

## CHAPTER 2

## THE DARK SIDE OF BIRTH CONTROL

**R**ace completely changes the significance of birth control to the story of women's reproductive freedom. For privileged white women in America, birth control has been an emblem of reproductive liberty. Organizations such as Planned Parenthood have long championed birth control as the key to women's liberation from compulsory motherhood and gender stereotypes. But the movement to expand women's reproductive options was marked by racism from its very inception in the early part of this century. The spread of contraceptives to American women hinged partly on its appeal to eugenicists bent on curtailing the birthrates of the "unfit," including Negroes. For several decades, peaking in the 1970s, government-sponsored family-planning programs not only encouraged Black women to use birth control but coerced them into being sterilized. While slave masters forced Black women to bear children for profit, more recent policies have sought to reduce Black women's fertility. Both share a common theme—that Black women's childbearing should be regulated to achieve social objectives.

This chapter explores how racism helped to create the view of birth control as a means of solving social problems. Birth control policy put into practice an explanation for racial inequality that was rooted in nature rather than power. At the same time, the connection between birth control and racial injustice split the Black community. While some community activists promoted birth control as a means of racial betterment, others denounced abortion and family planning as forms of racial "genocide." Black people's ambivalence about birth control adds an important dimension to the contemporary understanding of reproductive freedom as a woman's right to choose contraception and abortion. We must acknowledge the justice of ensuring equal access to birth control for poor and minority women without denying

the injustice of imposing birth control as a means of reducing their fertility.

## MARGARET SANGER AND THE BIRTH CONTROL MOVEMENT

In the late nineteenth century, many states enacted statutes prohibiting contraceptives, as well as the distribution of information about them. The Comstock Law, passed by Congress in 1873, classified information about contraceptives as obscene and made its circulation through the mail a crime. Many young Americans would be shocked to discover that the U.S. Supreme Court did not rule laws prohibiting birth control, even if used by married couples, unconstitutional until 1965. *Griswold v. Connecticut* is a major case not only because it held that Connecticut's ban on contraceptives violated the Constitution, but also because it articulated for the first time the right of privacy.<sup>1</sup>

*Griswold* actually marked the culmination of a movement for access to birth control that began in the early twentieth century: Its chief crusader was Margaret Sanger, who coined the phrase "birth control." Sanger devoted her life to championing women's right to practice contraception, in defiance of prevailing law, social convention, and the Catholic Church.<sup>2</sup> She founded the American Birth Control League in 1921, which joined with other groups in 1939 to form the Birth Control Federation of America (BCFA), eventually becoming America's leading reproductive rights organization, the Planned Parenthood Federation of America. Sanger is still idolized by many reproductive rights activists as the mother of birth control and one of America's most outspoken feminists.

Sanger's original defense of birth control was vehemently feminist. Her advocacy centered on the emancipation of women. She traced her commitment to birth control to the desperate condition of the women she visited as a public health nurse in New York, women saddled with numerous unwanted pregnancies and endangered by self-induced abortions. She saw women's ability to control their own reproduction as essential to their freedom and equal participation in society. Access to birth control would also allow women to freely express their sexuality without fear of pregnancy. She sought to liberate women's sexual pleasure from the confines of maternity, marriage, and Victorian morality. "No woman can call herself free who does not own and control her own body. No woman can call herself free until she can choose consciously whether she will or will not be a mother,"

Sanger declared in her 1920 book, *Woman and the New Race*.<sup>3</sup> Sanger also stressed the importance of contraceptives that women could control themselves, rather than those that depended on men's cooperation, preferring diaphragms to the more common contraceptive methods of condoms and withdrawal.

