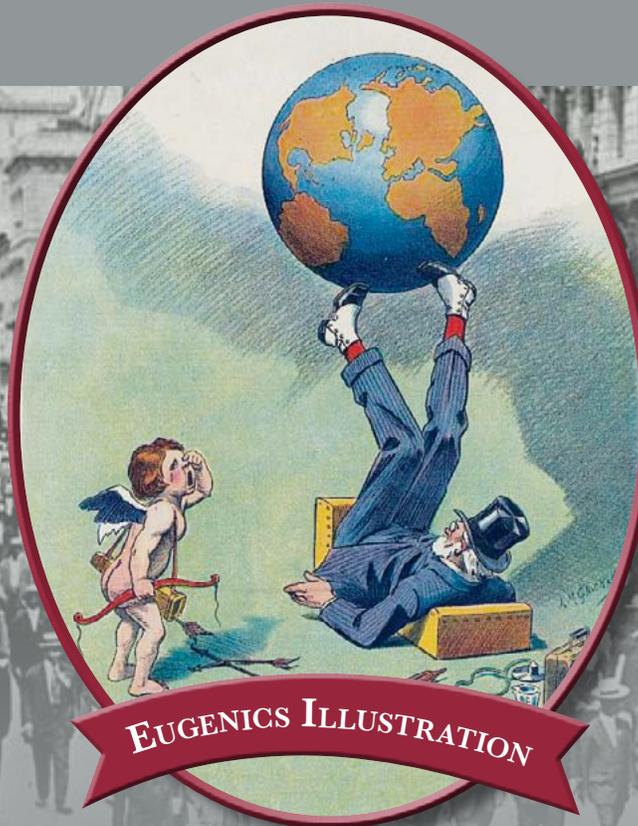


# RACE CLEANSING IN AMERICA



**EUGENICS ILLUSTRATION**

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# RACE CLEANSING IN AMERICA

AMERICAN HERITAGE | VOLUME 54, ISSUE 1 | SPRING 2003

<http://www.americanheritage.com/content/race-cleansing-america>

BY PETER QUINN

Carrie Buck was in her third year at the State Colony for Epileptics and Feeble-Minded in Lynchburg, Virginia, when the U.S. Supreme Court affirmed the state's right to sterilize her. Seventeen at the time she had been institutionalized, the child of a feeble-minded mother and the mother to an illegitimate daughter of her own, Buck had refused to submit to sterilization, and the case had finally made its way to the nation's highest court. Writing for a lopsided eight-to-one majority (which included Justices Louis Brandeis and Harlan Fiske Stone as well as Chief Justice William Howard Taft), Justice Oliver Wendell Holmes left no doubt about either the overall legality of the procedure or its appropriateness for Miss Buck.

"It is better for all the world," Justice Holmes asserted in *Buck v. Bell*, "if instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind. The principle that sustains compulsory vaccination is broad enough to cover cutting the Fallopian tubes." In the case of Carrie Buck, her mother, and her daughter, the requirement of sterilization was glaringly self-apparent. "Three generations of imbeciles," Holmes concluded, "are enough."

None of the justices who decided Buck's fate ever saw or met her. They relied in part on the expert opinion of Dr. Harry Hamilton Laughlin to help them make up their minds. Though Laughlin had never met her either, a report had been sent to him at the Eugenics Record Office, in Cold Spring Harbor, New York. After reviewing the documentation, including a score on the Stanford-Binet test that purportedly showed Buck had the intellectual capacities of a nine-year-old, Laughlin concluded

that she was part of the "shiftless, ignorant and worthless class of anti-social whites of the South" whose promiscuity offered "a typical picture of the low-grade moron."

Laughlin passed over the possibility that Buck's supposed imbecility might be the sullen withdrawal of an abused, frightened girl with little formal education, who had been given away by her mother at the age of four. He almost certainly had no knowledge that she had been raped and impregnated by a friend of her foster parents and sent away to have her baby in the confines of an institution so there would be no public scandal. For Laughlin, the notion that Buck's "feeble-mindedness" could be anything but hereditary was "exceptionally remote."

Buck had been made a test case of Virginia's compulsory sterilization law, which was in good measure based on a "model" statute Laughlin himself had drafted, and he believed that if the Supreme Court upheld Buck's sterilization, it would lead to the widespread passage of similar legislation in other states. Once this happened, the eugenics movement would have a potent weapon against those who, in his own words, "through inherent defects and weakness are an economic and moral burden ... and a constant source of danger to the national and racial life."

Rendered in May 1927, *Buck v. Bell*'s judicial endorsement of compulsory sterilization proved the landmark victory

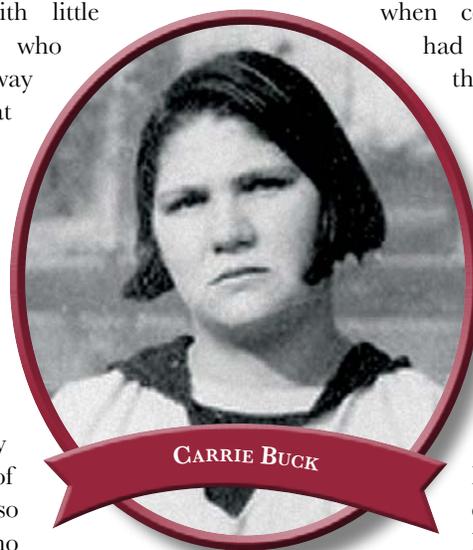
many eugenicists had sought. Several states acted quickly to pass new or revised sterilization laws. By 1932, 28 states had such legislation in place. The annual average of forced sterilizations increased tenfold, from 230 to almost 2,300, and one year reached nearly 4,000. By the 1970s,

when compulsory sterilization had largely ceased, more than 60,000 Americans had been subjected to the procedure and eugenics had had a long life in America as a pervasive public force.

Eugenics—the theory as well as the word (which means "wellborn")—originated with Francis Galton, a cousin of Charles Darwin. Inspired by Darwin's theory

of natural selection, Galton's study of the family backgrounds of prominent members of British society led him to the conclusion that achievement and heredity were clearly linked. He declared in his 1869 book *Hereditary Genius: An Inquiry Into Its Laws and Consequences*: "It is in the most unqualified manner that I object to pretensions of natural equality." A wise and enlightened state, in Galton's view, would encourage "the more suitable races or strains of blood" to propagate and increase their numbers before they were overwhelmed by the prolific mating habits of the pauper classes.

Galton's beliefs were mirrored in the work of Cesare Lombroso, an Italian physician who warned of the "atavistic being who reproduces in his person the ferocious instincts of primitive humanity and the inferior animals." (Robert Louis



# RACE CLEANSING IN AMERICA

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Stevenson made Lombroso's theory the basis of his novel *Dr. Jekyll and Mr. Hyde*.) Lombroso wrote: "There exists, it is true, a group of criminals, born for evil, against whom all social cures break as against a rock—a fact which compels us to eliminate them completely, even by death."

In 1874 Richard Dugdale, a wealthy English expatriate social reformer, made a tour of upstate New York jails. Acquainted with Lombroso's notion of hereditary criminality, he focused in particular on a jail in which six inmates were related and found that they shared a family tree perennially abloom with social deviates. He called them the "Jukes," and gave the pseudonym to his book.

Dugdale insisted that human behavior was influenced by several factors, environment among them, but it was the portrait of a self-perpetuating clan of reprobates that the public focused on and embraced. He said he found among the 700 Juke descendants 181 prostitutes ("harlotry may become a hereditary characteristic," he speculated), 42 beggars, 70 felons, and 7 murderers. The Jukes became a staple of eugenic literature, a spur to similar case studies, and a symbol of all those whose poverty and aberrancy were seen as expressions of the ineluctable dictates of biology. A decade after *The Jukes* appeared, the eminent German biologist August Weismann added to the notion of eugenic predestination his theory of a hereditary "germ plasm," an embedded legacy that dictated individual physical, mental, and moral traits and was the collective basis of rigidly distinct race differences.

