

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DARCY CORBITT, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	CASE NO. 2:18-cv-91-MHT-GMB
)	
HAL TAYLOR, <i>et al.</i> ,)	
)	
Defendants.)	

**PLAINTIFF’S EVIDENTIARY SUBMISSION IN SUPPORT OF THEIR OPPOSITION
TO DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT**

Plaintiffs respectfully submit the following exhibits in support of their contemporaneous filed
Opposition to Defendants’ Motion for Summary Judgment.

- 60. Will Oremus, Facebook Changed 14 Million People’s Privacy Settings to “Public” Without Warning, Slate (June 7, 2018)
- 61. Brian Barrett, *The Facebook Privacy Setting That Doesn’t Do Anything At All*, Wired (March 27, 2018)
- 62. Alex Hern, *Facebook is Chipping Away at Privacy—and My Profile Has Been Exposed*, The Guardian (June 29, 2016)
- 63. Katharine Lagrave, *4 Ways People Steal Your Passport*, Conde Nast Traveler (Aug. 15, 2016)
- 64. Department of State, United States Passport Fees (Feb. 20, 2018)
- 65. Gottfried Leibbrandt, *How fast is that buck? The velocity of money*, Statistics of Payments, Swift Institute, (2012)
- 66. Email from Gayle Boliou, Supervisor, Driver Services, Department of Finance and Administration (Apr. 7, 2011, 3:38 p.m.)

67. Curtis M. Wong, *Arkansas Has Been Offering a Nonbinary Gender Option on State IDs for Years*, Huffington Post (Oct. 17, 2018)
68. District of Columbia Department of Health, Gender Designation Policies, Procedures, and Instructions
69. Registry of Vital Records and Statistics, Massachusetts Dep't of Pub. Health, Physicians Statement in Support of Amendment of a Birth Certificate Following Medical Intervention for the Purpose of Sex Reassignment (Apr. 1, 2016)
70. Registry of Motor Vehicles, Massachusetts Gender Designation Change Form (last visited March 7, 2019)
71. *Violence Against the Transgender Community in 2017*, Human Rights Campaign
72. U.S. Dep't of Justice, Bureau of Justice Statistics PREA Data Collection Activities, 2015 2 (June 2015)
73. Valerie Jenness et al, *Violence in California Correctional Facilities: An Empirical Examination of Sexual Assault* 3 (2007)
74. InterACT: Advocates for Intersex Youth, Media Guide Covering the Intersex Community 2
75. Gwen Sharp, *Physiognomy: Face, Bodies, and the "Science" of Human Character*, Sociological Images 6 (Jan. 30, 2015)
76. Marissa Alperin, *Constructing Jewish Bodies in Germany through Physical Culture and Racial Pseudo-Science* 4 (2018)
77. Lutz Kaelber, *Eugenics: Compulsory Sterilization in 50 States: Alabama* (2012)

Respectfully submitted this 8th day of March 2019.

s/ Brock Boone
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CERTIFICATE OF SERVICE

I certify that on March 8, 2019, I filed the foregoing electronically using the Court's CM/ECF system, which will serve all counsel of record.

s/ Brock Boone

Exhibit 60

Facebook Changed 14 Million People's Privacy Settings to "Public" Without Warning

 slate.com/technology/2018/06/facebook-changed-14-million-peoples-privacy-settings-to-public-without-warning-due-to-a-bug.html

June 7, 2018

The Industry

By

Will Oremus

June 07, 2018 4:59 PM



Big dislike.

Justin Sullivan/Getty Images

Whoops.

Again.

Facebook disclosed Thursday that a software bug may have switched some users' posts to "public" without telling them. That means that status updates, photos, and other Facebook activity that people thought they were sharing just with their friends, or with friends of friends, would have instead been viewable by anyone—unless they noticed the settings change and fixed it.

The bug affected 14 million users around the world, Facebook told Recode and other news outlets. It was active for 10 days, from May 18 to May 27, before being fixed. Facebook said Thursday it has begun notifying those affected and prompting them to review their posts and privacy settings from that time period.

It's the latest glaring privacy snafu by a company that has spent much of 2018 under scrutiny over its handling of users' data. The bug happened just a month after CEO Mark Zuckerberg had spent two days testifying to Congress about Facebook's privacy practices in the wake of the Cambridge Analytica scandal. The past week has also brought fresh

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revelations about how Facebook shared data with mobile phone-makers, including Chinese device-makers that are viewed by some in Washington as national security threats.

In each of those cases, the concern revolved around third parties such as companies and app-makers to whom Facebook handed potentially sensitive user data. But this bug involved no such middleman: Facebook simply undermined its own privacy settings by showing people's private posts to strangers.

Facebook did not say how many people actually posted content that was made public without their explicit consent. Presumably, some people noticed when composing their posts that the audience indicator now said "public" and changed it back. No doubt others went on posting without being aware of the change.

Facebook apologized for the bug and offered the following statement to TechCrunch:

We recently found a bug that automatically suggested posting publicly when some people were creating their Facebook posts. We have fixed this issue and starting today we are letting everyone affected know and asking them to review any posts they made during that time. To be clear, this bug did not impact anything people had posted before – and they could still choose their audience just as they always have. We'd like to apologize for this mistake.

TechCrunch's Josh Constine reports that the bug occurred as Facebook was testing a new "featured items" section of people's profiles that would be visible to the public, even if the rest of their profiles were private. In the process, Constine writes, "Facebook inadvertently extended that setting to all new posts from those users."

This is bad news for Facebook, for sure. How bad likely depends on the level of outrage it incurs from users, which might in turn depend on how many stories surface in the coming days of serious real-world consequences stemming from the bug.

As someone who's run a social network with private sharing, this makes my heart drop into my stomach. The failure mode is people's private messages being publicly visible for days — mix that with exes, with employers, just with ordinary social relationships. <https://t.co/h11pTW3cxc>

— Yonatan Zunger 🍷 (@yonatanzunger) [June 7, 2018](#)

Clearly this was an accident on Facebook's part, but that shouldn't change the takeaway for any user who cares about their privacy. No matter how careful a company is with

your online data, there's always a chance it will be exposed, and the more you use a service such as Facebook, the higher the odds that eventually you'll end up compromised in some way or another.

Exhibit 61

BRIAN BARRETT SECURITY 03.27.18 12:00 PM

THE FACEBOOK PRIVACY SETTING THAT DOESN'T DO ANYTHING AT ALL



MAI SCHOTZ

Wrangling your Facebook [privacy settings](#)—fine-tuning what data friends, advertisers, and apps can access—is a slog. The menus are labyrinthine, the wording obtuse. And it turns out that one of them is completely pointless. In fact, it hasn't worked in years.

To be clear: This is not a case of Facebook sneaking one past you, at least not the way you might think. These settings no longer work because Facebook no longer allows the kind of data harvesting they control; in fact, these checks address the very data oversharing that let quiz developer Aleksander Kogan

passed along to political data firm Cambridge Analytica.

But the fact that Facebook never bothered to update that critical corner of its privacy settings, years after those changes went into effect, is downright baffling—and speaks to a general lack of seriousness in the company’s attitude toward data transparency.

Apps With Friends

The setting in question is **Apps Others Use**, which you can find by signing onto Facebook, clicking the downward arrow in the upper right corner, then **Settings**, then **Apps**. (See? Labyrinth.)

Click **Edit**, and Facebook greets you with a list of informational categories about yourself that, a not-so-helpful description reads, your Facebook friends can “can bring with them when they use apps, games and websites.”

In truth, your friends weren’t bringing your information with them so much as developers were spring-boarding off of them to get to you. The data categories include your birthday, your activities, if you’re online, and posts on your timeline. The check-boxes number 13 in and all, with an additional three—friend list, gender, and the very broad “info you’ve made public”—that you can’t opt out of.

Apps Others Use



People on Facebook who can see your info can bring it with them when they use apps. This makes their experience better and more social. Use the settings below to control the categories of information that people can bring with them when they use apps, games and websites.

- | | |
|--|--|
| <input checked="" type="checkbox"/> Bio | <input checked="" type="checkbox"/> Posts on my timeline |
| <input checked="" type="checkbox"/> Birthday | <input checked="" type="checkbox"/> Hometown |
| <input checked="" type="checkbox"/> Family and relationships | <input checked="" type="checkbox"/> Current city |
| <input type="checkbox"/> Interested in | <input checked="" type="checkbox"/> Education and work |
| <input type="checkbox"/> Religious and political views | <input checked="" type="checkbox"/> Activities, interests, things I like |
| <input checked="" type="checkbox"/> My website | <input checked="" type="checkbox"/> My app activity |
| <input checked="" type="checkbox"/> If I'm online | |

If you don't want apps and websites to access other [categories of information](#) (like your friend list, gender or info you've made public), you can turn off all Platform apps. But remember, you will not be able to use any games or apps yourself.

Cancel

Save

The default settings for Apps Others Use, a privacy panel that has not actually done anything in years.

This is precisely how Facebook used to work. If you downloaded an app, you granted the developer of that app access to scads of information about all of your friends, presumably unbeknownst to either of you, unless you happened to be a close reader of buried preference menus.

It's not, though, how Facebook has worked since 2014, when it shut off that spigot. Developers haven't been able to raid someone's friend list in years—

particular setting would have you believe. After the publication of this article, Facebook did identify one edge case in which the setting would apply: If you have the "Posts on my timeline" option checked, an app could access a photo or video that a friend uploaded, but only if it appeared on your timeline, because you also allowed tagged photos of yourself to show up there. Everything else under that setting is useless. Facebook says that it will close that loophole, and get rid of the **Apps Others Use** setting altogether, as part of a [larger privacy settings overhaul](#) it announced Wednesday.¹

"These controls were built before we made significant changes to how developers build apps on Facebook," says a Facebook spokesperson. "At the time, the Apps Others Use functionality allowed people to control what information could be shared to developers. We changed our systems years ago so that people could not share friends' information with developers unless each friend also had explicitly granted permission to the developer."

That's not just spin; the timing of the changes was confirmed by Gergely Biczok of Budapest University of Technology and Economics's CrySys Lab, and Iraklis Symeonidis of COSIC, KU Leuven, two researchers who have spent the last several years studying Facebook privacy. Using the [Graph API explorer](#), which details what Facebook developers could and could not do on the platform through its various iterations, they determined that the kind of permissions **Apps Others Use** covers have not been available since at least Graph API v2.5, which was released in October of 2015. (It also may have been even earlier; that's just as far back as the Graph API explorer goes.)

"I can't really make any sense of it, actually," says Biczok, who says that the data categories in the settings pane line up essentially one-for-one with a permission called friends_XXX, which allowed developers to harvest friend data, and which Facebook says was phased out with the advent of Graph API v2.0 in 2014. "Even if I do a thought experiment and try to imagine myself into their place, it's maybe just an error in the software development process. But it's a long-existing one."

does say it plans to introduce improvements to settings to “reflect current practices” within weeks.

But it’s taken years, and the largest scandal in the company’s 14-year history, to even identify the problem in the first place. And it’s that negligence, rather than the specific settings, that concerns privacy advocates.

“In general it makes people think, ‘why should I grapple with these privacy settings anyway? I can’t know what actually is going on,’” says Joseph Jerome, policy counsel at the Center for Democracy & Technology. But Jerome also strikes a sympathetic tone; Facebook isn’t the only company to contend with this issue, he notes, and the act of making an effective privacy dashboard in the first place is challenging for anyone.

Still, Facebook is a multibillion dollar company with certain obligations, no matter how tricky to fulfill. “Individuals are always going to be at an information disadvantage when it comes to understanding their privacy and how Facebook uses data,” Jerome says. “The onus is on Facebook to better design their UI/UX to convey information to individuals.”

Fast and Loose

The **Apps Others Use** confusion also underscores just how little benefit of the doubt Facebook has earned. In 2011, the company had to sign a consent decree with the Federal Trade Commission over its deceptive privacy practices, as it had regularly opted users into giving away more data without their explicit consent. In 2014, it tested whether it could manipulate the emotions of users

WhatsApp's terms of service to allow Facebook to harvest the phone numbers and various analytics of users with accounts on both services. And just a few months ago, it automatically applied a five-year-old face-recognition preference to a suite of new uses for the feature.

Biczok and Symeonidis point also to less publicized forms of overreach. A permission called `read_mailbox`, if granted to an app, potentially allowed a developer to read private messages between friends—even if only one of them had installed it. That was only deprecated in Graph API v2.4, introduced more than a year after Graph API v2.0, which Facebook had identified as the solution to its developer-related data woes.

Biczok says that incident offers a stark contrast to the way Facebook responded to the `user_friends` debacle. “You have to be friends, install the same app, and give the `user_friends` permission in order for your data to show up at his side. I think that’s good enough,” says Biczok of the protections Facebook put in place in 2014. “The `read_mailbox` thing, that was not good enough.”

The pair note also that even today, Facebook’s data policy has holes. A developer with multiple apps, they say, could gather a different, specific set of data about a user from each; if that person installs three or four apps, the company suddenly has assembled close to a full profile, without the user granting those sweeping permissions to any single app.

Still, the good news in all of this: You can safely ignore **Apps Others Use**. It doesn’t do anything. Facebook really did address the issue. The bad news? It didn’t bother to let you know—a slip that’s hard to imagine from a company that truly valued giving you complete control over your data.

About Facebook

- If you’re in the market to fix your Facebook privacy settings—or delete your account altogether—here’s the comprehensive guide you need
 - The implicit deal you make with Facebook—their service for your data—has gone entirely out of balance
-

Exhibit 62

The Guardian

Facebook is chipping away at privacy - and my profile has been exposed

Alex Hern

My secret account is now not so private after Facebook updated its search engine without warning, and there's nothing I can do about it

Wed 29 Jun 2016 07:52 EDT



Quietly, over the last year, Facebook has killed the concept of a private account.

The site has always had a love-hate relationship with privacy: it's long offered some of the most granular controls of any social network for choosing who sees what content, letting users make posts visible on a sliding scale from "everyone" to "only me".

That's increasingly important for Facebook, which has seen a reduction of 21% in "original sharing", users making posts about their own life. As people have become more aware of the downsides of sharing personal details publicly, it seems that they've stopped sharing altogether.

Letting them have some control over who sees what they post is an important part of restoring trust.

But at the same time, it relies more on network effects than most social networks. The value of Facebook isn't that celebrities are on it: it's that everyone you know is on it, and is posting to boot.

So it's perhaps unsurprising to find that gradually, the highest tier of privacy settings have been removed by Facebook. You can still hide individual posts, but your Facebook account itself is now public, whether you like it or not.

How do I know? Because my own Facebook presence has been fully exposed to the outside world with no warning or control.

I'm one of those people who says they aren't on Facebook - the 21st Century equivalent saying you don't have a TV (I also say I don't have a TV). In fact, I am on Facebook, but with an account with zero friends and privacy settings ramped up to max in every way allowable (I also have a TV, but only for use with a PS4. So sue me).

I had deleted my Facebook account for good in 2014, tired of everything about the site and unwilling to put the effort in to prune old schoolfriends and weird colleagues from my friendship list.



'Every profile on Facebook now shows up when users search for it by name, even those, like mine, with the tightest possible settings.'

Photograph: Anatolii Babii / Alamy/Alamy

A year later, I didn't miss the site at all, but needed an account for work - to manage the Guardian's technology page, amongst other things. So I made a new one, with accurate, but minimal info. In the end, I had to enter my real name, real email address, and real phone number, to get on the site.

Because I didn't want to actually use the site to speak to people, I locked down my privacy settings. My profile wouldn't show up in search unless someone was a friend of a friend (so, in practice, it wouldn't show up at all), and no-one could add me as a friend unless they were a friend of a friend (again, in practice, a blanket block).

In October, that all changed. Facebook rolled out an update to its internal search engine, letting users search the entire network for the first time. All public posts became searchable for everyone, but private posts weren't affected. When it made the change, though, the social

network also removed a privacy setting entirely: it's now not possible to choose to hide your profile from strangers.

Every profile on Facebook now shows up when users search for it by name, even those, like mine, with the tightest possible settings, no friends in common, no profile picture, and no content posted. Worse, if you then click on the profile, a large amount of information *is* still public: any page I've liked, any group I've joined, and, if I had any, every friend I have on the site.

And although I can't be added as a friend by strangers - thanks to the requirement that they be a friend of a friend - I can be "followed" by them, letting them be notified of any future posts. That's because, helpfully, the ability to turn off that feature isn't under "privacy" but under a different tab - Followers.

In the meantime, Facebook has also managed to use the sparse information about me to fill my entire "suggested friends" column with people I actually know in real life, including such distant connections as my step-father's niece (step-cousin?), the man who ran a book group I went to in 2013, and the journalist who sits behind me in the office. Despite the fact that a privacy setting means that "only friends" can look me up using the email address and phone number provided, the company still feeds the information into its matching algorithms, meaning it's able to connect me in its own database with any other user who has uploaded their address book to the site.

There's a name for this sort of layout: anti-patterns. Facebook can truthfully say that it does what it promises, and even offers settings that let people lock-down their own accounts, while designing the site so even internet-savvy users like me will end up exposing information we never intended to make public.

Perhaps that's why Facebook acted so quickly to kill a story that it was using location data as part of the "find friends" feature (it initially said it was, then recanted and said that the data was only used for a short test). The company doesn't need information given unwillingly, when so many users end up giving it unknowingly. So, not for the first time: check your Facebook settings. You may be surprised.

Update

I was expecting this: shortly after publishing this piece, a helpful comment on Twitter pointed out you can, in fact, hide friend requests. They didn't know how to do it, though.

It turns out the option to hide who you're friends with isn't under "Privacy" in the settings page. Nor is it in the settings page at all. Instead you have to navigate to your own profile page - that's reached by hitting "your posts" in the left sidebar on the homepage - then click on Friends. Once the friends tab is open, there should be two buttons: Find Friends, and Edit Privacy. Click on edit privacy, and you have two more options, letting you control who can see your friends list.

Oh: If you already have some friends, the edit privacy button disappears. Instead, you'll see three buttons: Find Friends, Friend Requests, and a pencil icon. Click the pencil icon, and the option to Edit Privacy appears in a drop-down menu.

Simple.

We made a choice...

Exhibit 63

4 Ways People Steal Your Passport

 [cntraveler.com/stories/2016-08-15/4-ways-people-steal-your-passport](https://www.cnn.com/stories/2016-08-15/4-ways-people-steal-your-passport)

The stolen passport market is huge: There are more than 40 million passports listed as missing on a database created by Interpol in 2002, and according to the U.S. Department of State, more than 300,000 American passports are lost or stolen in the U.S. each year. And given that these are the most common ways thieves have been known to pilfer a passport, it pays to be aware.

The set-down

It's easy enough to make a mistake with your documents when traveling—after all, how natural is it to put your passport on the table at a restaurant as you pull out a chair, or rest it on top of your suitcase as you check the departure board at an airport? I've done it, and I'm guessing you have, too. But take your eye off the document for a moment, and you open yourself up to the possibility of someone bumping your table (or bag) as a distraction—and walking away with your passport. Another one of the most common places for thieves to grab a passport is in a place where we actually need to produce it: checking in at a hotel overseas. Be wary of putting it to the left or right of you as you shuffle for your confirmation number or booking details, as someone could come along and create a distraction—think returning a key, or asking a question—and slip away with your document. Instead, place your passport on the counter in front of you, and immediately return it to its secure location after it is passed back to you.

The spill

It sounds slightly out of a Charlie Chaplin movie: seemingly innocent passers-by "spilling" anything from ice cream to juice on people they pass. Yet there are worldwide reports of such instances, wherein a distraction is created, and in the process of aiding and cleaning the hapless victim, the "spillers"—or their associates—lift a passport. If you have the misfortune of being spilled on, refuse attendance and instead, avoid contact with the offender by quickly walking away.

5 Ways to Keep Your Passport Safe When Traveling

The pocket

It's obvious, sure, but one of the easiest ways for people to snatch your passport is if it's carried in your pockets: All it takes is a crowded train and a nudge—or a coat that's been draped over the back of a chair, and a sleight of hand. If you need to carry your passport with you, look for a flat money belt, which can be worn around your waist and neck and concealed under your clothing. If you're in the market for something a bit more

comfortable, try a travel wallet or passport cover. Both conceal your passport (and nationality), and the travel wallet also has room for other valuables, including credit cards and emergency cash. Avoid carrying your passport and spending money together if you can, as taking out cash will alert potential thieves.

The authorities

In countries around the world, you'll most often be asked to produce your original passport at hotels and airports, or when crossing borders. Travelers have also reported instances in which policemen, plain-clothed or uniformed, approach them and ask to see their passports. Sometimes, the officials are actually as they say they are—numerous countries have plain-clothed officers asking for passports in order to catch illegal immigrants—but it's better to be safe than sorry. Signs that it probably isn't a scam: everyone else in your surrounding area is also being checked, security badges and patches are visible on the officer's uniform, and officials are not asking for anything but photo ID. If you feel you are being singled out and are still uncomfortable, agree to show your passport in the nearest police station or hotel lobby, where you can confirm with a clerk who speaks the native language.

Exhibit 64



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UNITED STATES PASSPORT FEES

Payment Instructions: *The application fee is paid directly to the Department of State. **The Execution/Acceptance fee is paid directly to the acceptance facility. Two separate payments are required.

ADULT APPLICANTS (16 Years and Older) Please see [Apply in Person.](#)

What are you applying for?	Use Form	Application Fee <small>*Paid to the U.S. Department of State</small>	Execution Fee (Acceptance Fee) <small>**Paid to the Acceptance Facility</small>
First-time Adult Passport Book	DS-11	\$110	\$35
First-time Adult Passport Card <small>Not valid for international air travel. Valid only for travel by land and by sea to Canada, Mexico, Bermuda, and the Caribbean.</small>	DS-11	\$30	\$35
First-time Adult Passport Book & Card	DS-11	\$140	\$35
Adult Passport Card <small>For applicants who currently have a valid passport book.</small>	DS-82	\$30	No Charge

ADULT RENEWALS Please see [Renewal by Mail.](#)

What are you renewing?	Use Form	Application Fee <small>*Paid to the U.S. Department of State</small>	Execution Fee (Acceptance Fee) <small>**Paid to the Acceptance Facility</small>
Adult Passport Book	DS-82	\$110	No Charge
Adult Passport Card <small>Not valid for international air travel. Valid only for travel by land and by sea to Canada, Mexico, Bermuda, and the Caribbean.</small>	DS-82	\$30	No Charge
Adult Passport Book & Card	DS-82	\$140	No Charge

ALL MINOR APPLICANTS (Under 16) Please see [Children Under 16.](#)

What are you applying for?	Use Form	Application Fee <small>*Paid to the U.S. Department of State</small>	Execution Fee (Acceptance Fee) <small>**Paid to the Acceptance Facility</small>
Minor Passport Book	DS-11	\$80	\$35
Minor Passport Card <small>A passport card is valid only for travel by land and by sea to the following locations: Canada, Mexico, Bermuda, and the Caribbean.</small>	DS-11	\$15	\$35
Minor Passport Book & Card	DS-11	\$95	\$35

OPTIONAL FEES (Paid to the U.S. Department of State)

Expedite Fee	Paid per application, in addition to required fees. Provides faster processing than routine service. Please see Processing Times.	\$60
1-2 Day Delivery	Paid per application for 1-2 day delivery of an issued passport book from the Department of State to the customer. Only applies to mailing addresses within the United States. Not valid for passport cards.	\$15.89
File Search Fee	A file search is necessary when an applicant is unable to present evidence of U.S. citizenship or verification of a previously issued U.S. Passport or Consular Report of Birth Abroad. Applicant must submit Form DS-11 and a written request for a file search.	\$150

Submitting incorrect passport fees could delay the processing of your application. For more information regarding passport application fees, please visit travel.state.gov/fees or call 1-877-487-2778, TDD/TTY: 1-888-874-7793.