Women's right to birth control became a subject of national attention when Sanger was arrested twice for violating federal and state anticontraception laws. Her first arrest, in 1914, occurred when the Post Office banned several issues of her magazine, *The Woman Rebel*, and the U.S. Attorney's office charged her with violating the Comstock Law. Facing a possible forty-five-year sentence, Sanger fled to Europe. She returned a year later to publicize the issue of birth control. Under public pressure, the government dropped the charges in 1916. That same year, Sanger opened the first contraceptive clinic in the United States, located in the Brownsville section of Brooklyn, where she distributed diaphragms—known as “pessaries”—to hundreds of women. Ten days later, police raided the clinic, arresting Sanger and her sister, Ethel Byrne, the clinic's nurse. Sanger was convicted of violating the New York criminal law banning distribution of contraceptives and sentenced to thirty days in the workhouse.

Several scholars who have studied the birth control movement in America remark on how its original feminist vision of voluntary motherhood was soon overshadowed by the gender-neutral goal of family planning and population control.<sup>4</sup> What began at the turn of the century as a crusade to free women from the burdens of compulsory and endless childbearing became by World War II a method of sound social policy. The concern for women's right to control their own reproduction was superseded by concern for the nation's fiscal security and ethnic makeup. As Angela Davis puts it, “What was demanded as a ‘right’ for the privileged came to be interpreted as a ‘duty’ for the poor.”<sup>5</sup>

The career of Margaret Sanger demonstrates how birth control can be used to achieve coercive reproductive policies as well as women's liberation. Of course, Sanger should not be made to shoulder all of the blame for the repressive aspects of the birth control movement. Although its most prominent figure, she did not single-handedly create the political forces that shaped the meaning of birth control.<sup>6</sup> But Sanger's shifting alliances reveal how critical political objectives are to determining the nature of reproductive technologies—whether they will be used for women's emancipation or oppression. As the movement veered from its radical, feminist origins toward a eugenic

agenda, birth control became a tool to regulate the poor, immigrants, and Black Americans.

## THE EUGENICS MOVEMENT

At the time Sanger began her crusade for birth control, the eugenics movement in America had embraced the theory that intelligence and other personality traits are genetically determined and therefore inherited. This hereditarian belief, coupled with the reform approach of the Progressive Era, fueled a campaign to remedy America's social problems by stemming biological degeneracy. The eugenicists advocated the rational control of reproduction in order to improve society.

I turn to a discussion of eugenics because this way of thinking helped to shape our understanding of reproduction and permeates the promotion of contemporary policies that regulate Black women's childbearing. Racist ideology, in turn, provided fertile soil for eugenic theories to take root and flourish. It bears remembering that in our parents' lifetime states across the country forcibly sterilized thousands of citizens thought to be genetically inferior. America's recent eugenic past should serve as a warning of the dangerous potential inherent in the notion that social problems are caused by reproduction and can be cured by population control.

The eugenics movement has been traced to the writings of Sir Francis Galton, an English scientist, at the turn of the century. Although the idea of improving the quality of humans, as well as plants and animals, through selective breeding had previously been suggested, Galton was the first to popularize an actual eugenics program. Galton became interested in heredity when *The Origin of Species*, written by his distant cousin Charles Darwin, was published in 1859.<sup>7</sup> Galton replaced the Darwinian reliance on the process of natural selection to lead inevitably to the extinction of inferior groups with an argument for affirmative state intervention in the evolutionary process. “What Nature does blindly, slowly, and ruthlessly, man may do providently, quickly, and kindly.”<sup>8</sup> In 1883, Galton coined the word “eugenics”—from a Greek root meaning “good in birth”—to “express the science of improving stock” by giving “the more suitable races or strains of blood a better chance of prevailing speedily over the less suitable than they otherwise would have had.”<sup>9</sup> Galton's basic premise was that, since intelligence and character were transmitted by descent, society should take steps to encourage the procreation of

people of superior stock. "What an extraordinary effect might be produced on our race," Galton declared, "if its object was to unite in marriage those who possessed the finest and most suitable natures, mental, moral, and physical!"<sup>10</sup>

Galton advocated primarily positive eugenics, or improving the race of a nation by increasing the reproduction of the best stock.<sup>11</sup> He suggested that the state should encourage early intermarriage among a select class of men and women and ensure the health of their children. Galton also believed that it was counterproductive to waste public charity on people who produced children with inferior qualities, arguing that "the time may come when such persons would be considered enemies to the state, and to have forfeited all claims to kindness."<sup>12</sup>

