

Tennessee judge offers reduced sentences to inmates who agree to sterilization

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A judge in White County, Tennessee has offered inmates the possibility of shaving off 30 days from their time in jail—under the condition that they receive either a vasectomy or a birth control implant. General Sessions Judge Sam Benningfield signed the standing order for inmates on May 15.

The program is reminiscent of eugenics programs widely implemented in the US during the first part of the 20th century, in which government officials coercively sterilized criminals, the mentally challenged, impoverished individuals and minorities.

Since the order was put into practice a few months ago, 32 women have gotten a Nexplanon implant, and 38 men are waiting to have a vasectomy procedure. The Nexplanon implant is able to prevent pregnancy for up to four years, and the vasectomy makes a man infertile unless he receives a separate surgery to reverse the procedure.

Hedy Weinberg, executive director for the American Civil Liberties Union of Tennessee, stated, “Offering a so-called ‘choice’ between jail time and coerced contraception or sterilization is unconstitutional. Such a choice violates the fundamental constitutional right to reproductive and bodily integrity by interfering with the intimate decision of whether and when to have a child, imposing an intrusive medical procedure on individuals who are not in a position to reject it.”

The White County District Attorney Bryant Dunaway has also stated concerns that the order is unethical and potentially illegal. He told *NewsChannel 5*, “It’s concerning to me, my office doesn’t support this order. It’s comprehensible that an 18-year-old gets this done, it can’t get reversed and then that impacts the rest of their life.”

Judge Benningfield has attempted to justify the program as a means of preventing men and women

from having children born addicted to drugs and preventing petty criminals from having to pay child support.

He told *NewsChannel 5*, “I hope to encourage them to take personal responsibility and give them a chance, when they do get out, to not be burdened with children.”

The White County jail also offers a State of Tennessee, Department of Health Neonatal Syndrome Education Program for inmates. Prisoners who complete the program are able to have two days taken off his or her sentence. Benningfield has stated, “Hopefully while they’re staying here we rehabilitate them so they never come back.”

Such arguments are merely a cynical cover for the resurrection of reactionary conceptions and undemocratic policies of an earlier era. Under the eugenics programs of the 20th century, upheld by the US Supreme Court, those convicted of crimes were targeted for sterilization based on claims that they had inferior genes or that their children would be a burden on the state’s budget.

Sterilization programs were implemented in the early 1900s. Adolf Hitler later praised the US for implementing sterilization programs in his book *Mein Kampf*. Even though eugenics theories fell out of favor after the Second World War, sterilization programs remained in effect for decades.

Between 1909 and 1979, the state of California sterilized 20,000 patients in mental institutions. California Governor Jerry Brown signed a bill in 2014 officially banning sterilization of female inmates without their consent.

In December 2015, the US Senate unanimously passed the Eugenics Compensation Act to aid victims of these policies. North Carolina and Virginia also

passed bills to provide funds to the surviving victims of eugenics policies.

Benningfield's order is a return to these ultra-reactionary policies as a solution to the immense poverty and ongoing opioid crisis in Tennessee. According to recent US Census Bureau data, just over 18 percent of White County's residents live in poverty.

Tennessee has also seen a tenfold increase in babies being born with drug withdrawal symptoms known as Neonatal Abstinence Syndrome (NAS) over the past ten years.

The opioid crisis, which is the product of the impoverishment of large sections of workers and rampant prescription of opioids, has generated an immense public crisis and extreme rightwing response. Last month Middletown, Ohio Council member Daniel Picard suggested his county should refuse to use the drug naloxone to save overdose victims more than two times.

The position of Benningfield and Picard reflect the sentiments of large sections of the political establishment that feels it is more cost effective to sterilize drug addicts or simply let them die rather than provide treatment to them or their children, let alone address the underlying cause of the drug epidemic.

This author also recommends:

The opioid epidemic in the US: A national health emergency

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