continuously engaged in an exchange of information where it becomes impossible to know who is influencing whom" (6). Voltmer argues if something is viewed as important to either the media or the public, it is therefore important to those who make and regulate laws. The give-and-take between the media and political parties determines what *is* prioritized, or what *should be* prioritized.

Just because a story is published by mass media news sources does not necessarily mean it is going to be prioritized. As both Voltmer and Battersby argue, the media and state mutually influence each other. Yet, if the media have the ability to influence the public and policy makers, and the three are interconnected, then *how* stories are told impacts society. Thus, the words chosen can influence the importance placed on an event by the public and legislators. The diction used by the mass news media to discuss the sterilizations can convey whether or not the public, and in turn legislators, should be concerned about the practice of such sterilizations: how, on whom, and that they did occur.

### Chapter Three: An Analysis of Markers- Labels Reflect Power

This chapter, like chapter Two, examines how the diction employed by the mass news media articles convey specific tones about the women who are incarcerated and the sterilizations that were performed. However, this chapter concentrates explicitly on the verbal and visual labels used to portray the women. Labels are an excellent source of information because they often reveal how the speaker perceives “things to be.” Joy Moncrieffe in *The Power of Labeling: How People are Categorized and Why It Matters*, argues that labels are important because they are such a commonality and they create the world around us: “Labels impose boundaries and define categories. They are a means to construct our social world; to define norms in relation to others who bear similar or different labels” (1). In other words, the power of labels is immense because not only do labels enable the mind to create different classifications and compartmentalizations, they also impact one's own self-perception and how one relates to, or distances oneself, from others.

In order to analyze the labels applied to the women in these articles, I compiled a list of labels found in all nine articles. This list consists of those labels used by journalists, how the women refer to “one’s self”<sup>22</sup>, and how those interviewed in the articles referred to the women. For example, if a senator or a staff member from the prison said something about the women and used a label, I included their label in my count. In one instance, Dr. Heinrich (former

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<sup>22</sup> “One’s self” is in reference to how the women who were once incarcerated refer to themselves.

gynecologist at Valley State prison) refers to the women as “they.”<sup>23</sup> Because the word *they* is a label used to talk about the women, it is a marker. Throughout the articles, there are six specific labels used to identify the women discussed: *inmate(s)*, *prisoner(s)*, *female(s)*, *woman/women*, *mother*, and *they* (see Table 3.1). As the table indicates, the women were primarily classified as “inmates” (54 times), and were referred to as “inmates” almost eighteen times more than they were referred to as “mothers.”

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<sup>23</sup>This label is discussed in further detail later in this chapter.



Table 3.1 *Labels Provided for Women in the Mass News Media Articles*

Words used as labels	Number of times found in articles	Exceptions/notes
Inmate(s)	54	
Woman/Women	39	
Prisoner	28	
Female	7	
They	7	"They" refers to the women in a quotation by Dr. Heinrich that was included in seven of the nine articles
Mother(s)	3	2 as "bad mother"  1 in the title of an article, "Mother tells how she was strapped down while prison doctors persuaded her to be sterilized as it emerges nearly 250 California inmates were 'pressured' into the surgery".

The focus of each of these articles is the reproductive rights of the women, and Corey Johnson's article makes several references to the women as mothers. In his introduction, Johnson states that the women who were asked to receive sterilization were currently pregnant. Johnson also included information from previous medical staff stating that the sterilizations were offered as a form of preventive care: "Heinrich (the former gynecologist at Valley state prison) said that he provided an important service to poor women who faced health risks in

future pregnancies because of past cesarean sections.” Three out of four of the women who are interviewed by Johnson tell stories about being asked to receive sterilization *while* pregnant. The fourth, Crystal Nguyen, worked in the infirmary in 2007 while she was in prison and told Johnson she habitually overheard pregnant women who were serving multiple sentences being asked by medical prison staff to “agree to be sterilized.” Not only does Johnson include information from previous prisoners and medical staff, but he concludes his section entitled, “Risk Factors,” with the opinions Dr. Carolyn Sufrin, a gynecologist at San Francisco General Hospital who is also a professor at the University of California San Francisco. As Johnson states: “[Sufrin] said it is not common practice to offer sterilizations to women who’ve had one C-section. She confirmed that having multiple C-sections increases the risk of complications, but even then, she said, it’s more appropriate to offer women reversible means of birth control, like intrauterine devices or implants” (“Female inmates sterilized in California”). In addition to providing information about what most doctors suggest women use for contraception after cesareans, Sufrin states there is not a blanket approach to how cesareans are handled—all of them are different—and some people never have any problems at all with future pregnancies.

From the first paragraph to the last section, Johnson emphasizes that the women who received the sterilizations were pregnant at the time they were asked. Yet, the mass news media articles never mention or discuss these women as *mothers*. Using the words *they* and *inmate* over an empathetic,

relatable word like “mother” or “mom” may enable readers to create an “us” versus “them” mentality. Peter Sussman suggests this habit is commonly used in news media when discussing people who have been convicted: “Prison stereotypes remove all nuance[s] from prison and prisoners, underscoring the comforting notion that ‘we’ have nothing in common with ‘them’” (273). In turn, the repetition of particular words reminds readers over and over again who was sterilized—it was not someone like the 85.4 million mothers (U.S. Census 2010) in the United States but rather, “inmates” had this surgery and their reproductive abilities permanently removed.

I am not arguing that these women should be referred to primarily as mothers. They were, are, or could possibly again, be inmates. In the future, anyone could be an inmate. It is not the label “inmate” that is noteworthy, but rather the frequency with which it is used over other words, especially because *all* of the women discussed were mothers<sup>24</sup>. When labeled primarily as inmates, these women inhabit a stigmatized realm. Erving Goffman, a sociologist who uses labeling theory defines *stigma* as, “The phenomenon whereby an individual with an attribute is deeply discredited by his/her society, and is rejected as a result of the attribute. Stigma is a process by which the reaction of others spoils normal identity” (*Stigma and Social Identity* 3). Goffman argues stigmatization degrades the person due to the label becoming the sole defining trait. Goffman notes that anything such as imprisonment, alcoholism, or mental defects are

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<sup>24</sup> To see more on the labeling of people who are incarcerated, please see *Invisible Punishment* by Peter Sussman or *Images that Injure* by Susan Dente-Ross.

categorized as “blemishes of the character” and are thus perceived as negative within a society (2).

When stigma is used to create a separation between “us” and “them,” less of a concern is made for the “other’s” regard. For example, referring to someone as an “inmate” might cause the reader to trivialize what occurred. Moncrieffe uses Goffman’s stigmatization theory (from labeling theory) to explain how the words one utilizes creates this possibility:

Labels that have the power to stigmatize are propped up by discourses (Goffman’s stigma theory) that dehumanize and discriminate, and that explain the labelled group’s inferiority in terms such as inherent/essential biological differences, status/breeding or just reward for prior action.

Stigma theories can be used in ways that generate fear ....Stigma theories often give license to rights abuses. Persons considered ‘not quite human’ can suffer physical and psychological torture, seemingly without recourse...There is ample evidence that the alienation, forced exclusion, poverty and the techniques learnt for survival...substantially increase the opportunities for ‘anti-social’ behaviours. These behaviours are, in turn, taken as justification (prime proof that the labels are not misplaced) for the categories and the labels. (90)

Of particular significance are Moncrieffe's remarks about the labels' effects on both those doing the labeling and those who are labeled. The use of certain

words with negative connotations influences how the stigmatized person is perceived, and, by implication, has an immediate two-fold effect: one, the person may no longer be seen as completely human, emotionally and physically, and two, and perhaps even more important, the label provides an implied “license” to treat the stigmatized person as less than human. Moncrieffe also argues the treatment that one receives for his/her stigmatization can cause them to take on the depiction of the outcast stereotype. This theory is known as a “self-fulfilling prophecy<sup>25</sup>”, and reemphasizes this label placed upon them. Self-fulfilling prophecy is an idea that dates back to Greek literature, but was coined as a sociological term to define the idea that what a culture believes is true of a person’s characteristics—can actually become true—because the person believes it to be a true fact about one’s self. An example of self-fulfilling prophecy can be found in the “exceptions/notes” portion of the label, *mother*. The word was only found three times in the articles, and two of these mentions were located next to the word *bad*. This label of “bad mother” comes from a quotation from one of the previously incarcerated women, Christina Cordero, in reference to herself.

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<sup>25</sup> Please see Robert K. Murton’s *Social Theory and Social Structures* for more information on the theory of self-fulfilling prophecy.

## **An Analysis of the Media Images of Sterilized Women**

The reminder that these women are "inmates" first and foremost is further emphasized by the photographs that accompany the articles. In *Rhetoric in Popular Culture*, Barry Brummett argues it is important to examine how pictures influence an audience:

*Images, like language, have a structure—they appear in contexts—and they must be interpreted so as to extract meaning from them. Images, like verbal utterances, are focal points for the attribution of meaning. Images can also be constructed, as is the case with any text, to encourage certain attributions of meaning and discourage others...But overall, images are relatively more ambiguous than language. This ambiguity can be a resource for rhetoric in the hands of a skillful persuader...What is key in visual images, if they are found alone in texts, is that they must be structured to influence viewers' attributions of meaning. (167-168)*

Brummett argues that analyzing pictures and images can be more complex than deconstructing the words on the page, yet they are key tools in the art of persuasion and in determining the meaning of a text. Furthermore, pictures, like words, are culturally specific and indicate particular ideas attributed to the society in which one lives. Charles Kostelnick and Michael Hassett in *Shaping Informations: The Rhetoric of Visual Conventions*, state that like users of spoken dialects, users of visual language (pictures) are members of discourse

communities that share similar experiences, needs, and expectations (24).

The visual language presented in the majority of the sterilization articles is an aesthetic reminder that these women are seen not as mothers or as citizens, but as inmates.

My strategy in categorizing the photographs is influenced by Roland Barthes's analysis of photography in *Camera Lucida* (1980). According to Barthes, there are three levels of meaning a viewer receives from a photograph: the studium (what the photo obviously/directly communicates), the punctum (which consists of the less apparent traits of a photograph and is usually presented by the symbolic level of the photograph), and the symbolic meaning (a subcategory of the punctum pertaining to how the photo is understood culturally via the images and symbols within it) (26-27). Because the photographs relay multilayered messages depending on the studium, punctum, and their symbolic meaning, I categorized the photographs by their obvious meaning as well as by what their meaning may symbolize. However, because there were so few photographs (five out of the nine articles included images, and there were seven images in total—three in one article and one each in four articles), I chose to group them into two specific categories; one that relates to non-prison imagery (Figure B) and one that pertains to prison imagery (Figures C-H). Most of the articles included one image that was located at the top of the article. These articles displayed the photographs after the title and prior to the body of the text. One of the articles (from *The Daily Mail*) had one picture of Kimberly Jeffrey with

her son, Noel, taken from the original *Center for Investigative Reporting* article the photograph was located between the title and the body of the text, and two prison images were located after the body of the text.



Figure B. Kimberly Jeffrey and her son, Noel. Courtesy of *Center of Investigative Reporting* article, reprinted in *The Daily Mail*.

The photograph of Kimberly Jeffrey and her son draws a studium that reminds viewers of motherhood and maternity. Ideas surrounding what “makes” a mother occur everywhere in popular culture. In “Concepts of Motherhood,” Suzan Lewis argues that in American collective culture, the defining traits of a mother are clear to the public, because what defines motherhood is absorbed by a public viewer on a constant basis. “Images of motherhood are all around us,” she observes, “in the media, psychological and medical texts, childcare manuals, feminist texts, biographies and autobiographies. These portrayals of motherhood communicate ideals and stereotypes” (32). The photograph of Kimberly Jeffrey



presents her first and foremost as a mother: she is holding her child in close physical contact and she is smiling. Stereotypical maternal traits are reinforced in the photograph.