By the beginning of the twentieth century, several forces had joined together to give the eugenics movement new power and prominence, foremost among them the growing concern over the quality and quantity of the country's newest immigrants. By the 1890s a large—and, to many old-stock Americans, alarming—

wave of foreigners was arriving. Between 1898 and 1907, annual immigration more than quintupled, from 225,000 to 1,300,000, and its primary source was no longer Northern Europe but Italians, Slavs, and Jews from southern and eastern Europe.

Along with the alarm over hordes of foreign defectives swarming into America was a growing perception of a fecund stratum of feeble-minded whose numbers, if left unchecked, would fatally weaken the germ plasm of the country's Anglo-Saxon

**"WE HAVE BEEN  
INVADED," . . . "OUR  
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OF THE UNFIT."**

majority. These feeble-minded were often said to have formidable procreative power: "weak minds in strong, oversexed bodies."

It wasn't long before the presumptions of eugenics about the unfit and the growing threat they posed began to find their way into law. With the enthusiastic endorsement of President Theodore Roosevelt, a true believer in the threat posed by "weaker stocks," Congress voted in 1903 to bar the entry of persons with any history of epilepsy or insanity. Four years later, the restriction was expanded to include imbeciles, the feeble-minded, and those with tuberculosis. Connecticut became the first of several states to forbid marriage by those "epileptic, imbecilic or feeble-minded," but such laws proved hard to enforce. A far more feasible method of controlling reproduction by those deemed unfit was the development of

surgical sterilization.

In 1897 A. J. Ochsner, chief surgeon at St. Mary's Hospital and Augustana Hospital in Chicago, published a paper entitled "Surgical Treatment of Habitual Criminals" that would have widespread impact. He described performing vasectomies and wrote that with the physical elimination of "all habitual criminals from the possibility of having children," crime would decrease significantly. A similar treatment "could reasonably be suggested for chronic inebriates, imbeciles, perverts and paupers."

Other doctors took up the cause of compulsory sterilization. In 1907 Indiana became the first state to authorize its use on criminals, idiots, rapists, and imbeciles housed in state-run institutions and judged by a medical panel to be "unimprovable." In a few years, 15 states had followed suit. Yet despite this legislative success, implementation was blocked in some states by gubernatorial veto and in others by the state courts. Only in California, where fear of "race-suicide" was fueled by anxieties over Asian immigration, did legislation result in a significant program of eugenic sterilization.

Beyond sterilization, another Chicago surgeon, Harry Haiselden, provoked a storm of controversy in 1915 by actively publicizing his practice of killing defective newborns by leaving them untreated. He even produced the first pro-eugenics propaganda film, *The Black Stork*, a silent movie that remained in circulation for the next 30 years. In his campaign for eugenics, Dr. Haiselden left no doubt that the foremost danger lay in what he termed "lives of no value." He told the mother of a baby he let die that had it lived, it would have been "an imbecile and possibly criminal." He drew an equally bleak picture of American society at large. "We have been invaded," he wrote. "Our streets are infested with an Army of the Unfit—a dangerous, vicious army of

# RACE CLEANSING IN AMERICA

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death and dread....” Shrill as this sounded, Haiselden’s was no voice in the wilderness. HALF WITS PERIL MANY proclaimed a front-page headline of Hearst’s Chicago *American* in November 1915. Look around, Haiselden admonished at the end of his autobiography, at the “horrid semi-humans drag themselves along all of our streets” and then ask, “What are you going to do about it?”

The American eugenics movement was diffuse and decentralized, encompassing a wide variety of interests. At a popular level, social hygienists and health enthusiasts emphasized staying physically fit and finding an equally fit marriage partner. The “beautiful baby” contests held at state fairs and amusement parks were one manifestation of the interest in “good breeding.” Articles on mate selection and the science of the “wellborn child” frequently ran in newspapers and magazines. At a more elite level, the hard-core disciples of Galton’s beliefs saw the need for a forceful and focused agenda of legislative action. The founding of the Eugenics Record Office (ERO) in 1910 provided the adherents of that agenda with a coordination and direction previously lacking.

Charles Davenport, a Harvard-trained biologist and the founder of the ERO, first obtained funding from the Carnegie Institute in 1904 to establish a Station for Experimental Evolution at Cold Spring Harbor, New York. Davenport was convinced by Mendel’s laws of heredity that behavior and moral traits were passed on in the same way as eye color, and he published a book-length study in 1919 titled *Naval Officers: Their Heredity and Development*, in which he identified a single recessive gene as responsible for “thalassophilia”—love of the sea—to explain why naval careers seemed to run in certain families.

Seeking to start a second institution at Cold Spring devoted solely to eugenics, Davenport found a sympathetic supporter in Mary Williamson Harriman, widow of

the railroad magnate E. H. Harriman. She remained a financial mainstay of the ERO until 1917, when the Carnegie Institute assumed responsibility for annual operating expenses. These twin sources of funding were indicative of the generous support the eugenics movement would receive from some of America’s wealthiest families and foundations.

The Philadelphia soap millionaire Samuel Fels was a regular contributor, and John D. Rockefeller was the ERO’s second-largest supporter.

Subsequently, the Rockefeller Foundation expanded this commitment on an international scale. Beginning in the 1920s, the foundation backed the research of German eugenicists and helped establish the Kaiser Wilhelm Institute for Anthropology, Eugenics and Human Heredity, in Berlin. The Russell Sage Foundation funded research on the feeble-minded and endorsed eugenic solutions, particularly for “feeble-minded girls of child bearing age.” In Michigan, Dr. John Harvey Kellogg, brother of the cereal manufacturer, organized America’s First Race Betterment Conference in Battle Creek, in 1914, and set up a special school for “eugenic education.” Charles Brush, a Cleveland millionaire and one of the founders of the Brush Electric Company, created his own eugenic organization, and Dr. Clarence Gamble, heir to the Gamble soap fortune, started more than 20 sterilization clinics and was a force in the eugenics movement until the middle of the century.

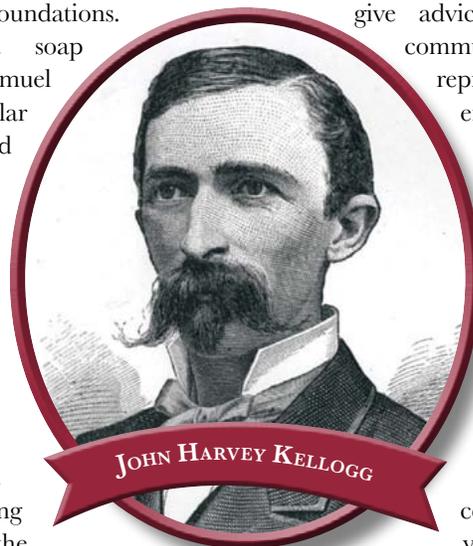
At the ERO, Davenport set out to build a network of field-workers to

compile an index of eugenic information on American families. This included not just medical facts but such traits as “liveliness, moribundity, lack of foresight, rebelliousness, trustworthiness, irritability, missile throwing, popularity, radicalness, conservativeness, nomadism.” His hope was to create a clearinghouse that could

give advice to individuals and communities on preventing reproduction by defectives, encourage research, and propagate “eugenic truths.” Early on, Davenport made a decision crucial to the future of the ERO. He offered the job of superintendent to Harry Laughlin, a biology teacher in Iowa with whom he had been corresponding for several years.

Laughlin envisioned a day when every sort of defective would be barred from entry into the United States. He also hoped to help bring about a new social order “wherein selection for parenthood will not be held a natural right of every individual; but will be a prize highly sought and allotted to the best individuals of proven blood, and those individuals who are not deemed worthy and are by society denied the right to perpetrate their own traits in subsequent generations will be held in pity by their fellows.” Laughlin would play a significant part in turning eugenic theory into legislative reality.

One of Laughlin’s first assignments with the ERO was to assist the American Breeder’s Association (ABA). The first formal eugenics group in the United States, with a self-proclaimed mission to “emphasize the value of superior blood and the menace to society of inferior blood,” the ABA included among its original members Alexander Graham Bell,



JOHN HARVEY KELLOGG

# RACE CLEANSING IN AMERICA

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Luther Burbank, Vernon L. Kellogg, and the Stanford University president David Starr Jordan. In 1913 Laughlin wrote a report for the ABA that concluded that “approximately 10% of our population, primarily through inherent defect and weakness, are an economic and moral burden on the 90% and a constant source of danger to the national and racial life.” He recommended an aggressive policy of involuntary sterilization and began drafting a model law to provide state legislatures with a working example of how to proceed.