Galton's theories were grounded in a belief in the genetic distinctions between races, as well as individuals. Man was divided into different races marked by distinctive features and characters: "The Mongolians, Jews, Negroes, Gipsies, and American Indians severally propagate their kinds; and each kind differs in character and intellect, as well as in colour and shape, from the other four."<sup>13</sup> Galton's disparaging description of the Negro's traits fits the mindset of his time:

The Negro has strong impulsive passions, and neither patience, reticence, nor dignity. He is warm-hearted, loving towards his master's children, and idolised by the children in return. He is eminently gregarious, for he is always jabbering, quarrelling, tom-tom-ing, or dancing. He is remarkably domestic, and is endowed with such constitutional vigour, and is so prolific, that his race is irrepressible.<sup>14</sup>

Eugenic ideas found fertile ground in America. At the turn of the century white Americans, believing that immigrants were reproducing faster than native Anglo-Saxons, were gripped by a fear of "race suicide." This was just one manifestation of an intense nativism that erupted in vicious race riots across the country. These attacks, primarily of whites against Blacks and natives against immigrants, often ended in dozens of deaths. Thirty-eight people were killed in a race riot in Chicago in the summer of 1919. Meanwhile lynchings terrorized Black citizens in the South. Studies showed that although the overall population was increasing, the birthrate among foreigners was double that among American-born women. "Old stock" Americans were urged to bear more children for the good of the nation. In 1903,

President Theodore Roosevelt made the issue a centerpiece of his national reform agenda, telling Americans in his State of the Union message that "willful sterility is, from the standpoint of the nation, from the standpoint of the human race, the one sin for which there is no atonement."<sup>15</sup>

Racism also provided the theoretical framework for eugenic thinking. White Americans had for over two centuries developed an understanding of the races as biologically distinct groups, marked by inherited attributes of inferiority and superiority. Scientific racism predisposed Americans to accept the theory that social characteristics were heritable and deviant behavior was biologically determined. The use of sterilization as a remedy for social problems was an extension of the brutality enforced against Black Americans. Whites' domination of slave women's wombs to sustain the system of slavery provided an early model of reproductive control. "Eugenic ideas were perfectly suited to the ideological needs of the young monopoly capitalists," Angela Davis points out, as their "[i]mperialist incursions in Latin America and in the Pacific needed to be justified, as did the intensified exploitation of Black workers in the South and immigrant workers in the North and West."<sup>16</sup> It is no wonder that the movement was financed by the nation's wealthiest capitalists, including the Carnegie, Harriman, and Kellogg dynasties.

In *Exterminate All the Brutes*, Swedish author Sven Lindqvist describes a similar process that was occurring across the ocean. He traces the antecedents of the Nazi Holocaust to nineteenth-century European imperialism, which, he says, was also grounded in a brutal racism.<sup>17</sup> The German extermination of Jews mimicked the earlier extermination of Africans by British officers in their quest to dominate the continent. "The step from mass murder to genocide," Lindqvist argues, "was not taken until the anti-Semitic tradition met the tradition of genocide arising during Europe's expansion in America, Australia, Africa, and Asia." Recently translated into English, *Exterminate All the Brutes* has already created intense controversy in Sweden. There is an even stronger link between the American eugenics movement and racist theories developed centuries earlier to justify the enslavement of Africans. Thus, although eugenic policies were directed primarily at whites, they grew out of racist ideology.

The study of eugenics in America mushroomed in the early 1900s, largely due to the efforts of Harvard-trained biologist Charles Davenport. As an associate professor at the University of Chicago, he convinced the Carnegie Institute to establish a center for the experi-

mental investigation of evolution in Cold Spring Harbor, New York, in 1904. With the financial backing of railroad heiress Mrs. E. H. Harriman, Davenport added a Eugenics Record Office to his research station six years later. He and his staff of fieldworkers collected the pedigrees of hundreds of extended families suspected of carrying defective genes. Their monographs, with titles such as *The Hill Folk: Report on a Rural Community of Hereditary Defectives*, described these degenerate families as exhibiting the inherited traits of laziness, mental retardation, and immoral habits, as well as high fecundity.