The majority of the pictures included in the articles portray a studium of prison life. The images in the photographs connect the reader with imagery that narrates Western imprisonment: jail cells(Figure C), prison bars(Figure D and E), security watch towers (Figure D) , pictures of men who are incarcerated taken through bar cells (Figure E), barbed wire fences (Figure D), bird's eye views of prisons (Figure F), a prison courtyard (Figure G), and a dining hall (Figure H) . These pictures, like the verbal language of the articles, confirm these women are inmates before all other labels.



Figure C. Jail Cell courtesy of *ABC News*



Figure D. Security Prison Watch Tower, courtesy of *Yahoo! News*



Figure E. Picture of Men through Prison Cell. Courtesy of *The New York Times*

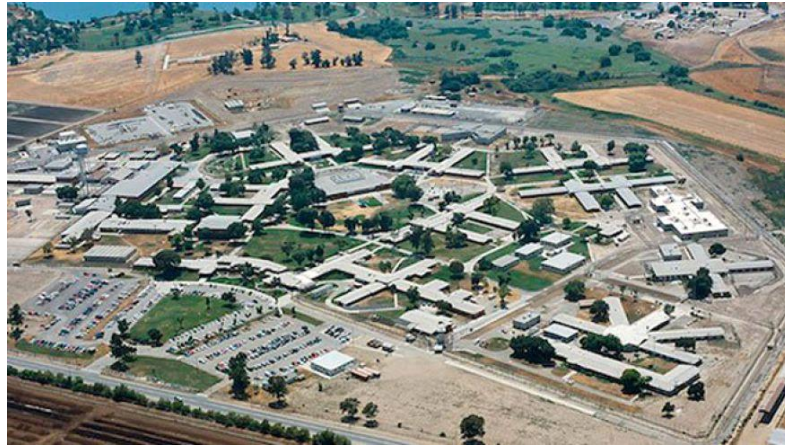


Figure F. Bird's Eye View of Prison. Courtesy *Fox News*.



Figure G. A Prison Courtyard. Courtesy of *The Daily Mail*.



Figure H. A Prison Dining Hall. Courtesy of *The Daily Mail*.

Gary Thompson explores the significance of this kind of visual rhetoric in *Rhetoric and Media*: “Long ago we began to look at the world through pictures—each of us as individuals, and cultures as well—so long ago that it’s easy to forget that pictures are only a *pictured* reality, and that other pictures are possible” (292). These photographs were not accidentally chosen for the articles, but were consciously paired with them to communicate a reality. Thompson argues that images are used conjunctively with language to direct viewers where to look and what to look for, and although the image is not the thing itself, it is a representation of whatever thing is being portrayed (294). The visual impact of photographs of prison bars and jail cells influences and reinforces a one-dimensional perception of the subjects.

Cultural and societal environments create and enforce particular ideas about all images and words. With an inability to come to photographs with a *tabula rasa*, it can be helpful to examine the contextual meaning of the symbols in a picture. Barthes argues that the studium of a photograph can be veiled, and therefore one must look beyond it to the punctum and symbolic levels of what the photograph presents (28). The symbols of a photograph, or rather their semiotics, may portray the priorities and biases of the journalist and consequently of the article itself. Thompson stresses that visual media is always involved in some level of influence because, “even when the most exacting professional canons of objectivity are observed, there is necessarily some selection going on in what is presented, and what is selected *in* means that

something else is selected *out*" (300). Thus one must look not only at what is being shown by the photograph, but what is being *said* through the photograph.

The symbols in these photographs portray certain ideas to readers. To know what they are, it is helpful to examine the stereotypes of the inmate image in American society. Before going into the description of common criminal molds in Western society, Dennis Chapman in *Sociology and the Stereotypes of the Criminal* argues that the media have a special Antaeus/Gaia symbiotic relationship with regard to how the collective consciousness thinks of the individuals in the prison population (48). According to Chapman, it is almost solely the ability of the media to change how the general public thinks of people who have been incarcerated (48). However, while the media continue discourse on what ideological concepts depict the stereotype of the criminal, Chapman argues the stereotyping of prisoners resurfaces in media discourse frequently, and the factual information tends to be ignored. Chapman states that even researchers have to be careful of using his/her own ideological backing to stereotype criminals- these stereotypes include: hyper-sexualization or promiscuity of the person, aggression, violence, deviance, and application of The Poor Law (*Sociology and the Stereotypes of the Criminal*). The Poor Law is a theory Chapman borrows from Barbara Wootton, who suggests that the media expresses the common American view of those who are poor, are poor by choice. Additionally, those who are poor will only suffer in the long run if they receive assistance because the assistance will simply make them lazy, and in turn, enable them to procreate more and create another generation of poor

sluggish people looking to live off of welfare (7). Combining these stereotypes creates the image of how America sees a typical convicted felon: a violent, over-sexual person who is destructive in nature and is also of lower economic status, as well as someone just reaching for a handout. Hence, when the majority of media representations utilize a visual punctum of the prison variety (prison bars, jail cells, barbed wire fences, etc.), the photographs render the women as inmates first and foremost.

### **Verbal Labeling: Pronoun use in the Heinrich Quotations**

To understand the ongoing marginalization created in the articles, it is relevant to look at the most often-cited quotation from the original Johnson article. There are seventeen quotations in the original article including those from: who were incarcerated and received/were asked to receive sterilization; several representatives from the state; experts on varied subjects; and, from previous medical staff of Valley State and Corona Prisons. Dr. Heinrich, a previous staff member at Valley State, is cited on three separate occasions in Johnson's article. He is cited in seven of the nine articles— making it the most used from the original investigative report. One of Heinrich's statements mentioned above is included again here in its entirety: "Over a 10-year period, that isn't a huge amount of money, compared to what you save in welfare paying for these unwanted children – as they procreated more."

Aside from how often it is used, what also is linguistically fascinating about Heinrich's quotation is the use of pronouns. In the quotation given, there is no

noun—just an inference of the women from the word *they*. this repetition could create a sense of segregation—not only by Heinrich, the speaker, but also by the journalists, who reuse the quotation. This exclusion is known as “group categorization” in social psychology: the act of “including” some while “excluding” others, a practice that involves the ability to find comfort and belonging in some sort of group infrastructure by creating borders. Marie Gustafsson Senden in “Selection Bias in Choice of Words: Evaluations of ‘I’ and ‘We’ Differ between Contexts, but ‘They’ Are Always Worse,” argues that this inclusion/exclusion of a person or group is often exemplified by the use of language, specifically the pronouns used to talk about “them”: “evaluative differences between social categories are expressed not only when specific groups or identities are described or compared but that ‘they’ may occur also as a general selection bias in self-generated verbal messages” (50). By identifying itself as “we,” or “us,” a social group creates a binary division between an implied “us” and a stated “they.”

Similarly, in his argument about how pronouns structure the ideas of groups of people or individuals “Us and them: Social categorization and the process of intergroup bias,” Charles Perdue investigates associations with personal inclusive pronouns and language patterns. He found that giving subliminal presentations of phrases that included words like *we* and *us*, there were increased positive judgments of non-sense syllables, and decreased reaction times to positive trait adjectives. But the complete opposite effects—a strong negative reaction— was found for the same presentations of the words

*they* and *their* (79). Furthermore, pronoun usage can also inform an individual of what “side” one should be on in an argument. Jarred Kenworthy and Norman Miller in their “Attributional Biases About the Origins of Attitudes: Externality, Emotionality, and Rationality,” concluded that based on their 2002 research, it was much more likely for an individual to agree with the opinions and attitudes of another individual perceived as sharing similar self/inter-groups; these connections are revealed in the studies of individual linguistic patterns and phrases in discourse (704). While connections may be made to make people feel included through patterns, specifically verbal patterns and phrases, they also simultaneously reject other individuals by excluding them from their inter-groups.

### **Conclusion**

The “us” versus “them” mentality created by labeling can cause an erosion of individual’s rights. The news media—whether consciously or unconsciously—reinforce the exclusion of the women in these articles from the rest of society through the label, *inmate*. In *Humanness and Dehumanization*, Paul Bain argues that there is a connection between how prisoners are portrayed in the media and how they are treated by the public and policy makers. He also argues this link is inseparable, thus making it impossible to create borders or lines between where the media’s influence begins and where public opinion is constructed (130). To describe this treatment, Bain coins the term *offender dehumanization*, where he argues that once an offender receives the label, *offender*, they are expelled from the moral community and their treatment is seen as justified (132). If the labeling of a person as an “offender” or “inmate” is the basis for inhumane practices, then



the use of it as a label in these news stories may license readers, and society as a larger whole, to see the event of the sterilizations as justifiable and permissible without the need of further contemplation.

Furthermore, if an individual's labels authorize the remainder of society to disregard how that person is treated, underlying issues of what "steered" that individual towards receiving that label could remain disregarded as well. Thus, the label, *inmate*, could be a fixated form of preoccupation that enables the American population to ignore the larger societal issues that may have accumulated and led to a person actually *becoming* an inmate. The average female prisoner in America, according to research done by Cyndi Banks (Young and Reviere *Women Behind Bars* 97, Morash *Poverty and Recidivism among Women* 187, and Chesney-Lind *The Female Offender* 153) is a racial minority between 25-29, with one to three children, unmarried, who was more than likely a victim of sexual or physical abuse both as a child and an adult, and has a current substance abuse problem (26). These attributes that have added up to create the median female prisoner must have come from somewhere. To have a better understanding of how cultural problems may be ignored through this label, I further consider the statistics surrounding the "average female prisoner."

Presently, there are more women imprisoned in state and federal prisons in the United States of America than ever before. In *Invisible Punishment*, Meda Chesney-Lind reports that in the last two decades the number of women in prison more than doubled (110%): on average, sixty-six women per 100,000 are sentenced to prison in the twenty first century [the average was six women per

100,000 less than a century ago (1925)] (81). However, regardless of this quantifiable growth, the types of crime women have been imprisoned for have remained under the same brackets for decades. Cyndi Banks argues that “women most often commit offenses against property, are guilty of fraud...only seventeen percent of women are convicted of violent crimes” (42-43). Therefore, if seventeen percent of women are in prison for what would be categorized as “violent crimes,” approximately eighty-three percent of women are in prison for lesser offenses against property or other affiliated crimes.

An examination of the number of women in the prison population based on ethnic classifications— versus the number of women in the United States population based on ethnic classifications—reveals extreme disproportions. According to the Bureau of Justice, by the year 2010 over one half of the 83,668 women imprisoned were minorities: 44 percent African American (36,814) and 12 percent Hispanic (10,440). However, only 12 percent of the nation’s *total* female population is Hispanic, and only 13 percent is African American (US Census Bureau 2010). In *Uneven Justice: State Rates of Incarceration by Race and Ethnicity*, Ryan Muar says African-American women have a likelihood of being incarcerated nearly six times that of Caucasian women: and the number of Hispanic females incarcerated are double the number of Caucasian women (3). In 2005, the Bureau of Justice Statistics reported that approximately 412 out of every 100,000 Caucasian people would be incarcerated, compared to 742 out of every 100,000 Hispanic people, and 2,290 out of 100,000 African-American people.