Laughlin found a highly effective ally in Henry H. Goddard. Among the first American social scientists to use intelligence testing, Goddard was looking for the causes of retardation and mental defectiveness, and his search led him to a family in the Piney Woods of New Jersey that would function, in Stephen Jay Gould’s words, “as a primal myth of the eugenics movement for several decades.”

The family consisted of two bloodlines living in close proximity, each descended from the same Quaker progenitor who left home to fight in the American Revolution. Before returning to the fold, marrying an upright woman, and settling down as a prosperous farmer, the wayward soldier sired an illegitimate son with a feeble-minded tavern wench in a nearby settlement. Two hereditary roads diverged in those Piney Woods, both of which Goddard gathered under the pseudonym of the Kallikaks (*kallos* is the Greek for “beauty”; *kakos*, for “bad”). One led to generations of solid, hardworking citizens; the other, to a morass of felony, harlotry, and idiocy. Published in 1912, *The Kallikak Family* was widely quoted. It would be another 70 years before the photographs in the book, which displayed the imbecilic, almost demonic faces of the defective branch of the family, were exposed as having been heavily doctored to create the desired effect.

The spreading influence of eugenics not only drew on a conservative fear of lower-class behavior, and on the enthusiasm of middle-class progressives seeking scientific answers to the dislocations inflicted by industrialization and urbanization, but also attracted support from those even more radically opposed to the status quo. For the birth-control crusader Margaret Sanger, eugenics was “the great biological interpretation of the human race” that provided “the most adequate and thorough avenue to the solution of racial, political

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and social problems.” The African-American writer and philosopher W. E. B. Du Bois even accepted the need for “the fit” of each race to increase their numbers, while vehemently rejecting the notions of white supremacy spouted by many eugenicists. African-Americans must learn, he wrote, “that among human beings, as among vegetables, quality and not mere quantity count.”

The aftermath of American participation in World War I provided an ideal environment for the movement. The postwar hysteria over alien radicals and the resurgence of the racist, antiforeign Ku Klux Klan signaled a wider willingness to curtail dramatically the influx of new immigrants. Madison Grant’s *The Passing of the Great Race*, published in 1916, had

sounded a call to arms against “the maudlin sentimentalism” that left America’s borders open to the riffraff of Europe and that was “sweeping the nation toward a racial abyss.”

When, in 1921 the House Committee on Immigration and Naturalization took up the issue of postwar controls on foreign entry into the United States, Chairman Albert Johnson called only one scientific expert, Harry Laughlin. Laughlin was charged with making a statistical survey of the impact of recent immigration. His findings, published

by Congress, repeated what was by now a familiar refrain: “... the recent immigrants (largely from Southern and Eastern Europe) as a whole, present a higher percentage of inborn socially inadequate qualities than do older stocks.” In 1921 Congress took the historic step of imposing a quota system on immigration that was based on national origin and limited annual arrivals from Europe to 3 percent of those Americans who had claimed a specific country as their place of origin in 1910.

That same year, the Second International Congress on Eugenics was held in New York City, at the American Museum of Natural History, home to the recently established Galton Society—the inner circle of the movement—and a center of eugenic fervor. In his opening address, Henry Fairfield Osborn, a professor at Columbia University and president of the museum, insisted that the battle “to maintain the predominance of our race” had still to be won. He warned that America must learn from the example of “national decadence and decline which undermined the great republics of Greece and Rome” and reject “the appeals of false humanitarianism.” As chairman of the Exhibits Committee at the conference, Harry Laughlin prepared elaborate displays on the genetic toxicity of the unfit. He displayed this skill again when Congress revisited its immigration

# RACE CLEANSING IN AMERICA

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restrictions imposed in 1921. In the months preceding passage of the Immigration Act of 1924, members of Congress and visitors walking the halls of the Capitol passed charts and posters that made clear the looming threat to the nation's germ plasm.

This new immigration act proved a collective triumph for the eugenics movement. It shifted the base year for determining national quotas from 1910 to 1890, cutting allowable immigration from Eastern and Southern Europe by 80 percent. Yet the supporters of eugenic reform weren't about to rest now; they switched their focus to a state-by-state campaign to institute compulsory sterilization. Virginia provided the decisive battleground. In 1924, the same year as it tightened the state's antimiscegenation law (Georgia and Alabama soon followed suit), the Virginia legislature enacted a compulsory sterilization statute based on Laughlin's model law. Three years later, shortly after upholding the constitutionality of Carrie Buck's sterilization, Justice Holmes said he felt he "was getting near to the first principle of real reform."

By the end of the 1920s, the imposition of racially based immigration controls, the growing use of compulsory sterilization, and the widespread ban on interracial marriage gave American eugenicists the right to brag that they had made their nation the world's most advanced eugenic state. German eugenicists in particular had long been aware of the progress of their American counterparts. The National Socialist Physician League head Gerhard Wagner praised America's eugenic policies and pointed to them as a model for Germany to follow. It wasn't long in happening. As a first order of business, the new National Socialist regime put in place sweeping eugenic legislation that demonstrated a comprehensive commitment to racial hygiene. Now it was the turn of Americans to look with a mixture of admiration and envy at what was occurring in Germany.

Marie Kopp, an observer for the

American Committee on Maternal Health, reported that the Nazi system of Hereditary Health Courts, which were charged with seeking out the unfit and compelling their sterilization, not only was administered "in entire fairness" but was "formulated after careful study of the California experiment." The ERO's *Eugenical News* also commented on

the resemblance between the German and American programs, boasting that

"the text of the German statute reads almost like the 'American model sterilization Law.'" In 1936, upon being awarded an honorary degree by the University of Heidelberg for his devotion to the cause of racial biology, Harry Laughlin thanked the university

for reaffirming the "common understanding of German and American scientists of the nature of eugenics." In Virginia, Dr. J. H. Bell, superintendent of the State Colony for Epileptics and Feeble-Minded and the physician who had severed Carrie Buck's fallopian tubes, lauded Nazi Germany's "elimination of the unfit."

The Nazis went on to compel the sterilization of upward of 375,000 people. Their measures drove some in the United States to reconsider their own support of eugenics, especially its compulsory and racist aspects. But the movement didn't instantly collapse. As late as 1942, a sterilization bill based on the German law was introduced before the New Jersey legislature.

In October 1939 Hitler gave the order to begin the systematic killing of the retarded and mentally ill, an act of mass murder that proved prelude to a far larger

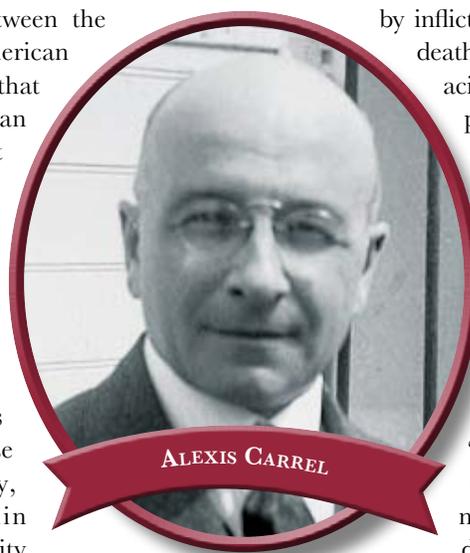
holocaust. As extreme as it was, the theory behind the destruction of the mentally ill was not exclusive to a small band of Nazi fanatics. Eugenic euthanasia had been widely discussed for years, both in and out of Germany. In America, as early as the turn of the century, Dr. William Duncan McKim had suggested a state-run program

to weed out the mentally defective by inflicting a "gentle, painless death" with carbonic acid gas.

The eminent physician G. Frank Lydston, a professor of surgery at the University of Illinois and of criminal anthropology at the Kent School of Law in Chicago, had advocated use of the gas chamber "to kill properly the convicted murderer and the driveling idiot."