Davenport reported his early findings in 1911 in his widely read book *Heredity in Relation to Eugenics*.<sup>18</sup> By noting the recurrence of a given character trait, Davenport concluded that heredity determined such diseases as hemophilia, otosclerosis, and Huntington's chorea, as well as behavioral characteristics, including insanity, alcoholism, eroticism, pauperism, criminality, and "feeble-mindedness," which could mean anything from mental retardation to low intelligence. Davenport also attributed particular behavioral traits to different races: he observed that Poles were "independent and self-reliant though clannish"; Italians were prone to commit "crimes of personal violence"; and "Hebrews" fell "intermediate between the slovenly Serbians and Greeks and the tidy Swedes, German, and Bohemians."<sup>19</sup> Davenport advocated preventing the reproduction of bad stock through a selective immigration policy, discriminating marriages, and state-enforced sterilization.

Davenport's Cold Spring Harbor project supplied the burgeoning American eugenics movement with adherents and research: it trained and dispersed over 250 field workers, published the *Eugenical News*, and disseminated bulletins and books about the reduction of hereditary degeneracy.<sup>20</sup> As Davenport conducted scientific research, eugenics became the vogue across the country. Ordinary Americans attended lectures and read articles in popular magazines on the subject. Those devoted to studying eugenics joined organizations such as the American Eugenics Society, the American Genetics Association, and the Human Betterment Association. The *Reader's Guide to Periodical Literature* listed 122 articles under "eugenics" between 1910 and 1915, making it one of the most referenced topics in the index.<sup>21</sup> At most American colleges courses on eugenics were well-attended by students eager to learn how to apply biology to human affairs. The American Eugenics Society reached a less erudite audience by sponsoring Better Babies and Fitter Families contests at state fairs across the country.

has been praised throughout history

Paralleling the development of eugenic theory was the acceptance of intelligence as the primary indicator of human value. Eugenicists claimed that the IQ test could quantify innate intellectual ability in a single measurement, despite the objections of its creator, Alfred Binet.<sup>22</sup> Just as damaging, intelligence became a shorthand for moral worth as well as cognitive capacity. The introduction of "mental tests" at the turn of the century to measure intelligence replaced physical measurements, such as cranial capacity, as the means of determining human inferiority and superiority. Measuring intelligence served the eugenics movement particularly well. The mental test was the ideal instrument for eugenics' central task of distinguishing the fitness of stocks because it provided "a seemingly objective, quantifiable measure that could be used to rank genetically transmitted ability."<sup>23</sup>

Psychologist Henry H. Goddard's influential research on the heritability of feeble-mindedness revealed that inherited mental deficiency explained the behavior of paupers, prostitutes, and criminals.<sup>24</sup> His popular book, *The Kallikak Family*, compared two family lines descending from a single New Jersey man Martin Kallikak, who had fought in the Revolutionary War. Goddard claimed that the family resulting from Martin's marriage to a Quaker woman was intelligent and successful. The other, resulting from his union with a feeble-minded barmaid, was filled with degenerates. Goddard's book was reprinted four times between 1912 and 1919 and had a powerful influence on popular thinking for more than a decade.

Psychologists also used the tests to demonstrate that Blacks and recent immigrants from Southern and Eastern Europe were intellectually inferior to Americans of Anglo-Saxon or Scandinavian descent. During World War I, the army commissioned Robert M. Yerkes, a Harvard eugenicist and president of the American Psychological Association, to administer a massive program to test the intelligence of 1.7 million recruits.<sup>25</sup> Princeton psychology professor Carl C. Brigham analyzed the army data in *A Study of American Intelligence*, published in 1923.<sup>26</sup> He reported that northern Europeans scored higher than Blacks and immigrants from Italy, Poland, Greece, and Russia: "At one extreme we have the distribution of the Nordic group. At the other extreme we have the American negro. Between the Nordic and the negro, but closer to the negro than the Nordic, we find the Alpine and Mediterranean type."<sup>27</sup> Professor Brigham decried the degeneration of the American population through "racial admixture" with Negroes and inferior immigrants and advocated more selective immi-

gration policies that would prevent the influx of the less intelligent groups.

