



**LEGISLATION &
COMMUNICATIONS UNIT**
1831 K Street
Sacramento, CA 95811-4114
Tel: (916) 504-5800
TTY: (800) 719-5798
Intake Line: (800) 776-5746
Fax: (916) 504-5807
www.disabilityrightsca.org

July 6, 2021

Honorable Thomas J. Umberg
Chair, Judiciary Committee
California State Senate
Capitol Building, Room 5097
Sacramento, CA 95814

RE: AB 1007 (Carrillo) as amended July 1, 2021 - SUPPORT

Dear Senator Umberg:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, **supports AB 1007**. This bill is scheduled for hearing before Senate Judiciary Committee on July 13, 2021.

Involuntary sterilization is not new in the United States. In fact, it is a major part of American history.

Eugenics has primarily been targeted towards disabled women, women of color and poor women. Dominate, white, wealthy European people made the decision that they did not want to have people "less than" them living in our society.

Eugenics was used so often in American society, that it was not even viewed as part of fringe culture. It was largely accepted by many throughout the country's elite circles. Most states had a federally funded eugenics board. Scientists and doctors throughout the country made statements and wrote documents to support eugenics and cleansing

society.¹

One of the most prevalent cases in the history of America on this issue is the Supreme Court case, *Buck v. Bell*. In *Buck v. Bell*, a “feeble minded individual,” who was committed to a mental institution was being forced to be sterilized. This woman had a history of mental illness in her family, and a Virginia law allowed for this type of sterilization. The law was in place to promote the “health of the patient and the welfare of society.” The court determined that this law did not deny the woman “due process according to the Constitution.” Supreme Court Justice Holmes stated that the Virginia law needed to remain in place in order to “prevent the nation from being swamped with incompetence ... Three generations of imbeciles are enough.” *Buck v. Bell* has never actually been overturned by the Supreme Court.² Laws similar to this one in Virginia were in several states throughout the country, including in California.

The next major issue involving sterilization included the sterilization of people with disabilities as directed by family members or guardians. The courts supported the rights of parents and other guardians over the rights of the disabled person. The courts used the Fourteenth Amendment of equal protection and due process to determine that people with disabilities did not have a right to self-determination.³

This practice of eugenics has been disproportionately used against women with disabilities. In a report titled, “Situation of women and girls with disabilities and the Status of the Convention of the Rights of Persons with Disabilities and Optional Protocol thereto” written by Catalina Devandas Aguilar for the United Nations laid out the history and experience that girls and women with disabilities are facing in this space around the world. The report was written in 2017. These harmful practices are widespread and a human rights violation. According to the report, although the international human rights bodies have declared that sterilization of PWD is a form of discrimination, violence, torture, and other cruel and inhuman or degrading treatment, it is still legal and applied in many states worldwide. Often, this is because of court and guardian enforcement of social perceptions of PWD as either asexual or hyper sexed—either way, they are deemed unfit for

¹ America’s Forgotten History of Forced Eugenics. [America’s Forgotten History of Forced Sterilization – Berkeley Political Review](#). November 4, 2020.

² *Buck v. Bell*. [Buck v. Bell | Oyez](#). 274 US 200. 1927.

³ The Right to Self Determination: Freedom from Involuntary Sterilization. [The Right to Self-Determination: Freedom from Involuntary Sterilization | Disability Justice](#).

parenthood, incapable of possessing sexual pleasure or desire, and would be too “burdened” by sex education or contraception use and menstrual management.⁴

This harm to girls and women with disabilities has been detrimental to generations. It also impacts all types of families, but especially poor families and ethnically diverse families.

AB 1007 is crucial in repairing some of the damage caused by forced sterilization. We acknowledge that there is still a long way to go, but this bill would assist the families, who have had family members tortured and abused by this practice.

For these reasons, Disability Rights California supports AB 1007, and we ask for your Aye vote.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Harris". The signature is fluid and cursive, with a prominent "E" and "H".

Eric Harris
Director of Public Policy
Disability Rights California

cc: Honorable Members, Senate Judiciary Committee
Honorable Wendy Carrillo, California State Assembly
Travis Legault, Office of Assemblymember Wendy Carrillo

⁴ Sterilization of People with Disabilities: Acknowledging the Past and Present History, Rhetoric, and Effects of a Harmful Practice. [Sterilization of People With Disabilities: Acknowledging the Past and Present History, Rhetoric, and Effects of a Harmful Practice – RightsViews \(columbia.edu\)](#). 2019