In the South, where eugenics had often been advanced as part of a progressivist program of reform, the superintendent of the Alabama Insane Hospitals warned his fellow doctors in 1936 that if compulsory sterilization wasn't employed broadly enough, "euthanasia may become a necessity." The year before, Alexis Carrel, inventor of the iron lung and winner of a Nobel Prize in Physiology or Medicine, wrote that the insane should be "humanely and economically disposed of in small euthanasia institutions supplied with proper gases." Even after America entered the war against Nazi Germany, Dr. Foster Kennedy, a professor of neurology at Cornell Medical College, espoused the notion that retarded children age five and older—"Nature's mistakes"—be put to death. He cited Justice Holmes's reasoning in *Buck v. Bell* as providing a legal basis.

Madison Grant's *The Passing of the Great Race*, which Hitler is said to have read



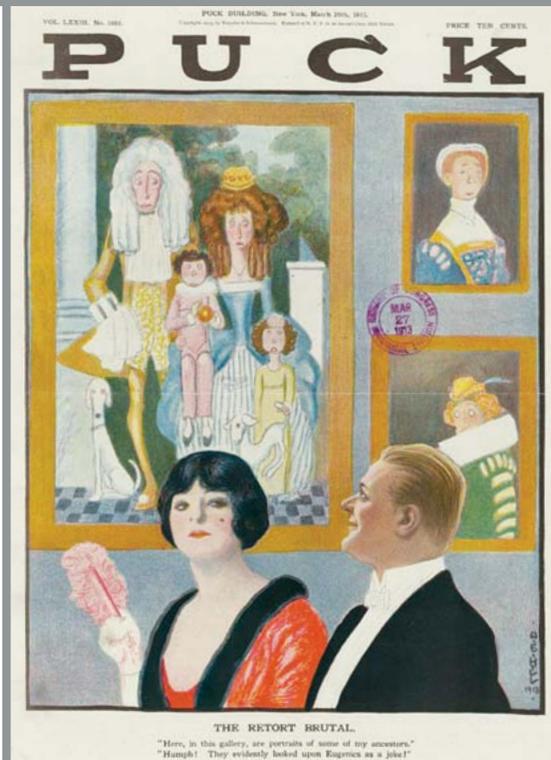
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# RACE CLEANSING IN AMERICA

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and admired, called for putting aside a “sentimental belief in the sanctity of human life.” Grant envisioned a massive eugenic cleansing that would solve once and for all the problem of the unfit and their offspring: “In mankind it would not be a matter of great difficulty to secure a general consensus of public opinion as to the least desirable, let us say, ten per cent of the community. When this unemployed and unemployable human residuum has been eliminated together with the great mass of crime, poverty, alcoholism and feeble-mindedness associated therewith it would be easy to consider the advisability of further restricting perpetuation of the then remaining least valuable types. By this method mankind might ultimately become sufficiently intelligent to choose deliberately the most vital and intellectual strains to carry on the race.”

During World War II, the number of compulsory sterilizations in the United States dropped significantly. The cause was not so much revulsion at Nazi medical practices as a shortage of civilian doctors. The immigration quotas stayed in place. Joining the chorus of those who opposed any exemptions was the Chamber of Commerce of New York State, which had issued a report in 1934 demanding “no exceptional admission for Jews who are refugees from persecution in Germany.” The report had been written by Harry Laughlin. In the scientific community,



A couple is shown in a gallery with family photos in *The Retort Brutal*, by William Ely Hill. The caption reads, "Here, in this gallery, are portraits of some of my ancestors." "Humph! They evidently looked upon Eugenics as a joke!"

however, the currents of genetic research and medical advances were sweeping away the crude presumptions of eugenics.

Dr. Abraham Myerson, a tireless campaigner against eugenic sterilization, published a study showing that cases in which mental disabilities had a genetic component tended to occur proportionally in all socio-economic groups. In 1934 he chaired a committee of the American

Neurological Association that attacked the whole notion of “racial degeneracy.” Hereditary feeble-mindedness was shown in many instances to be the incidental result of birth trauma, inadequate nutrition, untreated learning disabilities, infant neglect, or abuse, often enough the consequences of poverty rather than the cause. In 1938 the Carnegie Institute expressed grave doubts to Harry Laughlin about the scientific worth of the ERO. Laughlin resigned the next year. The ERO closed its doors on the last day of 1939.

The eventual unwinding of America’s eugenics experiment came too late for Carrie Buck. In 1979 the director of the hospital in which she had been sterilized more than half a century earlier searched her out. He was led to Buck by her sister, who had also been sterilized. (As with many other victims of compulsory sterilization, Buck’s sister had been told at the time that the procedure was an appendectomy). It was transparently clear that neither Buck nor her sister was feeble-minded or imbecilic. Further investigation showed that the baby Carrie Buck had given birth to—Justice Holmes’s third-generation imbecile—had been a child of normal intelligence. Like thousands of women and men involuntarily stripped of their capacity to have children, Carrie Buck had not committed any offense against the laws of nature. Her crime was for the ancient one of being poor and powerless. ❖

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# RACE CLEANSING IN AMERICA

## JUDGMENT IN THE U.S. SUPREME COURT CASE *BUCK V. BELL*

MAY 2, 1927 | 274 US 200

[http://www.law.cornell.edu/supct/html/historics/USSC\\_CR\\_0274\\_0200\\_ZO.html](http://www.law.cornell.edu/supct/html/historics/USSC_CR_0274_0200_ZO.html)

**I**n *Buck v. Bell*, 274 US 200, 47 S.Ct. 584, 71 L.Ed. 1000 (1927), the US Supreme Court upheld a Virginia state law that forced Carrie Buck, a "feeble-minded" person residing at a state institution to undergo sterilization procedures by cutting her fallopian tubes (salpingectomy). This was to be done in order to prevent the "feeble-minded" from producing further "feeble-minded" offspring. Buck fought this law in court stating that it violated her constitutional right to procreate. Additionally, she challenged that it violated the equal protection clause of the Fourteenth Amendment.

The Virginia county court upheld the law under the claim that Virginia has the power to enact laws that promote the "health, peace, morals, education, and good order of the people" and that this law did just that. Upon reaching the Supreme Court, the case was evaluated by the Chief Justice who passed the case on to Justice Oliver Wendell Holmes. Holmes delivered the opinion of the court which upheld the sterilization law in Virginia.

Sterilization practices continued in the United States after Carrie Buck was victimized. Some historians even trace this practice to Hitler's decision to sterilize thousands of German citizens.

### HOLMES, J., OPINION OF THE COURT: SUPREME COURT OF THE UNITED STATES

*ERROR TO THE SUPREME COURT OF APPEALS OF THE STATE OF VIRGINIA*  
No. 292 Argued: April 22, 1927—  
Decided: May 2, 1927

Mr. JUSTICE HOLMES delivered the opinion of the Court.

This is a writ of error to review a judgment of the Supreme Court of Appeals of the

State of Virginia affirming a judgment of the Circuit Court of Amherst County by which the defendant in error, the superintendent of the State Colony for Epileptics and Feeble Minded, was ordered to perform the operation of salpingectomy upon Carrie Buck, the plaintiff in error, for the purpose of making her sterile. 143 Va. 310. The case comes here upon the contention that the statute authorizing the judgment is void under the Fourteenth Amendment as denying to the plaintiff in error due process of law and the equal protection of the laws.