The same year that Brigham's book was published, a new edition of the best-seller *The Passing of the Great Race*, by the New York eugenicist Madison Grant, appeared.<sup>28</sup> Grant, resident anthropologist of the American Museum of Natural History, extolled the superior qualities of the Nordic race, a people of "rulers, organizers, and aristocrats" who were responsible for every great civilization that ever existed. These civilizations had declined, Grant argued, because of the deterioration of the Nordic population through warfare and intermixture with other races of people. In *The Passing of the Great Race*, Grant warned that the Nordic stock in America was similarly threatened by racial intermixture with Blacks and inferior immigrant groups, which inevitably produced children of the "lower" type. Reminiscent of Galton's view of inferior stock as public enemies, he described racial intermarriage as a "social and racial crime of the first magnitude."<sup>29</sup>

Grant's book was accepted as a scientific work and was seriously reviewed in prestigious academic journals.<sup>30</sup> Critical reviews of the book were attributed to "personal resentments from individuals not belonging to the Great Race." Grant was regarded as an important scientist, while his discreditors were labeled as "Bolsheviks and Jews" who were biased against scholarly investigation of racial difference. Like *The Bell Curve*, *The Passing of the Great Race* was a best-seller, with four editions and numerous reprints published between 1916 and 1923. The *Saturday Evening Post* praised its reflection of "recent advances in the study of hereditary and other life sciences," and recommended it as a book that "every American should read."<sup>31</sup> Legislators quoted passages from the book during congressional debates on immigration restrictions, and President Theodore Roosevelt commended it as "the work of an American scholar and gentleman," and stated that "all Americans should be immensely grateful to [Grant] for writing it."<sup>32</sup> The message readers learned from both *The Passing of the Great Race* and *The Bell Curve* is that egalitarian social programs are incapable of improving society. As E. Huntington concluded in his commentary in *Yale Review*, Grant demonstrated a "lesson of biology . . . that America is seriously endangering her future by making fetishes of equality, democracy, and universal education."<sup>33</sup>

## IMPLEMENTING EUGENICS

The eugenicists sought to attain their goal of improving the race through a number of means. Many advocated positive eugenics, which encouraged the breeding of superior citizens and voluntary cooperation in forming the most desirable unions. By 1913 twenty-four states and the District of Columbia had enacted laws forbidding marriage by people considered genetically defective, including epileptics, imbeciles, paupers, drunkards, criminals, and the feebleminded. Influenced by testimony of eugenics lobbyists such as Harry Laughlin, Congress passed the National Origins Act of 1924, imposing national quotas that effectively cut off immigration from Southern and Eastern Europe. Others advocated universal intelligence testing in the schools in order to match each child with the type of educational program appropriate for his or her inherited capacities.<sup>34</sup>

Eugenicists opposed social programs designed to improve the living conditions of the poor. They argued that adequate medical care, better working conditions, and minimum wages all harmed society because those measures enabled people with inferior heredity to live longer and produce more children. The Harvard geneticist Edward East, for example, complained that the provision of prenatal care and obstetric services to the poor through clinics and public hospitals was "unsound biologically" because it "nullifie[d] natural elimination of the unfit."<sup>35</sup> The American Eugenics Society lobbied in 1924 against New York legislation providing special educational assistance for retarded children on the ground that "the education of the defective will bolster him or her up to the reproductive period and will make it more possible for him or her to become a parent than would be possible if he or she were less well trained."<sup>36</sup> Some eugenicists also considered democracy an irrational form of government because "an imbecile who knows nothing of civic matters can annul the vote of the most intelligent citizen."<sup>37</sup>