Exhibit 65

4 How fast is that buck? The velocity of money

How often does a dollar bill change hands? This quantity, known as the velocity of money, is relevant because it influences inflation: higher velocity of money has the same effect as an increase in the quantity of money; if money works harder, you need less of it (see inset).

The relativity of money

Economics has its own version of Einstein's $E=MC^2$. It is Irving Fisher's equation of exchange:

$$MV = PT$$

Here M denotes the total money supply, V the velocity of money, P the price level and T the amount of transactions. The formula is simple and intuitively appealing, but estimating the actual values for these variables is not straightforward, to put it mildly. Perhaps the most enigmatic of all is V , the velocity of money: how often does a dollar or euro change hands? We can rewrite Fisher's equation to $V = \frac{PT}{M}$, but while M is measurable, PT is much harder to obtain. We measure *changes* to P through price level indices, but for the formula we need the value of all transactions, i.e. the average price times the volume of all transactions, including intermediate goods and asset transactions.

One way to estimate the speed of cash is to look directly at consumer cash behaviour. A Federal Reserve survey, for example, that finds that physical currency turns over 55 times per year, i.e. about once a week.¹ We can combine this with data on banknote fitness and replacement by the Federal Reserve. The Federal Reserve inspects notes returned by banks and replaces the ones that are worn out. It turns out that that lower denomination notes have a relatively short lifetime of about 1.5 years, while a \$100 bill last 7.5 years.² Assume that each note is used for the same amount of payments before it is

¹ See Avery (1986).

² Analysis and figures from Feige (1989)

worn out. This gives an average turnover of about 110 times/year for \$1 and \$5 notes; this would imply that each such note is used for a payment about twice a week. For \$20 notes this is 75 times/yr or once every 5 days, while the \$100 notes are used much less: 20 payments a year, or once every 2.5 weeks.

It is interesting to compare the velocity of cash with the velocity of bank deposits. In 2010, US bank deposits stood at \$ 7.6 trillion.³ The total volume of Chips and Fedwire transfers for that year was \$965 trillion; if we add ACH and check clearing volumes we get around \$1000 trillion. This gives a velocity of $1000/8.4 = 138$ times/year, more than double the velocity of cash. This means that bank deposits “work at least twice as hard” as cash.

It is equally interesting to estimate the velocity of the “missing cash” used in the underground economy (as discussed in chapter 3). Cash held by consumers and businesses accounts for some 15% of total currency, with another 30-37% residing abroad. This implies that about half of all currency would be used in the underground economy, about $3\frac{1}{2}$ times the cash used for official purposes. If the underground economy really is 22% of the official economy, then the underground cash is not very fast: its velocity is $\frac{22\%}{3.5} \approx 6\%$ of the official speed. This corresponds to 3.3 payments per year, or less than one transaction per quarter. Even if we assume all underground transactions are made with relatively slow moving \$ 100 notes, these notes have a relaxed life compared to their official cousins who are used in transactions every 2.5 weeks, 6 times as often. Presumably these unofficial \$100 notes spend most of their life in vaults, storing value and avoiding taxes and drug enforcement officials.

³ US M2 was 8\$.4 trillion. This definition of money includes both currency in circulation and bank deposits. Currency (coins and notes) stood at \$800 billion leaving \$7.6 trillion for bank deposits.

Exhibit 66

From: Gayle Boliou [mailto:Gayle.Boliou@dfa.arkansas.gov]

Sent: Thursday, April 07, 2011 3:38 PM

To:

Subject: Forms request

To change your name and gender there are no forms. You simple go to your local Arkansas revenue office and bring your current driver's license along with either a marriage license, divorce decree, specifically stating you may change your name, or court order for a name change. For gender change no documentation is required you just have the clerk change it for you.

Gayle Boliou, Supervisor

Driver License Issuance

Driver Services

Telephone: [501-682-7053](tel:501-682-7053)

Fax: [501-682-7934](tel:501-682-7934)

Sent from my iPhone

December 3, 2010

Changing gender on a Driver License-Our official policy is to allow a licensee to change their gender as requested, no questions asked, no documentation required. Please see that this policy is followed.

Mike Munns,
Assistant Commissioner Operations & Administration

Exhibit 67



AdChoices

POLITICS 10/17/2018 06:50 pm ET

Arkansas Has Been Offering A Nonbinary Gender Option On State IDs For Years

The policy, in place since 2010, was recently highlighted by an LGBTQ news outlet.



By Curtis M. Wong



Arkansas Has Been Offering A Nonbinary Ge...

100



Since 2010, Arkansas has been allowing residents to “change their gender as requested, no questions asked,” according to a memo to state workers.

Arkansas is among a growing number of U.S. states to offer its residents a third gender option on driver’s licenses and other state identification cards.

Zach Miller, an Arkansas resident, [told Grindr’s digital magazine Into](#) that they successfully updated their state ID with an “X” marker this month. Miller, who identifies as neither gender and uses gender-neutral pronouns, learned that a friend, trans activist Beck Witt, had updated their ID, according to the report.

Miller, an Arkansas Transgender Equality Coalition board member, said they received their updated ID card Monday and called the experience “very affirming.”

“It makes it clear that we exist — that gender nonconforming, non-binary, intersex, and trans people exist,” Miller said.

Interestingly, the policy allowing state departments to issue nonbinary ID cards appears to have been on the books since 2010. “Our official policy is to allow a licensee to change their gender as requested, no questions asked, no documentation required,” Arkansas’ assistant commissioner of operations and administration at the time, Mike Munns, told state workers in a memo dated Dec. 3 of that year. “Please see that this policy is followed.”

Arkansas Department of Finance and Administration spokesman Scott Hardin confirmed the report in an email to HuffPost, saying, “Although it has not received considerable attention, this policy has remained in place since it was initially issued in 2010.”

“An Arkansas Department of Finance and Administration policy memo was issued to Revenue Office employees in December 2010, informing them that any licensee may request to change the gender listed on a license, no questions asked,” he said. “The policy was simply highlighted in a recent article, resulting in additional interest.”

The news was praised on social media by a number of LGBTQ advocacy groups.

GLAAD



binary, intersex, and trans people exist.”intomore.com/impact/arkansa...

26 12:35 PM - Oct 17, 2018

Arkansas — Yes, Arkansas — Quietly Begin...

Two non-binary people say they have been issued gender-neutral IDs in the last month, a first for the conservative state.

intomore.com

[16 people are talking about this](#)



Equality NC

@equalitync

Fantastic news for our LGBTQ brothers, sisters and siblings in Arkansas bit.ly/2CpvTwY

2 12:37 PM - Oct 17, 2018

Arkansas — Yes, Arkansas — Quietly Begin...

Two non-binary people say they have been issued gender-neutral IDs in the last month, a first for the conservative state.

intomore.com

[See Equality NC's other Tweets](#)

Oregon was previously [thought to be the first U.S. state](#) to issue nonbinary ID cards when it began allowing residents to select from three gender options — not specified, male and female — last June. Similar policies have since been adopted in California, Maine, Minnesota and Washington, D.C.

Lambda Legal senior attorney Paul Castillo called the policy a “great step forward for people in Arkansas.”

“I think you will continue to see states move in this direction with regard to identity documents from state identification to birth certificates,” [he told Into](#).



Exhibit 68

10/16/2014



**Government of the District of Columbia
Department of Health**



GENDER DESIGNATION POLICIES, PROCEDURES AND INSTRUCTIONS

In order to apply for an updated gender marker (and name, if applicable) on your DC birth certificate, you must submit the following:

1. Completed Birth Certificate Gender Designation Application Form, signed by the applicant (address on the application should be the address where you want your certificate mailed);
2. Completed and signed Statement of Licensed Healthcare Provider Certifying the Applicant's Gender Designation, signed by your healthcare provider;
3. Photocopy of the applicant's non-expired photo ID (driver's license, passport, or other government issued identification card) that reflects a good likeness and satisfactorily identifies the applicant;
4. Original or certified copy of the Court Order for a Name Change, if applicable; and
5. A check or money order payable to DC Treasurer for total cost. Amending birth certificate (\$28.00) + certified copy of birth certificate (\$23.00) = \$51.00.

You can apply for your updated birth certificate in person or by mail at the Department of Health, Vital Records Division, First Floor, 899 North Capitol Street, NE, Washington, DC 20002.

Please note the following:

1. The application form and certification form from a healthcare provider are the only documentation of gender change required; no additional medical information will be requested.
2. Sexual reassignment surgery is not a prerequisite for changing the gender marker on a birth certificate.
3. The Gender Designation Application Form and Certified Healthcare Provider statement contains private medical information and will be kept confidential and protected at all times.
4. The original certificate and all documents pertaining to the issuance of the new certificate following a gender designation change shall be sealed and shall not be subject to inspection except by the Registrar for the purpose of administering the vital records system or by order of a court of competent jurisdiction.
5. If an applicant is also requesting a name change, an original or certified copy of a Court Order must be provided with the request.
6. Certificates issued with a gender marker change, and related name change if applicable, will not show no indication on the certificate that it has been amended.
7. Requests for a change of gender designation on a certified birth certificate will take up to three (3) business days to process. This allows sufficient time for Vital Records Division staff to confirm information submitted and to retrieve the original paper record information so that it can be sealed and sent to the Archives.
8. If you have ever changed the gender designation on your birth certificate previously, you will need a court order to change the designation a second time. Please also note that after your first legal name change, any subsequent legal name change will be marked as amended on your birth certificate.

10/16/2014



Government of the District of Columbia
Department of Health



BIRTH CERTIFICATE GENDER DESIGNATION APPLICATION FORM

Birth Certificate File Registration Number: _____

Birth Record Holder's Name: _____
(as currently indicated on birth certificate) LAST FIRST MIDDLE

Birth Record Holder's Date of Birth: ____/____/____

Applicant's Relationship to Birth Record Holder: ___Self ___Parent ___Guardian ___Legal Representative

Birth Record Holder's Address:
STREET (APT, SUITE, #) CITY, STATE ZIP

Birth Record Holder's Phone Number: _(____)____-_____

Birth Record Holder's E-Mail Address _____

Has this birth record holder ever changed the gender designation on his/her birth certificate before? ___Yes ___No
If yes, pursuant to DC Law, a court order is necessary for Vital Records Division staff to open a sealed birth record.

I, _____, make application to designate the gender marker on my birth certificate to read: ___Male ___Female

I, _____ hereby affirm under penalty of law that this request for gender designation is for the purpose of ensuring that my District of Columbia birth certificate accurately reflects my gender and is not for any fraudulent or other unlawful purpose. The following support documentation is provided to support this application request for changing the gender designation on my District of Columbia birth certificate:

___ Name Change. If the birth record holder also requests that the birth certificate reflect his/her current legal name, he/she must present an original or certified copy of a court order of competent jurisdiction granting a change of name; and

___ Required: A signed original statement from a licensed healthcare provider who has treated the birth record holder for his/her gender-related care or reviewed and evaluated the gender-related medical history of the individual and can attest to the fact that the individual has undergone surgical, hormonal or other treatment appropriate for the individual for the purpose of gender transition based on contemporary medical standards or that the individual has an intersex condition and that in the healthcare provider's professional opinion, the individual's gender designation should be changed.

I hereby certify under penalty of law that the foregoing information and the support documentation provided to support this application request is true and correct. I understand that a person who willfully or negligently makes a false certification shall be subject to a fine or not more than two hundred dollars (\$200.00), imprisonment of not more than ninety (90) days or both. Civil fines, penalties and fees may be imposed as sanctions for any infraction pursuant to Chapter 18 of Title 2. Adjudication of any infractions shall be pursuant to Chapter 18 of Title 2.

Applicant's Signature: _____ Date: _____

Vital Records Division Acceptance (Name): _____ Date: _____

Application requests will take up to three (3) business days to process to allow sufficient time to confirm information and to retrieve the original birth record information so that it can be sealed and sent to the Archives for storage.

VITAL RECORDS DIVISION

10/16/2014



**Government of the District of Columbia
Department of Health**



Statement of Licensed Healthcare Provider Certifying the Applicant's Gender Designation

Name of Healthcare Provider: _____ Name of Applicant: _____
(Print) (As Currently Indicated on Birth Certificate)

Address: _____
(Healthcare Provider)

Telephone Number: _____ Email: _____ Fax: _____
(Healthcare Provider)

I, _____ am a licensed healthcare provider (Licensed Physician, Licensed Osteopathic Physician, Licensed Psychologist, Licensed Independent Clinical Social Worker, Licensed Clinical Social Worker, Licensed Professional Counselor, Licensed Nurse Practitioner) in good standing in (Issuing US State/Foreign Country) _____.

My professional license/certificate number is _____.

I am the healthcare provider for _____ with whom I have a healthcare provider/patient relationship and whom I have treated or whose medical history I have reviewed and evaluated. I hereby certify and confirm that _____ has undergone surgical, hormonal or other treatment appropriate for the individual for the purpose of gender transition based on contemporary medical standards or the individual has an intersex condition. In my professional opinion, the individual's gender designation on their birth certificate should be changed to _____ Male
_____ Female.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and acknowledge and understand that any person who willfully or negligently makes a false certification is subject to civil fines, penalties and fees.

Signature of Healthcare Provider: _____

Print Name of Healthcare Provider: _____

Date: _____

Health Care Provider Office Stamp (If Available)

Vital Records Division

Exhibit 69

R-115 04012016



**Physician's Statement in Support of Amendment of a Birth Certificate
Following Medical Intervention for the Purpose of Sex Reassignment**



Registry of Vital Records and Statistics
Massachusetts Department of Public Health

Purpose of this Form

An individual born in Massachusetts may request an amendment to the sex on their Massachusetts birth certificate following completion of medical intervention appropriate for that individual for the purpose of permanent sex reassignment, as outlined by Massachusetts General Law Chapter 46, §13(e). This form serves as the physician's notarized statement to accompany an individual's application to amend the sex on their birth certificate.

Chapter 46, §13(e), M.G.L., states:

If a person has completed medical intervention for the purpose of permanent sex reassignment, the birth record of that person shall be amended to permanently and accurately reflect the reassigned sex if the following documents have been received by the state registrar or town clerk:

(i) an affidavit executed by the person to whom the record relates or by the parent or guardian if such person is a minor indicating the individual's sex; and

(ii) a physician's notarized statement that the person has completed medical intervention, appropriate for that individual, for the purpose of permanent sex reassignment and is not of the sex recorded on the record.

The affiant shall furnish a certified copy of the legal change of name if the affiant is seeking a birth record with the legal change of name instead of the name as appearing on the birth record prior to the amendment.

Patient Information to Appear on Birth Certificate	Name:	
	Sex:	Date of Birth:

Physician information	Name:		Title:
	License # and State:	Telephone (optional):	Email (optional):
	Name and Address of Practice or Clinic:		

Affidavit

I am a licensed physician in good standing in the State or jurisdiction listed above. I am a physician of the patient listed above, with whom I have a doctor-patient relationship and whose medical history I have reviewed and evaluated. I make this affidavit in support of my patient's request for a permanent amendment of the birth certificate registered with the Massachusetts Registry of Vital Records and Statistics pursuant to M.G.L. c.46 §13(e). I hereby certify that my patient, listed above, has completed medical intervention, appropriate for the patient, for the purpose of permanent sex reassignment. In my medical opinion the patient is not of the sex recorded at birth and the sex on their amended birth certificate should be listed as:

Male Female.

I declare under the pains and penalties of perjury that the information above is true and accurate.

X

Signature of Physician	Date
------------------------	------

Notarization

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, who proved to me through satisfactory evidence of identification, which was or were _____, to be the person who signed the preceding document in my presence, and who swore or affirmed to me that the contents of this document are truthful and accurate to the best of (his) (her) knowledge and belief.

Notary Signature _____

**For More
information**

Registry of Vital Records and Statistics

150 Mt. Vernon Street, 1st Floor, Dorchester, MA 02125.

Telephone: (617) 740-2600. Email: Vital.Regulation@state.ma.us.

Exhibit 70



Massachusetts Gender Designation Change Form

Registry of Motor Vehicles
 P.O. Box 55889 • Boston, MA 02205-5889

The RMV can only accept original forms with original signatures.
 Photocopies and faxes are not acceptable.
 You must surrender the existing license or ID Card that is to be amended.

A. Applicant Information (Name on current License/ID)

Last Name		First Name	Middle Name	Suffix
Social Security Number (Last 4 digits)		License/ID Number		
Residential Address				
Street	Apt. #	City	State	Zip Code

B. Gender Designation Statement

I (print name from above), _____
 wish the gender designation on my Driver's License/ID Card to read: Male Female

Attestation

I hereby swear, under the penalty of perjury, that this request for the selected gender designation to appear on my Driver's License/ID Card is for the purpose of ensuring that my Driver's License/ID Card accurately reflects my gender identity and is not for any fraudulent or other unlawful purpose.

Signature: _____ Date: _____

(False statements are punishable by fine, imprisonment, or both. (MGL Chapter 90, Section 24B))

To Be Completed by RMV Personnel Only	
RMV Clerk ID#: _____	Date: _____

Exhibit 71

Violence Against the Transgender Community in 2017

Donate today to help HRC achieve full equality — nothing less! [DONATE](#)

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Filed under: [Communities of Color](#), [Hate Crimes](#), [Transgender](#), [Transgender Children & Youth](#)



In 2016, advocates [tracked](#) at least 23 deaths of transgender people in the United States due to fatal violence, the most ever recorded for that year. These victims were killed by acquaintances, partners and strangers, some of whom have been arrested and charged, while others have yet to be identified. Some of these cases involve clear anti-transgender bias. In others, the victim's transgender status may have put them at risk in other ways, such as forcing them into homelessness.

While the details of these cases differ, it is clear that fatal violence disproportionately affects transgender women of color, and that the intersections of racism, sexism, homophobia and transphobia conspire to deprive them of employment, housing, healthcare and other necessities, barriers that make them vulnerable.

Sadly, 2017 has already seen at least 29 transgender people fatally shot or killed by other violent means. As HRC continues to work toward justice and equality for transgender people, we mourn those we have lost:

- **Mesha Caldwell, 41**, a black transgender woman from Canton, Mississippi, was found shot to death the evening of January 4. The murder is still under investigation and no suspects have been arrested.
- **Sean Hake, 23**, a transgender man in Sharon, Pennsylvania, died after he was shot by police responding to a 911 call from his mother. A friend told [WKBN](#) that Sean "had a genuinely good heart and he had struggled with his problems."
- **Jamie Lee Wounded Arrow, 28**, an American Indian woman who identified as transgender and two-spirit, was found dead in her apartment in Sioux Falls, South Dakota. A suspect, 25-year-old Joshua Rayvon LeClaire, has been arrested and charged with murder and manslaughter in connection with her death.
- **JoJo Striker, 23**, a transgender woman, was found killed in Toledo, Ohio, on February 8. Striker's mother, Shanda Striker, described her as "funny and entertaining" and said her family loved her deeply.
- **Tiara Richmond, also known as Keke Collier, 24**, was fatally shot in Chicago on the morning of February 21. A transgender woman of color, she was found dead on the same street as two other transgender women that were killed in 2012.
- **Chyna Gibson, 31**, a Black transgender woman, was shot and killed in New Orleans on February 25. Chyna was a much-loved performer in the ballroom community who was visiting friends and family in New Orleans at the time of her death.
- **Ciara McElveen, 26**, a transgender woman of color, was stabbed to death in New Orleans on February 27. McElveen did outreach for the homeless community. As of February 28, 2017, HRC has tracked at least nine murders of transgender people in Louisiana since 2013.
- **Jaquarius Holland, 18**, was shot to death in Monroe, Louisiana, on February 19. One friend, Chesna Littleberry, [told Mic](#) that Holland was "like a younger sister" and had helped her learn to accept herself.
- **Alphonza Watson, 38**, was shot and killed in Baltimore, Maryland, on March 22. Watson's mother said her daughter was "the sunshine of our family," a "caring, passionate" person who loved cooking and gardening.
- **Chay Reed, 28**, a transgender woman of color, was shot and killed on April 21 in Miami. Reed's longtime friend [told Mic](#) about their longtime friendship -- describing her as someone who was full of life and beloved by many.
- **Kenneth Bostick, 59**, was found with severe injuries on a Manhattan sidewalk, he later died of his injuries. Few details about Bostick's life have been reported, he is believed to have been homeless at the time he was attacked.*
- **Sherrell Faulkner, 46**, a transgender woman of color died on May 16, of injuries sustained during an attack on November 30, 2016 in Charlotte, North Carolina. Police are treating the assault as a homicide. No arrests have been made at this point.
- **Kenne McFadden, 27**, was found in the San Antonio River on April 9. Police believe she was pushed into the river, which runs through downtown San Antonio. A high-school friend of McFadden described her to [local media](#) as assertive, charismatic and lovable. On January 25, 2018, a 19-year-old man [was charged with her](#) murder.
- **Kendra Marie Adams, 28**, was found in a building that was under construction and had burns on her body on June 13. Police have charged Michael Davis, 45, with Adams' murder. Adams also went by Josie Berrios, the name used in initial media reports on her death.
- **Ava Le'Ray Barrin, 17**, was shot and killed in Athens, Georgia on June 25 during an altercation in an apartment parking lot. In an [online obituary](#), friends remembered Barrin as a "social butterfly" and an "amazing girl" who "loved to make people laugh."
- **Ebony Morgan, 28**, was shot multiple times in Lynchburg, Virginia, in the early morning of July 2. Morgan was transferred to a local hospital where she succumbed to her injuries. Authorities have named Kenneth Allen Kelly Jr. as a person of interest in the case.
- **TeeTee Dangerfield, 32**, a Black transgender woman, was shot and killed on July 31 in Atlanta, Georgia. According to the [Georgia Voice](#), Dangerfield "was found with multiple gunshot wounds outside of her vehicle at the South Hampton Estates apartment complex."
- **Jaylow McGlory****, 29, a Black transgender woman, was shot and killed in Alexandria, Louisiana on August 4. According to media reports, a 20-year-old man was later charged with her murder.
- **Gwynivere River Song, 26**, was shot and killed in Waxahachie, Texas, on August 12. According to their [Facebook profile](#), they identified as "femandrogyne" and a member of the bisexual community.
- **Kiwi Herring, 30**, was killed during an altercation with police on August 22 during an altercation with her neighbor. Relatives told [Huffpost](#) the neighbor was transphobic and that excessive force by police led to her death.
- **Kashmire Nazier Redd, 28**, was fatally stabbed by his partner on September 5. A friend wrote on Facebook "[Kashmire] loved hard and just wanted to be loved and [accepted]."
- **Derricka Banner, 26**, was found shot to death in Charlotte, North Carolina on September 12. Friends describe Banner as a "playful spirit" and "go-getter" who enjoyed life.
- **Scout Schultz, 21**, was shot and killed by Georgia Tech campus police on September 16. The GT Progressive Student Alliance, a progressive student advocacy group on campus, called Schultz an "incredible, inspirational member of our community and a constant fighter for human rights."
- **Ally Steinfeld, 17**, was stabbed to death in Missouri in early September. On April 3, 2018, the Texas County prosecutor charged Andrew Vrba, 18, with first-degree murder. Two other women, Briana Calderas, 24, and Isis Schauer, 18, were also charged with Steinfeld's murder. Steinfeld's family said Ally "sometimes" [identified as female](#) on social media.
- **Stephanie Montez, 47**, was brutally murdered near Robstown, Texas. Montez's longtime friend, Brittany Ramirez, described her as "one of the sweetest people you'll ever meet."
- **Candace Towns, 30**, a transgender woman who was found shot to death in Georgia. Towns' friend, Malaysa Monroe, remembers Towns' generosity. "If I needed anything she would give it to me. She would give me the clothes off her back," Monroe said.
- **Brooklyn BreYanna Stevenson, 31**, a Black transgender woman who was found murdered in a motel room in Oklahoma City on November 27. Family describe Stevenson as "an amazing daughter, sister and friend with a giving and loving heart."
- **Brandi Seals, 26**, a Black transgender woman who was found shot to death in a Houston neighborhood on December 13. Her family described her as a "loving person" and a "beautiful person."
- **Rhannon Layendecker, 51**, was [shot and killed by her wife](#), Jessica Winkler, after a domestic dispute in their home on December 16 in Englewood, Florida. Both women are transgender. According to neighbors, Layendecker was "fun," "loving," and someone who "would do anything for you."