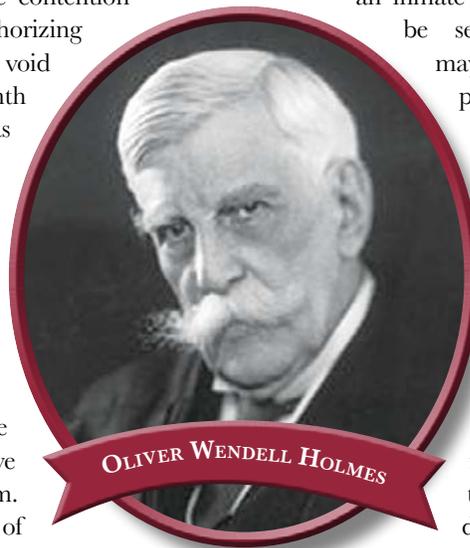
Carrie Buck is a feeble minded white woman who was committed to the State Colony above mentioned in due form. She is the daughter of a feeble minded mother in the same institution, and the mother of an illegitimate feeble minded child. She was eighteen years old at the time of the trial of her case in the Circuit Court, in the latter part of 1924. An Act of Virginia, approved March 20, 1924, recites that the health of the patient and the welfare of society may be promoted in certain cases by the sterilization of mental defectives, under careful safeguard, &c.; that the sterilization may be effected in males by vasectomy and in females by salpingectomy, without serious pain or substantial danger to life; that the Commonwealth is supporting in various institutions many defective persons who, if now discharged, would become [p206] a menace, but, if incapable of procreating, might be discharged with safety and become self-supporting with benefit to themselves

and to society, and that experience has shown that heredity plays an important part in the transmission of insanity, imbecility, &c. The statute then enacts that, whenever the superintendent of certain institutions, including the above-named State Colony, shall be of opinion that it is for the best interests of the patients and of society that

an inmate under his care should be sexually sterilized, he may have the operation performed upon any patient afflicted with hereditary forms of insanity, imbecility, &c., on complying with the very careful provisions by which the act protects the patients from possible abuse.

The superintendent first presents a petition to the special board of directors of his hospital or colony, stating the

facts and the grounds for his opinion, verified by affidavit. Notice of the petition and of the time and place of the hearing in the institution is to be served upon the inmate, and also upon his guardian, and if there is no guardian, the superintendent is to apply to the Circuit Court of the County to appoint one. If the inmate is a minor, notice also is to be given to his parents, if any, with a copy of the petition. The board is to see to it that the inmate may attend the hearings if desired by him or his guardian. The evidence is all to be reduced to writing, and, after the board has made its order for or against the operation, the superintendent, or the inmate, or his guardian, may appeal to the Circuit Court of the County. The Circuit Court may consider the record



OLIVER WENDELL HOLMES

# RACE CLEANSING IN AMERICA

## JUDGMENT IN THE U.S. SUPREME COURT CASE *BUCK V. BELL*

— CONTINUED —

of the board and the evidence before it and such other admissible evidence as may be offered, and may affirm, revise, or reverse the order of the board and enter such order as it deems just. Finally any party may apply to the Supreme Court of Appeals, which, if it grants the appeal, is to hear the case upon the record of the trial [p207] in the Circuit Court, and may enter such order as it thinks the Circuit Court should have entered. There can be no doubt that, so far as procedure is concerned, the rights of the patient are most carefully considered, and, as every step in this case was taken in scrupulous compliance with the statute and after months of observation, there is no doubt that, in that respect, the plaintiff in error has had due process of law.

The attack is not upon the procedure, but upon the substantive law. It seems to be contended that in no circumstances could such an order be justified. It certainly is contended that the order cannot be justified upon the existing grounds. The judgment finds the facts that have been recited, and that Carrie Buck is the probable potential parent of socially inadequate offspring, likewise afflicted, that she may be sexually sterilized without detriment to her general health, and that her welfare and that of society will be promoted by her sterilization, and thereupon makes the order. In view of the general declarations of the legislature and the specific findings of the Court, obviously we cannot say as matter of law that the grounds do not exist, and, if they exist, they justify the result. We have seen more than once that the public welfare may call upon the best citizens for their lives. It would be

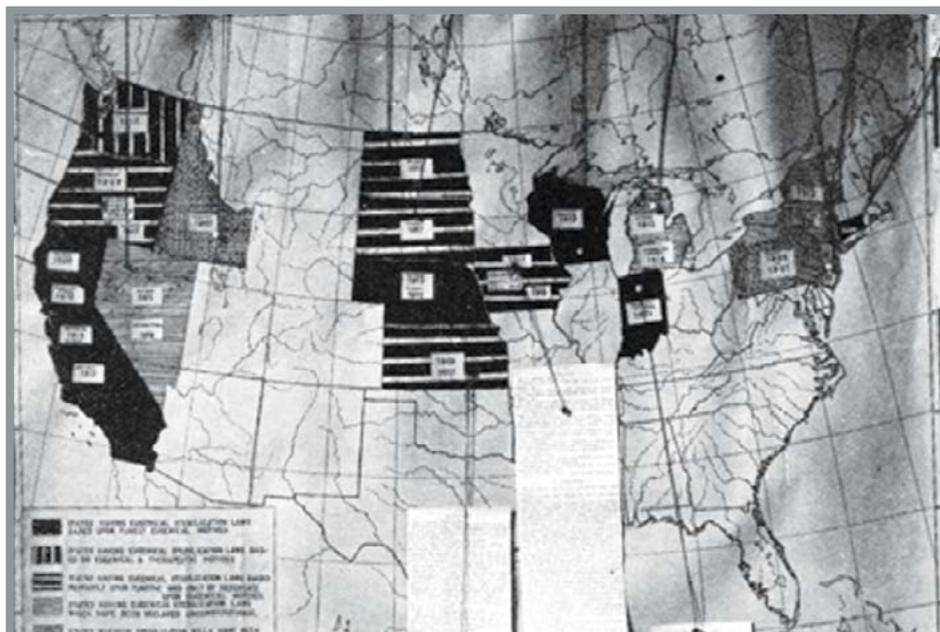
strange if it could not call upon those who already sap the strength of the State for these lesser sacrifices, often not felt to be such by those concerned, in order to prevent our being swamped with incompetence. It is better for all the world if, instead of waiting to execute degenerate offspring for crime or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind. The principle that sustains compulsory vaccination is broad enough to cover cutting the Fallopian tubes. *Jacobson v. Massachusetts*, 197 U.S. 11. Three generations of imbeciles are enough. [p208]

But, it is said, however it might be if this reasoning were applied generally, it fails

when it is confined to the small number who are in the institutions named and is not applied to the multitudes outside. It is the usual last resort of constitutional arguments to point out shortcomings of this sort. But the answer is that the law does all that is needed when it does all that it can, indicates a policy, applies it to all within the lines, and seeks to bring within the lines all similarly situated so far and so fast as its means allow. Of course, so far as the operations enable those who otherwise must be kept confined to be returned to the world, and thus open the asylum to others, the equality aimed at will be more nearly reached.

Judgment affirmed.

MR. JUSTICE BUTLER dissents. ❖



State status map of compulsory sterilization legislation in the United States in 1921.