Although numbers are often used as a form of objectivity, these statistics are convoluted and complicated. One of the most significant factors relating to incarceration rates among certain ethnicities is poverty variances (Banks 12). More African-American women and Hispanic women are below the poverty line when compared with their Caucasian counterparts. According to the U.S. Census Bureau for 2010, 77.1 percent of the population was non-Hispanic white, 12.5 percent of the population was Hispanic, and 12.9 percent of the population was African-American. However, only 8 percent of the total non-Hispanic white population lived below the poverty line: in comparison to 21.8 percent of the Hispanic population and 24 percent of the African-American population (*2010 Poverty Highlights*). For women, one out of every twelve Caucasians, one out of every five Hispanics, and almost one in four African Americans live in poverty. Numbers have also shown that crime rates are directly affected by economic conditions. Chesney Lind in *Invisible Punishment* emphasizes that socioeconomic conditions could be one of the reasons for the gap:

Careful research on the role of the worsening economic situation facing women on the economic margins is necessary to understand what forces, if any, are propelling changes in women's crime. Women, particularly women of color who are increasingly heads of households, have certainly not participated in the boom of the economy of the latter part of the century in meaningful ways." (87)

Wealth disbursement is also complicated by the laws that ban people convicted of drug charges from receiving public housing, welfare, or access to other federal programs, which, although not yet proven, may lead to a cyclical crime pattern necessitated by the desire to find a means to live.

Along with socioeconomic problems, a gross majority of women who are incarcerated have a history of being physically and sexually abused. While the statistics vary from scholar to scholar, most researchers state that between 65-80% of women who are incarcerated were once sexually or physically abused as a child, and most, were continuously abused into their adult lives (Banks 88). These numbers are enormous, especially when compared with the national averages. According to reports from the United States Justice Department (sixteen studies), 12-17% of women in U.S. are abused as children (“Prior abuse Reported by Inmates”).

While debates continue, some government agencies reason sexual and physical abuse statistics are a reflection of the number of people in prison who have substance abuse issues; arguing that those with drug abuse issues often begin using drugs as a coping mechanism to deal with his/her history of physical or sexual abuse. In the same report, the United States Justice Department states that 89% of women who reported being physically or sexually abused used drugs regularly. Some scholars believe this is an oversimplification. In “A Spoonful of Sugar: Treating Women in Prison,” Margaret Malloch says that drug usage among female inmates directly relates to physical and sexual abuse (140). However, abuse is only one of the reasons women in prison are more prone to

using drugs. Malloch argues that although drug usage crosses all social barriers, only individuals from lower working classes are typically imprisoned for drug offenses, thus reflecting a class bias (143). She also argues that reductions in social services, health, and education— along with the growing incarceration rates for women with mental health problems— have led people with the inability to cope to turn to drug use as a form of escape (143). As Malloch explains, there are multiple reasons why drug use is common among women who are incarcerated.

The label of “inmate” can blind the general population to these complex issues. By presenting the women in these articles in a perfunctory manner, the news media can encourage society to overlook larger problems. Compare the statistics above to Chapman’s argument about Americans’ view of prisoners: hyper-sexualized, aggressive, violent, looking for a “hand-out.” Consider how different the perception of an inmate in mainstream society is compared to what statistics show. The news media’s ability to flatten labels, like “inmate,” sanctions and feeds the public’s ignorance, and in turn, larger issues such as the ethnic disparity in the prison system, the high levels of sexual and physical abuse women who are incarcerated have endured, and the intricate relationship between rates of criminality and levels of poverty continue to be neglected.

## Chapter Four: Identifying the Event as Eugenics

Like the previous two chapters, this one analyzes the use of diction. However, where this chapter differs is that *eugenics* is not used as a label, but rather to create a contextual framing mechanism, both in the initial Johnson article as well as in the mass news media's articles about the sterilizations. I chose to analyze the term and concept of eugenics due to the high frequency with which it occurs in these articles. The word *eugenics* occurs sixteen times within seven of the nine articles.

Johnson presents eugenics in his introduction, initiating a comparison between the recent sterilizations in female California prisons to the practice of United States eugenics in the twentieth century: "The allegations echo those made nearly a half-century ago, when forced sterilizations of prisoners, the mentally ill and the poor were commonplace in California. State lawmakers officially banned such practices in 1979."

In addition, Johnson added an entire section devoted to “The History of Eugenics,” where he discusses California’s past practices:

[California] still grapples with an ugly past: Under compulsory sterilization laws here and in 31<sup>26</sup> other states, minority groups, the poor, the disabled, the mentally ill and criminals were singled out as inferior and sterilized to prevent them from spreading their genes. It was known as eugenics. Between 1909 and 1964, about 20,000 women and men in California were stripped of the ability to reproduce – making the state the nation’s most prolific sterilizer. Historians say Nazi Germany sought the advice of the state’s eugenics leaders in the 1930s. (“Female inmates sterilized in California”)

While this quote is only one from the article (Johnson uses the word *eugenics* in his article seven times), it is a form of synecdoche, or a part that serves as a representative for the whole, for what he discusses throughout. The nine mass news media articles include eugenics, and common threads transported from Johnson’s article to the mass news media texts. These include: a historical context of when eugenics was sanctioned in the United States and discussions of common traits of people who were sterilized. The following two sections discuss these threads in further detail.

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<sup>26</sup> This number varies between 32 and 33 total states that applied compulsory sterilization laws because some scholars include Puerto Rico, an American territory, in their total state count, where others do not.

## The Historical Connection to Eugenics

Examining the historical connections made within a news article helps readers contextualize a situation without the author having to provide in-depth research. In other words, the analogies used by the news are often used as “road signs” to show a reader what is important to remember or to take away from a news story (Silverblatt *Media Literacy* 48, Stern *Sexuality and Mass Media* 287, Zhao “Media Systems in Historical Context” 151). W. Bennett, in *Taken by Storm: the Media, Public Opinion, and U.S. Foreign Policy*, argues that while historical references are often perceived as being unimportant, they are actually vital to the public’s understanding of a situation because readers cannot “see” a situation firsthand, and therefore must rely upon the references made by the news media to explain the implications of an event (72). Bennett also argues that historical references can be used as a form of shorthand, allowing readers to know what is important to take from a story (72). For instance, six of the nine mass media news articles give readers a historical connection to the term *eugenics*<sup>27</sup>: four of the six articles reference the United States’ background in eugenics, and two of the six mention a connection between the United States’ practices of eugenics

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<sup>27</sup> Several famous American philanthropists and figures believed and supported the idea of eugenics: Theodore Roosevelt, Woodrow Wilson, H.G. Wells, Alexander Graham Bell, and Margaret Sanger, are just a few of these people (Bruinius 6). While the relationship these people (and the United States in general) had with the theory of eugenics is intricate and complicated, some modern advances, such as Margaret Sanger’s discovery of a pill form of birth control in 1951, and the push to have it legalized by the FDA in 1960, are a result of the eugenics movement, and therefore should be noted. To see more on Sanger’s interactions with and in the eugenics movement, please see *Better for All the World* by Harry Bruinius and *Eugenics Nation* by Wendy Kline.



and Nazi Germany's use of it. According to Bennett's theory, *eugenics* would be perceived as a part of the "take away" for readers.

### **Those Chosen for Sterilization: Past and Present**

Along with historical references, the articles outline which individual traits were the focus of sterilization prior to it becoming illegal<sup>28</sup>. Six of the nine articles list common traits of those who were selected for sterilization (see Table 4.1). A person was targeted for sterilization based on the following four areas: sex or gender identification, physical (dis)ability, ethnic identification, and sexual practices. The most commonly cited characteristic mentioned (five times) was the status of the individual as institutionalized, either in a mental facility or incarcerated<sup>29</sup>.

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<sup>28</sup> Although the United States signed the *Convention on the Prevention and Punishment of the Crime of Genocide* in 1948, sterilization was not illegal nationally until 1983 (Please see the repeal of "To Prevent Procreation of Certain Classes in Oregon" House article 162.), when Oregon became the last state to repeal it. California repealed its laws on forceful sterilization in 1979, making it illegal to forcefully sterilize any person in the state without prior approval by several different committees (Cal. Stat. 552).

<sup>29</sup> Mental facilities and incarceration are clustered together in the table because they are paired in the articles; three out of five quotations mention them as a reason for sterilization. An example is the quotation from *Yahoo! News*: "Forced sterilization of institutionalized human beings — those in mental institutions, or in prisons, for example — has a long and gruesome history". A similar coupling is made by the *Daily Mail*: "Many states, including New York and North Carolina, have a history of sterilizing 'undesirable' people - the mentally ill, criminals, women deemed to be 'promiscuous'". This pairing is also in the quotation from *ABC News*: "California still grapples with an ugly past: under compulsory sterilization laws here and in 31 other states, minority groups, the poor, the disabled, the mentally ill and criminals were singled out as inferior and sterilized to prevent them from spreading their genes," wrote the lead author of the CIR investigation, Corey Johnson". To see statistics on the compulsory sterilizations of people who were institutionalized or incarcerated both nationally and specifically in California, please see Library of Congress, Human Betterment Foundation- "Human Sterilization Today." Pasadena, California p. 8.

Table 4.1 *Reasons Provided for Past Use of Forced Sterilization*

<p>Reasons provided for past practices of forced sterilization:</p>	<p>Number of articles:</p>
<p>Status Location:</p> <ul style="list-style-type: none"> <li>*either institutionalized</li> <li>*labeled “mentally ill”</li> <li>*in prison</li> <li>*labeled “a criminal”</li> </ul>	<p>Five (<i>The Guardian, The Daily Mail, Yahoo! News, ABC news, and The Huffington Post</i>)</p>
<p>Sexual Practices:</p> <ul style="list-style-type: none"> <li>*either deemed as “promiscuous”</li> <li>*having a child out of wedlock.</li> </ul>	<p>Two (<i>The Huffington Post and The Daily Mail</i>)</p>
<p>Class position:</p> <ul style="list-style-type: none"> <li>*whether being in a lower socioeconomic class</li> <li>*“poor”</li> <li>*receiving government assistance</li> </ul>	<p>Three (<i>The Huffington Post, ABC News, The Daily Mail, and The Guardian</i>)</p>
<p>Either being labeled as:</p> <ul style="list-style-type: none"> <li>*“feeble-minded”</li> <li>*“insane”</li> <li>*“socially unfit”</li> </ul> <p>*Ethnic identification</p> <ul style="list-style-type: none"> <li>*being labeled part of a “minority group”</li> </ul>	<p>Four (<i>The Huffington Post, ABC News, The Daily Mail, and Yahoo! News</i>)</p> <p>Three (<i>The Huffington Post, The Guardian, and ABC News</i>)</p>

Table 4.1 *Reasons Provided for Past Use of Forced Sterilization* (continued)

Physically (Dis)ability	Two (The Guardian and ABC News)
Sex or Gender identification as a catalyst	One (The LA Times)

To reiterate, four of the nine articles emphasize the link between a historical contextualization of eugenics and the sterilizations that occurred in prisons from 2006-2010. The same four articles state that the women were profiled by the prison staff, and assert that the women who were offered sterilizations were perceived as individuals at risk for having a high recidivism rate. Three of the articles state this in language almost identical to the quotation found in the Johnson article: “Former inmates and prisoner advocates maintain that prison medical staff coerced the women, targeting those deemed likely to return to prison in the future.” *The Guardian* states, “Medical staff coerced the women into agreeing to the surgeries, targeting those deemed likely to return to prison in the future.” *NBC News* writes, “Former inmates say doctors pressured women into getting sterilized and targeted those deemed likely to commit future crimes.” *Yahoo! News* states, “According to CIR’s report, some of the doctors performing the procedures — sometimes for inmates deemed likely to be repeat offenders, or those with many children . . .” The *Daily Mail* also underscores the profiling of the women: “The CIR [*Center for Investigative Reporting*] found that doctors targeted pregnant inmates who already had multiple children and were seen as

being likely to wind up back in prison after their release.” In order to understand the possible implications of the connection between eugenics and the 2006-2010 sterilizations, it is important to understand what the word *eugenics* means.