In November of 2017, the HRC Foundation and the Trans People of Color Coalition released a report detailing this epidemic of anti-transgender violence over the past five years. To learn how you can help to combat anti-transgender violence and discrimination, please [follow this link](#).

**Conflicting media reports initially led to uncertainty about Bostick's gender identity, but interviews based on those who knew him have since confirmed that he identified as a transgender man.*

***McGlory's identity as a transgender woman was not publicly confirmed until several months after her tragic death.*

Search resources [Q](#)

RESOURCES

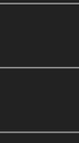
- Violence Against the Transgender Community in 2016
- Violence Against the Transgender Community in 2018
- Violence Against the Transgender Community in 2019

LATEST POSTS

- HRC and NEA Host Fourth Annual Jazz & Friends National Day of School and Community Readings
- Shattering Glass Ceilings This Women's History Month
- HRC Sits Down with Parents for Trans Equality Council's Keisha & Sean Michaels

VIDEOS

- ▶ Moms for Transgender Equality: Jodie
- ▶ Moms For Transgender Equality: Congresswoman Ileana Ros-Lehtinen
- ▶ Moms for Transgender Equality: Michelle



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Exhibit 72

U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics



DATA COLLECTION PROFILE

June 2015, NCJ 248824

Prison Rape Elimination Act of 2003

PREA Data Collection Activities, 2015

The Prison Rape Elimination Act of 2003 (PREA; P.L. 108-79) requires the Bureau of Justice Statistics (BJS) to *carry out, for each calendar year, a comprehensive statistical review and analysis of the incidence and effects of prison rape*. The act further specifies that the review and analysis shall be based on a random sample, or other scientifically appropriate sample of not less than 10% of all prisons, and a representative sample of municipal prisons.

In 2014, more than 7,600 prisons, jails, community-based facilities, and juvenile correctional facilities nationwide were covered by PREA. The act requires the Attorney General to submit—no later than June 30 of each year—a report that lists institutions in the sample and ranks them according to the incidence of prison rape. BJS has developed a multiple-measure, multiple-mode data collection strategy to fully implement requirements under PREA.

DATA COLLECTIONS AND ANALYSES DURING 2014 AND 2015

The **Survey of Sexual Victimization (SSV)**, formerly known as the Survey of Sexual Violence, collects data annually from administrative records on the incidence of sexual victimization in adult and juvenile correctional facilities. The first of a series of data collections implemented to meet PREA mandates, this collection began in 2004. The survey includes measures of five different types of sexual victimization and is administered to a sample of at least 10% of all correctional facilities covered under PREA. It collects additional detail on the characteristics of substantiated incidents of sexual victimization.

The administrative records surveys provide a basis for the annual statistical review required under PREA. The surveys include all federal and state prison systems, as well as facilities operated by the U.S. Military and Immigration and Customs Enforcement (ICE). The surveys also include representative samples of jail jurisdictions, privately operated adult prisons and jails, and jails in Indian country. Each year, the SSV also includes all state-owned or -operated juvenile facilities and a representative sample of locally and privately operated juvenile facilities.

Results from the SSV for juvenile facilities are expected in September 2015.

BJS published two reports in January 2014: *Sexual Victimization Reported by Adult Correctional Authorities, 2009–11* (NCJ 243904) and *Survey of Sexual Violence in Adult Correctional Facilities, 2009–11 - Statistical Tables* (NCJ 244227).

Among the findings—

- Administrators of adult correctional facilities reported 8,763 allegations of sexual victimization in 2011, a statistically significant increase over the 8,404 allegations reported in 2010 and 7,855 in 2009.
- The number of allegations has risen since 2005, largely due to increases in prisons, where allegations increased from 4,791 allegations to 6,660 in 2011 (up 39%).
- In 2011, 902 allegations of sexual victimization (10%) were substantiated (i.e., determined to have occurred upon investigation).
- State prison administrators reported 537 substantiated incidents of sexual victimization in 2011, up 17% from 459 in 2005.
- About 52% of substantiated incidents of sexual victimization in 2011 involved only inmates, while 48% of substantiated incidents involved staff with inmates.
- Injuries were reported in about 18% of incidents of inmate-on-inmate sexual victimization and in less than 1% of incidents of staff sexual victimizations.
- Females committed more than half of all substantiated incidents of staff sexual misconduct and a quarter of all incidents of staff sexual harassment.

During 2014, BJS modified the SSV, implemented changes for the 2013 collection year, and successfully completed the 2013 collection. BJS—

- revised the SSV definitions to synchronize the language with the PREA standards (while preserving the ability to measure long-term trends)
- added sexual harassment by another inmate as another category of sexual victimization (to be consistent with the PREA standards, 28 C.F.R. Part 115)
- added new response categories and expanded existing categories to reduce responses reported in the “other, specify” category
- added transgender and intersex as gender categories (for gender identity of victim)
- expanded the sample of local and privately operated juvenile facilities (from 330 to 530) to improve the precision of annual estimates.

The **National Inmate Survey (NIS)** gathers data on the prevalence and incidence of sexual assault in adult prison and local jail facilities, as reported by inmates. The inmates use audio computer-assisted self-interviewing (ACASI) technology with a laptop touchscreen and an audio feed to maximize inmate confidentiality and minimize literacy issues. The first NIS (NIS-1) was conducted in 2007; the second (NIS-2), in 2008–09; and the third (NIS-3), in 2011–12.

The NIS-3 was conducted in 233 state and federal prisons, 358 local jails, and 15 special confinement facilities operated by Immigration and Customs Enforcement (ICE), the U.S. Military, and correctional authorities in Indian country. A total of 92,449 inmates age 18 or older participated in the survey, including 38,251 prison inmates, 52,926 jail inmates, 573 ICE detainees, 539 inmates in military facilities, and 160 inmates in Indian country facilities. The survey was also administered to 527 juveniles ages 16 to 17 held in state prisons and 1,211 juveniles ages 16 to 17 in local jails.

The first report from NIS-3 was issued in May 2013: *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011–12* (NCJ 241399). During 2014, BJS issued additional tabulations for this report—*Supplemental Tables: Prevalence of Sexual Victimization among Transgender Adult Inmates*. By combining results from NIS-1, NIS-2, and NIS-3, BJS was able for the first time to provide accurate estimates of the rates of sexual victimization among transgender inmates.

Among the findings—

- An estimated 35% of transgender inmates held in prisons and 34% held in local jails reported experiencing one or more incidents of sexual victimization by another inmate or facility staff in the past 12 months or since admission, if less than 12 months.
- About a quarter of transgender inmates in prisons (24%) and jails (23%) reported an incident involving another inmate. Nearly three-quarters (74%) said the incidents involved oral, anal, vaginal penetration, hand jobs, or other nonconsensual sexual acts.
- When asked about the experiences surrounding their victimization by other inmates, 72% said they experienced force or threat of force and 29% said they were physically injured.
- Transgender inmates reported high levels of staff sexual misconduct in prisons (17%) and jails (23%). Most transgender inmates who had been victimized reported that the staff sexual misconduct was unwilling (75%), and that they experienced force or threat of force (51%) or were pressured by staff (66%) to engage in the sexual activity.
- Among those victimized by staff, more than 40% of transgender inmates in prison and jails said they had been physically injured by the staff perpetrator.

The **National Survey of Youth in Custody (NSYC)** provides facility-level estimates of youth reporting sexual victimization in juvenile facilities. The first NSYC (NSYC-1) was conducted between June 2008 and April 2009, and the second (NSYC-2) was conducted between February 2012 and September 2012.

The NSYC-2 was conducted in 273 state-owned or -operated juvenile facilities and 53 locally or privately operated facilities that held adjudicated youth under state contract. The survey was completed by 8,707 adjudicated youth sampled from at least one facility in every state and the District of Columbia.

BJS released the first report from NSYC-2 in June 2013: *Sexual Victimization in Juvenile Facilities Reported by Youth, 2012* (NCJ 241708). During 2014, BJS and Westat (the NSYC data collection agent) initiated further analyses of the NSYC-2 data to identify the key contextual and individual factors related to youth sexual victimization. Analyses of the NSYC-2 Facility Survey examine the impact of facility and staff sizes, staff and youth composition, staff screening methods, and security measures. BJS will derive additional measures of facility-level characteristics from the youth self-reports. These measures will include facility assault

rates, fear of assault in the facility, attitudes of youth toward staff, gang activity in the facility, and the nature and extent of inappropriate staff behavior with youth. The second report will include a multilevel analysis of the relationships among facility and housing unit characteristics, youth-level risk factors, and self-reported sexual victimization.

During 2014, BJS and RTI International (the NIS data collection agent) also initiated further analyses of the NIS-3 data. Similar to the analyses of sexual victimization in juvenile facilities, this work explores facility-level predictors of inmate-on-inmate and staff-on-inmate sexual victimization. The analyses draw on facility-level data from past BJS prison facility censuses, the American Correctional Association's annual facility directory, and information from the rosters provided by each facility sampled in the NIS-3 collection. In addition, key facility composition and climate measures are derived from the NIS-3 inmate survey responses. BJS will issue a second report from NIS-3 that describes the contextual circumstances surrounding sexual victimization and provides a multilevel analysis of

the relationships between facility- and individual-level characteristics and self-reported sexual victimization.

In addition to providing a fuller understanding of sexual victimization in adult and juvenile correctional facilities, the ongoing contextual research is mandated under PREA, in Sec. 4c(3). The act requires the Attorney General to—

use established statistical methods to adjust the data as necessary to account for differences among institutions in the representative sample, which are not related to the detection, prevention, reduction and punishment of prison rape, or which are outside the control of the State, prison, or prison system, in order to provide an accurate comparison among prisons. Such differences may include the mission, security level, size, and jurisdiction under which the prison operates.

When released in 2016, the adult and juvenile facility reports will address the differences and examine facility- and individual-level variations after these differences have been statistically controlled.

BJS RECEIVES 2014 POLICY IMPACT AWARD

On May 17, 2014, BJS and its contractors, RTI International, Westat, NORC at the University of Chicago, and the U.S. Census Bureau, received the 2014 Policy Impact Award from the American Association for Public Opinion Research (AAPOR) at its 69th Annual Conference in Anaheim, California. AAPOR is the leading association of survey research professionals. The Policy Impact Award acknowledges that a key purpose of opinion and other survey research is to facilitate better informed decisions. AAPOR selected the PREA team for its outstanding work developing a state-of-the-art multiple-measure, multiple-mode approach that relied on both victim self-report surveys and administrative records.

When the U.S. Congress passed PREA, it required BJS to measure sexual victimization in correctional facilities. At the time, there was little agreement on a methodology that would generate accurate estimates. Both inmate self-reports of sexual victimization and administrative documents from prisons and jails were considered high risk for both overreporting and underreporting of incidents.

The BJS-led team actively reached out to all stakeholders as it developed protocols, measurement strategies, and reporting criteria. The team established definitions of sexual victimization that would hold true for each survey and facility; addressed complex concerns, such as protecting respondents from retaliation by other inmates or facility staff; set statistical standards for defining high-rate facilities; and developed a plan for disseminating the findings.

The 14 separate reports on prison rape released by BJS since 2004 have been extensively covered by the media, researchers, and public interest groups at the local, state, and national level. The award citation states—

The findings, and their extensive publicity, have triggered special investigations by governors and state legislatures and immediate changes in policies and plans of action. Findings from the project are now cited extensively in the training received by correctional administrators on how to prevent and respond to prison rape. Without these data, national standards for best practices to eliminate rape and other related violence among prisoners could not have been promulgated.

UPCOMING REPORTS IN 2015

- *Sexual Victimization Reported by Juvenile Correctional Authorities, 2007–12* (September 2015).
- *Survey of Sexual Violence in Juvenile Correctional Facilities, 2007–12 - Statistical Tables* (September 2015).

PREVIOUSLY RELEASED REPORTS

- *Survey of Sexual Violence in Adult Correctional Facilities, 2009–11 - Statistical Tables*, NCJ 244227, January 2014.
- *Sexual Victimization Reported by Adult Correctional Authorities, 2009–11*, NCJ 243904, January 2014.
- *Sexual Victimization in Juvenile Facilities Reported by Youth, 2012*, NCJ 241708, June 2013.
- *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011–12*, NCJ 241399, May 2013.
- *Sexual Victimization Reported by Former State Prisoners, 2008*, NCJ 237363, May 2012.
- *Sexual Victimization Reported by Adult Correctional Authorities, 2007–2008*, NCJ 231172, January 2011.
- *Sexual Victimization in Prisons and Jails Reported by Inmates, 2008–09*, NCJ 231169, August 2010.
- *Sexual Victimization in Juvenile Facilities Reported by Youth, 2008–09*, NCJ 228416, January 2010.
- *Sexual Violence Reported by Juvenile Correctional Authorities, 2005–06*, NCJ 215337, July 2008.
- *Sexual Victimization in Local Jails Reported by Inmates, 2007*, NCJ 221946, June 2008.
- *Sexual Victimization in State and Federal Prisons Reported by Inmates, 2007*, NCJ 219414, December 2007.
- *Sexual Violence Reported by Correctional Authorities, 2006*, NCJ 218914, August 2007.
- *Sexual Violence Reported by Correctional Authorities, 2005*, NCJ 214646, July 2006.
- *Sexual Violence Reported by Correctional Authorities, 2004*, NCJ 210333, July 2005.



The Bureau of Justice Statistics of the U.S. Department of Justice is the principal federal agency responsible for measuring crime, criminal victimization, criminal offenders, victims of crime, correlates of crime, and the operation of criminal and civil justice systems at the federal, state, tribal, and local levels. BJS collects, analyzes, and disseminates reliable and valid statistics on crime and justice systems in the United States, supports improvements to state and local criminal justice information systems, and participates with national and international organizations to develop and recommend national standards for justice statistics. William J. Sabol is director.

This report was written by Allen J. Beck, Ph.D., BJS statistician. Ramona Rantala verified the report.

Lynne McConnell and Jill Thomas edited the report. Tina Dorsey produced the report.

June 2015, NCJ 248824



Exhibit 73

Violence in California Correctional Facilities:

An Empirical Examination of Sexual Assault

Report submitted to the
California Department of Corrections and Rehabilitation
by

Valerie Jenness
Cheryl L. Maxson
Kristy N. Matsuda
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Center for Evidence-Based Corrections

April 27, 2007

Violence in California Correctional Facilities: An Empirical Examination of Sexual Assault

**Valerie Jenness, Cheryl L. Maxson
Kristy N. Matsuda, Jennifer Macy Sumner**

Executive Summary

Policy Issues and Key Questions. Inmate sexual assault is a public health and human rights issue as well as an administrative management problem in correctional facilities throughout the country. This research was designed to contribute to a main goal of the Prison Rape Elimination Act of 2003 and the Sexual Abuse in Detention Elimination Act of 2005—to reduce sexual assault, including rape, in detention facilities in the U.S. This report draws on original self-report and institutional data to offer a systematic empirical assessment of inmate-on-inmate sexual assault in California correctional facilities. For comparative purposes, we also examine the parameters of non-sexual assault in order to discern what is—and is not—distinct about the correlates of sexual assault. Specifically, this report addresses the following general questions: 1) What proportion of inmates in California prisons housing adult males has been sexually assaulted in a California correctional facility? 2) What are the demographic characteristics of victims? and 3) What are the contextual and relational characteristics of the sexual assault/misconduct incidents¹ reported by inmates in California prisons housing adult males? By addressing these questions, this study sheds insight into the contours of sexual assault in order to contribute to ongoing efforts to create viable interventions designed to prevent and respond to sexual assault in ways that are humane, effective, and constitutional.

Study Methods. This research gathered data from two specific populations of inmates: 1) a random sample of the population of adult male inmates residing in six California state prisons who are not housed in reception centers or fire camps and who are not classified by the CDCR as “EOP” (the highest level of mental incapacity); and 2) a purposive sample of adult transgender inmates housed in a single California prison. The selection of six prisons to randomly sample inmates was informed by an examination of eight characteristics of the inmate population in each of California’s 30 prisons that house adult males: age, race/ethnicity, offense category, custody level, life sentence, sex offender registration, gang affiliation, and mental health status. A seventh prison was selected to provide a supplemental, purposive sample of transgender inmates because it houses a concentrated population of transgender inmates.

¹ Incident-based analyses included inmate-reported events that were against their will as well as those that, while not against their will, they would rather not have done.

In compliance with a protocol approved by the University of California's Institutional Review Board (IRB), a team of nine interviewers used a structured interview instrument developed specifically for this study to conduct face-to-face interviews with currently incarcerated inmates in prison settings that ensured confidentiality. The sampling and informed consent procedure yielded an 85.3% active participation rate for the randomly selected sample and a 93.5% active participation rate for the transgender sample. The median duration for interviews was 40 minutes and ranged from 10 minutes to over three hours. Interviews with 322 randomly sampled inmates and 39 purposively sampled transgender inmates were included in analyses reported here.

Analyses of eight demographic variables reveal that the randomly selected sample is statistically similar to the population of inmates in the six prisons. Statistically significant differences between the sampled inmates and the total male prison population emerged in every variable except sex offender registration and lifer status. The magnitude of the differences in four variables is small, but the study sample has fewer Hispanic inmates and more inmates with officially recognized mental health issues. Therefore, the study sample should not be strictly regarded as statistically representative of the CDCR population. The differences between the study sample and the total CDCR population primarily reflect differences between the population characteristics of the six facilities from which data were collected and the total CDCR population rather than the sampling and access procedures used to select study participants. The transgender sample differs from the randomly selected sample in several ways, most notably, in a higher proportion of inmates with a classification of mental health problems (CCCMS) in the transgender sample.

Data collection relied on an interview instrument developed specifically for this study and official data provided by the CDCR. The interview instrument included 111 questions on the primary instrument and 33 questions on each supplemental incident form. The primary interview instrument asked inmates to provide information about their daily prison life, emotional health, fear of victimization in prison, perceptions of sexual and non-sexual victimization in prison, personal victimization from sexual and non-sexual assaults in California correctional facilities, opinions on safety and reporting, demographics, gang affiliation, and past and current incarcerations.

Inmates participating in this study were provided multiple opportunities to report sexual assault or misconduct by another inmate; they were asked: "*Have you ever had to do sexual things against your will with other inmates while incarcerated,*" "*Just to be sure, have any of the following things ever happened to you with other inmates while incarcerated: groping or fondling, kissing, genital contact, oral sex, or penetration against your will,*" and "*Well, what about sexual things [with other inmates while incarcerated] that were perhaps not against your will, but you would have rather not done?*" When an inmate reported sexual assault or misconduct, the interviewer followed-up by asking the inmate to reveal the number of times it has happened, recount the details of up to the five most recent incidents, and identify "the worst" incident of sexual assault. Interviewers gathered information on each incident, including a description of the event, the number of individuals involved, the location of the

event (i.e., the facility and location within the facility), the year and time of day the event occurred, the racial and gang composition of the parties involved in the incident, the inmate's perception of the cause of the incident, whether a weapon was involved and actually used in the incident, whether medical attention was received if it was needed, and the inmate's understanding of whether there was an official response to the incident.

Official data on the following variables were collected from the CDCR (without revealing to the CDCR which inmates were included in this study): date of birth, height, weight, race/ethnicity, prison term start date, mental health status, verified gang membership, classification score, custody level, current sentence length, time remaining on sentence, commitment offense, sex offender registration, age of first arrest in California, lifer status, and strike status.

The findings from these multiple sources of data speak to prevalence, victim characteristics, incident characteristics, and the nature of the lived experience of sexual assault in California correctional facilities.

Prevalence. Slightly more than 4% of 322 randomly selected inmates in California state prisons reported being sexually assaulted while in a California correctional facility. Sexual assault is 13 times more prevalent among transgender inmates, with 59% reporting being sexually assaulted while in a California correctional facility. Two different measures of rape—one that relies on the inmates' own assessment of incidents and one that relies on an operationalization of rape as "oral or anal penetration by force or threat of force"—reveal that 2% or 3% of randomly sampled inmates described at least one occurrence of rape, as did 41% or 50% of transgender sample inmates. Inmates often described multiple events of sexual assault and many of these incidents occurred fairly recently (i.e., since 2000).

Characteristics of Victims. With the exception of Asian inmates and inmates between the ages of 18-25, every type of inmate in the random sample reported sexual assault. Inferential statistical models reveal non-heterosexual inmates (i.e., gay, bisexual and other) and Black inmates are considerably more vulnerable to sexual assault in California correctional facilities. Moreover, over two-thirds of the randomly sampled inmates and the purposively sampled transgender inmates who reported being sexually assaulted while in a California correctional facility have had mental health problems. Random sample inmates with an official classification of mental health problems or non-heterosexual status are statistically significantly more likely to have been sexually assaulted and inmates who do not have these characteristics are significantly more likely to experience non-sexual assault exclusively.

Characteristics of Incidents. Sexual assault/misconduct occurs in every type of correctional facility, in various locations within correctional facilities, and at any time of the day. However, most incidents described by random sample and transgender inmates occur in state prison; incidents occur most often in dorms and cells for the randomly selected inmates and cells and showers for the transgender inmates; and they occur most often at night, according to inmates in both samples, but incidents reported by the inmates in the random sample occur almost as

often in the afternoon. From the point-of-view of inmates who experienced sexual assault/misconduct, the vast majority of the incidents were not about racial or gang dynamics; by far, the most common understanding of incidents is “sex-related” (i.e., physical attraction, perversion, and sexual gratification). The majority of incidents of sexual assault/misconduct described by both samples do not involve weapons or require medical attention. Inmates in the randomly selected sample stated that officers were aware of sexual assault/misconduct incidents the majority of the time and medical attention was provided when it was needed the majority of the time. Conversely, inmates in the transgender sample reported that officers were not aware of sexual assault/misconduct incidents the majority of the time and medical attention was not provided when it was needed the majority of the time. The contextual features of incident characteristics of sexual assault/misconduct are generally similar to the characteristics of non-sexual violence, with one notable exception: in the random sample, sexual assault/misconduct is statistically significantly more likely to take place in dorms.

There are also patterns in regard to the relational features of sexual assault/misconduct. The vast majority of sexual assault/misconduct incidents involve one victim and one perpetrator. Inmates in the random sample are significantly more likely to describe intraracial sexual assault/misconduct while transgender inmates are more likely to report interracial incidents. The participation of gang members in sexual assault/misconduct is evident in both samples. For example, two-thirds of the sexual assault/misconduct incidents reported by inmates in the random sample involve gang members (in either party) and over 45% of the incidents involve a gang member assaulting a non-gang member. This general pattern holds for inmates in the transgender sample, too. In the random sample of inmates, sexual assault/misconduct occurs between parties with varying degrees of familiarity (from “stranger” to “well-known”). In contrast, the relational distance between inmates involved in sexual assault/misconduct incidents reported by transgender inmates is skewed toward familiarity. As with the contextual features, sexual assault/misconduct incidents reported by inmates in the random sample share many relational characteristics with non-sexual violence, except that sexual assault/misconduct incidents are less likely to involve gang members among both victims and perpetrators than are non-sexual incidents.

