Virginia man coerced into undergoing vasectomy as part of plea agreement

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Last month a Virginia judge approved a plea agreement that requires a man accused of causing a car accident to undergo a vasectomy.

27-year-old Jessie Lee Herald of Edinburg, Virginia, agreed to the vasectomy in the plea deal so that he would have a shorter prison term. According to the terms of the plea deal, Herald will serve one year and eight months, followed by a period of probation. He must arrange and pay for the vasectomy within one year following release from prison, and must not reverse the vasectomy until his probation period is over.

Herald's court-ordered vasectomy is reminiscent of the practice of eugenics, and shows that the US criminal justice system is not above neutering a human being like a dog, for what amounts to a traffic offense.

Herald was in a car accident last December when the vehicle he was driving left the roadway. His three-year-old son was with him at the time and suffered minor injuries. Herald took his son home and hid from authorities for a week before turning himself in. He was charged with leaving the scene of an accident, child endangerment, driving on a suspended license and driving after forfeiture of a driver's license.

By accepting the plea deal Herald avoided adding five years to his prison term.

Assistant Commonwealth Attorney Ilona White proposed the plea deal, saying, "he needs to be able to support the children he already has when he gets out… It [the deal] was primarily due to the fact that he had seven or eight children, all by different women, and we felt it might be in the Commonwealth's interest for that to be part of the plea agreement."

Vasectomy is a form of permanent birth control that works by severing the pathways through which sperm travel. It requires surgical intervention and is potentially irreversible.

Herald's wife and mother of his 3-year-old son said that Herald only took the deal so that he would be able to get out of jail sooner and be with his family. She says Herald is a good husband and father, and that the couple had hoped to have more children someday.

The highly unusual plea deal received national media attention, including from right-wing television personality and former prosecutor Nancy Grace. In a segment on Herald's plea, available here, Grace goes out of her way to demonize the young man, at one point interrupting her own producer who had just said that there was no record that Herald ever failed to pay child support for any of his children.

"Wait a minute, hold on…don't get crazy. Just because there's not a court record of it does not mean he's met all his child support payments. That just means that the mothers haven't taken him to court," Grace said.

University of Virginia law professor Brandon Garrett said that Herald's plea agreement recalled the practice of eugenics in the 1920s, a pseudoscientific movement in academia and politics that advocated sterilizing persons deemed to have inferior genes. According to the Virginia chapter of the American Civil Liberties Union, the state of Virginia sterilized between 7,200 and 8,300 people including convicts and the mentally ill. Virginia's Eugenical Sterilization Act of 1924 survived a challenge in the US Supreme Court in 1927 in the case of *Buck v. Bell*, in which chief Justice Oliver Wendell Holmes famously wrote that "three generations of imbeciles are enough."

In the wake of Nazi Germany's defeat in World War II, the eugenics movement was despised and discredited, leaving a blemish on American academic and legal history. Virginia did not formally repeal the

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Eugenical Sterilization Act until 1979.

Jessie Herald's case underscores the reemergence of fascistic and eugenic thinking in the American ruling class and state apparatus.

In May, an Ohio appellate court upheld an order forbidding a man who was delinquent in child support payments from having any more children, under penalty of a year in prison.

A California state auditor's report from June 2014 found that between the years 2005-2013, the state sterilized 39 female prison inmates by tubal ligation without the women's consent. The report says that all of these women had been incarcerated at least once before, and RT.com reports that former prisoners and their advocates accuse prison officials of targeting women for sterilization if they were considered at risk of recidivism.

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