### **Conclusion-An Emphasis on Eugenics**

*Eugenics* is a type of pseudo-science used to “improve” the human race through decisions about which people should reproduce. *The Oxford Dictionary* defines *eugenics* as: “the science of improving a human population by controlled breeding to increase the occurrence of desirable heritable characteristics. Developed largely by Francis Galton as a method of improving the human race, it fell into disfavor only after the perversion of its doctrines by the Nazis.” *Webster’s New Dictionary* and *Merriam* define eugenics in a similar fashion. As one can tell from the definition, eugenics is the scientific belief that, when choosing who procreates based on certain desired characteristics, the entire human race benefits. However, not included in any of these definitions is a reference to the values and individuals who decide *which* desirable traits should be carried on from generation to generation. Housed within the power of eugenics, those deciding who should and should not be sterilized are simultaneously deciding which traits *should* and *should not* be reproduced.

At the height of the practice of forced sterilizations in the United States, these traits were placed into two separate spheres: “positive eugenics” and “negative eugenics.” The *Miller Keane Encyclopedia and Dictionary of Medicine*,

*Nursing, and Allied Health* defines positive eugenics as “that concerned with promotion of optimal mating and reproduction by individuals considered to have desirable or superior traits,” and negative eugenics as “that concerned with prevention of reproduction by individuals considered to have inferior or undesirable traits.” But the separation of negative and positive eugenics is where things become complicated. Who gets to decide which traits are desirable and which are not? These traits must then be determined, factored, chosen, and then applied to individuals as labels. The “science of eugenics” is controversial because it is a scientific practice of placing individuals into categories based on his or her qualities or traits. Not only must someone classify specific traits and then label them, but a hierarchy among traits is simultaneously created.

During the practice of sanctioned eugenics in the United States, individuals were often profiled and labeled, ultimately deeming them “unfit” to reproduce. These labels were often shortsighted, and those who chose the labels would often cue in on specific traits to determine whether a person should receive compulsory sterilization (Kline *Building a Better Race*, Black *War Against the Weak*, Stern *Eugenic Nation*). The history of sterilization practices in the United States reveals three broad categories, or labels, for which eugenics should then apply: “dependent,” “delinquent,” or “having a mental deficiency” (Kline *Building a Better Race* 9, Bruinius *Better for All the World* 110, Stern *Eugenic Nation* 114). Sterilization could be forced for a number of reasons. For instance, if one was deemed as being socioeconomically unfit, sexually

“promiscuous,” or “immoral,” the removal of his/her ability to procreate was justified.

The historical context of eugenics, as mentioned, is a framing device used by journalists to discuss the sterilizations. As discussed in Chapter Three, this ability is also referred to in media studies as “gatekeeping;” the theory that those who create the news media choose what information is both included as well as excluded. In “News Framing Theory and Research,” David Tewksbery argues that journalists engage in the process of choosing specific images and words as “the power to influence how readers interpret issues” (17). Because eugenics has been a practice that is habitually classist, sexist, and racist<sup>30</sup>, the connection between the women who were sterilized from 2006-2010 and historical practices of eugenics can be seen as a potential warning that eugenics is being employed again and readers should be made aware.

But this connection can also have unforeseen implications. As Paul Lombardo states in *A Century of Eugenics*, the use of eugenics in contemporary America is “hid [sic] in plain sight” (viii). Chloe S. Burke in “The Public and Private History of Eugenics,” argues the news media is a tool that can be used to spread the *reinforcement* of eugenic practices, “Recent press coverage of legal, political, and academic efforts to document the history of eugenics...has introduced a broader audience to the legacy of human betterment with which

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<sup>30</sup> For more on the classism, racism, and sexism of eugenic practices in the United States, please see *War on the Weak* by Edwin Black, *Better for all the World* by Henry Bruinius, and *Eugenic Nation* by Wendy Kline.

Americans continue to live” (10). As Burke argues, news media have the ability to reach large audiences, and while this may be done to create an awareness of historical issues, it simultaneously can be a device to strengthen this notion of “human betterment” by indicating there is somehow an ability to improve the human population with practices like eugenics. Burke expresses that this ability is a common and evolving practice in the news media, and that eugenics is often blanketed with softer terms (such as “medical advancement”) to change the audiences’ perceptions about how it is performed in contemporary times (10). Burke’s theory of news media’s ability to reinforce eugenics is evident in these articles. While discussing eugenics can be seen as a “warning sign” to tell readers about the sterilizations, it can also be perceived as a frame qualifying the practice as eugenics: the practice of discouraging reproduction in certain people due to the traits they were born with, or have inherited, through labels.

## Chapter Five: Conclusions

The nine mass media news articles comprised in this study are only a handful of the many published every year online. These articles, like all news articles, both convey and create meaning within culture: they are one of the many tesserae that contribute to the whole mosaic. Thus, the diction used and their resulting implications *do* matter.

Established in the articles analyzed, first and foremost, is that women who are incarcerated are labeled, and thereby excluded from mainstream society. As has been discussed previously, although the women are “inmates,” and labeling is a byproduct of language, the constant reiteration and marking of the women as “inmates” (54 times) further promotes a one-dimensional view of their lives. Correspondingly, the only labels chosen to describe the women in all nine articles as inmates (aside from sex and gender identification) come with the societal mark of Cain, whereby readers, perhaps, can separate what happened to “them,” from “us.”

Consistent with how these women are considered as outsiders, they are further marginalized by the words used to describe the sterilizations. In the original investigative report, both the women and the prison advocates that Johnson interviewed said that the women were *coerced* into receiving the sterilizations. While small word choices such as *tricked* or *pressured*, instead of *forced* or *coerced*, may initially seem insignificant or inconsequential, they create a very different image for the millions being informed of the sterilizations.



Likewise is the case for the words chosen to discuss whether these sterilizations were performed legally or illegally. While it has yet to be determined whether the sterilizations performed in the California prison systems cited in the original investigative report were illicit<sup>31</sup>, the experts and laws suggest that they were. The majority of journalists (eight out of nine) made diction choices like “unauthorized” or “violates,” that do not directly convey that these sterilizations were illegal, but rather, the tone and depiction of the events is much softer.

When the diction choices are combined with the labels used to describe the women who are incarcerated, the seriousness of the original investigative report is further watered down. This dilution of the event by the mass news media becomes even further convoluted and complicated when certain framing devices, such as eugenics, are carried from the original investigation into the mass news media articles. Obviously, the references to eugenics is used to raise awareness of these women’s victimization, and yet, a careful scholar must also ask; Does the use of this term, *eugenics*, juxtaposed with the continuous label, *inmate*<sup>32</sup>, create a deflection about both sterilization and the seriousness of eugenics? It may be possible that tagging the women as “inmates” encourages the reader to

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<sup>31</sup> As of March 11, 2014, an investigation by the state of California continues to look into the legality of the sterilizations that were performed in both Valley State and Corona. There is also a separate open investigation undertaken by the state of California questioning Dr. Heinrich’s medical practices. Including the tubal ligations discussed in the articles reviewed, Dr. Heinrich performed a total of 452 sterilizations on women who were incarcerated from 2006-2010. To read more about these investigations, please see “Calif. prison doctor linked to sterilizations no stranger to controversy” by Corey Johnson.

<sup>32</sup> Excluding articles of speech (a, the, etc.), Antconc results show the word *inmate* as the fifth most used word in the mass media news articles. The four above it are *California*, *prison*, *state*, and *women*, and the word *women* is only quantifiably higher than the word *inmate* because it is included thirteen times in the name of the prisons i.e. “Valley State Prison for Women”.

view these sterilizations as being performed on individuals who are—as

Moncrieffe puts it— “not quite human.”

The inmate label is one which is often stigmatized, and the use of the term can focus the reader’s attention on the individual prisoner and divert attention from systems of power, authority, and hierarchy. When the reading audience is constantly reminded that the women belong to a stigmatized marginalized group, the emphasis is placed on the individual woman and her status as a criminal, rather than the factors that may have contributed to her current situation. Consistently categorizing the women as inmates solely discourages the reader from looking past the label to the individual, and to what systems (poverty, abuse, racism) may contribute to the woman’s status as *inmate*. If the focus in these articles shifted from the label, inmate, to the systematic structures that can lead individuals to *become* inmates—what might be revealed? While constricting a person’s identity to one label may be easier to write, report on, or talk about, these oversimplifications have consequences. Perceptions about the individuals in these articles would change if frames that do not simply flatten the people discussed were used. This flattening sanctions and feeds the public’s ignorance of the complexity involved in prison systems and neglects the material relationships that exist between criminals, ethnicity, and poverty. This construction pertains not only to women who are incarcerated, but also to many other marginalized groups.

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## Appendices

## Appendix A: Extra Tables

Table A1: *Top Fifteen News Sources in America*

News source	United States Ranking as a news source website	EbizMBA ranking of website popularity overall <sup>33</sup>	Alexa ranking of website popularity overall	Quantcast ranking of website popularity overall
<i>Yahoo! News</i>	1	30	n/a	30
<i>The Huffington Post</i>	2	36	22	14
<i>CNN</i>	3	63	43	84
<i>Google news</i>	4			
<i>The New York Times</i>	5	87	94	118
<i>Fox News</i>	6	95	66	169
<i>The Guardian</i>	7	137	135	165
<i>NBC News</i>	8	106	251	270
<i>Daily Mail/Mail Online</i>	9	167	208	282
<i>USA Today</i>	10	167	268	268
<i>The Washington Post</i>	11	184	295	176
<i>The Wall Street Journal</i>	12	235	238	154
<i>BBC News</i>	13	235	300	350
<i>ABC News</i>	14	247	482	350
<i>The Los Angeles Times</i>	15	270	451	170

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<sup>33</sup> Overall popularity means as a site that is frequented. So for instance, Websites like Facebook, Amazon, MySpace, etc., are all included in this count as well, and these numbers do not specifically reflect solely News websites

## Appendix B: Text of Corey Johnson's Article

"Female inmates Sterilized in California Without Approval"  
By Corey Johnson, *Center For Investigative Reporting* July 7, 2013

Doctors under contract with the California Department of Corrections and Rehabilitation sterilized nearly 150 female inmates from 2006 to 2010 without required state approvals, The Center for Investigative Reporting has found. At least 148 women received tubal ligations in violation of prison rules during those five years – and there are perhaps 100 more dating back to the late 1990s, according to state documents and interviews.

From 1997 to 2010, the state paid doctors \$147,460 to perform the procedure, according to a database of contracted medical services for state prisoners.

The women were signed up for the surgery while they were pregnant and housed at either the California Institution for Women in Corona or Valley State Prison for Women in Corona, which is now a men's prison.

Former inmates and prisoner advocates maintain that prison medical staff coerced the women, targeting those deemed likely to return to prison in the future.

Crystal Nguyen, a former Valley State Prison inmate who worked in the prison's infirmary during 2007, said she often overheard medical staff asking inmates who had served multiple prison terms to agree to be sterilized.

## Appendix B Continued

“I was like, ‘Oh my God, that’s not right,’ ” Nguyen, 28, said. “Do they think they’re animals, and they don’t want them to breed anymore?”

One former Valley State inmate who gave birth to a son in October 2006 said the institution’s OB-GYN, Dr. James Heinrich, repeatedly pressured her to agree to a tubal ligation.

“As soon as he found out that I had five kids, he suggested that I look into getting it done. The closer I got to my due date, the more he talked about it,” said Christina Cordero, 34, who spent two years in prison for auto theft. “He made me feel like a bad mother if I didn’t do it.” Cordero, released in 2008 and now living in Upland, Calif., agreed, but she says, “today, I wish I would have never had it done.”