The Lived Experience of Sexual Assault/Misconduct. The inmates’ accounts of sexual assault/misconduct reveal considerable gray area in the terrain between forced, coercive, and non-coercive sexual interactions, with a range of undesirable sexually charged situations often seen as “a fact of prison life.” However, there is little ambiguity in the expression of fear of victimization and concern for personal safety that weave through many of these narratives. A distressing number of inmates appear to blame themselves for their victimization, often by referencing ignorance, a failure to navigate the “rules” of prison culture, a failure to interrupt a chain of interactions leading to assault, or a failure to secure protection by other inmates or correctional officials. While some inmates noted their approval of correctional policy and response to sexual assault (including the PREA specifically), few inmates view correctional personnel as allies in the pursuit of personal safety. Finally, the gendered dynamics of social interaction in correctional facilities, including those that house same-sex inmates, underlie

inmates' accounts of sexual assault/misconduct and provide a platform from which recommendations related to the findings from this study can be offered.

Research and Policy Recommendations. Future research should take three directions. First, other populations of inmates need to be the target of research, most notably inmates housed in correctional facilities for women and juveniles. Second, moving beyond a focus on inmate-on-inmate violence, future studies on an array of incarcerated populations need to collect empirical data on a broader range of sexual assault, for example, staff-on-inmate and inmate-on-staff sexual assault/misconduct. Third, it would be beneficial to initiate and fund future studies designed to assess current efforts to respond to sexual assault in California correctional facilities. As the CDCR moves forward with current efforts to implement interventions into the dynamics that lead to sexual assault, the propensity of inmates to forego reporting sexual assault, and the failure of CDCR officials to respond appropriately when sexual assault is reported, research will be needed to determine “what works” in general and how different interventions fare on different inmate populations.

The policy changes developed by the CDCR PREA Commission that are being implemented constitute a significant advance in the CDCR's efforts to respond to sexual assault, which complies with the Prison Rape Elimination Act of 2003 and the Sexual Abuse in Detention Elimination Act of 2005. The findings of this study point to additional policy considerations that warrant special focus. First, the implementation of policies designed to address overcrowding likely would serve to reduce violence in California correctional facilities; the findings presented here suggest that—because sexual assault and non-sexual assault share common correlates—anything that can be done to reduce violence writ large is likely to reduce sexual assault, too.

Second, and related, revisiting the policy-specified considerations that inform initial and permanent housing assignments in correctional facilities is advisable. In particular, further consideration of the role sexual orientation, race/ethnicity, mental health status, and physical stature play in sexual violence could inform housing assignments. The Sexual Abuse in Detention Elimination Act of 2005 identifies the following as risk factors for sexual victimization to be considered in determining housing assignment: age, violent or nonviolent offender, prior commitments, and a history of mental illness. This research suggests sexual orientation, race/ethnicity, and physical stature should be added to that list. We know that transgender inmates are at high risk (as reported in this study), but we know very little about how that risk is statistically associated with specific housing assignments as opposed to other factors that might also be amenable to intervention, such as surveillance, programming, and physical features of the carceral environment in which they reside.

Third, it is also reasonable to invoke the structure of the Gender Responsive Strategies Commission and the expertise of its members to develop policies designed to enhance the safety of transgender inmates because transgender inmates fit squarely within a larger concern for “gender non-conforming inmates.” As the quantitative and qualitative data presented in this report reveal, sexual assault in California correctional facilities is more pronounced among

non-heterosexual inmates and often shrouded in essentialist beliefs about gender. The issue of sexual assault in correctional facilities falls squarely into a larger discussion about the intersection between gender and violence. Quite apart from whether the Gender Responsive Strategies Commission takes the lead on revisiting policies related to the safety of transgender inmates, the CDCR would be well-advised to consider Stop Prisoner Rape's warning to avoid excessive reliance on isolation in response to sexual assault (2005, p. 4-5).

Inmates generally indicated an unwillingness to report sexual assault to corrections officials. The fourth study policy recommendation urges an assessment of the degree to which the provisions established by the Sexual Abuse in Detention Elimination Act of 2005 have been/are being implemented and with what consequence. Also, if the Office of the Sexual Abuse in Detention Elimination Ombudsperson is not securing reports of sexual assault, then alternative ways of enabling inmates to report sexual assault to non-CDCR officials should be considered. The solution is to provide venues for reporting that do not rely on CDCR officials as first responders (to reports), communicators, or adjudicators.

A fifth recommendation emanating from this study is the development and implementation of a peer education program designed to educate inmates about sexuality, bodily integrity, consent, and the ways to avoid coercion in correctional facilities. The focal point of peer education is trained peer educators who engage with inmates in order to raise awareness, provide education, and serve as a resource. Prison peer educators can facilitate workshops, provide one-on-one outreach, and support and coordinate educational events sponsored by prison officials.

Finally, it is important to recommend the obvious: CDCR officials should spend more time thinking about how to create carceral environments in which "fighting or fucking" (to quote inmates) are not the only options in some situations. Moreover, carceral environments need to have those charged with running the institutions publicly demonstrate a commitment to zero tolerance for sexual assault. This would go a long way toward changing the environment in which sexual assault is inspired, takes form, and largely goes undetected by those in a position to respond to it.

Exhibit 74



Covering the Intersex Community

“Intersex” is an umbrella term that refers to people born with one or more of a range of variations in sex characteristics that fall outside of traditional conceptions of male or female bodies. For example, intersex people may have variations in their chromosomes, genitals, or internal organs like testes or ovaries.

We’ve all seen the headlines. A female athlete is tested and discovers she has XY chromosomes or unusually high levels of testosterone. Some of these athletes are intersex, but they just didn’t know it. So what does this mean?

Some intersex characteristics are identified at birth, while other people may not discover they have intersex traits until puberty or later in life. People with intersex traits have always existed, but there is more awareness now about the diversity of human bodies. People with intersex bodies, like anyone who may be seen as different, sometimes face discrimination in employment, education, and in healthcare settings, as infants, adolescents, and adults.

Basics of Covering the Intersex Community

Describing what it means to be intersex.

Because many people may not be familiar with what it means to be intersex, in many instances, it is important to accurately and thoughtfully describe what it means.

Intersex:

An umbrella term describing people born with biological characteristics such as reproductive or sex anatomy and/or a chromosome pattern that don't fit the typical definitions of male or female.

While some people can be born with intersex traits and also identify as transgender, the two are separate and should not be conflated.



How to describe the fact that someone is intersex:

- Susan is an intersex person.
- Susan is intersex.
- Intersex people are ...
- People who are intersex ...

Accurate terminology is key.



It is crucial that media coverage of intersex people use accurate language rather than relying on outdated and inflammatory language.

Use: **"Intersex"** - As in "intersex traits," "intersex variations," or "intersex bodies."

Avoid: "Disorders of Sex Development (DSD)" - In 2005, the medical community formally introduced the term "disorders of sex development," or "DSD" for short. However, this term is controversial and pathologizing, and while some advocates have opted to replace "disorders" with "differences," the intersex community has moved toward nearly exclusive use of the term "intersex" and away from "disorder of sex development" or "DSD" entirely.

However, some people born with intersex traits may identify with DSD language. It is important to honor individual choice around terminology and identity when describing their own personal experience.

Avoid: "Hermaphrodite"

This term is outdated, medically inaccurate, and is considered derogatory.



Lynnell Stephani Long
Intersex Advocate



Hanne Gaby Odiele
Intersex Advocate

Please ask the intersex person if they are comfortable talking about their body and medical experience, and respect their answer. Many intersex advocates are happy to share their experiences in an effort to educate and help bring change — but don't assume this is the case.

Don't make assumptions. Let people share their own stories.

It can be hard to understand what it's like to be intersex, especially if you've never known an intersex person. If you are interviewing someone who you think may be intersex or who has shared that they are intersex, let them share the information they wish to share. Respect their privacy!

At this point, the only celebrity who has publicly disclosed their intersex status is fashion model Hanne Gaby Odiele. We don't know if there are others, but if there are please respect their privacy and anonymity, and let them disclose their status if and when they are ready.

Avoid focusing on genitals or bodies. It is inappropriate to ask an intersex person questions about their bodies or genitals. Typically, those questions are only asked out of prurient curiosity. They also distract the journalist and the reader/viewer from understanding the whole person and from focusing on larger issues that affect intersex people, like medically unnecessary surgeries and social stigma. Unless an intersex person volunteers this information, it is also inappropriate to ask for details of surgeries or medical procedures they may or may not have had.

Bringing in expert opinion. When writing about intersex people or issues, always talk first to intersex people! It is also important to bring in other experts who can provide accurate, fact-based information.

When covering intersex issues, consider speaking with:

- Intersex adults who underwent non-consensual, irreversible, and unnecessary surgeries
- Intersex adults who escaped unnecessary surgery
- Experienced parents of intersex children
- [Intersex Organizations](#)
- Human Rights Organizations
- Intersex-Friendly Physicians and Medical Associations (interACT can supply contact names)

Being intersex is unique for each individual. Don't make generalizations.

Being intersex might be a huge deal or might have little impact on an individual. Each intersex person has a different body, has had a different experience, and feels differently about being intersex. Being intersex also doesn't mean a person will have a certain sexual orientation or think about their

gender in a set way. Don't make assumptions.

Some intersex people may choose to use gender pronouns other than "he" or "she," like "they" or "them" or "zie" or "hir." Always ask intersex people what pronouns they would like you to use.

Not all intersex people identify as intersex, with some preferring

other terminology to describe themselves — please ask what they prefer.

Occasionally, surgeries on intersex children may be medically necessary and appropriate as long as a person gives fully informed consent. Don't assume that all intersex medical treatment is unnecessary and harmful.

Challenges facing intersex people and recommendations

Some intersex children undergo irreversible unnecessary surgeries and treatment – without their consent.

For many years, the medical establishment has viewed babies born with atypical sex characteristics as having bodies that need to be “fixed.” Some intersex babies and older youth have undergone extensive, involuntary surgeries for no other reason than to make their bodies conform to traditional notions of what it means to be male or female.

The vast majority of these surgeries are not medically necessary when performed on young children and could instead be delayed until the inter-

sex individual can decide whether surgery is right for them. In some instances, intersex individuals grow up without ever having known about the medical procedures they underwent as children. Others report being told that surgery was necessary only to find out later that this was not the case.

Evidence is increasingly showing the harms of these surgeries when performed without informed consent, which can include physical pain, loss of genital sensitivity, scarring, and even sterilization, as well as significant psychological consequences and the risk that the sex assigned will not match the individual’s gender identity.

Because of these risks, intersex genital surgeries are now considered human rights abuses by groups like:



While this has led some countries, such as Malta, to outlaw non-consensual medical interventions to modify sex anatomy,



such procedures are not directly addressed by any law in the United States and are still performed by a small group of specialists across the country.

Human Rights Watch is now conducting research on these medical practices in the United States and is expected to have a report by summer 2017.



Intersex people experience emotional harm from this treatment.

Many intersex youth and adults today talk about the harmful consequences suffered as a result of unwanted surgeries, including poor self-esteem, depression, anxiety, and issues with trust and intimacy in relationships. While parents’ and doctors’ intentions may be good, rushing to “fix” a child’s bodily difference, most often does more harm than good.

Most of society thinks biological sex is either “male” or “female,” but it can actually be more complicated. This misunderstanding makes intersex people feel alone and unnecessarily ashamed of their bodies. Intersex people and their families need access to full information and both peer and mental health support. Directing intersex people and their families to a support group is one of the most helpful things a medical professional can do.

Intersex people need autonomy in making decisions about their bodies.

Rather than having doctors pressure parents into making decisions about their children's bodies without the child's consent, parents and medical professionals should wait until intersex people are old enough to make their own fully informed decisions about what, if any, medical procedures they desire.



We're here to help!

Intersex issues can be complicated, but interACT staff are always available to answer questions, provide resources, and identify spokespeople including intersex young people, adults, family members, and other experts.

Please visit <http://interactadvocates.org/> for more information

[interACT's Media Inquiry Form](#)





SOCIOLOGICAL IMAGES

(<https://thesocietypages.org/socimages>)

Physiognomy: Faces, Bodies, and the “Science” of Human Character

(<https://thesocietypages.org/socimages/2015/01/30/helpful-guide-to-human-character/>)

Gwen Sharp, PhD ([/socimages/author/gwen](https://thesocietypages.org/socimages/author/gwen)) on January 30, 2015

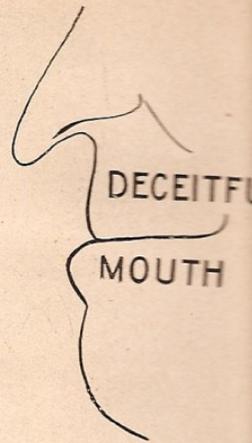
Flashback Friday.

Reader Lindsey H. sent me a copy of a book called *Vaught's Practical Character Reader*, apparently published in 1902 and revised in 1907 by Emily H. Vaught. Also available on Amazon (<http://www.amazon.com/Vaughts-Practical-Character-Reader-Vaught/dp/0766139603>). The book can best be described as an application of the theory of physiognomy, which is the idea that you can tell all kinds of things about a “person’s character or personality from their outer appearance” (wikipedia (<http://en.wikipedia.org/wiki/Physiognomy>)). Some images from Vaught’s book:



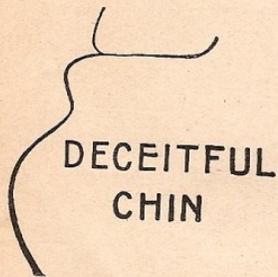
DECEITFUL EYE

An eye like this will represent a character that is positively deceitful. Why not use your own eyes and not be deceived by such?



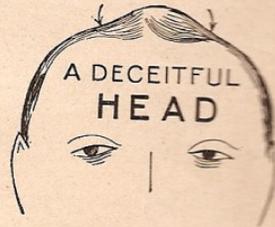
DECEITFUL MOUTH

One with a mouth like this can be very agreeable and still have the most selfish axe to grind.



DECEITFUL CHIN

Study this chin young ladies and gentlemen and do not depend too much upon the constancy of anyone with a similar chin.



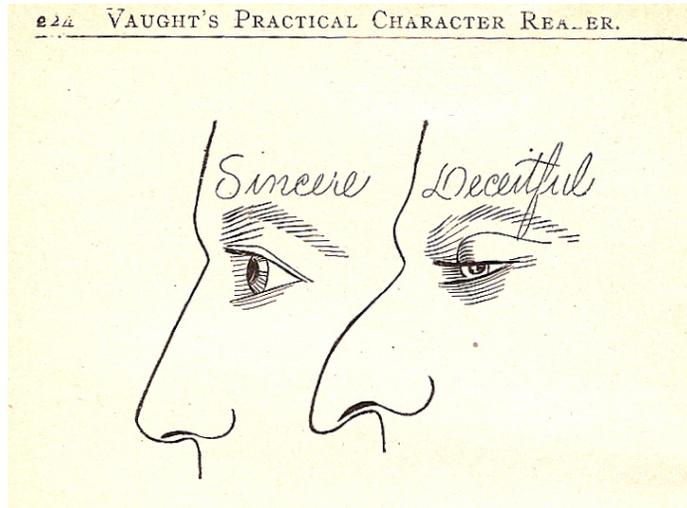
A DECEITFUL HEAD

Clearly remember this shape and apply it.



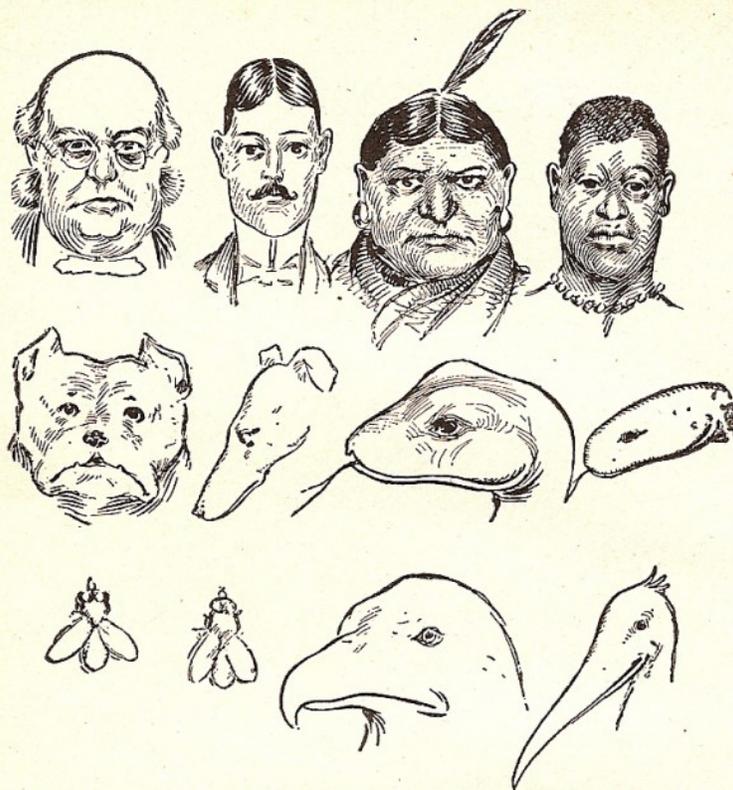
DECEITFUL NOSE

Remember this nose when you deal with people.
GAMBLING.



The book is full of images in which the features stereotypically associated with Northern and Western Europeans, or the mythical Aryan race, are associated with sincerity, honesty, a work ethic, and every other positive character trait, whereas large and especially hooked noses and small, hooded, or almond-shaped eyes were indications of negative traits.

Here we learn that the broadness of a person's face tells you whether they are vicious or harmless:



Here is a very positive demonstration. All very broad-headed humans, animals, birds, reptiles and flies are vicious. Very narrow-headed men and snakes are harmless.

THE CHARACTER OF BROAD HEADS.

Human faculties are not located just anywhere. They do not vary any more in location than do the eyes, nose, mouth and ears. We know where to look for the ears. We might know where to look for the savage, destructive, carnivorous elements of human nature just as well. They have a certain location. They are never found elsewhere. Their localization is in the temporal lobes of the brain and never else-

The text does not explain whether the implication is that all Native Americans are vicious and all Blacks are harmless, or if these are just examples and those races would have just as much variety as we see among Whites.

For those of you who are considering procuring yourself a wife, Vaught provides some tips on picking out a woman who will be a good mother (the same general head shape indicates a good father as well):



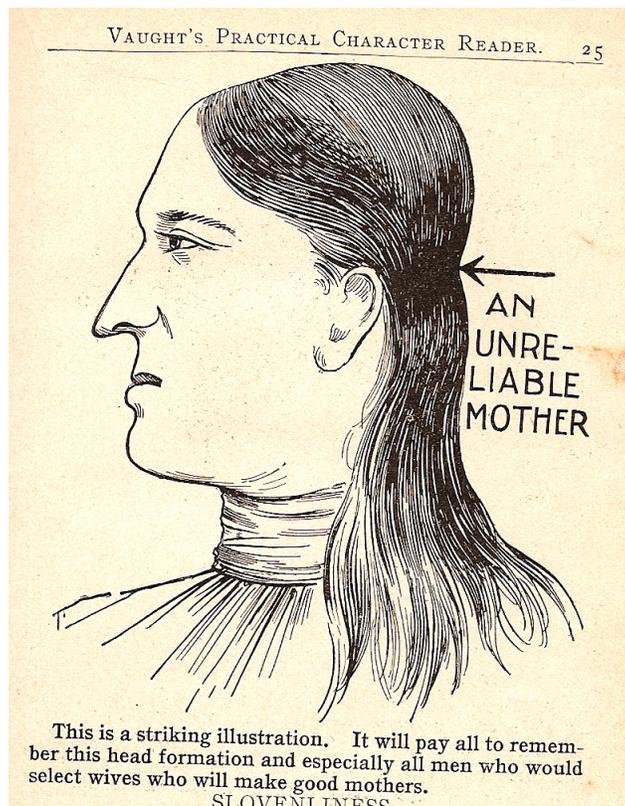
A GENUINE MOTHER.

We affirm in the most absolute manner that words can be used that mother love is located exactly where this backhead projects most. To be a true, natural mother is to have this faculty highly developed. Young men, fix this picture in your minds.

MOTHER LOVE.

Mother love is nothing more nor less than the faculty of Parental Love. It all comes from this one faculty.

Avoid at all costs a man or woman with this head shape (notice the pointed nose, larger ears, and smaller eyes compared to the image above, in addition to the apparently super-important head protuberance):



Also, based on the illustrations, apparently men who wear bowties are good fathers but those who wear neckties should arouse your suspicion. There is also a section titled "How to Pick Out a Good Child," which I intend to take with me next time I am child shopping.

The back page advertises other books available from Vaught's press, including *Human Nature Year Book* from the Human Science School and the new *Text Book on Phrenology*, which addresses "Heads Faces Types Races."

I have seen examples of physiognomy and phrenology before, and images of their practitioners measuring people's heads and facial features, but I have never before seen an entire book devoted to it. These pseudosciences were taken quite seriously at the time, with "experts" showing that Africans and African Americans, for instance, had facial features that proved them to be less civilized and intelligent than those of European descent and that Jews were inherently deceitful.

Thanks a ton for sending it in, Lindsey!

Originally posted in 2009.

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Constructing Jewish Bodies in Germany through Physical Culture and Racial Pseudo-Science

By: Marissa Alperin

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Abstract As industrialization heightened in Europe, so did science and technological innovation. The expanded focus on human biology, evolution and genetics coincided with the growth of racism in Europe. In Germany, one group of people who were subjugated, was the Jewish population. Since, Jewish racism was a phenomenon in Europe during the physical culture movement, scientific “findings” were used in Germany to suggest that the intellectual abilities and physical beauty of Jews were inferior to the Nordic race. As a result of social, political, economic, religious, and cultural factors, Jewish bodies were projected as being abnormal. Thus, pseudoscience was used as a tool for reinventing/protecting the German nation by preserving the blood of the glorious bodily conception of the German people.

Keywords History, racism, pseudoscience, phrenology, physiognomy, eugenics, Jews, and Germany.

During the physical culture movement in Europe (1850s-1920s), there was a desire to improve the health, strength, diet, athleticism, fitness, and appearance of the human body. The physical culture movement was centered on the natural living conditions of people (conditions of development and growth). In an effort to relieve human suffering caused by an increase in urbanization and industrialization and to heighten the prosperity and wellbeing of people, science and medicine were used by many Europeans, as instruments for improving health. The physical culture movement also inspired people to study and compare the physical beauty and intellectual attributes of the body to an individual's race, in an effort to maximize the potential of the body. In Europe, racial aesthetics (the stereotyping and demonization of bodies determined to be inferior) were used to determine the differences between the "European" population and the "non-European" population, thus, leading to exclusionary ethnic nationalism.¹ Race, a term used to classify a group of people by a certain identity, was used as a social function of discourse.²

Interlinked with the conceptual framework of racial superiority, racial aesthetics helped constitute and construct societies. Bodies considered "non-European" and/or bodies that did not meet the European norm of classical beauty (such as Greek-like antiquity statues) were considered abnormal. Racial constitutions were not only classified through judgment and/or intuition alone, but through "biological" findings. In Germany, particularly, pseudoscience "a system of theories, assumptions, and methods erroneously regarded as scientific, was used to identify the "dissimilarities" between individuals with "different" physical constitutions.³ Using

¹ Michael Hau, *The Cult of Health and Beauty in Germany: A Social History, 1890- 1930* (Chicago and London: University of Chicago Press, 2003).