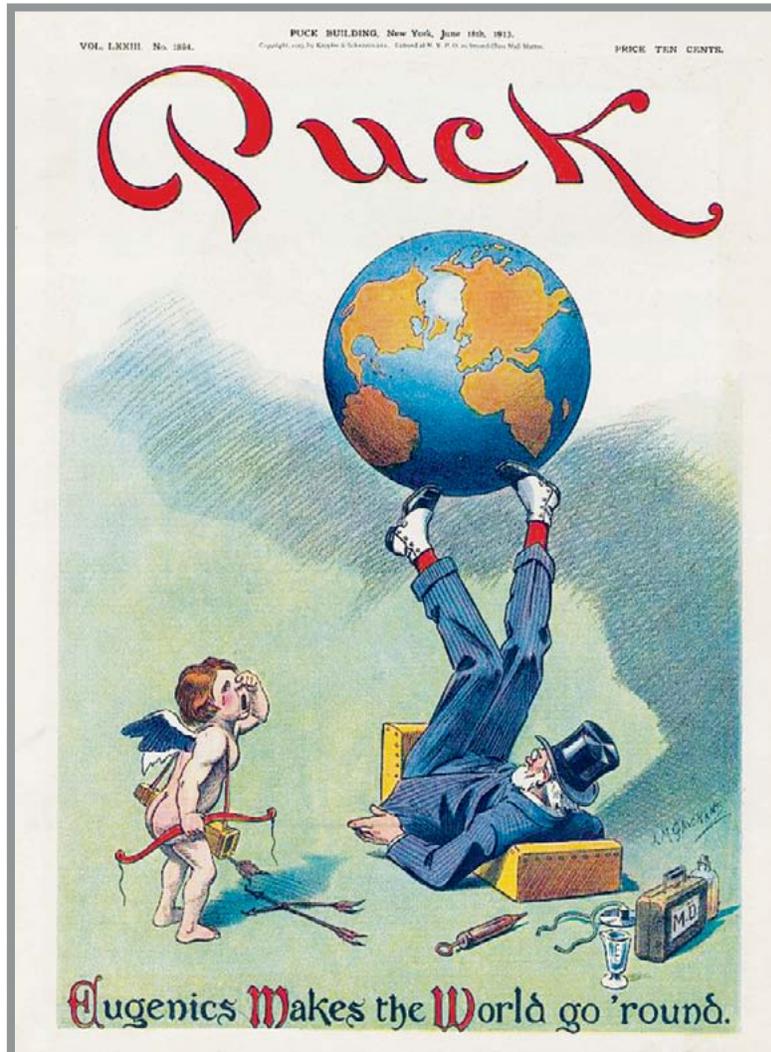
# RACE CLEANSING IN AMERICA

## EUGENICS MAKES THE WORLD GO ROUND

<http://www.loc.gov/pictures/item/2011649601/>

BY LOUIS M. GLACKENS

PUBLISHED BY KEPPLER & SCHWARZMANN, PUCK BUILDING



This illustration shows a well dressed old man wearing a top hat and spats, lying on his back, bouncing the earth on his feet; there is a doctor's bag with various instruments in the foreground (he may have given himself an injection), and on the left is a weeping cherub, his bowstring is broken and his arrows have fallen on the ground.

LIBRARY OF CONGRESS

**E**ugenics is defined as “a science that deals with the improvement (as by control of human mating) of hereditary qualities of a race or breed” (Merriam-Webster Online Dictionary; <http://www.merriam-webster.com/dictionary/eugenics>). As a result of *Buck v. Bell*, this theory turned in to widespread practice in the United States; this controversial idea began to sweep the entire nation, and eventually the globe. Eugenic “scientists” were concerned that the dominant race would die out if nations allowed interbreeding between races. Eugenic supporters wanted to enact laws like the sterilization law in order to “protect” the dominant race.

# RACE CLEANSING IN AMERICA

## THE PASSING OF THE GREAT RACE OR RACIAL BASIS OF EUROPEAN HISTORY (EXCERPTS)

BY MADISON GRANT

4TH REV. ED. WITH DOCUMENTARY SUPPLEMENT | PREFACES BY HENRY FAIRFIELD OSBORN, 1936  
(First printing 1916) | New York | Charles Scribner's Sons

[http://archive.org/stream/passingofgreatra00granuoft/passingofgreatra00granuoft\\_djvu.txt](http://archive.org/stream/passingofgreatra00granuoft/passingofgreatra00granuoft_djvu.txt)

*The excerpts from this book demonstrate the belief that some genes need to be kept pure and stable and that some races are superior to others. Superior races are the ones who should govern the "lower" or "weaker" races.*

*The author supports this belief along with other philosophers such as Charles Darwin, Francis Galton, Robert Dugdale, and President Theodore Roosevelt.*

The question of race has been further complicated by the effort of old-fashioned theologians to cramp all mankind into the scant six thousand years of Hebrew chronology as expounded by Archbishop Ussher. Religious teachers have also maintained the proposition not only that man is something fundamentally distinct from other living creatures, but that there are no inherited differences in humanity that cannot be obliterated by education and environment.

It is, therefore, necessary at the outset for the reader to appreciate thoroughly that race, language and nationality are three separate and distinct things and that in Europe these three elements are found only occasionally persisting in combination, as in the Scandinavian nations.

To realize the transitory nature of political boundaries one has but to consider the changes which have occurred during the past century and as to language, here in America we hear daily the English language spoken by many men who possess not one drop of English blood and who, a few years since, knew not one word of Saxon speech.

As a result of certain religious and social doctrines, now happily becoming obsolete, race consciousness has been greatly impaired among civilized nations but in the beginning all differences of class, of caste and of color marked actual lines of race cleavage.

In many countries the existing classes represent races that were once distinct. In the city of New York and elsewhere in the United States there is a native American aristocracy resting upon layer after layer of immigrants of lower races and these native Americans,

while, of course, disclaiming the distinction of a patrician class and lacking in class consciousness and class dignity, have, nevertheless, up to this time supplied the leaders in thought and in the control of capital as well as of education and of the religious ideals and altruistic bias of the community.

In the democratic forms of government the operation of universal suffrage tends toward the selection of the average man for public office rather than the man qualified by birth, education and integrity. How this scheme of administration will ultimately work out remains to be seen but from a racial point of view it will inevitably increase the preponderance of the lower types and cause a corresponding loss of efficiency in the community as a whole.

The tendency in a democracy is toward a standardization of type and a diminution of the influence of genius. A majority must of necessity be inferior to a picked minority and it always resents specializations in which it cannot share.

In the French Revolution the majority, calling itself "the people," deliberately endeavored to destroy the higher type and something of the same sort was in a measure done after the American Revolution by the expulsion of the Loyalists and the confiscation of their lands, with a

resultant loss to the growing nation of good race strains, which were in the next century replaced by immigrants of far lower type.

In America we have nearly succeeded in destroying the privilege of birth; that is, the intellectual and moral advantage a man of good stock brings into the world with him. We are now engaged in destroying the privilege of wealth; that is, the reward of successful intelligence and industry and in some quarters there is developing

**THE TENDENCY IN  
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# RACE CLEANSING IN AMERICA

## THE PASSING OF THE GREAT RACE

— CONTINUED —

a tendency to attack the privilege of intellect and to deprive a man of the advantage gained from an early and thorough classical education. Simplified spelling is a step in this direction. Ignorance of English grammar or classic learning must not, forsooth, be held up as a reproach to the political or social aspirant.

Mankind emerged from savagery and barbarism under the leadership of selected individuals whose personal prowess, capacity or wisdom gave them the right to lead and the power to compel obedience. Such leaders have always been a minute fraction of the whole, but as long as the tradition of their predominance persisted they were able to use the brute strength of the unthinking herd as part of their own force and were able to direct at will the blind dynamic impulse of the slaves, peasants or lower classes. Such a despot had an enormous power at his disposal which, if he were benevolent or even intelligent, could be used and most frequently was used for the general uplift of the race. Even those rulers who most abused this power put down with merciless rigor the antisocial elements, such as pirates, brigands or anarchists, which impair the progress of a community, as disease or wounds cripple an individual.

True aristocracy or a true republic is government by the wisest and best, always a small minority in any population. Human society is like a serpent dragging its long body on the ground, but with the head always thrust a little in advance and a little elevated above the earth. The serpent's tail, in human society represented by the antisocial forces, was in the past dragged by sheer strength along the path of progress. Such has been the organization of mankind from the beginning, and such it still is in older communities than ours. What progress humanity can make

under the control of universal suffrage, or the rule of the average, may find a further analogy in the habits of certain snakes which wiggle sideways and disregard the head with its brains and eyes. Such serpents, however, are not noted for their ability to make rapid progress.

A true republic, the function of which is administration in the interests of the whole community — in contrast to a pure democracy, which in last analysis is the rule of the demos or a majority in its own interests — should be, and often is, the medium of selection for the technical task of government of those best qualified by antecedents, character and education, in short, of experts.

To use another simile, in an aristocratic as distinguished from a plutocratic or democratic organization the intellectual and talented classes form the point of the lance while the massive shaft represents the body of the population and adds by its bulk and weight to the penetrative impact of the tip. In a democratic system this concentrated force is dispersed throughout the mass. It supplies, to be sure, a certain amount of leaven but in the long run the force and genius of

the small minority is dissipated, and its efficiency lost. Voxpopuli, so far from being Vox Dei, thus becomes an unending wail for rights and never a chant of duty.