The allegations echo those made nearly a half-century ago, when forced sterilizations of prisoners, the mentally ill and the poor were commonplace in California. State lawmakers officially banned such practices in 1979. During an interview with CIR, Heinrich said he provided an important service to poor women who faced health risks in future pregnancies because of past cesarean sections. The 69-year-old Bay Area physician denied pressuring anyone and expressed surprise that local contract doctors had charged for the surgeries. He described the \$147,460 total as minimal.



## Appendix B Continued

“Over a 10-year period, that isn’t a huge amount of money,” Heinrich said, “compared to what you save in welfare paying for these unwanted children – as they procreated more.”

The top medical manager at Valley State Prison from 2005 to 2008 characterized the surgeries as an empowerment issue for female inmates, providing them the same options as women on the outside. Daun Martin, a licensed psychologist, also claimed that some pregnant women, particularly those on drugs or who were homeless, would commit crimes so they could return to prison for better health care.

“Do I criticize those women for manipulating the system because they’re pregnant? Absolutely not,” Martin, 73, said. “But I don’t think it should happen. And I’d like to find ways to decrease that.” Martin denied approving the surgeries, but at least 60 tubal ligations were done at Valley State while Martin was in charge, according to the state contracts database.

Martin’s counterpart at the California Institution for Women, Dr. Jacqueline Long, declined to discuss why inmates received unauthorized tubal ligations under her watch. But the Corona prison’s former compliance officer, William Kelsey, said there was disagreement among staff members over the procedure.

During one meeting in late 2005, a few correctional officers differed with Long’s medical team over adding tubal ligations to a local hospital’s contract, Kelsey, 57, said. The officers viewed the surgeries as nonessential medical care and questioned whether the state should pay. “They were just fed up,” Kelsey

## Appendix B Continued

said. “They didn’t think criminals and inmates had a right to the care we were providing them and they let their personal opinions be heard.”

The service was included, however, and Kelsey said the grumbling subsided.

Federal and state laws ban inmate sterilizations if federal funds are used, reflecting concerns that prisoners might feel pressured to comply. California used state funds instead, but since 1994, the procedure has required approval from top medical officials in Sacramento on a case-by-case basis.

Yet no tubal ligation requests have come before the health care committee responsible for approving such restricted surgeries, said Dr. Ricki Barnett, who tracks medical services and costs for the California Prison Health Care Receivership Corp. Barnett, 65, has led the Health Care Review Committee since joining the prison receiver’s office in 2008.

“When we heard about the tubal ligations, it made us all feel slightly queasy,” Barnett said. “It wasn’t so much that people were conspiratorial or coercive or sloppy. It concerns me that people never took a step back to project what they would feel if they were in the inmate’s shoes and what the inmate’s future might hold should they do this.” Jeffrey Callison, spokesman for the state corrections department, said the department couldn’t comment because it no longer has access to inmate medical files.

“All medical care for inmates, and all medical files, past and present, are under the control of the Receiver’s Office,” Callison wrote in an email.

## Appendix B Continued

The receiver has overseen medical care in all 33 of the state's prisons since 2006, when U.S. District Judge Thelton Henderson of the Northern District of California ruled that the system's health care was so poor that it violated the constitutional ban on cruel and unusual punishment.

The receiver's office was aware that sterilizations were happening, records show.

In September 2008, the prisoner rights group Justice Now received a written response to questions about the treatment of pregnant inmates from Tim Rougeux, then the receiver's chief operating officer. The letter acknowledged that the two prisons offered sterilization surgery to women.

But nothing changed until 2010, after the Oakland-based organization filed a public records request and complained to the office of state Sen. Carol Liu, D-Glendale. Liu was the chairwoman of the Select Committee on Women and Children in the Criminal Justice System.

Prompted by a phone call from Liu's staff, Barnett said the receiver's top medical officer asked her to research the matter. After analyzing medical and cost records, Barnett met in 2010 with officials at both women's prisons and contract health professionals affiliated with nearby hospitals. During those meetings, Barnett told them to halt inmate sterilizations. In response, she said, she got an earful. The 16-year-old restriction on tubal ligations seemed to be news to prison health administrators, doctors, nurses and the contracting

## Appendix B Continued

physicians, Barnett recalled. And, she said, none of the doctors thought they needed permission to perform the surgery on inmates.

“Everybody was operating on the fact that this was a perfectly reasonable thing to do,” she said.

## Risk factors

Martin, the Valley State Prison medical manager, said she and her staff had discovered the procedure was restricted five years earlier. Someone had complained about the sterilization of an inmate who had at least six children, Martin recalled. That prompted Martin to research the prison’s medical rules. After learning of the restrictions, Martin told CIR that she and Heinrich began to look for ways around them. Both believed the rules were unfair to women, she said.

“I’m sure that on a couple of occasions, (Heinrich) brought an issue to me saying, ‘Mary Smith is having a medical emergency’ kind of thing, ‘and we ought to have a tubal ligation. She’s got six kids. Can we do it?’ ” Martin said. “And I said, ‘Well, if you document it as a medical emergency, perhaps.’ ”

Heinrich said he offered tubal ligations only to pregnant inmates with a history of at least three C-sections. Additional pregnancies would be dangerous for these women, Heinrich said, because scar tissue inside the uterus could tear, resulting in massive blood loss and possible death. “It was a medical problem that we had to make them aware of,” Heinrich said. “It’s up to the doctor who’s

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delivering (your baby) ... to make you aware of what's going on. We're at risk for not telling them."

Former inmates tell a different story.

Michelle Anderson, who gave birth in December 2006 while at Valley State, said she'd had one prior C-section. Anderson, 44, repeatedly was asked to agree to be sterilized, she said, and was not told what risk factors led to the requests. She refused.

Nikki Montano also had had one C-section before she landed at Valley State in 2008, pregnant and battling drug addiction.

Montano, 42, was serving time after pleading guilty to burglary, forgery and receiving stolen property. The mother of seven children, she said neither Heinrich nor the medical staff told her why she needed a tubal ligation.

"I figured that's just what happens in prison – that that's the best kind of doctor you're going get," Montano said. "He never told me nothing about nothing."

Montano eagerly agreed to the surgery and said she still considers it a positive in her life.

Dr. Carolyn Sufrin, an OB-GYN at San Francisco General Hospital who teaches at UC San Francisco, said it is not common practice to offer tubal ligations to women who've had one C-section. She confirmed that having multiple C-sections increases the risk of complications, but even then, she said, it's more

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appropriate to offer women reversible means of birth control, like intrauterine devices or implants.

“Every C-section, every situation is different,” Sufrin said. “Some people with more prior C-sections have absolutely no problems and no risks.”

## History in eugenics

To be sure, tubal ligations represented a small portion of the medical care provided to pregnant inmates. Statistics and a report from the prison receiver’s office show that from 2000 to 2010, 2,423 women gave birth while imprisoned in California, costing the state \$2.7 million. Fewer than 1 in 10 were surgically sterilized.

But the numbers don’t tell the full story. California still grapples with an ugly past: Under compulsory sterilization laws here and in 31 other states, minority groups, the poor, the disabled, the mentally ill and criminals were singled out as inferior and sterilized to prevent them from spreading their genes. It was known as eugenics.

Between 1909 and 1964, about 20,000 women and men in California were stripped of the ability to reproduce – making the state the nation’s most prolific sterilizer. Historians say Nazi Germany sought the advice of the state’s eugenics leaders in the 1930s.

In 2003, the state Senate held two hearings to expose this history, featuring testimony from researchers, academics and state officials. In response, then-Attorney General Bill Lockyer and Gov. Gray Davis issued formal apologies.

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“Our hearts are heavy for the pain caused by eugenics. It was a sad and regrettable chapter in the state's history, and it is one that must never be repeated again,” Davis said in a statement.

Missing from the hearings was the perspective of state prison officials. Then-Corrections Director Edward Alameida Jr. had informed the Senate committee that the prison system lacked records about sterilizations.

“While obviously this was a dark chapter in our State’s history, the CDC (California Department of Corrections and Rehabilitation) played a minuscule role,” Alameida wrote in a June 2003 letter. “Thus our participation in your hearing would provide no substantial information on that role and I do not believe our presence would contribute in any way toward your objectives.”

However, Alexandra Minna Stern, a professor at the University of Michigan and leading expert on California sterilization, cited state prison activity among the lingering questions from that era. Stern testified during the hearings that she found in private hands and university archives evidence of 600 sterilizations at San Quentin State Prison prior to 1941 that were not included in official numbers. California sterilizers, Stern told the committee, consistently viewed their work as humane and cost saving. “One of the goals ... and this is critical to understanding the history of eugenics in California – was to save money: how to limit welfare and relief,” Stern told them, according to a transcript of her presentation. “And sterilization is very much tied up in this.”

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## Seeking patient consent

Lawsuits, a U.S. Supreme Court ruling and public outrage over eugenics and similar sterilization abuses in Alabama and New York spawned new requirements in the 1970s for doctors to fully inform patients. Since then, it's been illegal to pressure anyone to be sterilized or ask for consent during labor or childbirth. Yet, Kimberly Jeffrey says she was pressured by a doctor while sedated and strapped to a surgical table for a C-section in 2010, during a stint at Valley State for a parole violation. Jeffrey, 43, was horrified, she said, and resisted.

“He said, ‘So we’re going to be doing this tubal ligation, right?’ ” Jeffrey said. “I’m like, ‘Tubal ligation? What are you talking about? I don’t want any procedure. I just want to have my baby.’ I went into a straight panic.” Jeffrey provided copies of her official prison and hospital medical files to CIR. Those records show Jeffrey rejected a tubal ligation offer during a December 2009 prenatal checkup at Heinrich’s office. A medical report from Jeffrey’s C-section a month later noted that she again refused a tubal ligation request made after she arrived at Madera Community Hospital.

At no time did anyone explain to her any medical justifications for tubal ligation, Jeffrey said.

That experience still haunts Jeffrey, who lives in San Francisco with her 3-year-old son, Noel. She speaks to groups seeking to improve conditions for female prisoners and has lobbied legislators in Sacramento. Jeffrey recently



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completed her ACT college-entrance test and hopes to pursue a degree at San Francisco State University. “Being treated like I was less than human produced in me a despair,” she said. State prison officials “are the real repeat offenders,” Jeffrey added. “They repeatedly offended me by denying me my right to dignity and humanity.”

Dorothy Roberts, a University of Pennsylvania law professor and expert on sterilization, said courts have concluded that soliciting approval for sterilization during labor is coercive because pain and discomfort can impair a woman’s ability to weigh the decision.

“If this was happening in a federal prison, it would be illegal,” Roberts said. “There are specific situations where you cannot say it’s informed consent, and one of them is during childbirth or labor. No woman should give consent on the operating table.”

Heinrich considers the questions raised about his medical care unfair and said he is suspicious about the women’s motives. Heinrich insists he worked hard to give inmates high-quality medical treatment, adding that hundreds of appreciative prisoners could vouch for that.

“They all wanted it done,” he said of the sterilizations. “If they come a year or two later saying, ‘Somebody forced me to have this done,’ that’s a lie. That’s somebody looking for the state to give them a handout.

“My guess is that the only reason you do that is not because you feel wronged, but that you want to stay on the state’s dole somehow.”

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Barnett declined to say whether Heinrich's practices had been reviewed by the receiver's office, citing employee confidentiality laws. Initially, she said she believed Heinrich had left the prison system. However, shortly after retiring in 2011, Heinrich returned in another role. He's currently listed as one of the prison's contract physicians.

Barnett stressed that she sought only to end prison sterilizations, not to investigate officials or interview inmates to discover whether abuses occurred. "Did Dr. Heinrich say improper things? I can't say," she added. "Is our process sufficiently draconian enough to weed out bad actors? We have a lot of civil service processes. Is it 100 percent effective? Is it the best process we can come up with? No, of course not."