² "Race," *Merriam- Webster* (Springfield: Merriam-Webster, n.d), <https://www.merriam-webster.com/dictionary/race>.

³ "Pseudoscience," *Merriam-Webster* (Springfield: Merriam-Webster, n.d), <https://www.merriam-webster.com/dictionary/pseudoscience>.

pseudoscience people were able to perpetuate the racial aesthetics of the nation, by identifying the ideal “perfect” body.

At the height of the physical culture movement, Western culture evoked Jewish hatred. Inherently, the environmental and hereditary markers of Jewish individuals were used to connote Jews as inferior, degenerate bodies. While, many people have researched the “othering” of Jewish bodies in Germany during the Holocaust, this paper explores the early stages of Jewish persecution and how it evolved under the physical culture movement. It is important to understand the development of the inferiority and the “othering” of the Jewish race before the implementation of Nazi ideology. Therefore, my paper discusses the origins of Jewish racism before Nazism, by keying in on various factors, including biological and scientific phenomenon’s used to denounce the Jews of Germany. Physicians, scientists, and many others blurred the line between the realities of the Jewish population and the various myths depicted of the Jewish population (these myths include Jewish bodies being deformed, Jews being corrupt businessmen, and religiously inferior bodies, etc.), which is what I explore.⁴

As expressed, the physical culture movement changed the perception of racial aesthetics in Europe. More specifically, the physical culture movement drastically influenced and shaped German racial ideology.⁵ The birth of German national unity, ingrained in the biological evolution of racist impulses, was heightened by an expansion in utopian ideology (homogenous social transformation). As a result, there was a strong desire for Germany to return to a state of

⁴ Ritchie Robertson, *The ‘Jewish Question’ in German Literature 1749-1939* (Oxford: Oxford University Press, 1999).

⁵ Michael Hau, *The Cult of Health and Beauty in Germany: A Social History, 1890-1930*.

natural purity. Therefore, the Volk, the desired ethnic population of Germany, regarded the Nordic race as the exemplary race, as opposed to the undesirable Jewish race.⁶ In constructing German racial parameters, science and medicine were used to harness the various social ills made about German Jewry in society. Much of the Jewish population in Germany was subjugated due to different scientific, anthropological and medical standings that facilitated the hatred of Jewishness and the spread of racial ideology. Eugenics encouraged selective breeding, phrenology determined the mental abilities of an individual based on their cranium, and physiognomy regarded the facial features of an individual, as the representation of their ethnic character.⁷ Moreover, eugenics and the other pseudoscience mentioned: phrenology and physiognomy were used to support the claim that Jewish “behavior” and Jewish “physical” features (the nose size, blood group, and height etc.), were inferior to the Nordic German: tall, intelligent, blue- eyed, blond, who represented the ancient racial distinctness of the German people.⁸

Whereas Jewish bodies were often dehumanized due to their intellectual abilities and physical attributes, Nordic bodies represented the “ideal” type. The values, physical attributes, and performance of the Nordic people were characterized in terms of their greatness (members of the Nordic race in the eyes of the nation had immaculate: judgment, ability to defend themselves,

⁶ “Volk,” *English Oxford Dictionaries* (Oxford: Oxford University Press, 2018).

⁷ Philip K. Wilson, “Eugenics: Genetics” (N/A: Encyclopedia Britannica, inc., 2017), <https://www.britannica.com/science/eugenics-genetics>; The Editors of Encyclopedia Britannica, “Phrenology: Pseudoscientific Practice” (N/A: Encyclopedia Britannica, inc., 2018), <https://www.britannica.com/topic/phrenology>; “Physiognomy,” *Merriam- Webster* (Springfield: Merriam- Webster, n.d.), <https://www.merriam-webster.com/dictionary/physiognomy>.

⁸ Sander Gilman, *The Jew’s Body* (New York: Routledge, 1991).

creativeness, and physical beauty).⁹ Therefore, the physical culture movement shifted the perception of the intellectual abilities and physical aesthetics of individuals in Germany through racial discourse, which deemed Jewish bodies as abnormal. The projection of racial aestheticism in Germany, as expressed in terms of German nationalism, pristine health, and bio politics, affected and led to the alienation and dehumanization of Jewish bodies, thereby socially constructing Jewish bodies as inferior. While the physical culture movement was positive in various ways in terms of health, fitness, healing etc., it also projected negative ideology that racialized and “othered” German Jewish bodies. Therefore, my paper explores and answers how and why Jewish bodies were “othered,” within the context of the physical culture movement.

Historiography:

Many scholars who have written about the “othering” of Jewish bodies in Germany during the mid-19th-early 20th centuries have focused on why Jewish bodies were “othered.” Because of the physical culture movement, social, economic, cultural, and political positionalities, directly shaped the racial ideology and “othering” of Jewish bodies in Germany. Marion A. Kaplan, a Professor of Modern Jewish History, argues that:

Medieval and early modern rulers, supported by church and popular opinion, discriminated against Jews in politics, the economy and society. Jews could not live where they chose, had to pay extra taxes, and suffered a variety of both petty and significant discrimination depending on the will and whim of the local rulers and elites... In the modern era, religious intolerance burgeoned into racial hatred.¹⁰

⁹ Gustav Jahoda, “Intra-European Racism in Nineteenth-Century Anthropology,” *History & Anthropology* 20, no.1: 37-56, Humanities Source, EBSCOhost.

¹⁰ Marion A. Kaplan, *Jewish Daily Life in Germany, 1618-1945* (New York: University Press, 2005), 4.

Kaplan argues that anti-Semitism emerged in Germany long before its fame in the Holocaust. She notes that Jews lived a successful life and were accepted economically and politically in society (during the mid-nineteenth century up until the Weimar Republic).¹¹ However, with Jewish success, comes Jewish hatred.¹² Historian Michael A. Meyer breaks down Kaplan's argument and elaborates more on this concept of Jewish integration. Meyer argues that because of German Jewish success, Jews faced many integration disputes in regards to demographic positioning, social structure, occupational distribution, and community, legal and religious life.¹³

After emancipation, German Jews emerged as educated, middle class, predominately secularized individuals.¹⁴ Meyer argues:

The rival claims of career ambition and conventionally expected domestic duties contained the potential for severe conflicts... Discrimination continued in both social and public life. Above all, antisemitism, far from disappearing, as Liberal optimists had expected, revived in both empires and became at times a considerable political force."¹⁵

Meyer suggests that the growth in political and economic success resulted in the cultural and social demise of the Jewish population. In this quote, Meyer reveals the continuity of the harsh conditions Jews experienced across time. As a community, imperial Germany brought about many opportunities for Jewish individuals. After emancipation, Jews, distinctly men, became active members in German public life.¹⁶ Affectively, Jews were able to gain more responsibility

¹¹ Marion A. Kaplan, *Jewish Daily Life in Germany, 1618-1945*, 4.

¹² Ibid.

¹³ Michael A. Meyer and et al., eds. *German- Jewish History in Modern Times: Volume 3 Integration in Dispute 1871-1918* (New York: Columbia University Press, 1997), 3.

¹⁴ Ibid.

¹⁵ Michael A. Meyer and et al., eds. *German- Jewish History in Modern Times: Volume 3 Integration in Dispute 1871-1918*, 4.

¹⁶ Ibid.

and opportunities in commerce and production.¹⁷ German Jews even adapted to professions as doctors, lawyers, and teachers, etc.¹⁸ Hence, the scholars suggest that the economic and political growth of Jewish members sparked a further increase in and return to anti-Semitic fervor in Germany.

Like Meyer, historian Götz Aly, also addresses the economic progression of Jewish individuals after being emancipated in Germany. He argues that the economic progression of Jews contributed to the nation's growing belief of their dominance in Germany.¹⁹ Because Jews were educated and talented individuals, Jews were regarded as threats. Like Aly, author Alfred D. Low, elaborates on the apparent talents of German Jewish individuals and their social and economic roles in Germany, at this time. Low states, "the German- Jewish middle class of the mid- nineteenth century, especially its upper echelons, lived in favorable economic circumstances."²⁰ Low insinuates that the economic circumstances of Jewish individuals contributed directly to the expansion of Judeophobia (anti-Semitism). Low claims that there was a fear of Jewish individuals succeeding the state.²¹ Therefore, many Europeans (Germans specifically) believed in Jewish world domination, and held Jews to be religiously and culturally different. The Jews did not appeal to the "nationalistic ideals" of the German people (what these

¹⁷ Michael A. Meyer and et al., eds. *German- Jewish History in Modern Times: Volume 3 Integration in Dispute 1871-1918*, 4.

¹⁸ *Ibid.*, 154.

¹⁹ Götz Aly, *Why the Germans? Why the Jews?: Envy, Race Hatred, and the Prehistory of the Holocaust*, trans. Jefferson Chase (New York: Picador USA, 2011), 84.

²⁰ Alfred D. Low, *Jews in the Eyes of the Germans: From the Enlightenment to Imperial Germany* (Philadelphia: Institute for the Study of Human Issues Philadelphia, 1979), 308.

²¹ *Ibid.*

nationalistic ideals were varied from religious orientation to social structures of racial distinction).²²

Although, Ritchie Robertson a Professor of German language does not dwell on the cultural influence that the Jewish population had on Germany, he does discuss the dissimilation of Jews in Germany as one that was estranged from the rest of the German population.²³ During WWI, Jewish individuals served a high percentage of the front line German service.²⁴ Since Jewish individuals consisted of a disproportionately high percentage of the German army, Jews were blamed by many for Germany's war efforts; "as the war became bogged down and the living conditions of civilians deteriorated, scapegoats were sought, and who better than the Jews to provide them?"²⁵ The once existing enthusiasm of WWI no longer existed. The Jewish population was held responsible for the tragedies of wartime, as the harsh realities of German loss were recognized.²⁶ After WWI, and entering into the years of the Weimar Republic, vocal anti-Semitism reached a peak, since Jews were deemed to be untrustworthy. Historian Donald L. Niewyk argues that the Jews were seen as economic threats, as "around a quarter of all wholesalers of agricultural products were Jewish... Jews were also important in the wholesale metal trades and the retail grocery business."²⁷ Although, the population of Jews in Germany

²² Alfred D. Low, *Jews in the Eyes of the Germans: From the Enlightenment to Imperial Germany* (Philadelphia: Institute for the Study of Human Issues Philadelphia, 1979), 308.

²³ Ritchie Robertson, *The 'Jewish Question' in German Literature 1749-1939*, 380.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ritchie Robertson, *The 'Jewish Question' in German Literature 1749-1939*.

²⁷ Donald L. Niewyk, *The Jews in Weimar Germany* (Baton Rouge: Louisiana State University Press, 1980), 13.

totaled a small amount at this time, their economic impacts in Germany were significant (Jews were not prominent in the leadership of German industry, but they did maintain large roles as bankers).²⁸

Politically, “Jewish Social Democrats were also instrumental in establishing revolutionary governments on the state level.”²⁹ Some Jewish members were considered radicals, since they promoted a worker’s democracy, in support against the German war effort.³⁰ Niewyk claims that this was considered an outrage too many Germans. Niewyk also claims that Germany wanted to prevent the rise of Communism and Marxism from spreading. However, Jews were/became interlinked to both parties, “Jewish individuals continued to hold prominent positions as Social Democratic and Communist parliamentary deputies, journalists, and party functionaries throughout the Weimar years.”³¹ Thus, Niewyk attributes the political association of the Jews with their growing detest. Niewyk, like Meyer and Kaplan, note that Jewish individuals were outcasts due to their political positionalities, since communist and Marxist ideology was considered corrupt and erosive to German government leadership. Although, Niewyk does not present the economic and social positionalities of Jews that caused them to be “othered,” inevitably, as noted by other scholars, this happened.

Racist, radical appeals, also contributed to the dehumanization of Jewish bodies. Many scholars attribute the rise in colonialism and imperialism at the turn of the 19th century, as a

²⁸ Donald L. Niewyk, *The Jews in Weimar Germany* (Baton Rouge: Louisiana State University Press, 1980), 13.

²⁹ *Ibid.*, 26.

³⁰ *Ibid.*

³¹ *Ibid.*, 28.

factor contributing to the “othering” of Jewish bodies in Germany.³² As mentioned, the physical culture movement (as defined by the growth in the modernization, urbanization, and increased industrialization within society) shaped the living conditions and accordance of health and beauty in Germany. The physical culture movement also spread theories affiliated with pseudoscience, which was used to “other” Jewish bodies. Historian, Christian S. Davis defends this idea, as he suggests that the building of Germany’s legacy was ignited by the perception that Jews were threats and racial aliens in society.³³ In a quest for racial domination and to overcome German domestic concerns of self-awareness and German culture, Jewish bodies were dehumanized.³⁴ Imperialism and colonialism were linked to the rise in racial anti-Semitism and patriotism in Germany.³⁵ However, German patriotism was not deemed biologically compatible with its Jewish counterparts.³⁶ Although, Jews were emancipated in Germany by 1871 and consisted of a large portion of the German middle class at this time, Davis argues that new anti-Semitism challenged the self-perception of Jewishness.³⁷

³² Christian S. Davis, *Colonialism, antisemitism, and Germans of Jewish descent in Imperial Germany* (Ann Arbor: University of Michigan Press, 2012); Paul Weindling, *Health, race and German politics between national unification and Nazism, 1870-1945* (Cambridge: Cambridge University Press, 1989); Götz Aly, *Why the Germans? Why the Jews?: Envy, Race Hatred, and the Prehistory of the Holocaust*, trans. Jefferson Chase (New York: Picador USA, 2011); Michael A. Meyer and et al., eds. *German- Jewish History in Modern Times: Volume 3 Integration in Dispute 1871-1918* (New York: Columbia University Press, 1997).

³³ Christian S. Davis, *Colonialism, antisemitism, and Germans of Jewish descent in Imperial Germany*, 3.

³⁴ *Ibid.*

³⁵ Christian S. Davis, *Colonialism, antisemitism, and Germans of Jewish descent in Imperial Germany*, 3.

³⁶ *Ibid.*

³⁷ *Ibid.*, 14-15.

After the age of industrialization in Germany, society became more modernized and technologically advanced, resulting in the fear of biological degeneration in Germany. The rise in poor health from the age of industrialization in Europe, directly coincides with the rise in the physical culture movement, which in turn changed the perception of racial aestheticism and health in Germany. Weindling argues that politics administered through science, such as eugenics, were used to foster the population of Germany, “the close association of eugenics with ‘social hygiene’ shows how it was instrumental in bringing to light and offering solutions for the social problems that were perceived as manifest.”³⁸ Thus, this insinuated that the social problems that derived from society, led to the demise of the Jewish race given their scapegoating. Historian Richard Weikart argues that “the dreaded degeneration focused on two groups allegedly threatening the health and vitality of the human species: the disabled and those of non-European races.”³⁹ As exemplified in the scholarly literature Jews were considered to be different and not a part of the European race. Furthermore, Weindling argues “toward the end of the nineteenth century quite a few biological racists radicalized racial distinctions by stressing the supremacy of the German or ‘Aryan’ race and simultaneously denigrating the Jews.”⁴⁰ Ultimately both scholars, Weindling and Weikart, suggest that eugenics played an active role in German society, since eugenics provided answers of racial determinism, as well as the

³⁸ Paul Weindling, *Health, race and German politics between national unification and Nazism, 1870-1945*, 17.

³⁹ Richard Weikart, *From Darwin to Hitler: Evolutionary Ethics, Eugenics, and Racism in Germany* (New York: Palgrave Macmillan, 2004), 3.

⁴⁰ Paul Weindling, *Health, race and German politics between national unification and Nazism, 1870-1945*, 117.

importance of maintaining the mental, physical, and moral traits of the German people.⁴¹ Davis argues that German science contributed to the idea of Jewish difference: “the question of the location, origin, and character of Jewish difference fairly obsessed the German scientific community, and German ethnologists and physical anthropologists focused on Jews to a much greater extent than their counterparts in other countries.”⁴² This leads directly to my research question on how Jewish bodies were “othered” during the physical culture movement.

While the scholars mentioned above provide incentives as to why Jewish bodies were “othered,” some scholars provide reasons as to how Jewish bodies were “othered.” Biomedicine historians: Marius Turda and Paul Weindling argue that the physical culture movement not only highlighted the desire to improve the nutrition and health of individuals, but it also motivated nations to perfect the physical and intellectual capabilities of the human body. Turda and Weindling suggest that social Darwinism and eugenics legitimized and strengthened the German national state, by encouraging healthy body politics through racial hygiene.⁴³ Turda and Weindling argue that pseudoscience, specifically eugenics, played a central role in improving the health of the German nation, by characterizing and determining the physical abnormalities of non-Aryan bodies.⁴⁴ As a result, racism and anti-Semitism heightened in Germany. Race

⁴¹ Paul Weindling, *Health, race and German politics between national unification and Nazism, 1870-1945*, 17; Richard Weikart, *From Darwin to Hitler: Evolutionary Ethics, Eugenics, and Racism in Germany*, 3.

⁴² Christian S. Davis, *Colonialism, antisemitism, and Germans of Jewish descent in Imperial Germany*, 15.

⁴³ Marius Turda and Paul Weindling and et al., eds. *Blood and Homeland’: Eugenics and Racial Nationalism in Central and Southeast Europe, 1900-1940* (Herndon: Central European University Press, 2006), ProQuest Ebook Central.

⁴⁴ Ibid.

psychology, used to explain the characteristics and racial composition of individuals through their mental traits and cultural abilities, formed the core beliefs behind the scientific racism attributed to the intellectual and physical “othering” of Jewish bodies.⁴⁵

As mentioned, the nationalization of racial programs in Germany resulted in the dehumanization of Jewish bodies. Psychologist William H. Tucker argues that during the physical culture movement, the term race became used as a way to categorize people.⁴⁶ In the nineteenth century, the term, race, was used to inform many scientists about racial investigations.⁴⁷ As expressed, “racial differences was claimed to be the key to social progress; public education, social harmony, national welfare, indeed the future of the species all said to depend on it... the necessity of racial segregation, the futility of education, the biological inevitability of vast socioeconomic disparities.”⁴⁸ Emotional and unscientific perceptions were attached to bodies. Thus, racial prejudice sparked social paranoia and discrimination against Jewish bodies.⁴⁹ Like Weindling and Turda, Tucker argues that Francis Galton’s approach of selective breeding, eugenics, played a large factor in providing proof of “Jewish difference.”⁵⁰ As Tucker explains, the Jews were not a part of the Aryan race, “‘blond, blue-eyed race’ was now faced with a tremendous influx of the ‘black-haired and black-eyed race,’ and the

⁴⁵ Marius Turda and Paul Weindling and et al., eds. *Blood and Homeland’: Eugenics and Racial Nationalism in Central and Southeast Europe, 1900-1940*.

⁴⁶ William H. Tucker, *The Science and Politics of Racial Research* (Urbana: University of Illinois Press, 1994), 9.

⁴⁷ Ibid.

⁴⁸ Ibid., 6.

⁴⁹ Tucker, *The Science and Politics of Racial Research*, 6.

⁵⁰ Ibid., 59.

eugenicists predicted ‘blood-chaos.’”⁵¹ Turda suggests that eugenics provided an answer as to how and why it was necessary to eliminate the attempt of cross breeding between people of two different races. In the case of Germany, eugenics “protected” the “pure” Aryan blood from being contaminated by the impure Jewish blood.

In opposition to Tucker, Gustav Jahoda, an Austrian psychologist, argues that Jewish bodies were “othered” through the studies of physiognomy and phrenology (as mentioned before, physiognomy connects the physical features of an individual to their ethnic origins, whereas phrenology, connects the size of the cranium, to the intellectual abilities of an individual).⁵² Jahoda states: “the development of ‘craniology’ was paralleled and reinforced through ideological writings about ‘Nordic’ superiority,” therefore, subjecting all other bodies.⁵³ As expressed, anatomical features and skull shapes were synonymous to a person’s race.⁵⁴ Jahoda argues, that as a member of the superior race, the Nordic cranium exemplified the ideal intellectual capabilities of an individual, which lowered the standards of Jewish intelligence. Physiognomy was also used to further this idea of Nordic racial superiority in Germany: “the typical Nordic; mean male height 1.7m, CI: 70-74; they were said to be enterprising, ambitious, energetic, courageous; figures for the latter were 1.60-1.65 m and 84-85.”⁵⁵ In Germany, human beings were categorized into different racial classifications, which determined the idealism of their ethnic origins, such as the Nordic body being deemed as excellent. However, this ideology

⁵¹ Tucker, *The Science and Politics of Racial Research*, 60.

⁵² Jahoda, “Intra-European Racism in Nineteenth-Century Anthropology, 37.

⁵³ *Ibid.*

⁵⁴ Jahoda, “Intra-European Racism in Nineteenth-Century Anthropology, 37.

⁵⁵ *Ibid.*, 50.

was not only prevalent in Germany, the belief of Nordic perfection stemmed from the physical culture movement, and was vividly demonstrated in imagery and literature. As a result, the bodies of other races were compared to the bodies of Nordic perfection. Therefore, Jahoda suggests that because of this ideology, Jewish bodies were “othered.” The physical nature of Jews and racist doctrines that emerged, categorized Jewish bodies as “physically” and “intellectually” inferior to Nordic bodies.

Similarly to Jahoda, historian: Efron, contends to how racial science was used to categorize the characteristics of Jewish bodies.⁵⁶ Efron argues that the scientific establishment of the “Jewish racial question,” contributed to the physical “othering” of Jewish bodies.⁵⁷ Like Jahoda, Efron claims that phrenology played an important role in providing the methodological basis for Jewish racial characteristics. Jacob, one of the most preeminent Austrian researchers of Jewish characteristics (during the physical culture movement) “addressed the crucial subject of skull shape, reporting that, based upon 120,000 craniometric measurements of Jews, they were predominately brachycephalic (round headed).”⁵⁸ Efron argues that social and environmental issues affected the cranium of Jews. Whereas he also claims that scientists such as Ripley, regarded the Jewish head as deviant from the Semitic head shape, due to the “abnormalities” of the Jews hair color and nose size.⁵⁹ Likewise, historian Sander Gilman, elaborates on Efron and

⁵⁶ John M., Efron, "Commentary: Jewish genetic origins in the context of past historical and anthropological inquiries," *Human Biology* 85, no. 6 (December 2013): 901-918, *MEDLINE with Full Text*, EBSCOhost, 901.

⁵⁷ *Ibid.*, 904.

⁵⁸ John M., Efron, "Commentary: Jewish genetic origins in the context of past historical and anthropological inquiries," 906.

⁵⁹ *Ibid.*, 909.

Jahoda's argument of racial theories being used to "other" Jewish bodies, with discourse on the Jewish body. Gilman states that the Jewish foot, served as a sign of suffering.⁶⁰ If a Jew wanted to become an "ideal citizen," a Jew would need to overcome this abnormality, which made it difficult for Jews to become good citizens, since they were unable to physically alter their feet.⁶¹ Gilman also maintains that the nose and feet of Jews, served as indicators of their Jewish bodies.⁶² These indicators further convey the complications associated with Jewish bodies not being able/capable of serving in the army, due to Jews belonging to a separate "body politic."⁶³

In connection to this idea of the Jewish foot serving as a sign of suffering, Gilman argues that "the shape of the Jew's foot is read in the context as the structure of the Jewish mind, the pathognomic status of the Jew's body as a sign of the Jew's inherent difference."⁶⁴ The inherited qualities of the Jewish body were tied to the social abnormalities of their body. Whereas the nose, was seen as an inferior biological type, "the Jew's nose could not be 'reformed.'" Interrelated with the meaning of skin was the meaning of the Jew's physiognomy, especially the Jew's nose."⁶⁵ Gilman claims that the shape of the nose: the "hawkness" and "sharpness," indicated a Jewish person's shrewdness and mannerisms.⁶⁶ Gilman also argues that by the end of the 19th century, Jews were considered to be the "quintessential city dwellers" that contaminated

⁶⁰ Gilman, *The Jew's Body*, 42.