Where a conquering race is imposed on another race the institution of slavery often arises to compel the servient race to work and to introduce it forcibly to a higher form of civilization. As soon as men can be induced to labor to supply their own needs slavery becomes wasteful and tends to vanish. From a material point of view slaves are often more fortunate than freemen when treated with reasonable humanity and when their elemental wants of food, clothing and shelter are supplied. ❖

**TRUE ARISTOCRACY  
OR A TRUE REPUBLIC IS  
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# RACE CLEANSING IN AMERICA

## BIRTH CONTROL AND STERILIZATION

<https://archive.org/stream/eugenicalnews07amer#page/n1/mode/2up>

EUGENICAL NEWS

123

### FACIAL HAIR BY RACE, SEX AND AGE.

Mildred Trotter, Research Assistant in Anatomy of the Washington University School of Medicine, under the direction of Dr. C. H. Danforth, '13, has published (Washington University Studies, Vol. IX, Scientific Series, No. 2, pp. 273-289, 1922) the results of her study of facial hair in the white and negro races. She concludes that

"1. No sexual differences and no racial differences in the actual numbers of facial hairs have been found.

"2. The facial hairiness of man does not lend itself to the classification proposed by Friedenthal.

"3. There is no sexual difference in length or in diameter of facial hairs until after the tenth year.

"4. After the tenth year the length of the facial hairs in the male greatly exceeds the length of the facial hairs in the female.

"5. The facial hairs of women of the white race slightly exceed those of the colored race in length.

"6. After the tenth year the diameter of the facial hair in the male greatly exceeds the diameter of the hair in the female, but the smaller hairs in comparable regions of the face in the two sexes are similar throughout life.

"7. The hairs of the white race show a greater average thickness than the hairs of the colored race.

"8. In both sexes of both races the upper lip is the region showing the most constant tendency for vigorous growth of hair.

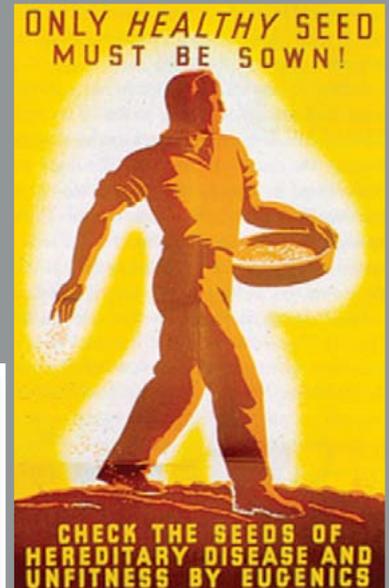
"9. There is no constant difference in length or in diameter of hairs of dark-haired women and light-haired women, but dark-haired women often seem to have a heavier growth of facial hair, chiefly because of deeper pigmentation."

### BIRTH CONTROL AND STERILIZATION.

At the "Birth Control Conference," an international gathering held in London, July 11 to 15, and organized by "The New Generation League for Human Welfare through Birth Control," formerly the "Malthusian League," Professor E. W. McBride "brought the good wishes of the President (Major Leonard Darwin) and the majority of the Council of the Eugenics Education Society, . . ." In an address on birth control and biologic law Professor McBride said that sterilization was the only remedy for the state of affairs in which a residuum of people, utterly careless of the welfare of the state, breed regardless of consequences and then look to the state to support their children. He argued that if the practice of voluntary birth control became more general, an enlightened public opinion would then be formed which would support measures of compulsory sterilization against those who persisted in having families at public expense.

### HEREDITY IN DIPHTHERIA.

Heredity plays a part in susceptibility to diphtheria. Such susceptibility can be determined by the Schick test; and has been so determined by Zingler (*Jour. Amer. Med. Assn.*, June 24, p. 1945) in 52,000 school children. He often found that a group of children belonging to one family gave entirely different Schick reactions from a group belonging to another family living under the same conditions. Some entire families were characterized by an exceptionally early incidence of susceptibility or of immunity. Italian children showed little susceptibility; colored children showed much.



A poster from the early 1900s, when the study of eugenics, improving the genes of the human race, was popular with scientists.

**B**efore *Buck v. Bell* was decided in 1927, momentum was building in the United States for eugenics. The American Eugenics Society was formed in 1922, but the eugenics movement began producing a journal documenting eugenics research around the world in 1916. To the left is an excerpt discussing birth control and sterilization of people who "breed regardless of the consequences."

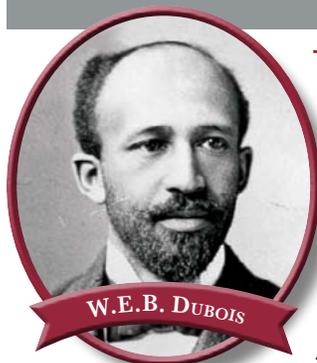
*News Article "Birth Control and Sterilization" in the Eugenical News Vol. VII, 1922, American Eugenics Society; Eugenics Research Association; Eugenics Record Office; Carnegie Institution of Washington. Eugenics Record Office.*

# RACE CLEANSING IN AMERICA BLACK FOLK AND BIRTH CONTROL

BY W.E.B. DuBois

BIRTH CONTROL REVIEW | JUNE 1932 | VOL. 16 | 6

<http://www.toomanyaborted.com/wp-content/uploads/2013/02/June-1932-DuBois-104748031.pdfw>



## TRANSCRIBED:

The American Negro has been going through a great period of stress, not only in this present depression, but long before it. His income is reduced by ignorance and prejudice and his former tradition of early marriage and large families has put grave strain on a budget on which he was seeking, not merely to maintain, but to improve

his standard of living. As slaves, every incentive was furnished to raise the largest number of children possible. The chief surplus crop of Virginia and other border States consisted of this natural increase of slaves and it was realized in the consequent slave trade to feed the plantations of the lower South and Southwest. Frederick Bancroft has recently shown us that this trade, in the decade 1850-60, involved average annual sales of nearly 80,000 human beings, representing \$100,000,000 of capital. Even then birth control was secretly exercised by the more intelligent slaves, as we know from many reminiscences.

After emancipation, there arose the inevitable clash of ideals between those Negroes who were striving to improve their economic position and those whose religious faith made the limitation of children a sin. The result, among the more intelligent class, was a postponement of marriage which greatly decreased the number of children. Today, among this class of Negroes, few men marry before thirty, and numbers of them after forty. The marriage of women of this class has similarly been postponed. In addition to this, the low income which Negroes receive, make bachelorhood and spinsterhood widespread, with the naturally resultant lowering, in some cases, of sex standards. On the other hand, the mass of ignorant Negroes still breed carelessly and disastrously, so that the increase among Negroes, even more than the increase among whites, is from that part of the population least intelligent and fit, and

least able to rear their children properly. There comes, therefore, the difficult and insistent problem of spreading among Negroes an intelligent and clearly recognized concept of proper birth control, so that the young people can marry, have companionship and natural health, and yet not have children until they are able to take care of them. This, of course, requires in the first place a revision of the general laws, and in the second place, it calls for a more liberal attitude among Negro churches. The churches are open for the most part to intelligent propaganda of any sort, and the American Birth Control League and other agencies ought to get their speakers before church congregations and their arguments in the Negro newspapers. As it is, the mass of Negroes know almost nothing about the birth control movement, and even intelligent colored people have a good many misapprehensions and a good deal of fear at openly learning about it. Like most people with middle class standards of morality, they think that birth control is inherently immoral. Moreover, they are quite led away by the fallacy of numbers. They want the black race to survive. They are cheered by a census return of increasing numbers and a high rate of increase. They must learn that among human races and groups, as among vegetables, quality and not mere quantity really counts.