## Appendix C: Text of All nine Mass Media Articles

Appendix C1: "California Prisons Were Illegally Sterilizing Female Inmates"  
by Abby Ohleiser *Yahoo! News* July 7, 2013

Over the course of several years, two women's prisons in California signed at least 150 pregnant women up for permanent sterilization to be performed after they gave birth, without following the required state approval procedure. And now, some women who underwent the procedure say they felt coerced into having a tubal ligation while incarcerated, according to a report from the Center for Investigative Reporting.

Forced sterilization of institutionalized human beings — those in mental institutions, or in prisons, for example — has a long and gruesome history in the U.S., and in California in particular, where forced sterilization has been against the law since 1979. Because of this history, there are a number of laws in place to prevent institutions from performing the procedure without full, freely-given consent. It's against the law to pressure a female inmate to have the procedure during labor or childbirth, which just seems obvious.

And you can't use federal funding to pay for the procedure in a prison, because of worries that the funding would make inmates feel like they had to do it. And in California, where state money can fund inmate sterilization procedures, each individual procedure must be approved by a medical review committee. In California's California Institution for Women in Corona or Valley State Prison for Women in Corona (the latter is now a men's prison), that approval process

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wasn't happening between 2006 and 2010, and possibly for many years before that. were restrictions on the procedure

According to CIR's report, some of the doctors performing the procedures — sometimes for inmates deemed likely to be repeat offenders, or those with many children — argued that they were doing so only in the event of a "medical emergency," a designation that would also allow them to bypass the review process. Others seemed unaware that there process at all. One doctor, Dr. James Heinrich, who used to work at Valley State, defended the procedure as cost efficient:

The 69-year-old Bay Area physician denied pressuring anyone and expressed surprise that local contract doctors had charged for the surgeries. He described the \$147,460 total as minimal.

"Over a 10-year period, that isn't a huge amount of money," Heinrich said, "compared to what you save in welfare paying for these unwanted children — as they procreated more."

Of course, the inmates tell different stories:

"As soon as he found out that I had five kids, he suggested that I look into getting it done. The closer I got to my due date, the more he talked about it," said Christina Cordero, 34, who spent two years in prison for auto theft. "He made me feel like a bad mother if I didn't do it." Cordero, released in 2008 and now living in Upland, Calif., agreed, but she says, "today, I wish I would have never had it done."

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Some inmates interviewed for the piece were happy to have the procedure done, but noted that they weren't informed of the medical reasoning for having it — nor were they given alternate recommendations of less permanent equivalents, like a removable IUD. Those who refused the tubal ligation were not forced into undergoing the procedure, although one former inmate says that she was pressured to agree to a tubal ligation while strapped down and sedated in preparation for a C-section, in violation of the law. Medical care in the California prison system has been under the oversight of a receiver since 2006, when a judge ruled that the conditions amounted to cruel and unusual punishment. This latest news adds weight to the argument that all is not well there, still. The whole story is worth a read over at CIR.

## Appendix C2: "Sterilization Abuse in State Prisons"

by Alex Stern *The Huffington Post* July 23, 2013

The recent revelation that 148 female prisoners in two California institutions were sterilized between 2006 and 2010 is another example of the state's long history of reproductive injustice and the ongoing legacy of eugenics. The abuse took place in violation of state and federal laws, and with startling disregard for patient autonomy and established protocols of informed consent. In the past, sterilization of vulnerable populations in the name of "human betterment" was carried out with legal authority and the backing of political elites.

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What current and past practices share is the assumption that some women by virtue of their class position, sexual behavior, or ethnic identity are socially unfit to reproduce and parent. The unauthorized sterilization of women in prison was facilitated, as the federal courts have recognized, by a combination of inhumane practices, overcrowding, bureaucratic inconsistencies, and medical neglect. From the torturous conditions in the state's Security Housing Units, to the exposure of prisoners to life-threatening illnesses, and the trampling of women prisoners' reproductive rights, California rivals many Southern states in penal cruelty.

It's a heartening sign that many groups, including the state's legislative women's caucus, are expressing outrage and asking how these violations of rights could take place in the twenty-first century. Vital answers can be found in the twentieth century.

In 1909, California passed the country's third sterilization law, authorizing reproductive surgeries of patients committed to state institutions for the "feeble-minded" and "insane" that were deemed suffering from a "mental disease which may have been inherited and is likely to be transmitted to descendants." Based on this eugenic logic, 20,000 patients in more than ten institutions were sterilized in California from 1909 to 1979. Worried about charges of "cruel and unusual punishment," legislators attached significant provisos to sterilization in

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state prisons. Despite these restrictions, about 600 men received vasectomies at San Quentin in the 1930s when the superintendent flaunted the law.

Those sterilized included people with conditions we would classify today as psychiatric disorders or intellectual disabilities, as well as individuals with limited educational and economic resources, including thousands of "antisocial" minors. Initially, men in psychiatric homes were targeted for sterilization; however, eugenicists mostly targeted "feeble-minded" and "promiscuous" women, including those who had one or more children "out of wedlock" or were seen as sexually deviant.

Moreover, there was a discernible racial bias in the state's sterilization and eugenics programs. Preliminary research on a subset of 15,000 sterilization orders in institutions (conducted by Stern and Natalie Lira) suggests that Spanish-surnamed patients, predominantly of Mexican origin, were sterilized at rates ranging from 20 to 30 percent from 1922 to 1952, far surpassing their proportion of the general population. In her recent book, Miroslava Chávez-García shows, through exhaustively researched stories of youth of color who were institutionalized in state reformatories, and sometimes subsequently sterilized, how eugenic racism harmed California's youngest generation in patterns all too reminiscent of detention and incarceration today.

California was the most zealous sterilizer, carrying out one-third of the approximately 60,000 operations performed in the 32 states that passed eugenic

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sterilization laws from 1907 to 1937. Furthermore, unlike many other states, where sterilization laws were challenged in the courts, in California the sterilization law remained on the books for seventy years. Although it was scaled back in the early 1950s, the law was not repealed until 1979, in the context of another chapter of sterilization abuse. This time, about 140 women, mainly of Mexican origin, were sterilized without consent at USC/Los Angeles County hospital. From the late 1960s to the early 1970s, the leading obstetrician at this hospital maintained strong convictions about the need for population control, which he applied to women during and immediately after labor by coercing them into tubal ligations. Sometimes women signed a consent form under duress, other times they were not offered any consent form, or falsely told that their husbands had already signed the form.

Working with the Los Angeles Center for Law and Justice, in 1978 ten women filed a lawsuit against USC/LA County hospital and the implicated obstetrician. Although they lost, this case and parallel lawsuits filed by women of color around the country, resulted in new federal guidelines for sterilization, including a 72-hour waiting period and informed consent requirements.

Many of the stereotypes that fueled 20th century sterilization abuse remain in vogue today. Dr. James Heinrich, who performed tubal ligations of women in prisons, stated that this practice saved the state money because his involuntary clients were likely to have "unwanted children as they procreated more." Such a callous attitude could have been uttered by superintendents in the



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1930s, who worried about the economic burden of "defectives," or by the obstetrician at USC/LA County who purportedly spoke to his staff about "how low we can cut the birth rate of the Negro and Mexican populations in Los Angeles County."

It is time to break the cycle of reproductive injustice in California, and to challenge the continuing potency of eugenic rationales of cost-saving and societal betterment that have undergirded compulsory or unauthorized sterilizations. The 21st century calls for a new era of human rights, institutional oversight, and the protection of vulnerable populations.

Appendix C3: "California Is Facing More Woes in Prisons"  
by Jennifer Medina *New York Times* July 14, 2013

Just six months after declaring "the prison crisis is over in California," Gov. Jerry Brown is facing dire predictions about the future of the state's prison system, one of the largest in the nation. A widespread inmate hunger strike in protest of California's policy of solitary confinement was approaching its second week on Sunday. The federal courts have demanded the release of nearly 10,000 inmates and the transfer of 2,600 others who are at risk of contracting a deadly disease in the state's overcrowded prisons.

State lawmakers have called for an investigation into a new report that nearly 150 women behind bars were coerced into being sterilized over the last

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decade. And last week, a federal judge ruled that prisoners were not receiving adequate medical care.

“It is like a tinderbox, and all you had to do is light a match,” said Jules Lobel, the president of the Center for Constitutional Rights and the lead lawyer in a federal lawsuit over solitary confinement. “They see the state has shown no willingness to change, even when the high court orders it. They have decided to circle the wagons and keep the system that exists today as intact as possible.” In many ways, California prison system officials have been among the most reluctant to adopt systemic changes, experts say, doing so only when forced by the federal courts. Even then, lawyers and advocates for prisoners say, the changes have come slowly and unevenly.

Mr. Brown, a Democrat, has aggressively fought several federal court orders in the two years since the United States Supreme Court ruled that conditions and overcrowding in the system amounted to a violation of the Eighth Amendment — cruel and unusual punishment. Since then, federal judges overseeing the case have repeatedly declared that the state was not making changes quickly enough, and that conditions in the prisons remained appalling — that the state had been “deliberately indifferent.”

The judges have twice threatened to hold the governor in contempt if he does not comply with their order to release prisoners. Last week, Mr. Brown appealed to the Supreme Court to stop the order, arguing that the system had already improved drastically and that stopping the release of prisoners was

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essential for public safety. Though the current hunger strike is focused on the state's solitary-confinement policy, which allows inmates with gang associations to be held in isolation cells for decades, advocates and lawyers for the prisoners say that the widespread participation is a clear sign that the inmates are increasingly infuriated by the conditions. Roughly 12,000 inmates went without state-issued meals for four consecutive days, down from 30,000 on the first day but more than double the number who took part in a similar strike two years ago.

Last month, a federal court order demanded that the state move from the Central Valley 2,600 inmates at risk of contracting coccidioidomycosis, or valley fever — a potentially lethal disease. The state had resisted the move, saying it could cause race riots in the prisons. California is also facing a separate federal lawsuit charging that it segregates prisoners by race.

State legislators called for an investigation last week after a news report that prison officials had pressured dozens of women to be sterilized in the last decade. And on Thursday, a federal judge ruled that the state was not providing adequate medical care for inmates — including basics like access to clean water. Jeffrey Beard, the state corrections commissioner, said that the hunger strike was simply a sign of how powerful the prison gangs are and dismissed the notion that it indicated deeper problems.

“This isn't something that came from a bunch of other people. It is guided by a few gang leaders who have enormous control,” Mr. Beard said. “It's an

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opportunity inmates will often take to raise concerns they have. I don't think that's unusual, and I don't think that it is part of a bigger issue."

Mr. Beard and Governor Brown have repeatedly argued publicly that medical and mental health care in state prisons have greatly improved. They have also maintained that California is being held to an unfair standard on overcrowding because many prisons around the country double-bunk inmates. They have made those arguments in court, bringing in expert witnesses who have testified that the state is providing care deemed proper under the United States Constitution. But the federal courts have found the arguments unconvincing. In a ruling on Thursday calling for an investigation of prison-based mental health facilities, a federal judge cited the "denial of basic necessities, including clean underwear," along with doctor shortages and treatment delays. And in a footnote, the judge, Lawrence K. Karlton, chided the state for arguing for an end to federal oversight.

"Given the gravity of the evidence in this hearing," Judge Karlton wrote in the footnote, a motion to terminate the case "takes on the character of a condition in which the defendants have simply divorced themselves from reality."

Michael Bien, a lead lawyer representing inmates in the lawsuit over mental health care that led to the Supreme Court case, pointed to recent pictures he has placed in evidence showing prisoners sleeping on floors and in crowded dormitories, similar to the conditions the Supreme Court criticized.

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In one picture taken earlier this year, prisoners are shown locked in a series of single holding cells for group therapy.