⁶¹ Ibid.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Gilman, *The Jew's Body*, 49.

⁶⁵ Ibid., 179.

⁶⁶ Ibid.

cities with disease.⁶⁷ As many of the scholars have noted, the pseudoscientific findings that developed during the physical culture movement, derived from racial theories, in which “othered” Jewish bodies. On the other hand, anthropologist Pat Shipman argues that after Darwin’s evolutionary theory was created, the theory not only affected the positionality of human beings, but also perceptions made about humanity. Darwin’s theory of evolution proposes that species change, and also that homogenous blends of cultures exist.⁶⁸ During the physical culture movement, Darwin’s theory was used to answer the political, social, and racial inequalities that derived in society. Furthermore, science became a means of commercialized leisure and Shipman argues that Herbert Spencer’s concept of society, and the survival of the fittest: social Darwinism, was reflective of Darwin’s evolutionary theory.⁶⁹ Shipman suggests that Spencer connected an individual’s race to their class, in order to achieve perfection.⁷⁰

Similarly to Tucker, Shipman argues that Francis Galton related class and race to hereditary likeability. Shipman states: “eugenics was rooted in the nineteenth-century confusion of national identity with races and nourished by the unease provoked by the bewildering array of social and economic changes that occurred at the turn of the century.”⁷¹ Shipman projects that industrialization not only enhanced social class separations, but it also separated people. Shipman argues that after the industrial revolution, the Jewish population gained many economic

⁶⁷ Gilman, *The Jew’s Body*, 49.

⁶⁸ Pat Shipman, *The Evolution of Racism: Human Differences and the Use and Abuse of Science* (New York: Simon & Schuster, 1994), 107.

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*, 109.

⁷¹ *Ibid.*, 116.

and social opportunities, which led to their detest. Shipman also claims that scientists bridged eugenics, social Darwinism and Darwinism together, to intellectually and physically “other” Jewish bodies. Tucker affirms that German biologist: Ernst Haeckel especially, bridged Darwinism, social Darwinism and eugenics together through various germ cell theories, in order to ensure the genetic purification of Aryan bodies.⁷² Thus, the germ cell theories connoted Jewish bodies as inferior.

Argument:

The physical culture movement led directly to the emergence of racial aesthetics and typologies in Germany. As evidenced in the previous section, the physical culture movement impacted the positionality of Jews socially, economically, politically, culturally, and religiously. Using aesthetic representations, Jewish bodies were “othered” due to the negative perceptions formed about their bodies. Therefore, pseudoscience and racial theories such as eugenics, phrenology, and physiognomy, were used to define the physical abnormalities and deviant intellectual abilities of Jewish bodies, resulting in the “othering” of their bodies.

Why were Jewish bodies “othered?”

Prolific English writer Hilaire Belloc, in his book *The Jews*, writes about the overwhelming fear that permeated society regarding the Jewish population. Belloc, talks about the abhorred presence of Jews nationally.⁷³ He claims that, “as the Jews permeated the society of the West everywhere, as he everywhere intermarried with the Europeans of the wealthier class,

⁷² Pat Shipman, *The Evolution of Racism: Human Differences and the Use and Abuse of Science*, 132.

⁷³ Hilaire Belloc, *The Jews* (London: Constable, 1922), <https://archive.org/details/jewsbello00belluoft>.

to insist in his presence upon his separate nationality would have been odious; it would have been like making a guest feel out of place in one's home."⁷⁴ As expressed, the Jew appeared to be interfering in the regular activities of German life. Since they were culturally, socially, and religiously "different," the Jewish element was threatening. The problem with the Jewish German relationship was "the presence within one political organism of another political organism at friction with it: the strains set up by such an unnatural state of affairs; the risk of disaster to the lesser body and of hurt to both."⁷⁵ Depicted as the lesser body, the Jew was considered to be putting the European white man at risk. The physical culture movement confirmed the elitism of the white national body and the degeneracy of the Jewish body. Here, the Jew is considered abnormal and deviant, as they were perceived to be "dominating "community life, as well as the general populace of the international finance community."⁷⁶ Jews were also considered dominating in the Bolshevik movement, among other institutions, which contributed to their "othering" as evil beings.⁷⁷

In Germany specifically, the "influence of the Jewish spirit" and the "Jewish entity" were considered to have negative impacts on humanity.⁷⁸ In his book *The Riddle of Jewish Success* by German journalist Theodor Fritsch, Fritsch examines the Jewish influence in different areas of

⁷⁴ Hilaire Belloc, *The Jews*

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Theodor Fritsch, *The Riddle of Jewish Success*, trans. Capel Pownall (Leipzig: Hammer- Verlag, 1927), <https://archive.org/details/TheRiddleOfTheJewsSuccess>.

life. Not only does Fritsch examine and “identify peculiarities” of the Jewish type, but he observes the corrupt economic nature of Jews:

1. The Hebrew enhances and accelerates the circulation of Money [*sic*].
2. He mobilises [*sic*] slumbering values: lets loose balanced and reposing forces
3. He practices “Raubbau,” (Predatory Culture)* at the extent of the stored-up forces of Nature and Mankind. At this junction must also be taken into consideration:
4. The “Playing into one another’s hands” (secret understanding) of the Hebrews.
5. The strange Morality.⁷⁹

As depicted in this quote, Fritsch claims that the economic progression of the Jews was “threatening” to the German nation. He claims that Jews “came as a stranger into this kind of existence... whom nobody had summoned, and whom nobody desired to see. Moreover, he was not united to the native inhabitants of the land, either by tie of blood, or by a common history, or by patriotism, or by religious and social views.”⁸⁰ As conveyed here, the Jew was ridiculed for attempting to assimilate in society. As distinct foreign bodies, they were determined to be unworthy of obtaining any form of power. Therefore, it can be inferred that the physical culture movement aligned racial theories and economic ideology together, in order to create a social hierarchy in society and to achieve the desired Nordic Utopian German nation.

The alienation of the Jewish people is also evidenced in the Jew’s separation from the community, since they were considered to be dishonest and self-centered (as noted by German professor Ritchie Robertson).⁸¹ The German perception of the cultural and economic terms of Jewish gain were perceived to be indicators of the Jews needing to be isolated from the rest of

⁷⁹ Theodor Fritsch, *The Riddle of Jewish Success*

⁸⁰ *Ibid.*

⁸¹ Robertson, Ritchie, *The ‘Jewish Question’ in German Literature 1749-1939*, 160.

German life. Famous composer Richard Wagner notes in his book *Judaism in Music and Other Essays* that the Jew:

Stands in correlation with none but those who need his money: and never yet has money thriven to the point of knitting a goodly bond betwixt man and man. Alien and apathetic stands the educated Jew in a midst of a society he does not understand, with whose tastes and aspirations he does not sympathise (sic), whose history and evolution have always been indifferent to him.⁸²

In this excerpt, Wagner conveys the idea of Jews being incapable of loving or caring about others in the community. It was understood that Jews strictly concentrated on their own economic gains. As a result, they were seen as money hungry individuals that were only interested in dominating the German financial sector. As mentioned, the physical culture movement derived from the increase in industrialization. The more technology Germany gained, the more opportunities the Jews were able to obtain in the German commercial sector. Despite their gain; however, Jews were labeled as conniving.

Hermann Ahlwardt, another anti-Semite and member of the Reichstag (parliament), petitioned to the national legislature in his speech on German border control, that Jews were a poison to Germany, and economically monstrous.⁸³ Due to the fleeing of Jews from Russian pogroms, many Jews came to Germany, in order to have a better life.⁸⁴ Therefore, he elaborates on the “corrupt” economic nature of the Jewish body in his speech, “wherever there are opportunities to make money, the Jews have established themselves, but not in order to work-no,

⁸² Robertson, Ritchie, *The ‘Jewish Question’ in German Literature 1749-1939*.

⁸³ Hermann Ahlwardt, “The Jews versus the Germans” in *Antisemitic Myths: A Historical and Contemporary Anthology*, eds. Marvin Perry and Frederick M. Schweitzer (Bloomington: Indiana University Press, 2008), 110-111.

⁸⁴ *Ibid.*

they let others work for them and take what others have produced by their labor...”⁸⁵

Economically, the Jews were seen as threats, since they were “stealing” the jobs of the German people and/or taking advantage of the labor produced by others. Although we often associate the physical culture movement with the desire to improve the physical body. The physical culture movement also encouraged the improvement of mental health. Corrupt in nature, the Jew was seen as undesirable mentally and physically. Therefore, Ahlwardt critiques the German Jewish culture, by denying the entry and citizenship of Jews, “the Jew is no German. If you say, the Jew was born in Germany, he was nursed by a German wet-nurse, he abides by German laws, he has to serve as a soldier-and what kind of soldier at that!”⁸⁶ Thus, he is relaying that the Jew does not represent the common life and/or identity of the German nation, but instead the Jew “schemes” against the German system and threatens their lives.

In connection to the “demoralizing” behavior of the Jewish population, the Jewish spirit was portrayed as being in direct contradiction with the Germanic spirit. Konstantin Von Gebattel, a retired general, wrote a proposal on German Jewish status. Although he was not anti-Semitic, his proposals served as the foundation for many “Aryanization” theories and commitments during and after the physical culture movement ended.⁸⁷ He states that the German nation’s “entire life is dominated and endangered by the Jewish spirit: internal affairs by the great banks directed by Jews, legal affairs by the huge number of Jewish lawyers in the big

⁸⁵Hermann Ahlwardt, “The Jews versus the Germans” in *Antisemitic Myths: A Historical and Contemporary Anthology*, 111-112.

⁸⁶ *Ibid.*, 113.

⁸⁷ Hermann Ahlwardt, “The Jewish Threat” in *Antisemitic Myths: A Historical and Contemporary Anthology*, eds. Marvin Perry and Frederick M. Schweitzer (Bloomington: Indiana University Press, 2008), 116.

cities, cultural affairs by the many Jewish university professors and the most exclusively Jewish theatre directors and critics.”⁸⁸ Culturally, socially, politically, and economically, the Jew was portrayed to be a danger to the German nation. As expressed the physical culture movement placed a great emphasis on perfecting the racial and bodily aesthetic of the German nation. Since the Nordic bodies were deemed to be the “superior” bodies, Jews were lowered in the pedestal of perfection, since they were considered to be “inferior” bodies.⁸⁹ As a result, Konstantin Von Gebattel notes that the Jewish body should be alien under law.⁹⁰ As expressed, there was a desire to control the mixing of the Germanic and Jewish “races” by considering Jews as guests of the nation, but not as members of the nation.⁹¹ Heinrich Class, a member of the Pan-German League also expresses his anti-Semitic views, as a means of protecting the German people. He believed that the moral, political, religious, cultural and economic branches of life were under Jewish spell, which was a concern to the German state.⁹² As inferior bodies, the Jew was considered to be an enemy of the state.

The economic, social, cultural, religious, and political positionalities that contributed to why Jewish bodies were “othered” can be attributed to the growing movement surrounding the dehumanization of Jewish bodies within its dissemination. In the 1920s, Adolf Hitler, expressed his concerns with the Jewish population in his speech “Why Are We Antisemites?” and his book

⁸⁸ Hermann Ahlwardt, “The Jewish Threat”

⁸⁹ Ibid., 116.

⁹⁰ Ibid.

⁹¹ Ibid., 117.

⁹² Hermann Ahlwardt, “The Pan-German League” in *Antisemitic Myths: A Historical and Contemporary Anthology*, eds. Marvin Perry and Frederick M. Schweitzer (Bloomington: Indiana University Press, 2008), 118.

Mein Kampf. In a speech from 1920 that he breaks up into categories, he notes that since the Jews are unable to live in a state of their own, they go to other states, and therefore, live as parasites.⁹³ Hitler proceeds to talk about the destruction of the state capital with the threat of the Jewish influence on the investment of money, as well as how Jewish culture and the racial quality of the Jews, directly threatens the lives of the German people.⁹⁴ This is significant to recognize since Jewish bodies were subjected not only because of their “physical abnormalities,” but also for the falsified public opinion surrounding them. The mentality of the Jewish people was deemed as being impure and full of deceit. In his book, *Mein Kampf*, written in 1925, Hitler explicitly connects the factors of Jewish life to their corrupt influence on the German people.⁹⁵ He notes that the Jew “batters the national economies... in politics he refuses to give the state the means for its self-preservation... in cultural affairs he pollutes art, literature, theatre... religion is made ridiculous, custom and morals are declared outdated...”⁹⁶ As conveyed in this passage, Jewish intelligence, tendencies, and thinking was ridiculed and exploited. Instead of the Jews being considered the subjects of victimization, the Nordic body was deemed as being the victim of the “bloodthirsty and money thirsty Jewish tyrants.”⁹⁷ The fear of Jewish expansion was in

⁹³ Hermann Ahlwardt, “Why Are We Antisemites?” in *Antisemitic Myths: A Historical and Contemporary Anthology*, eds. Marvin Perry and Frederick M. Schweitzer (Bloomington: Indiana University Press, 2008), 164.

⁹⁴ Hermann Ahlwardt, “Why Are We Antisemites?” in *Antisemitic Myths: A Historical and Contemporary Anthology*, 168-170.

⁹⁵ Hermann Ahlwardt, *Mein Kampf* in *Antisemitic Myths: A Historical and Contemporary Anthology*, eds. Marvin Perry and Frederick M. Schweitzer (Bloomington: Indiana University Press, 2008), 172.

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*

full fledge. The Jew was considered to be a parasite and a disgrace; an affliction to the purity of the pristine German people by “racially poisoning” individuals with their blood through intermarriage and propagation.⁹⁸ Ultimately, the physical culture movement projected racial ideology throughout Europe, and explicitly in Germany, which led to the “othering” of Jewish bodies.

How were Jewish bodies “othered?”

How Jewish bodies were “othered” was projected through racial pseudoscience, theories, and myths, which deemed Jewish bodies as abnormal. Thus, it is important to understand the evolution of German racial discourse that constructed the ideal appearance and expression of individual’s in connection to Nordic perfection. This traces back to the physical culture movement, which inspired the study of racial pseudoscience as a tool used to perfect the health, physical appearance, and intellectual abilities of the body. The Jewish body was merely a secondary race, lower than the Nordic body, which exemplified the definitive, racially pure race of the German nation. In Hans F.K. Gunther’s book: *The Racial Elements of European History*, we are introduced to this perception of the Nordic body; the Nordic body is “tall, long-headed, narrow-faced, with prominent chin; narrow nose, with high bridge; soft, smooth, or wavy light (golden-fair) hair; deep-sunk light (blue or grey) eyes; rosy-white skin.”⁹⁹ Gunther’s book is an important source since it is conveying the relevance of pseudoscientific and anthropologic ideology in society that shaped and created racial discourse at the time. More specifically, Gunther’s book provides the foundation for and findings that were determined to identify the

⁹⁸ Hermann Ahlwardt, *Mein Kampf*.

⁹⁹ Hans F.K. Gunther, *The Racial Elements of European History*, trans. G.C. Wheeler (London: Methuen and Company LTD, 1992), <http://www.resist.com/Onlinebooks/RacialEuropeanHistory-Gunther.pdf>, 7.

bodily, environmental, and intellectual characteristics of the European races, as well as the racial strand of others outside of Europe, such as the Jewish population.¹⁰⁰

The Nordic race is described by Gunther as having derived from Germanic origins.¹⁰¹ Gunther describes the Nordic race as being the ideal race of the German people, and the answer to maintaining the purity of Aryan blood.¹⁰² This ties into the foundation of Charles Darwin's *Origin of Species*, in which it was perceived that natural selection would provide a destiny for the German people.¹⁰³ The physical culture movement used various theories formed to racially construct people, by claiming the deviation of their bodies with the degeneracy of the norm. Thus, Charles Darwin's theories could be used to verify the ugliness and/or beauty of the body in terms of sexual selection. In this case, the normality of Jewish bodies could be delineated as weak. In contrast to Darwin, Francis Galton conveys that "it is not environment but the heredity which is the decisive factor for all living beings."¹⁰⁴ This is important to note because Galton structured the scientific theories of heritable breeding, whereas, Darwin believed that the environment in and or from which someone lives affects their ability to reproduce and survive. However, Galton's ideas triggered and influenced the Nordic movement in Germany. Since Nordic "blood" existed in Germany, Nordic birth was made possible: "thus German societies have been founded aiming at the propagation of the Nordic ideal."¹⁰⁵ As these works exemplify,

¹⁰⁰ Hans F.K. Gunther, *The Racial Elements of European History*.

¹⁰¹ Ibid.

¹⁰² Hans F.K. Gunther, *The Racial Elements of European History*.

¹⁰³ Ibid.

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

the Nordic body became the symbol of German purity and identity. However, this was not only the case in Germany. As an international phenomenon, the physical culture movement deemed the Nordic body as the ideal race. These sources and theories served as a foundation upon which Jewish bodies would be cast out from supposedly perceptible normality's, and as "abnormal" bodies. The Jews, as Hans F.K. Gunther recalls, are a racial strand considered to be outside of the European races.¹⁰⁶

Not only was the Jewish cranium determined to be different than the cranium of the Nordic body, but the Jewish nose, skin color, and height, etc. was also deemed to be different.¹⁰⁷ As a result of the difference in their cranium and other physical attributes, the inherited characteristics of the Jews were constructed as racially abnormal and strange, thus, making them a "secondary race."¹⁰⁸ Images employed in theoretical texts and in German and European representations are utilized to reinforce the notion that the Jewish body was seen as inferior. As exemplified in figure 1, these are facial images of Jewish boys.¹⁰⁹ These pictures that were published in the American *Photographic News* by Francis Galton, show the composites of the "Jewish type" on the right, and the components and profiles of the Jewish type on the left.¹¹⁰ These images are important since they show how Jewish bodies were classified and "othered" due to their physical attributes. At this time, eugenics became a phenomenon internationally.

¹⁰⁶ Hans F.K. Gunther, *The Racial Elements of European History*.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Francis Galton, "Illustrations of Composite Portraiture, The Jewish Type," Images in *The Photographic News*, Eugenics Archive, 1885, http://www.eugenicsarchive.org/eugenics/view_image.pl?id=2217.

¹¹⁰ Ibid.

This is a clear trajectory resulting from the physical culture movement. Although these images were published by Galton in America, in Germany, these images were also projected in the media due to the spread of this movement in America and in Europe. Thus, these images are being used to reflect the physical undesirability's of German Jews.

Although, the images of the Jewish children do not explicitly exemplify the intellectual abilities of Jews, it can be inferred in Galton's research that he would use the measurements of various Jewish profiles, to determine the intellectual abilities and characteristics of Jews by using their cranium structures.¹¹¹ In displaying their bodies as inferior, eugenicists, specifically Galton, used bodily measurements to compare the abnormalities and normality's of an individual to their race, in order to determine the prototype and genetic makeup of people. Figures 2 and 3 are images published by Francis Galton. However, these were produced in England, which shows the influence Galton's findings had on society. Additionally, it is important to note that these images were used to capture the physiognomy of the Jewish population. Using these images, Galton captured what he saw as the Jewish "essence."¹¹² Francis Galton believed that the Jewish essence was distinct.¹¹³ He thought it would reveal the "cold, scanning gaze" of the Jewish population and their inferiority from the rest of society.¹¹⁴ Based on these images, one can infer that these profile images were used to project the hooked Jewish nose and the dark complexion of the Jewish eyes. Thus, revealing to us that Jewish bodies were "othered" through various representations of pseudoscientific imagery.

¹¹¹ Gilman, *The Jew's Body*, 64.

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ Ibid.

In connection to the “othering” of Jewish bodies using pseudoscientific imagery is the “othering” of the Jewish nose through physiognomy and eugenics. During the physical culture movement, forms of pseudoscience were used to project racial distinctions and body abnormalities, such as the nose. London pseudoscientist, George Jabet, determined the Jewish nose to be “very convex, and reserves its convexity like a bow, throughout the whole length from the eyes to the tip. It is thin and sharp... it indicates considerable shrewdness in worldly matters; a deep insight into character, and facility of turning that insight into profitable account.”¹¹⁵ In this statement, Jabet is determining the ethnic features of a Jew (based on the perceived physical traits/features of the Jews) and then connecting it to their character traits. He is also comparing the intellectual abilities of the Jewish body to their physical qualities. Although Jabet is not German, “physicians” and “scientists” across the Western world drew insights from one another and influenced one another’s work. This is a direct result of the physical culture movement. The emphasis on the inherited traits of the body, such as the nose, derived from stereotypes that were used to determine the physical features of individuals in relation to their race, such as the case of the Jewish nose being an indicator of their bodies. This is another reason why German anthropologists studied the size of Jewish nostrils, as they were used to determine the undesirability’s of Jewish inheritance through interbreeding.¹¹⁶

In further elaboration on the physical “othering” of Jewish bodies, is the case of the Berlin Medical Academy, in which doctors practiced their first medical procedure on a Jewish nose (what we refer to today as plastic surgery). Figure 6 is an image of a Jewish person and

¹¹⁵ Gilman, *The Jew’s Body*, 179.

¹¹⁶ *Ibid.*

their physical transformation both before and after their nose job.¹¹⁷ In the upper left hand corner, the man in the picture has wide nostrils and a curved large nose.¹¹⁸ In the bottom left hand corner, the individual's nose is straight and the nostril is smaller.¹¹⁹ The person in this image received a nose job since "his nose was the source of considerable annoyance. Wherever he went, everybody stared at him; often, he was the target of remarks or ridiculing gestures."¹²⁰ Jacques Joseph, the doctor who conducted this procedure, was known for his contribution in fixing the "inferior" parts of the Jewish body: the foot, the protruding ear, and, in this instance, the nose.¹²¹ The Jewish nose was portrayed as a degeneracy of the Jewish body. Therefore, after corrective measures, the visibility and likeability of the Jewish nose would increase (although, this would not eliminate the harshness associated with the "physical abnormalities" of the Jewish body). Furthermore, this aesthetic "correction" can be traced back to the physical culture movement, as the physical culture movement encouraged ways of altering the physical physique, in order to perfect and beautify the physical body.¹²² Although, the altering of the physical body did not implicitly mean surgically altering the body, corsets, and other tools were used to improve and/or correct body "imperfections."¹²³

¹¹⁷ Gilman, *The Jew's Body*, 179.

¹¹⁸ *Ibid.*

¹¹⁹ Gilman, *The Jew's Body*, 179.

¹²⁰ *Ibid.*, 184.

¹²¹ *Ibid.*

¹²² Michael Hau, *The Cult of Health and Beauty in Germany: A Social History, 1890-1930*.

¹²³ *Ibid.*

Interrelated with the physicality of the Jewish nose were the conditions perceived of the Jewish foot. While physiognomy “othered” Jewish bodies by focusing on the facial features of the Jews, other forms of pseudoscience also “othered” different parts of the Jewish body. The feet of the Jewish body were often portrayed and described in ill terms. As depicted in figure 4, the Jewish foot is flat; it looks peculiar in shape and the toenail is perhaps infected with fungi.¹²⁴ This image was culled from the German book *Handbuch der Kosmetik*, which was published in 1912.¹²⁵ As described in this book, the Jewish foot was determined to be diseased.¹²⁶ In further elaboration on the discourse of the Jewish foot, figure 5, compares the way Jewish people walk to a criminal and an epileptic.¹²⁷ A long standing stereotype is that Jews were merchants and because of their profession, their feet were deformed.¹²⁸ This traces back to the ideology that Jewish individuals dominated city life.¹²⁹ As a merchant, you travel, and it was assumed that as a Jewish merchant, a Jew would carry their disease.¹³⁰ Figuratively, the Jews were spreading illnesses from their diseased feet, and literally, they were spreading their undesirable heritable traits to the nation by breeding with other individuals.¹³¹

¹²⁴ Gustav Muskat, *Handbuch der Kosmetik* in *The Jew's Body*, Sander Gilman (New York: Routledge, 1991), 41.