—Source: <http://www.scribd.com/doc/57866753/DuBois-Black-Folks-and-Birth-Control>



## Black Folk and Birth Control

By W E B DuBois

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# RACE CLEANSING IN AMERICA

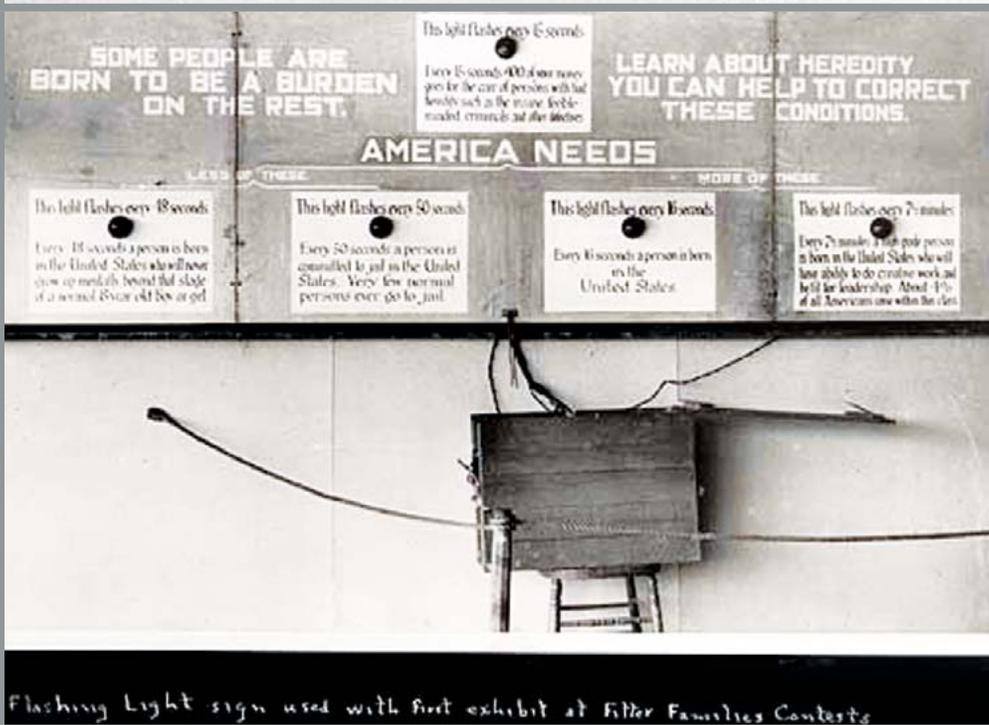
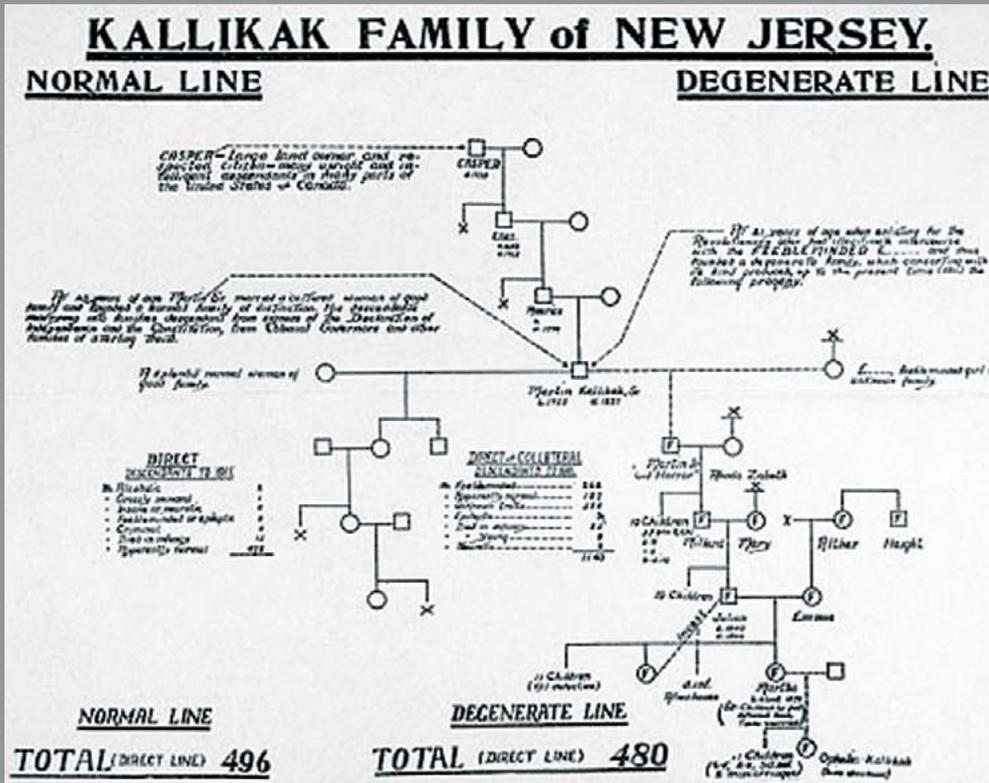
## KALLIKAK FAMILY OF NEW JERSEY

BY HENRY H. GODDARD

<http://www.hsl.virginia.edu/historical/eugenics/exhibit2-4.cfm>

<https://www.hsl.virginia.edu/historical/eugenics/exhibit2-5.cfm>

Goddard was researching causes for mental retardation. He conducted an analysis of the Kallikak family in New Jersey. He claimed that his research showed that retardation and criminal behavior was hereditary. His research helped give the eugenics movement momentum.



Kallikak Family Pedigree, top. Eugenics display, bottom.

# RACE CLEANSING IN AMERICA

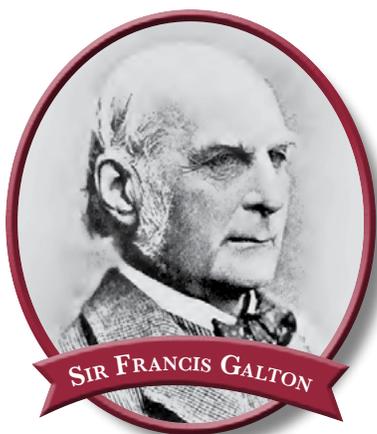
## A DECADE OF PROGRESS IN EUGENICS

SCIENTIFIC PAPERS OF THE THIRD INTERNATIONAL CONGRESS OF EUGENICS  
HELD AT THE AMERICAN MUSEUM OF NATIONAL HISTORY 1932

BY FRANCIS GALTON, FOUNDER OF THE SCIENCE OF EUGENICS

BALTIMORE | THE WILLIAMS AND WILKINS COMPANY | 1934

<http://archive.org/details/decadeofprogress00inte>



Both the picture above and the page to the right, are evidence from the momentum building in the eugenics movement. Much of Sir Galton's research was the basis for the scientific papers presented at the Third International Congress. Within the scientific papers, many researchers commented on the need to keep a race pure and to maintain a strong family bloodline.

### HISTORICAL BACKGROUND OF THE THIRD INTERNATIONAL CONGRESS OF EUGENICS

HARRY H. LAUGHLIN

*Eugenics Record Office, Cold Spring Harbor, N. Y.*

Eugenics as a pure science has for its purpose the discovery of fundamental truth about race and family-stock improvement. It is therefore, like all science, international in character. It belongs to humanity rather than to any one nation or race. Applied eugenics, like religion, is essentially something for belief and practice; it is not a thing which works well if its imposition on one nation or family is attempted by another.

Every nation, race and family-stock must set up its own standards of hereditary constitution in physical, physiological and spiritual qualities. The elements of such ideals do and should vary greatly, for specialization in national purpose and family talent is essential and must be developed and conserved. It is thus that the fundamental elements for eugenics are applicable to all nations, and it is therefore necessary, for the sound advance of eugenics both in theory and application, to develop a strong international organization.

The following summary, here printed as a matter of historic record, shows how such a world-wide organization has been built up.

Sir Francis Galton, the founder of the science, was also the founder of the first modern eugenics society: "The Eugenics Education Society of Great Britain." In the leadership of this Society, Sir Francis Galton was succeeded by Major Leonard Darwin.

#### FIRST CONGRESS, LONDON, 1912

By 1912 the scientific advance of eugenics in many different countries seemed to warrant an International Congress. Accordingly, Major Darwin, in the name of the Eugenics Education Society of Great Britain, sent invitations for the First Congress to (1) all societies studying eugenics, race-hygiene and heredity; (2) suggesting delegates from public bodies occupied in administration, education, religion, medicine and law; and (3) inviting all who were interested in the various aspects of eugenics and social reform.

Accordingly, the First International Congress of Eugenics duly assembled in London in July, 1912. As intended, it proved to be a congress of