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*Extra Space Edition*

# **Our Bodies, Our Rights:** **What's Going On at the** **Supreme Court?**

**Part 9: Why does  
bodily autonomy matter to  
people with disabilities?**

# Words to Know in Part 9

## **Abortion**

When a person decides to end their pregnancy without giving birth.

## **Bodily autonomy**

The right of people to control what happens to their bodies. Bodily autonomy means people get to make their own decisions about their bodies.

## Buck v. Bell

A Supreme Court case decided in 1927. Carrie Buck was a woman with an intellectual disability who lived in an institution. The state of Virginia wanted to forcibly sterilize her because she had an intellectual disability. The state of Virginia had a law saying people living in institutions could be forcibly sterilized.

Carrie Buck brought a lawsuit against the people who ran the institution. In Carrie Buck's case, she was asking the court to tell the people who ran the institution not to forcibly sterilize her.

The Supreme Court decided it was okay for the state of Virginia to sterilize Carrie Buck. The Supreme Court said it was alright because Carrie Buck had an intellectual disability.

## **Doe ex. rel. Tarlow v. D.C.**

a court case that has to do with bodily autonomy for people with disabilities. Three women with intellectual disabilities brought a lawsuit against the Washington, D.C. Developmental Disabilities Administration. The women said that the Developmental Disabilities Administration forced them to have surgery against their will.

Doe ex rel. Tarlow v. D.C. did not go to the Supreme Court. But one of the lower court judges who decided it is now a Supreme Court justice. That justice's name is Brett Kavanaugh. In Doe ex rel. Tarlow v. D.C.,

Brett Kavanaugh said that the Developmental Disabilities Administration didn't have to ask the women what they thought about the surgeries. Brett Kavanaugh said that what the women thought about the surgeries didn't matter.

# Eugenics

The idea that some people have “good traits” and some people have “bad traits.” People who support eugenics think that people they believe have “good traits” should have lots of children. They want to get rid of groups of people that they think have “bad traits.” They want to make sure those people don’t have children.

People who believe in eugenics think that people with disabilities are worth less. People who believe in eugenics also think that people of color are worth less.

## Forced sterilization

When the government forces someone to get a surgery that makes it so that person can't have children.

## Sterilized

Having surgery so you cannot get pregnant anymore.

## Supreme Court

The highest court in the United States. They have the final say on laws.

# Why does bodily autonomy matter to people with disabilities?

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Bodily autonomy is very important to people with disabilities.

We have the right to make our own choices about our bodies.

We should be the only ones to decide what happens to our bodies.

Nobody else should get to decide for us.



# What is forced sterilization?

In the past, bodily autonomy was taken away from people with disabilities a lot.

This still happens sometimes today.

In the past, many people with disabilities were forcibly sterilized.

**Forced sterilization** is when the government forces someone to get sterilized.

Forced sterilization has been used a lot against people with disabilities.

It has also been used a lot against:

- people of color.
- immigrants.
- poor people.

The Supreme Court has made a few decisions about bodily autonomy and forced sterilization.

In 1927, the Supreme Court made a decision in a case called **Buck v. Bell**.

Carrie Buck was a woman with an intellectual disability who lived in an institution.

The state of Virginia wanted to forcibly sterilize her because she had an intellectual disability.

The state of Virginia had a law saying people living in institutions could be forcibly sterilized.

Carrie Buck brought a lawsuit against the people who ran the institution.

She asked the court to tell the people who ran the institution not to forcibly sterilize her.

The lawsuit made its way to the Supreme Court.

The Supreme Court decided it was okay to forcibly sterilize Carrie Buck.

The Supreme Court said it was alright because Carrie Buck had an intellectual disability.

The state of Virginia forcibly sterilized Carrie Buck.

The state of Virginia had a law saying people in institutions could be forcibly sterilized until 1974.

Other states also forcibly sterilized people.

Many states sterilized people with intellectual and developmental disabilities.

They didn't think that people with intellectual and developmental disabilities should have the right to bodily autonomy.

They didn't think that people with disabilities should have the right to decide to have children.

They didn't want people with disabilities to have children.

They especially did not want people with disabilities to have children with disabilities.

Many states also forcibly sterilized people of color.