¹²⁵ *Ibid.*

¹²⁶ *Ibid.*

¹²⁷ Gilman, *The Jew's Body*, 49.

¹²⁸ *Ibid.*

¹²⁹ *Ibid.*

¹³⁰ *Ibid.*

¹³¹ *Ibid.*

The concern of Jewish breeding, as well as concerns with the aesthetic representation and physical abnormalities of the Jewish body were also projected through mass media. The physical culture movement was commercialized in films, magazines, performances, advertisements, and literature, etc. These forms of media production, were used to project “idealistic” terms of healthy and beautiful bodies. Emerging from the age of industrialization and technological innovation, the corporeal industry in Europe was ambitious. Thus, body politics were highlighted in various photographic images and movies, to highlight the natural, pleasurable, and desirable body.¹³² However, these forms of media also highlighted what was considered to be abnormal. Thus, the physical culture movement capitalized and facilitated the racial superiority and elitism of the Nordic body through the media. *Nosferatu* directed by F.W. Murnau explicitly exemplifies the stereotypes and physical depiction of Jews in Germany during the physical culture movement. F.W. Murnau was a German motion picture director who revolutionized cinematic expression through the emotionality of his characters, as portrayed in this film. In this adaptation of Bram Stoker’s *Dracula*, there are strong parallels between the main character Count Orlok to the various German stereotypes of Eastern European Jewry. A description of Dracula offered by Charlotte Hansen describes him as such: “hair growing scantily around the temples, but profusely elsewhere. His eyebrows very massive, almost meeting over the nose, and with bushy hair that seemed to curl to its own profusion.”¹³³ Although not directly identified as a Jewish body in the text, Stoker was anti-Semitic, and many of the references made in his novel reflect

¹³² Michael Hau, *The Cult of Health and Beauty in Germany: A Social History, 1890-1930*.

¹³³ Charlotte Hansen, “Anti-Semitism in Bram Stoker’s *Dracula*,” *Methods of Literature and Cultural Studies*, 2015, <https://blogs.commonsgeorgetown.edu/engl-090-02-spring2015/2015/02/25/anti-semitism-in-bram-stokers-dracula/>.

the desire to construct the racial aesthetic of Jews.¹³⁴ Hence why Dracula is portrayed as an alien body in society, as is Count Orlok.

In *Nosferatu*, Count Orlok (the vampire like creature in the movie) has a pointed nose, is lacking a “normal” physical body, and has large ears, bushy eyebrows and a pale face (all of which were stereotypes of Eastern European Jewry and are in parallel to Bram Stoker’s: *Dracula*).¹³⁵ This film provides evidence of anti-Semitic overtones. Firstly, this film traces back to and connects to the concept of the blood libel in the Middle Ages, in which Jews were accused of murdering Christian children, in order to use their blood as part of their Jewish rituals. Furthermore, *Nosferatu*’s physical features are vermin/rat like, which exemplifies the myth that Jews were responsible for the spread of disease and killing masses during the plague.¹³⁶ In the film, there are also a number of rats that are transported with him in his coffin, which relays this concept of the spread of Jewish disease.¹³⁷ The film also suggests themes of sexuality and interbreeding. In the film, *Nosferatu* is trying to buy a home next to Thomas Hutter, and beckons Hutter to his home in Transylvania, and upon arrival Hutter notices the true evilness of *Nosferatu*.¹³⁸ *Nosferatu* finds an image of Nina (Hutter’s wife) and he desires to have a taste of her beautiful neck.¹³⁹ However, he is also made effeminate and demasculinized because of his

¹³⁴ Charlotte Hansen, “Anti-Semitism in Bram Stoker’s *Dracula*.”

¹³⁵ F. W., Murnau et al., *Nosferatu*, [videorecording]: a symphony of horror. N.p.: Wiesbaden: Friedrich-Wilhelm-Murnau-Stiftung (New York: [Distributed by] Kino International, 2007) SUNY New Paltz Library Catalog, EBSCOhost.

¹³⁶ *Ibid.*

¹³⁷ *Ibid.*

¹³⁸ *Ibid.*

¹³⁹ *Ibid.*

thin and gangly limbs and long fingernails.¹⁴⁰ Often, the physical culture movement highlighted the abnormalities of bodies, in order to shape and perfect them. In this film, *Nosferatu* is not only physically abnormal, but mentally, as he is seen as demonic. He is also dehumanized in terms of his sexual desire and breeding (since he would tamper the purity of the desirable Nordic race, as a Jew).

Another film that exhibits the stereotypes and abnormalities of the Jewish character is the movie *The Golem* directed by Paul Wegener and Henrik Galeen. Although, this movie was made in 1915, it takes place in Prague during the 16th Century.¹⁴¹ Similar to *Nosferatu*, this film highlights not only the abnormalities of the Jewish body, but the spiritual, religious, cultural, and intellectual abnormalities of Jews. In the movie, the Golem, a large figure made out of clay is created by a Rabbi, in order to prevent Jewish persecution.¹⁴² *The Golem* highlights the peculiarities of the Jewish Golem tradition and identifies the problematic character of the Jew. This Jewish folk tale infers anti-Semitism through the satanic depiction of wizardry attached to the Rabbi who created this creature.¹⁴³ In other words, the film resembles the aesthetic features and construction of the racialized Jewish body. In the film, the Golem commits a series of murders and falls in love with Jessica, the dealer's wife, which threatens the purity of the German woman.¹⁴⁴ Like Count Orlok, the Golem is a monster. Therefore, this movie projects the

¹⁴⁰ F. W., Murnau et al., *Nosferatu*.

¹⁴¹ Paul Wegener and Henrik Galeen, "Der Golem 1915-Paul Wegner and Henrik Galeen," Youtube, 2013, <https://www.youtube.com/watch?v=4neORSuGU6A>.

¹⁴² Ibid.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

tensions that existed in German society, as the growth of the physical culture movement heightened the detest of the Jewish population in Germany, by emphasizing the abnormalities of Jewish bodies.

In relation to infiltrating the city, folktales and literature were two other forms of media used to “other” Jewish bodies. “The Legend of the Pied Piper of Hamelin” is one such folktale that traces back to the 13th Century, when a rat plague infested the area of Hamelin, leaving the citizens of Hamelin in desperate need of help.¹⁴⁵ A stranger, who played the pipe claimed to be a rat catcher and could eliminate the rats and mice for a small fee.¹⁴⁶ Victorious in his affairs, he cleared up the rat situation, but his reward was not received, thus, he sought to seek revenge.¹⁴⁷ Figure 7 is a picture called the “Rat Catcher.”¹⁴⁸ This image appeared in an anti-Semitic pamphlet so as to connect the abnormalities of Jewish bodies to this German fairy tale. In the image, the Piper of Hamelin is luring the rats with his pipe.¹⁴⁹ These rats are supposed to represent the “Jewish Press.”¹⁵⁰ As depicted in this image, Jews were often physically viewed as vermin like. Thus, this picture dehumanizes the Jewish population.

Connected to this vermin like depiction of the Jewish population, is Franz Kafka's “The Metamorphosis.” Written from the perspective of an Austrian-Hungarian Jew, Franz Kafka

¹⁴⁵ Helen Page, “The Legend of the Pied Piper of Hamelin,” Travel sign posts: Germany, N/A, <http://www.travelsignposts.com/Germany/sightseeing/pied-piper-of-hamelin>.

¹⁴⁶ Ibid.

¹⁴⁷ Helen Page, “The Legend of the Pied Piper of Hamelin.”

¹⁴⁸ “Rat Catcher,” in “The Pied Piper of Hamelin,” (Dresden: N/A, 1899).

¹⁴⁹ Ibid.

¹⁵⁰ Ibid.

writes about the physical transformation of a traveling salesman, Gregor Samsa, who turns into a large vermin like creature.¹⁵¹ In this short story, Samsa is the breadwinner of his family and provides long and grueling hours as a Salesman, despite his distaste for the position.¹⁵² However, this is short lived, as one day Samsa wakes up and is physically transformed:

As Gregor Samsa awoke from unsettling dreams one morning, he found himself transformed in his bed into a monstrous vermin. He lay on his hard armorlike back and when he raised his head a little he saw his vaulted brown belly divided into sections by stiff arches from whose height the coverlet had already slipped and was about to slide off completely. His many legs, which were pathetically thin compared to the rest of his bulk, flickered helplessly before his eyes.¹⁵³

Gregor Samsa, questions his transformation and new identity. He is no longer the breadwinner of his family, but the sight of detest. Even after his transformation, Gregor wants to provide for his family, and longs for acceptance, but he realizes that his family and others are repulsed by his condition.¹⁵⁴ As noted in the introduction to the text, “The Metamorphosis” is a fictional story that is based off of Kafka’s personal life, “in which he translated his experience as a family breadwinner into a parable of alienation, transformation, and ultimately death.”¹⁵⁵ Therefore, Kafka is writing about his experience as a Jewish individual and his perception as a foreign, deviant body. Gregor Samsa’s physical transformation and positionality, resembles the increase in anti-Semitism within society and its bodily impact. The physical culture movement was prevalent in various areas of Europe and although Kafka is not German, the various theories and

¹⁵¹ Franz Kafka, “The Metamorphosis,” in *The Metamorphosis and Other Stories*, trans. and ed. by Donna Freed (New York: Barnes & Nobles Books, 2003).

¹⁵² Ibid.

¹⁵³ Franz Kafka, “The Metamorphosis,” 7.

¹⁵⁴ Ibid.

¹⁵⁵ Ibid., 5.

findings of pseudoscientists were spread massively. As already exemplified in “The Rat Catcher” image and even in *Nosferatu*, Jews were revered as vermin-like creatures. There is a metaphorical depiction of decay and decline that permeates these works, which suggests the limited mobility and the hatred enacted toward the Jewish body. However, both the Germans and German Jews were thematizing Jewish bodies in literature as a response to the physical culture movement. This, however, was only one approach taken.

Counter Argument:

Although, I argue that the intellectual abilities and physical physiques of Jews bodies were “othered” in Germany during the physical culture movement, many scholars counter this argument. Some scholars claim that Jewish bodies were not deviated, since a lot of Jew’s were physically fit.¹⁵⁶ Other scholars suggest that Jews had to fight their projected body “deviancy” by joining Jewish athletic institutions, in order to better their bodies and to prove that the construct created about their bodies were false.¹⁵⁷ Lastly, other scholars argue that Jewish organizations, such as the Zionist Movement contributed to the “othering” of their own Jewish bodies. As expressed, the physical culture movement centered on the physical health and improvement of bodies. In direct response to this movement, Jewish individuals established athletic institutions, to help perfect and strengthen their bodies. Established in 1898 was the first Jewish gymnastic society in Berlin, as well as a Jewish periodical in 1900.¹⁵⁸ Figure 8 is an image of the Jewish

¹⁵⁶ Meyer, Michael A. et al., eds. *German- Jewish History in Modern Times: Volume 3 Integration in Dispute 1871-1918*, 143.

¹⁵⁷ Ibid.

¹⁵⁸ Ibid., 144.

athletic association Bar Kochba in Berlin.¹⁵⁹ In this image, the Jewish individual is not dehumanized and weak, but is muscular.¹⁶⁰ Compared to the imagery in the film *Nosferatu* where Count Orlok's body is slim and looks peculiar, in this image, the Jewish bodies are strong, fit, and healthy, proving that not every Jewish body was deemed as abnormal. Turning away from confinement, this image portrays signs of Jewish strength and physical growth.¹⁶¹ However, as scholar Michael A. Meyer notes, Jewish organizational life and athletic associations sparked from anti-Semitic reactions.¹⁶²

Other scholars argue that Jewish organizations centered on occupational redistribution, led to the establishment of Jewish gymnastic societies as being the “centers of nationalist activity.”¹⁶³ Jews were able to better their bodies through these athletic institutions. However, these gyms were founded since Jews were excluded from gym societies with “Aryan paragraphs,” in which outlawed Jews from using their vicinities.¹⁶⁴ Meyer argues that “... Jewish associations, mostly founded by Zionists, intended to increase Jewish pride and national identity. Specific to the Jewish societies was the desire to refute the anti-Semitic stereotype of the Jewish

¹⁵⁹ Michael A. Meyer and et al., eds. “The Jewish athletic association Bar Kochba in Berlin” *German- Jewish History in Modern Times: Volume 3 Integration in Dispute 1871-1918* (New York: Columbia University Press, 1997), 145.

¹⁶⁰ Ibid.

¹⁶¹ Michael A. Meyer and et al., eds. “The Jewish athletic association Bar Kochba in Berlin” *German- Jewish History in Modern Times: Volume 3 Integration in Dispute 1871-1918*, 145.

¹⁶² Meyer, Michael, *German- Jewish History in Modern Times: Volume 3 Integration in Dispute 1871-1918*, 143.

¹⁶³ Ibid.

¹⁶⁴ Ibid.

bookworm by creating a new generation of Muskeljuden (muscular Jews).”¹⁶⁵ Jewish organizations were created to not only enhance the image of the Jewish body, but to seek acceptance from German society. However, it is important to note that in order for the Jewish population to try to gain acceptance, most of the time they had to establish their own institutions in order to improve their health and physical appearance. Although, many Jews were affectively able to improve their health through these athletic associations, the creation of these centers had little to no effect on improving the German opinion of their physical abnormalities. Regardless of these establishments, the Jewish muscular movement was not as recognized as they would have liked it to be.

In addition to the new Jewish sports groups that were established, new Jewish cultural organizations were created. These organizations “freshly awakened feelings of pride in the Jewish heritage with attempts to fight antisemitism. Hostility from the outside induced acculturated Jews to find out more about their heritage, both to refute anti-Jewish slurs and to clarify their own sense of identity.”¹⁶⁶ As depicted, the physical culture movement encouraged Jews to rebel against societal norms, which they did to some extent, as the growth in Jewish national organizations became a sign of greater Jewish involvement.¹⁶⁷ Thus, Jewish libraries and museums that focused on Jewish culture were also established, which notarized Jewish involvement within society.¹⁶⁸ In parallel to the changes in the German nation, Jewish societies

¹⁶⁵ Meyer, Michael, *German- Jewish History in Modern Times: Volume 3 Integration in Dispute 1871-1918*, 143-144.

¹⁶⁶ Meyer, Michael A. et al., eds. *German- Jewish History in Modern Times: Volume 3 Integration in Dispute 1871-1918*, 144.

¹⁶⁷ Ibid.

¹⁶⁸ Ibid.

developed more youth-oriented activities.¹⁶⁹ No longer catering to the exclusivity of adults, Jewish societies integrated cultural orientations that focused on the youth.¹⁷⁰ Although these organizations and societies were enriching and beneficial, the establishment of such organizations were “threatening” to the German population. As mentioned social, cultural, political, economic, and religious factors contributed to why Jewish bodies were “othered.” Thus, the establishment of these Jewish cultural and social institutions, contributed to the abnormalization of their bodies even more so.

The Zionist movement and Zionist organizations (groups that focus on the protection and development of the Jewish nation) were also created at this time. The Zionist movement strongly contributed to the development of Jewish progression. However, it also led to their “othering.” Blau-Weiss states “for us being Jewish is an ideal to which we aspire, not memory we want to overcome... Because we are Jewish, we aren’t afraid to learn Hebrew, to cultivate Jewish songs along with German ones.”¹⁷¹ Blau-Weiss, among others, stressed the authenticity of Jewish intellectuality and Jewish life.¹⁷² Jews believed they could and were able to integrate their beliefs into their German life and traditions.¹⁷³ Even after acknowledging that they might be dissimilar to other German’s religiously, many Jews believed they were neither physically nor intellectually

¹⁶⁹ Meyer, Michael A. et al., eds. *German- Jewish History in Modern Times: Volume 3 Integration in Dispute 1871-1918*, 146.

¹⁷⁰ Ibid.

¹⁷¹ Meyer, Michael A. et al., eds. *German- Jewish History in Modern Times: Volume 3 Integration in Dispute 1871-1918*, 148.

¹⁷² Ibid.

¹⁷³ Ibid.

different from anyone else.¹⁷⁴ Loyal to the land of Germany and Israel, Jews were patriotic and desired to seek acceptance from the German government and society. However, as I argue, and as Meyer points out, separate Jewish organizations and other “Jewish sports groups only reinforced Jewish segregation... they both copied and aided anti-Semitic exclusion based on ethnic origin.”¹⁷⁵ Therefore, I argue that Zionism and muscular Judaism only “othered” Jewish bodies more, even though it attempted to do the opposite. Thus, the challenges presented here, discouraged the assimilation of the Jewish population. Although, the growth in these Jewish institutions can be portrayed as a sign of Jewish activism, it did not lead to the abolishment of the “othering” of their bodies. Instead, it is evident that in some instances, the efforts of the Jewish population (through these institutions and movements) contributed to existing anti-Semitic fervor in Germany.

Conclusion:

Although, the physical culture movement was short lived (it only spanned from the 1850s into the 1920s), it had a great impact on society. In Europe, particularly Germany, the physical culture movement was deeply engrained into the culture and mentality of the German people. As a result, this drastically changed and shaped the viewpoint of the German population in regards to the “othering” of the physical body and intellectual abilities of the Jewish population. Due to expansion of industrialization, modernization and urbanization, breakthroughs in the realm of health and healing became of major interests to many. In their quest to perfect the health and beauty standards, particularly in German society, aesthetic representations and ideals were used

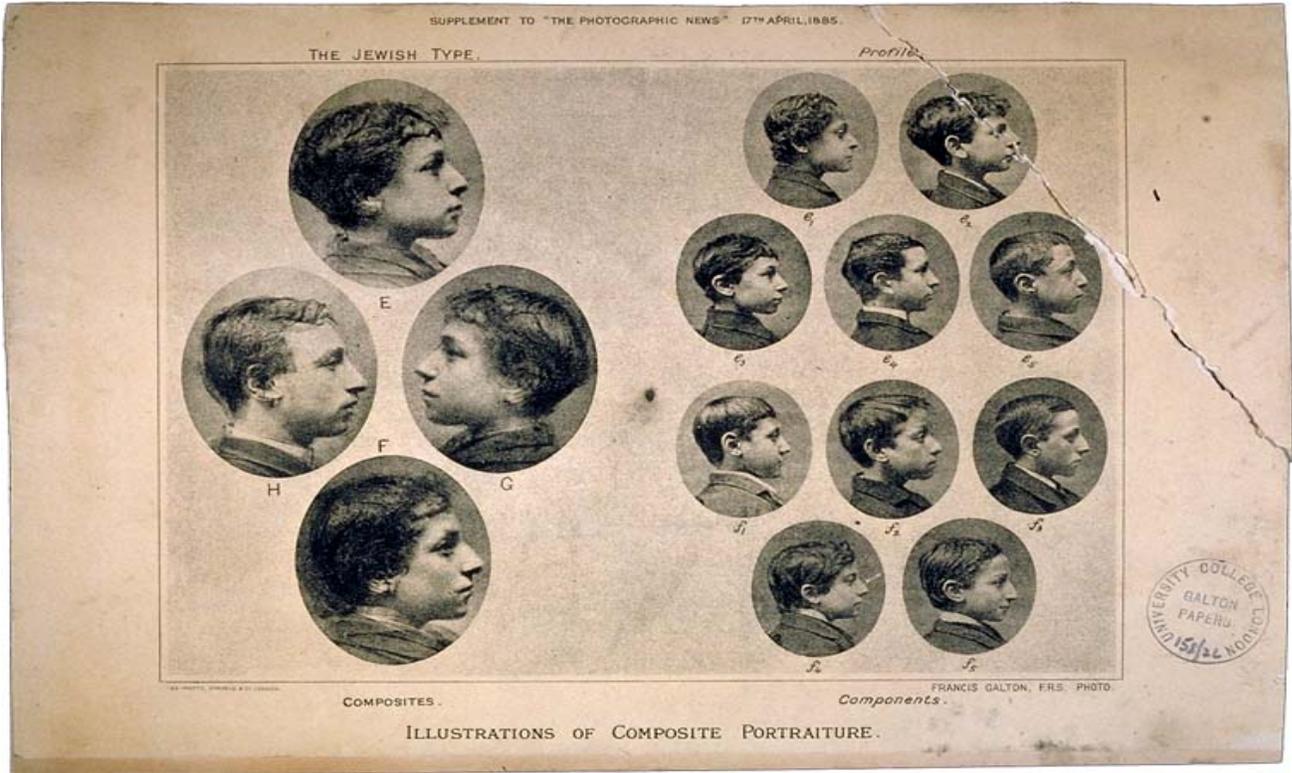
¹⁷⁴ Meyer, Michael A. et al., eds. *German- Jewish History in Modern Times: Volume 3 Integration in Dispute 1871-1918*, 148.

¹⁷⁵ *Ibid.*, 144.

to improve the physical beauty and intellectual intelligence of the human body. As racial ideologies developed, so did the concept of degeneration, and the desire to return to a state of racial purification. Thus, medicine and science were used to reform the lives and social experiences of individuals, in terms of bodily discipline. Therefore, the Nordic body was esteemed as being the nationalist idiom and the “true” depiction of the German body. Because of the prescription of aestheticized distinction, racial discourses marked the German Jewish body as abnormal. The works of pseudoscientists and medicalists created assumptions about the intellectual and physical capabilities of German Jews. Therefore, the physical culture movement aided and contributed to the “othering” of Jewish bodies, as the movement provided a way of expressing Jewish distinction through the expression of their character, their status, as well as their racial construction.

Jews were deemed as threats, economically burdensome, politically radical, socially inferior, religiously distasteful, and culturally different. Physical identifications and barriers hindered the Jewish body. These identifications derived from eugenics, phrenology and physiognomy, in which were used to project the Jewish body as inferior, abnormal, and detestable. Why is this important? Before conducting this research, I had little to no knowledge on the “othering” of Jewish bodies before the Holocaust. As shown in my research, this movement directly foreshadows and led to the annihilation and subjugation of Jewish bodies under the Nazi regime. There was/is a stigmatization against Jews, which has outcasted them in society for centuries. Today, Jewish individuals are still affected by anti-Semitic beliefs and ideologies. However, pseudoscience can no longer invoke and/or justify the Jewish body as racially different or inferior to other beings since it has been proven invalid.