At the California Institute for Men, in San Bernardino County, several prisoners were labeled LOBs — for “lack of beds” — because there was no place to properly house them, Mr. Bien said. While waiting to be processed, they spent months in cells meant for solitary confinement.

“These are mentally ill patients who were literally going crazy,” Mr. Bien said. “It’s a Kafkaesque situation, where they didn’t know why they were there or when they were going to get out.”

Mr. Beard, who once testified as an expert witness against the state, said that since taking over the system late last year, he has continued to see changes in the way the prisons are run.

“I don’t know what the courts are thinking, but I have personally seen the change,” he said in an interview. “Of course I am going to run a constitutional system. I believe we can provide that at the current levels we have, and that we have both the manpower and resources to do so. There are always things we can do better, but we’ve made huge strides.”

Mr. Beard also said that the state was in the process of making changes to the way it runs the solitary-confinement program, but that those changes could be delayed by the hunger strike. Mr. Lobel called that claim disingenuous.

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James W. Marquart, a former Texas prison official who has testified for California in the court cases, said that when Texas faced similar federal lawsuits, it “made the changes and got on with it.”

“Everyone believes that California is the leader, but decades ago Texas just said, ‘To heck with it, we have to do what the court says,’ ” Dr. Marquart said. “It’s layer upon layer of problems that you either have to deal with or you are going to get bled dry on the legal fees to fight it to the death.”

Appendix C4: “Officials demand answers over...female inmate sterilizations”  
by Fox News Staff *Fox News* July 13, 2013

California lawmakers are demanding to know why doctors under contract with the California Department of Corrections and Rehabilitation sterilized nearly 150 female inmates in four years without required state approval and, as some claim, strongly pressured or even tricked some of the women into signing off. One doctor even allegedly suggested that the procedures would help the state save on welfare.

While not part of a formal sterilization program, the surgeries were performed with alarming frequency. At least 148 women in the California prison system were sterilized by tubal ligation without state approval between 2006 and 2010, confirmed Joyce Hayhoe, director of legislation for the California Correctional Health Care Services. The story was first reported by the Center for

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Investigative Reporting. Tubal ligation is when a woman's fallopian tubes are clamped and blocked or severed and sealed, which then prevents eggs from reaching the uterus for fertilization. The procedure is considered permanent and requires patients to undergo general anesthesia.

"Pressuring a vulnerable population — including at least one documented instance of a patient under sedation — to undergo these extreme procedures erodes the ban on eugenics," the California Legislative Women's Caucus wrote in a letter to the federal receiver in charge of prison healthcare.

Though the women technically signed consent forms, there are now allegations that they were pressured or tricked.

"One situation occurred when a doctor asked his patient to agree to a tubal ligation when she was sedated and strapped to an operating table for a C-section," state Sen. Ted Lieu wrote in a July 10 letter to the Medical Board of California. "Other incidents involved doctors repeatedly harassing and pressuring inmates to get tubal ligations."

The operations were performed at outside hospitals and medical facilities by doctors under contract with the corrections department. The unauthorized sterilization involved inmates from the California Institution for Women in Corona and Valley State Prison in Corona. The operations are only allowed if medically necessary, which the sterilizations were not. Doctors were paid \$147,460 to perform the procedures.

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“The first priority we had was to stop it from taking place, which we did in 2010,” Hayhoe said, adding that the female prisoners had all signed a consent form for the surgeries.

“We’ve been assured that this practice hasn’t occurred since (2010), but the question of course is why was this occurring?” state Sen. Hannah-Beth Jackson of Santa Barbara, who also signed Lieu’s letter, told CIR. “We want to make absolutely sure – whether we have to do legislation or what – this procedure never becomes the practice it had in the past.”

Former Valley State Prison inmate Crystal Nguyen worked in the prison’s infirmary during 1997. According to CIR, Nguyen told investigators she often overheard members of the medical staff asking inmates to agree to be sterilized.

“I was like, ‘Oh my God, that’s not right,’” Nguyen, 28, said. “Do they think they’re animals, and they don’t want them to breed anymore?”

Lieu, chairman of the Business, Professions and Economic Development Committee, which oversees the medical board, singled out Dr. James Heinrich, at Valley State Prison, in his letter to the board.

“Particularly troubling was a statement by Dr. James Heinrich, OB-GYN at Valley State Prison, who made a reference that tubal ligations on inmates save in welfare paying for these unwanted children – as they procreated more,” Lieu wrote. He continued: “Whether a surgical procedure would have any hypothetical effect on welfare rolls should never, ever play a part in a doctor’s decision.”



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Calls to Heinrich and the California Department of Corrections and Rehabilitation were not immediately returned.

At least 10 other women have filed complaints with Justice Now, a prisoner advocacy group, claiming they were sterilized improperly in procedures that included having their ovaries removed.

Kelli Thomas was an inmate in Corona when she went into surgery for a biopsy and to have two cysts removed, the Los Angeles Times reported. She signed off on having her ovaries removed if doctors found cancer but expressed that she wanted to have children in the future. According to her medical records, Thomas was cancer-free but her ovaries were removed anyway.

“I feel like I was tricked,” Thomas told the LA Times. “I gave permission to do it based on a (cancer) diagnosis, and the diagnosis wasn’t there.”

News of the unauthorized and unnecessary sterilization comes at a time when thousands of inmates across California continue to refuse food as part of the state’s largest hunger strike.

Initially, more than 30,000 inmates had participated. They are protesting lengthy stints in solitary confinement as well as improved prison conditions. Prisoners could be force-fed if a court order is issued, but there hasn’t been one issued yet.

Appendix C5: "California was sterilizing its female prisoners as late as 2010"  
by Guardian Staff *The Guardian* November 8, 2013

California banned force sterilizations in 1979, but as recently as 2010, female inmates in the state were getting the procedure. On a lazy Sunday in March 2012, I was headed out to run errands when CNN's Anderson Cooper 360 turned to a broadcast called "Eugenics in America". The report recounted the sad history of minorities, prisoners, the poor and the disabled being forcibly sterilized during the early 20th century. No news there, right? Yet, I was taken aback when the piece focused on California's role. I never knew the Golden State led the nation with nearly 20,000 sterilizations. Nor did I know that Nazi Germany consulted with California's eugenics leaders in the 1930s. I also was surprised that CNN's reporter was unable to get lawmakers in Sacramento to talk about this.

I set out to learn more. Were there any living victims? If so, how many and how could I find them?

Coincidentally, soon afterward, I received a tip that sterilizations may have occurred in California's women's prisons as recently as 2010. The assertion shocked me. It sounded outlandish. By then, I knew that California lawmakers had banned forced sterilizations in 1979. Since 1994, elective sterilizations have required approval from top medical officials in Sacramento on a case-by-case basis. Had that happened in these cases?

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I sought out the prisoner rights organization Justice Now and traveled to its Oakland office. Advocates showed me state spreadsheets indicating contract doctors were reimbursed for performing tubal ligations on inmates. The group's data was incomplete. It lacked the amounts paid. And there was no information on who was sterilized or whether the procedures were approved at headquarters. But at a minimum, the documents showed that the tip wasn't as off base as it first appeared.

The missing information foreshadowed the difficulties that would come in the months ahead as I sought to fill in the blanks. Intense secrecy governs these surgeries. Strict state and federal laws protect patient privacy. Prison attorneys fought to deny access to key documents and records, including those not medically related. Also, inmates who have been sterilized are reluctant to talk about it for many reasons – some of which stem from shame and trauma from the surgery.

Still, I crisscrossed the state seeking and meeting people who could help break the silence. Over time, I obtained a more complete spreadsheet of tubal ligation procedures and costs. Prison officials talked to me both on the record and off. So did former and current inmates. A few medical records trickled in as well.

Highlights from the first story that The Center for Investigative Reporting published 7 July (which I authored) show the results, including:

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- Doctors under contract with the California Department of Corrections and Rehabilitation sterilized nearly 150 female inmates from 2006 to 2010 without required state approvals – and there were perhaps 100 more dating back to the late 1990s.
- Former inmates and prisoner advocates say prison medical staff coerced the women into agreeing to the surgeries, targeting those deemed likely to return to prison in the future. From 1997 to 2010, the state paid doctors \$147,460 to perform tubal ligations, according to a database of contracted medical services for state prisoners.
- A prison administrator acknowledged that she tried to find workarounds, and the prison's ob-gyn defended the expenditure, saying: Over a 10-year period, that isn't a huge amount of money compared to what you save in welfare paying for these unwanted children – as they procreated more.
- One former inmate, who gave birth to a son in October 2006, said she repeatedly was pressured to agree to a tubal ligation, including while at the hospital under sedation for her C-section. "He said, 'So we're going to be doing this tubal ligation, right?' " she said. "I'm like, 'Tubal ligation? What are you talking about? I don't want any procedure. I just want to have my baby.' I went into a straight panic."

The story went viral on social media. News organizations and bloggers nationally and internationally circulated the piece, prompting intense debate.

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Lawmakers immediately denounced the sterilizations, which appear to have ended in 2010, and demanded answers. So far, two hearings have been held. A state audit was ordered and fast-tracked to determine what happened and who knew what when. And, of course, our investigative journalism work continues.

Appendix C6: “Lawmakers call for investigation into sterilization of female inmates”

by: *NBC News Staff NBC News July 10,2013*

State lawmakers called Wednesday for an investigation of the physicians involved in the sterilization of women inmates and raised questions about a federal prison overseer’s role in handling the matter.

In a letter to the Medical Board of California, state Sen. Ted Lieu, D-Redondo Beach, said that The Center for Investigative Reporting’s investigation raised “troubling allegations that doctors violated State law, disregarded ethical guidelines, and fell well below the Standard of care.” Lieu is chairman of the Business, Professions and Economic Development Committee, which oversees the medical board. “We’ve been assured that this practice hasn’t occurred since (2010), but the question of course is why was this occurring?” state Sen. Hannah-Beth Jackson, D-Santa Barbara, who also signed Lieu’s letter, told CIR.

“We want to make absolutely sure – whether we have to do legislation or what – this procedure never becomes the practice it had in the past.” CIR found

## Appendix C Continued

that 148 women received tubal ligations without required state approvals from 2006 to 2010. Former inmates say doctors pressured women into getting sterilized and targeted those deemed likely to commit future crimes.

If Lieu's request is accepted, the doctors reviewed could include those inside the prison who made referrals for the surgeries as well as outside contractors at nearby hospitals who performed the procedure in violation of state rules. Lieu also called for the medical board to recommend ways for the Legislature to ensure unauthorized surgeries don't occur in the future and to consider whether doctors involved in unauthorized tubal ligations should be disciplined. The federal prison receivership has said it put a stop to all tubal ligations in 2010.

"A physician's sole and only concern should be that of the patient," Lieu wrote. "Whether a surgical procedure would have any hypothetical effect on welfare rolls should never, ever play a part in a doctor's decision."

Dr. James Heinrich, a prison OB-GYN who referred women prisoners for the surgery, told CIR the money spent sterilizing inmates was minimal "compared to what you save in welfare paying for these unwanted children – as they procreated more."

A former top medical official at Valley State Prison for Women, one of two prisons that sterilized female inmates, acknowledged seeking ways around the state's 1984 ban on tubal ligations. That ban allowed the procedure only in life-threatening situations and with high-level state review.

Daun Martin said she and Heinrich believed the restriction was "unfair."

### Appendix C Continued

Martin said she did not allow the procedures once she knew they were banned. But state records show at least 60 occurred under her watch without those approvals.

Joyce Hayhoe, speaking for the receivership, said officials there also were outraged over comments made by doctors in the CIR story.

“This was clearly a practice that started in the prison system prior to the receivership – that we inherited,” Hayhoe said.