In California, many Mexican immigrant women were forcibly sterilized.

Doctors would pressure women to agree to sterilization while giving birth.

The doctors would lie and say that it could be reversed.

The women did not speak English well and did not know what the doctors were saying.



In North Carolina, Black women were forcibly sterilized more often than white women.

Black women were forcibly sterilized 3 times more than white women.

All these things were part of **eugenics**.

Eugenics is the idea that some people have “good traits” and some people have “bad traits.”

People who support eugenics think that people they believe have “good traits” should have lots of children.

They want to get rid of groups of people that they think have “bad traits.”

They want to do this by making sure those groups don't have children.

People who believe in eugenics think that people with disabilities are worth less.

People who believe in eugenics also think that people of color are worth less.

Eugenics is always wrong.

[ASAN is against eugenics.](#)

The Supreme Court has never undone their decision in Buck v. Bell.

It is still legal for states to pass laws saying that certain people can be forcibly sterilized.

However, most states no longer have laws saying that some people *must* be forcibly sterilized.

All people, including people with intellectual disabilities, have bodily autonomy.

Our thoughts and choices about our bodies matter.

The government should not force people to be sterilized.

The government should not force people to get medical care.

And the government should not stop people from getting medical care, like abortion.

## Are people still forcibly sterilized today?

Most states no longer have laws saying certain people should be forcibly sterilized.

But forced sterilizations still happen.

In the last few years, a lot of forced sterilizations have happened [in prisons and jails](#).

The people being sterilized were told they would have to spend less time in jail or prison if they got sterilized.

The people technically had a “choice” whether or not to get sterilized.

But it wasn't a real choice.

If they didn't get sterilized, they would go to jail or prison for longer.

That makes it not a real choice.

In 2020, a worker at a jail in Georgia talked about what was happening in the jail.

The worker said that the people who ran the jail were forcibly sterilizing immigrant women in the jail.

The women who had been forcibly sterilized didn't know why they were forcibly sterilized.



People with disabilities under guardianship can still be forcibly sterilized in many states.

If a person's guardian says yes to the sterilization, the doctor can perform the sterilization

The doctor might not even ask the person themselves if they want to be sterilized.

31 states and Washington, D.C. have laws that [allow people with disabilities to be forcibly sterilized.](#)

These laws let other people make the decision about whether to sterilize a person with disabilities.

The other person might be the person's guardian.

Or they might be a judge.

Only 2 states, Alaska and North Carolina, ban forced sterilization of people with disabilities.

## What is Doe ex. rel. Tarlow v. D.C.?

There are other ways that the government can violate people with disabilities' bodily autonomy.

One way is through forcing people with disabilities to have surgeries other than forced sterilization.

For example, in the case Doe ex rel. Tarlow v. D.C., three women with intellectual disabilities brought a lawsuit against the Washington, D.C. Developmental Disabilities Administration.

The Developmental Disabilities Administration is the part of the Washington, D.C. government that works with people with intellectual and developmental disabilities.

The women said that the Developmental Disabilities Administration forced them to have surgery that they didn't want.

One woman said she was forced to have eye surgery.

The other two women said they were forced to have abortions.

Doe ex rel. Tarlow v. D.C. did not go to the Supreme Court.

But one of the lower court judges who decided it is now a Supreme Court Justice.

That Justice's name is Brett Kavanaugh.

In Doe ex rel. Tarlow v. D.C., Brett Kavanaugh said that the Developmental Disabilities Administration didn't have to ask the women what they thought about the surgeries.

Brett Kavanaugh said that what the women thought about the surgeries didn't matter.

That is wrong!

What the women thought about the surgeries did matter.

It should have been the women's choice whether they got the surgeries, not the Developmental Disabilities Administration's decision.

Everyone has bodily autonomy.

The women in *Doe ex rel. Tarlow v. D.C.* had bodily autonomy.

It is wrong to force someone to get any surgery that they do not want to.

It is wrong to say what someone wants doesn't matter because they have a disability.

Forcing people with disabilities to have abortions is also part of eugenics.

It is part of eugenics because it is saying people with disabilities shouldn't have children.

People with disabilities also have the right to have children if we want to.

Other people shouldn't be able to make us have abortions.