Figure 1:



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Figure 2 :



Figure 3 :

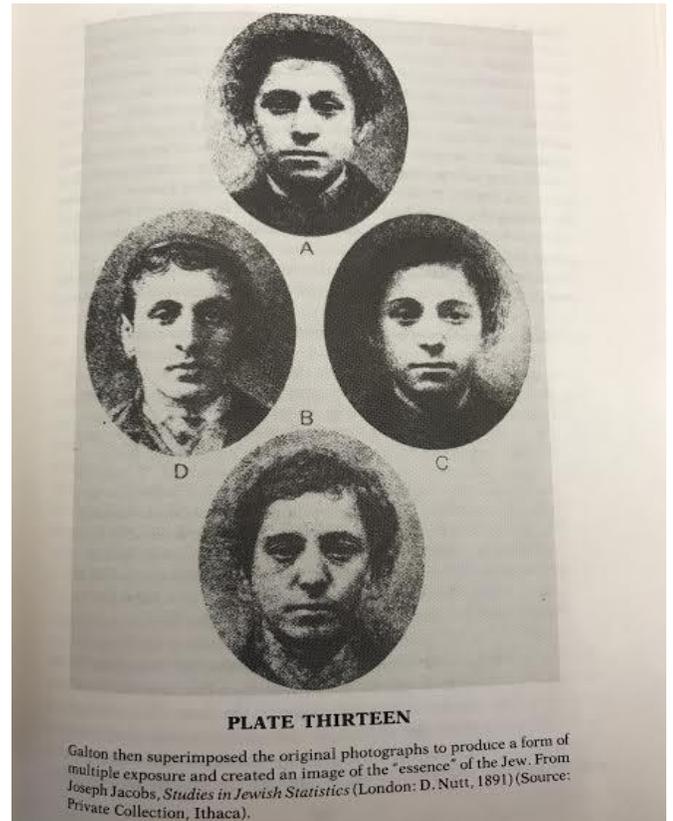


Figure 4 :

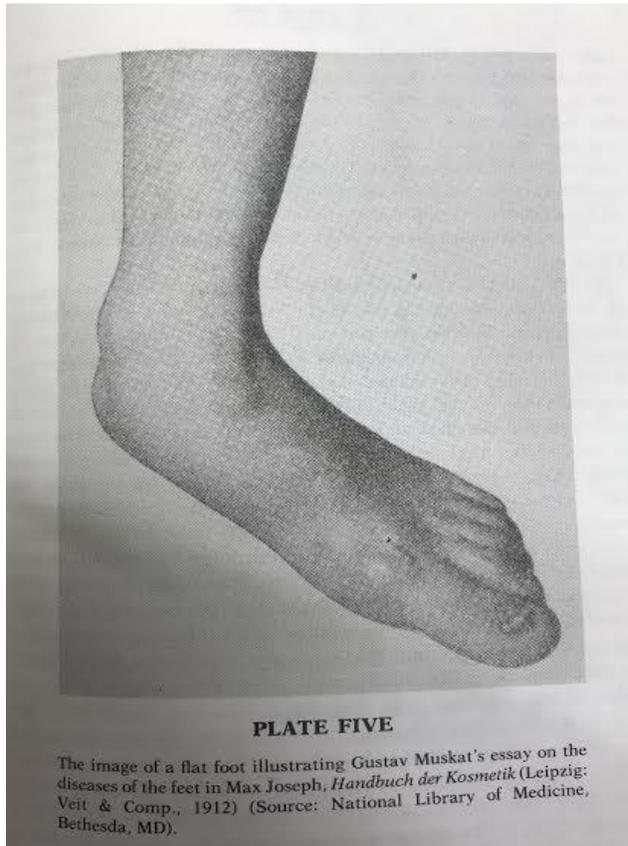


Figure 5 :

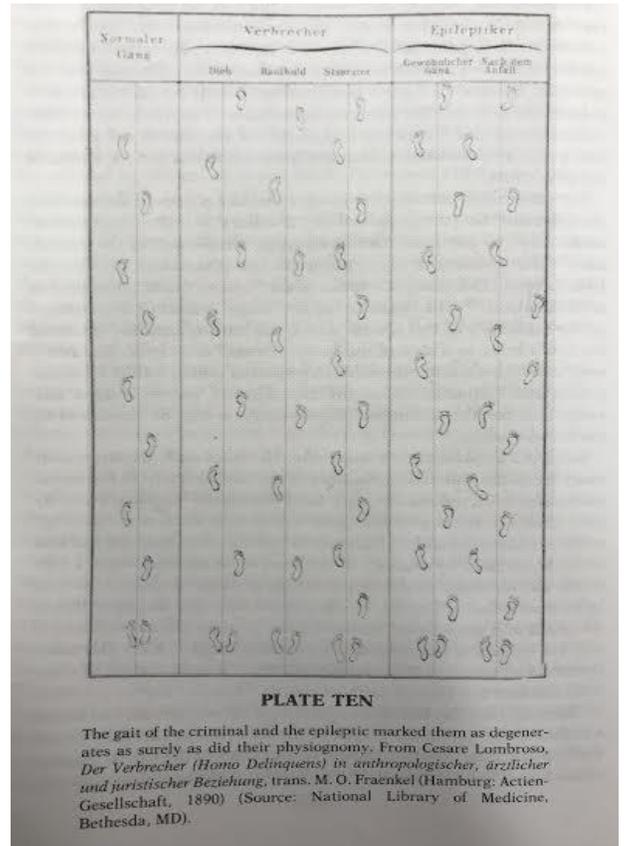


Figure 6:

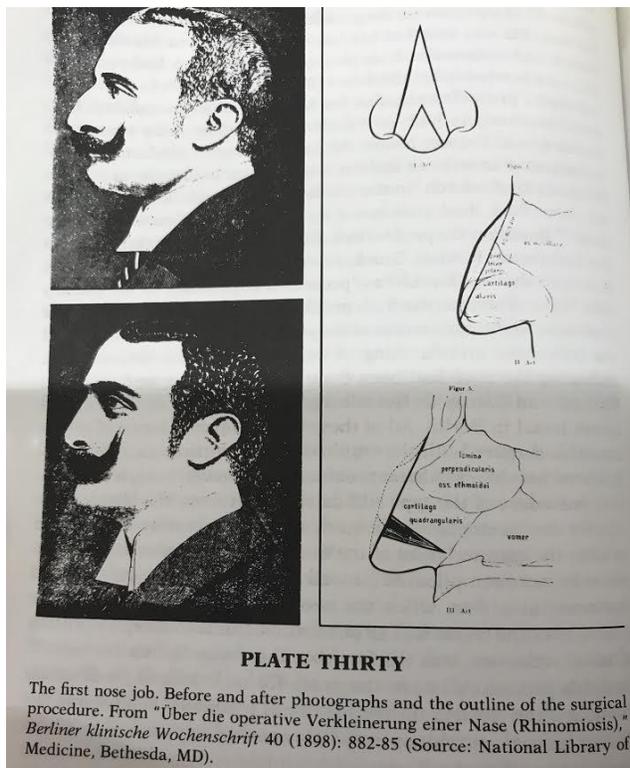


Figure 7 :



Figure 8:



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Exhibit 77

[Home](#)

Alabama

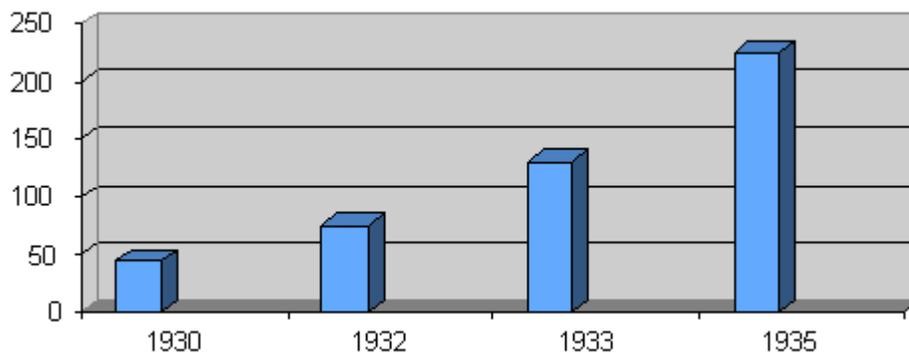
Number of victims

There were 224 people who were sterilized, of whom approximately 58% were male. All of the sterilized were deemed “mentally deficient.” In terms of the total number of people sterilized, Alabama ranks 27th in the United States. Of the 32 states that had sterilization laws, Alabama is the state with the 5th lowest number of sterilizations.

Period during which sterilizations occurred

The period was 1919 to 1935 (Paul p. 246)

Temporal pattern of sterilizations and rate of sterilization



After the passage of the sterilization law in 1919, the number of sterilization appears to have been low. Gosney/Popenoe (p. 194; see data sources) report no sterilizations yet at the end of 1927, but the number for the end of 1929 was 44. After that year, the number of sterilizations increased. The last sterilizations occurred in June 1935 (Paul, p. 246). Between 1930 and 1935, the annual number of sterilization was about 30. The rate of sterilization per 100,000 residents per year was about 1.

Passage of law(s)

According to Edward Larson, “Alabama began its long flirtation with eugenics...before any other state in the Deep South” (Larson, p. 50). At the 1901 meeting of the Medical Association of the State of Alabama (MASA), Dr. William Glassell Sommerville, Trustee of the Alabama Insane Hospitals, declared it a proven fact that “the moral disposition for good and evil, including criminal tendencies...are transmitted from...one generation to another...and is as firmly believed by all scientific men as the fact that parents transmit” physical qualities to their children (Dorr, “Defective or Disabled?,” pp. 383-4). At that same meeting, John E. Purdon stated that it was a “‘proven fact’ that criminality, insanity, epilepsy, and other alleged manifestations of degraded nerve tissue were hereditary” (Larson, 50). He emphasized that “[i]t is essentially a state function’ to retrain ‘the procreative powers’ of the unfit” (Larson and Nelson, p. 407). He suggested that the use of sterilization would benefit the race by saying, “[e]masculation is the simplest and most perfect plan that can be adapted to secure the perfection of the race” (Larson, p. 50). Finally, Purdon explained his belief that “the goodness, the greatness, and the happiness of all upon the earth, will be immeasurably advanced, in one or two generations, by the proposed methods” (Larson and Nelson, p. 407), and, based on his belief that “weakness begets weakness” feared that “humanitarianism would ‘assist the imperfect individual to escape the consequences of his physical and moral malformation’” (Dorr, “Honing Heredity,” p. 29).

Over the next decade, MASA was encouraged by many authorities such as physicians and Birmingham’s medical society to draft a bill to legalize the sterilization of the unfit. In 1911 at the annual MASA meeting, Walter H. Bell of Birmingham declared that “any person who would produce children with an inherited tendency

to crime, insanity, feeble-mindedness, idiocy, or imbecility” should be sterilized (Larson, p. 51). He believed that sterilization was “an easy, safe and practical method of prevention with no restrictions or punishment attached” (Larson and Nelson, p.410).

The MASA, however, continued to delay taking action until 1914 when it created a committee of physicians who would research “needful data in regard to ‘defective children,’ with a purpose to urge upon the state legislature the proper provision for the care of such ‘defectives’” (Larson, , p. 60). During the 1915 MASA meeting, C.M. Rudolph suggested the formation of a home for mentally ill children. He stressed the importance of segregating the unfit youth because he believed it shrewd to “[s]egregate the defectives of one generation to prevent the multiplication of their kind in the next” (Larson, p. 60). In this same meeting it was decided that an Alabama Society for Mental Hygiene (ASMH) would be formed and led by William Partlow as a liaison with the National Committee for Mental Hygiene (NCMH) and to survey Alabama’s “defectives” (Larson, p. 60). That year, MASA collectively agreed to support eugenic sterilization (Dorr, “Defective or Disabled?,” pp. 386-87).

In 1919, the MASA and the ASMH reached their goal. In the next regular session of the State legislator, a bill was passed to create the Alabama Home (Larson and Nelson, p. 413). Buried within the law was a clause granting permission to the superintendent of the Home for the Feeble-Minded in Tuscaloosa, to sterilize its patients. This was the first law passed in Alabama that supported sterilizations (Paul p. 239).

In 1934, Partlow wanted permission to sterilize all discharged patients from the Home (a procedure he was already practicing as superintendent) (Dorr, "Eugenics in Alabama"). Partlow proposed a bill that gave the superintendent of any state hospital for the insane complete power to sterilize “any or all patients upon their release.” The bill also proposed the creation of a board with three doctors who would have the right to sterilize a larger group of people. Finally, the anticipated bill granted permission for county public health committees to sterilize anyone in a state or local custodial institution (Larson and Nelson, p. 418). Although Partlow’s bill was passed in both the House and the Senate, the bill was vetoed by Alabama’s Governor, Bill Graves after consulting with the Alabama Supreme Court on the bill’s constitutionality (Larson and Nelson, p. 422). In 1935 the Alabama State Supreme Court viewed the bill and deemed it unconstitutional because it violated the Due Process Clauses of the state and federal constitutions—a sterilization victim would not have the right to appeal to a court against his or her sterilization (Larson and Nelson, p. 422). A second version of the bill was drafted and, similarly, passed in both houses but was vetoed by the Governor (Larson and Nelson, pp. 422-23). Soon after this second veto, Partlow “discontinued the practice of sterilization” (Larson and Nelson, p. 424).

Partlow’s bill, however, was unsuccessfully reintroduced in 1939 and again in 1943. In 1945, legislation was created that asked for the right to sterilize every inmate or person eligible for entrance in the state’s insane asylums. This bill was passed by the senate but was rejected by the house (Larson and Nelson, p. 426).

Groups identified in the law

In the 1919 law, William Partlow included in his draft the permission for the superintendent of the Home for the Feeble-Minded to “sterilize any inmate” (Larson, p. 84). “Inmates” were any “person confined in a poor house, jail, an orphanage, or a boarding school in the State” (Larson, pp. 48-49). In the 1935 bill, it was proposed that “any sexual pervert, Sadist, homosexualist, Masochist, Sodomist, or any other grave form of sexual perversion, or any prisoner who has twice been convicted of rape” or imprisoned three times for any offense be sterilized. It was also suggested granting permission to county public health committees to sterilize anyone in a state or local custodial institution (Larson and Nelson, p. 418). An expansion of the law, proposed by Alabama State Health Officer Dr. James Norment Baker, called for the sterilization of “anyone committed to state homes for the insane and feeble-minded, reformatories, industrial schools, or training schools, . . . , as well as any sexual pervert, Sadist, homosexual, Masochist, Sodomist” (Dorr, "Protection," p. 173) as well as anyone convicted of rape twice. The bill was considered unconstitutional and vetoed by Governor Bill Graves.

Process of the law

In the 1919 law, the superintendent of the Alabama Home for the Feeble-Minded was given the authority “to sterilize any inmate” (Larson, pp. 48-49). This law held only one limitation on sterilization in the Alabama

Home. The superintendent of the Alabama Insane Hospitals had to agree upon the sterilization of the inmates from the Alabama Home for the Feeble-Minded (Larson, pp. 105-06). This absence of safeguards for inmates in the law made it possible for William Partlow to sterilize *every* inmate of the Home. This law was drafted by Partlow and was the only sterilization law passed in Alabama. Although this law passed, Partlow continued to try to strengthen the power to sterilize in Alabama through other bills. All of his attempts, however, failed.

Precipitating factors and processes

The entire Southern region in general was more hesitant to adopt eugenic ideals for many reasons. One of the most important Southern values was its traditional emphasis on family and parental rights, which eugenics challenged (Larson, p. 8). The Southern sense of family also encouraged relatives to take responsibility for “individuals who might otherwise be subject to eugenic remedies in state institutions” (Larson, p. 9). Most immigrants in the South came from the British Isles, the same area most Southerners originated from. Subsequently, a community existed in the South including many immigrants, unlike the North and West where Americans focused their eugenic ideas on ethnically diverse immigrants (Larson, p. 9). The strength of Southern religion also played a role in the overall rejection of eugenics in Alabama. Religion lent itself to conceptions of congregations as extended families and many people in the South accordingly opposed segregating the “unfit” (Larson, pp. 13-14). In comparison with the rest of the United States, Progressivism in the South was relatively weak due to the comparatively small size of its typical carriers, secular groups, urban professional middle classes, and the more educated (Larson, p. 17). Moreover, the Deep South was lagging other regions in biological research programs, as well as scientists and education, which shifted the advocacy of eugenics to state mental health officials and local physicians (Larson, pp. 40-44). The MASA and leaders such as William Partlow were extremely important to the eugenics movement in Alabama. Without the organizations and leaders that were produced from the MASA, Alabama may have never started eugenic practices.

Overall, Alabama was not in favor of sterilization, which is reflected in the comparatively low number of sterilization victims. In general, the people of Alabama were more in favor of segregation of the “unfit” than sterilization (Larson, pp. 60-63). However, inadequate funding of such facilities for segregating the “feeble-minded” as well as over-crowding seems to have facilitated a push toward sterilization (Larson, pp. 90-91). “Even though mental health surveys placed Alabama’s ‘feeble-minded’ population at more than 7,000 persons, the new facility could accommodate only 160 residents, and was filled within two months of it opening” (Larson, p. 90).

Groups targeted and victimized

Among those targeted were males, including “some of the delinquent boys who[m] we fear might escape” (Larson, p. 106), the poor, “mental deficien[ts]” and the “feebleminded” (Larson, p. 151). People who could be committed to the state mental health hospital included people in prison, a poor house, and orphanage, or a state boarding school” (Larson, pp. 48-49).

While Alabama never established a facility for feebleminded blacks (see Dorr, “Defective or Disabled?,” p. 387), Gregory Dorr has argued that the absence of such a facility should not lead observers to conclude that eugenics in Alabama lacked racist elements, for the limitation of eugenics to the sterilization of whites (in contrast to Virginia) reflected the belief that the “betterment” of the black “race” could not be achieved by such measures. In fact, by the time the wall of segregation had started to come to down in the 1970s and no longer assured second-class citizenship of Blacks, African Americans had become the targets of extra-institutional and extra-legal sterilizations, reflective of a more general southern racist view that it was necessary “to further protect the white race itself from black folks” (Dorr, “Defective or Disabled?,” p. 383; see also Dorr, *Segregation's Science*).

The Relf case

The cause of forced sterilization in Alabama was not helped by the Relf case. By 1973, the focus had moved away from sterilization of the mentally deficient and those imprisoned, to the use of sterilization as birth control. The Relf family was on welfare, and living in a public housing project in Montgomery, Alabama. Two Relf sisters, Minnie Lee, age 14, and Mary Alice, age 12, had been receiving shot of Depo-Provera as a form of long term birth control (Rossoff, p. 6). When the use of the drug was no longer allowed, the mother was misled into signing a consent form allowing the sterilization of her daughters. Mrs. Relf was unable to read or write, so

she “signed” the form with an X, without any physicians explaining the conditions to her (Roberts, p. 93, Carpia, p.78, Caron, p. 211, Southern Poverty Law Center). She thought she was signing a form consenting to additional shots, when she was actually consenting to sterilizations (Tessler, p. 58). A third daughter, Katie Relf, also received the birth control shots, but refused to open the door to her room when the official came to get the three girls to be sterilized. Because she was 17, she could not be sterilized without her own consent. (Larson and Nelson, p. 440) Later, when Mrs. Relf realized that her daughters had been sterilized, she sued the surgeons and other associated groups for \$1,000,000 (Rosoff, p. 6). As a result, a moratorium was placed on federally funded, coerced sterilizations until a decision was reached by the Department of Justice.

Other restrictions placed on those identified in the law or with disabilities in general

In 1919, Alabama passed legislation that made it the first state in the Deep South that made it illegal for people with venereal diseases to marry (Larson, p. 88).

Major Proponents



(Photo origin: Encyclopedia of Alabama: Eugenics in Alabama; available at

<http://www.encyclopediaofalabama.org/face/Article.jsp?id=h-1367>)

Dr. William Partlow attended the Medical College of Alabama in Mobile and in 1901 he started work at Bryce State Hospital. William Partlow was without a doubt the most important eugenicist in Alabama. He was a eugenics advocate because and believed he was “serv[ing] the State and society by looking to the future” (Larson, p. 106). Partlow was superintendent of the Alabama Home of the Feeble-Minded throughout the 1920s and into the early 1930s. While superintendent, he sterilized every inmate upon his or her discharge. In 1923, he became the superintendent of the Alabama Insane Hospitals as well and held the position for thirty years (Larson, p. 107). Partlow remained committed to increasing the number of sterilizations, even though in the 1930s and 1940s opponents became more vocal. As Partlow persisted to draft bills for eugenics, more people started to voice their opinions that “the great rank and file of the country people of Alabama do not want this law; they do not want Alabama...Hitlerized” (Larson, p. 146). After his failures in 1945, however, Partlow ended his legislative eugenics efforts.

To this day, a website “Alabama Healthcare Hall of Fame” lionizes Dr. Partlow as a person with “executive ability, iron will, rugged determination, intellectual and moral courage, and common sense” but does not mention his involvement in Alabama eugenics.

“Feeder institutions” and institutions where sterilizations were performed



(Photo origin: [http://www.tuscaloosanews.com/apps/pbcsi.dll/bilde?](http://www.tuscaloosanews.com/apps/pbcsi.dll/bilde?Site=TL&Date=20110305&Category=NEWS&ArtNo=110309845&Ref=AR&MaxW=600&border=0)

[Site=TL&Date=20110305&Category=NEWS&ArtNo=110309845&Ref=AR&MaxW=600&border=0](http://www.tuscaloosanews.com/apps/pbcsi.dll/bilde?Site=TL&Date=20110305&Category=NEWS&ArtNo=110309845&Ref=AR&MaxW=600&border=0))

The Alabama Home for the Feeble-Minded opened in Tuscaloosa, Alabama in 1919 as a result of the law in favor of a home for the feeble-minded. Two months after the Alabama Home for the Feeble-Minded opening, the institution was completely full of people from poor houses, jails, orphanages, and boarding schools (Larson, pp. 48-49, 90). In 1927, this school was renamed the Partlo State School for Mental Deficients (Larson, p. 106). The school is now known as the Partlow State School and Hospital. Its closure has been announced in 2011 ("W.D. Partlow Developmental Center to close").



(Photo origin:

http://www.encyclopediaofalabama.org/media_content/m-2320.jpg)

Similarly, some of the institutions in Alabama for the mentally ill such as the Bryce State Hospital are still open. On the website about these institutions, no reference to the sterilizations that once occurred there is made. The purpose of these "specialty hospitals...[is] for the support of mentally ill and mentally retarded persons" (University of Alabama School of Medicine).

While Partlow was superintendent of the Alabama Home for the Feeble-Minded and the Alabama Insane Hospital (Bryce Hospital) every patient who was released was sterilized (Dorr, "Eugenics in Alabama"; Larson, p. 140). These institutions, because of this, were the source of the most sterilizations in Alabama. In 1925, Bryce had a total population of about 2,100; Alabama, 277 (Tarwater, p. 26). In November 1974, the case of Wyatt v. Aderholt was heard in the United States 5th Circuit Court of Appeals. The court ruled that it is an institutions responsibility to provide "minimally adequate habilitation and care, beyond the subsistence level custodial care that would be provided in a penitentiary," and as a result, the numbers of patients at Parlow State School for Mental Deficients decline by over 60 percent in less than ten years (Noll, "The Public Face of Southern Institutions," p. 36).

Opposition

Although the original bill went largely unnoticed by the population (Paul, pp. 239-40), the movement did meet considerable opposition in Alabama. Chief among these objectors were the Catholics, who were entirely against eugenics and any form of birth control in general. “Alabama Catholics...wrote legislators and spoke out at public hearings in response to their bishop’s plea to ‘use every means at our disposal to help defeat this bill’” (Larson, p. 151). Protestants were similarly concerned. A Baptist claimed that he “found in the Bible all the warrant he required to vote against the bill” (Larson and Nelson, p. 420). Trade unions were also against expanding the sterilization law. As one laborer anxiously said, there’s “nothing in the bill to prevent a labor man from being ‘railroaded’ into an institution where he could be sterilized on ‘suspicion’ of insanity or feeble-mindedness” (Larson, p. 141). Similarly, Alabama’s Governor, Bill Graves was extremely important to the opposition of eugenics because of his decision to veto the 1935 bill and its revision. He claimed “[t]he hoped for good results are not sure enough or great enough to compensate for the hazard to personal rights that would be involved in the execution of the provisions of the Bill” (Larson and Nelson, p. 422).

Overall, however, the population in Alabama was perhaps not as supportive of eugenic sterilization laws as in other American states.

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