Gov. Jerry Brown’s office referred requests for comment to the California Department of Corrections and Rehabilitation. As of publication, the state prison office had not commented. In a separate letter, Jackson – vice chairwoman of the California Legislative Women’s Caucus – along with top leaders of the Senate and Assembly, told the receivership she would ask the California State Auditor to probe allegations that physicians under the federal receivership have coerced female inmates into sterilization procedures, including during labor.

The letter sharply criticized the office of the federal receiver, which has controlled prison health care since 2006. It asks the receiver to provide answers within two weeks concerning how women ended up sterilized while under federal control.

Documents obtained by CIR show the receiver’s office knew in 2008 that sterilizations were occurring. The office didn’t move to stop the procedures until

## Appendix C Continued

2010, after a prisoner advocacy group, Justice Now, filed a public records request and complained to state Sen. Carol Liu, D-Glendale. Liu was the chairwoman of the Select Committee on Women and Children in the Criminal Justice System.

“As the federal Receiver, you were appointed by the three-judge panel to implement a lawful standard of medical care in California prisons. These instances of unauthorized tubal ligations under your watch violate California state laws,” the letter Tuesday to the receiver states.

Pressuring a vulnerable population – including at least one documented instance of a patient under sedation, to undergo these extreme procedures erodes the ban on eugenics. In our view, such practice violates Constitutional protections against cruel and unusual punishment; protections that you were appointed to enforce.”

Former Valley State inmate Kimberly Jeffrey told CIR she was asked repeatedly to get sterilized, including while sedated and strapped to a surgical table for a C-section in 2010. Her hospital medical records indicate she declined the procedure.

“He said, ‘So we’re going to be doing this tubal ligation, right?’ ” Jeffrey said. “I’m like, ‘Tubal ligation? What are you talking about? I don’t want any procedure. I just want to have my baby.’ I went into a straight panic.”

Jackson told CIR such allegations were “totally unacceptable and very alarming.” She said she wanted the public to know that she and her lawmaker colleagues



## Appendix C Continued

are working hard to ensure that the unauthorized sterilizations never happen again. Hayhoe, with the receivership, said it and members of the California Legislative Women's Caucus discussed the letter during a meeting today. She said it would be no problem to answer any additional questions.

Chris Valine, public information analyst for the medical board, said the office did receive Lieu's letter but could not comment further, citing confidentiality requirements.

Appendix C7: "Mother tells how she was strapped down..."  
by: Daily Mail Reporter *The Daily Mail* July 7, 2013

A shocking new report reveals that nearly 250 women have been sterilized in California prisons since the 1990s, some as recently as 2010. Many of the women say that they were repeatedly pressured into having tubal ligation surgeries by prison doctors - raising the specter of California's dark history of eugenics.

Female inmates revealed stories of being told - while in labor - that they should have the surgery, without being given a reason why it was medically necessary.

The Center for Investigative Reporting found that between 1997 and 2010, the state of California paid more than \$147,000 for sterilization surgeries on 148 sterilization surgeries - all of which were performed without proper state approval or oversight.

## Appendix C Continued

Instead of going through state prison healthcare regulators, doctors took it in their own hands to order the permanent surgery, which is commonly referred to as a woman 'having her tubes tied.'

Dr James Heinrich, the for OB-GYN at Valley State Prison for Women in Corona, California, said the money was a bargain for California taxpayers. 'Over a 10-year period, that isn't a huge amount of money compared to what you save in welfare paying for these unwanted children – as they procreated more,' he told the CIR.

He said no patients were coerced into having sterilization surgery and he only recommended women who were at risk after multiple C-sections.

The CIR found that doctors targeted pregnant inmates who already had multiple children and were seen as being likely to wind up back in prison after their release. Christina Cordero, 34, who gave birth in Valley State prison in 2006, says she felt like she was coerced by Dr. Heinrich into having the sterilization surgery after giving birth to her child.

'As soon as he found out that I had five kids, he suggested that I look into getting it done. The closer I got to my due date, the more he talked about it,' Christina Cordero, who served a two year prison sentence for auto theft, said. 'Over a 10-year period, that isn't a huge amount of money compared to what you save in welfare paying for these unwanted children – as they procreated more.'

## Appendix C Continued

Kimberly Jeffrey, 43, says she was strapped to a hospital table and under the influence of medication - preparing to have a C-section in 2010, when the doctor all but demanded she agree to sterilization surgery.

He said, "So we're going to be doing this tubal ligation, right?"

I'm like, "Tubal ligation? What are you talking about? I don't want any procedure. I just want to have my baby." I went into a straight panic.'

Prison records from Valley State show that Jeffrey, who was imprisoned for a probation violation, had rejected requests she undergo sterilization surgery twice before.

'Being treated like I was less than human produced in me a despair,' she said.

Nikki Montano, 42, who has seven children, agreed to sterilization surgery after giving birth in Valley State in 2008. She said she was battling drug addiction at the time and was undergoing a C-section.

She was never given a medical reason why she needed the surgery, she said. The sterilizations reportedly targeted women who had multiple children and were deemed like to re-offend.

'I figured that's just what happens in prison – that that's the best kind of doctor you're going get,' Montano told the CIR.

Many states, including New York and North Carolina, have a history of sterilizing 'undesirable' people - the mentally ill, criminals, women deemed to be 'promiscuous.'

## Appendix C Continued

The most egregious use of this practice, however, was in California, where some 20,000 people were sterilized against their will from 1904 until 1964. Even the Nazis took notice of the state's eugenics policies and sent representatives to study the state's policies in the 1930s.

Appendix C8: "Prisons Caught Sterilizing Female Inmates without Approval"  
by: Jorge Rivas *ABC News* July 8, 2014

The Center for Investigative Reporting has found doctors under contract with the California Department of Corrections and Rehabilitation sterilized nearly 150 female inmates from 2006 to 2010 without the required state approvals.

Former inmates and prisoner advocates interviewed by CIR say that prison medical staff coerced the women into the surgeries. The women were signed up for the surgery while they were pregnant and housed at two of the three major women's prisons in California at the time; the California Institution for Women in Corona and the Valley State Prison for Women in Corona, which is now a men's prison.

A review of state documents from 1997 to 2010 found the state paid doctors \$147,460 to perform the sterilizations.

"Over a 10-year period, that isn't a huge amount of money," Dr. James Heinrich, Valley State Prison's OB-GYN, told CIR. "Compared to what you save in welfare paying for these unwanted children – as they procreated more."

## Appendix C Continued

A former Valley State Prison inmate who worked in the prison's infirmary in 2007 told CIR she often overheard medical staff asking inmates who had served multiple prison terms to agree to be sterilized.

"I was like, 'Oh my God, that's not right,'" Crystal Nguyen told CIR. "Do they think they're animals, and they don't want them to breed anymore?"

A U.S. Supreme Court ruling led to a number of new policies in the 1970s that made it illegal to pressure anyone to be sterilized or ask for consent during labor or childbirth. The decision came after lawsuits and public outrage over eugenics laws in 32 states, California included. "California still grapples with an ugly past: Under compulsory sterilization laws here and in 31 other states, minority groups, the poor, the disabled, the mentally ill and criminals were singled out as inferior and sterilized to prevent them from spreading their genes," wrote the lead author of the CIR investigation, Corey Johnson. Johnson told ABC News-Univision he did not have any demographic data for the 148 women who were sterilized between 2006 and 2010. However, he noted that all the women he spoke to were women of color. "I can tell you that the women in the story consisted of one Asian (Crystal Nguyen), two Hispanics (Christina Cordero and Nikki Montano) and two African Americans (Michelle Anderson and Kimberly Jeffrey)", Johnson explained.

## Appendix C Continued

Women of color are generally overrepresented in California's prisons. African-American women make up roughly 7% of California's female population, but they constitute 29.8% of female prison population in the state, according to 2005 prison Census data analyzed by the California Coalition for Women Prisoners. While white females make up about 47% of females in California, they are only 39% of the state's female prison population. Latinas constitute 27% of California's female prison population.

To read the full investigation, "Prisons push sterilization, ex-inmates say," visit the Center for Investigative Reporting's website.

Appendix C9: "Female inmate surgery broke law"  
by Phillip McGreevy *The Los Angeles Times* July 14, 2013

Dozens of women in California prisons were sterilized without the required approval of a state medical committee, officials said.

Some of the women say they felt coerced to undergo the surgery, and now state lawmakers are calling for an investigation.

"Pressuring a vulnerable population — including at least one documented instance of a patient under sedation —to undergo these extreme procedures erodes the ban on eugenics," the California Legislative Women's Caucus wrote in a letter to the federal receiver in charge of prison healthcare.

During a five-year period ending in 2010, at least 148 female inmates received tubal ligations that had not been approved, Joyce Hayhoe, a

## Appendix C Continued

spokeswoman for the receiver, confirmed Friday. The allegations were first reported by the Center for Investigative Reporting.

Ten other women have alleged to the prisoner advocacy group Justice Now that they were sterilized improperly in procedures other than tubal ligation, including having their ovaries removed.

The operations were performed at outside hospitals and medical facilities by doctors under contract with the corrections department. Medical directors at the prisons recommended and approved the tubal ligations, Hayhoe said. Corrections officials found no evidence of sterilization performed on male prisoners.

She said the unauthorized sterilization involved inmates from the California Institution for Women in Corona and Valley State Prison in Corona, and the operations were a clear violation of state law restricting procedures not considered medically necessary.

"Our physicians were not following the proper procedures," she said. "The first priority we had was to stop it from taking place, which we did in 2010." In every case, the women involved signed a written consent form, Hayhoe said, although some women told The Times they felt pressured or misled into giving consent. New procedures to limit sterilizations were implemented in 2010, Hayhoe said. Since then, there has been only one such surgery and it was ruled medically necessary, she added.

## Appendix C Continued

Kelli Thomas of Los Angeles was an inmate in Corona when she went into surgery for a biopsy and to have two cysts removed. She gave the doctor permission to remove her ovaries if cancer was found, she said, but she told him she hoped it wouldn't be necessary.

Thomas said she told the doctor she wanted to have children when she left prison, where she served a sentence for voluntary manslaughter of a domestic partner she said was abusive.

Her medical records show that no cancer was found but her ovaries were removed, according to Cynthia Chandler, co-founder of Justice Now and a law professor at Golden Gate University, who reviewed the records.

"I feel like I was tricked," Thomas said. "I gave permission to do it based on a [cancer] diagnosis, and the diagnosis wasn't there."

Daun Martin, a licensed psychologist who was the medical administrator at Corona from 2005 to 2007, said none of the tubal ligations done at the prison were improper or done under coercion.

"The women who had tubal ligations all signed consents. There was absolutely no harassment or pressure," Martin said. There was no intent to coerce the women into sterilization because of their race, ethnicity or troubled past, Martin said.

"Women should be allowed to make decisions regarding their body— in prison or out of prison," Martin said.



## Appendix C Continued

"Nobody at the prison had any intention of doing anything but what was in the best interest of the women."

Martin acknowledged, however, having been unaware of the ban on tubal ligations not deemed medically necessary.

The legislative women's caucus, which represents 31 state lawmakers, has asked the receiver for a detailed report on the sterilizations. "In our view, such practice violates constitutional protections against cruel and unusual punishment; protections that you were appointed to enforce," the caucus wrote. Another group of lawmakers has asked the California Medical Board to investigate the physicians involved in unapproved sterilizations and "determine whether any disciplinary actions or license revocations are warranted."

Hayhoe declined to say whether disciplinary action was taken against the prison doctors who approved the tubal ligations, citing restrictions on releasing information about personnel matters. But she said the doctors involved "are no longer employed" by the corrections department.

Prison officials said they have since briefed all prison medical directors and contract physicians about the restrictions on sterilizations and the need for prior consent.