The eugenics movement, however, did not rely on nature to eliminate the unfit. It implemented a more direct means of weeding out undesirable citizens. The movement's most lasting legacy is its coercive enforcement of negative eugenics, which aimed to prevent socially undesirable people from procreating. Eugenicists advocated compulsory sterilization to improve society by eliminating its "socially inadequate" members. This was in part a response to the rapid growth in the late

nineteenth century of the numbers of poor and mentally ill people housed in state-supported institutions, reported by their physicians to have alarmingly high fertility rates.

Once again, whites' inhumanity to Blacks served as a precedent. The idea of imposing sterilization as a solution for antisocial behavior originated in the castration of Black men as a punishment for crime. In eighteenth-century Virginia, castration was imposed on slaves "convicted of an attempt to ravish a white woman." In 1855, the territorial legislature of Kansas enacted a law making castration the penalty for any Negro or mulatto who was convicted of rape, attempted rape, or kidnapping of any white woman.<sup>38</sup> Other state legislatures considered, but failed to pass, similar legislation. Around that time, a Texas physician, Dr. Gideon Lincecum, disseminated to lawmakers and the press an essay advocating castration as a deterrent to crime. He supported his proposition with an anecdote about a "vicious, disobedient, drunken Negro" who was suspected of raping women of his own race: "After discovering that he had impregnated an idiot white girl, three men went into the field where he worked and castrated him. Less than two years later I heard his mistress say that he had become a model servant."<sup>39</sup> In 1864, a Black man convicted of rape in Belton, Texas, was punished by castration. Castration was also a regular feature of the ritual of lynchings in the South, although not for eugenic purposes.

In 1899, Harry C. Sharp, a physician at the Indiana State Reformatory, pioneered a plan to remedy race degeneration by sterilizing criminals. His paper "The Severing of the Vasa Deferentia and Its Relation to the Neuropsychopathic Constitution," published in 1902, reported the beneficial results of the operations he had performed on prison inmates and called for legislation authorizing state institutions "to render every male sterile who passes its portals, whether it be almshouse, insane asylum, institute for the feeble-minded, reformatory, or prison."<sup>40</sup> Over the course of ten years, Dr. Sharp performed vasectomies on 456 inmates.<sup>41</sup> Sharp's proposal sparked a lobbying campaign by physicians across the country advocating mass sterilization of degenerate men. Between 1909 and 1910 alone, medical journals published twenty-three articles promoting compulsory sterilization as a means of stemming social degeneracy.<sup>42</sup> President Theodore Roosevelt, who urged Americans to avert the dangers of "race suicide" by producing large families, also endorsed eugenic sterilization.

Racial prejudice pervaded the pro-sterilization literature. In *Dis-*

*eases of Society*, Dr. G. Frank Lydston, a University of Illinois professor and one of the leading urologists in the Midwest, traced the causes of vice and crime to inherited tendencies and recommended that "[i]ncurable criminals, epileptics, and the insane should invariably be submitted to the operation."<sup>43</sup> The book's title page displayed a large drawing of a "skull of a Negro murderer."

Sharp's lobbying efforts proved successful. In 1907, Indiana became the first state to pass an involuntary sterilization law, empowering state institutions to sterilize, without consent, criminals and "imbeciles" whose condition was "pronounced unimprovable" by a panel of physicians.<sup>44</sup> Within six years, eleven additional states had enacted involuntary sterilization laws directed at those deemed burdens on society, including the mentally retarded, the mentally ill, epileptics, and criminals. Because most statutes mandated sterilization only for people confined to state institutions, they were imposed primarily against the poor.

In 1914, Harry Hamilton Laughlin, superintendent of the Eugenics Record Office and an active public lobbyist for the movement, prepared a two-volume report that proposed a schedule for sterilizing 15 million people over the next two generations, as well as a model sterilization law to accomplish this plan.<sup>45</sup> The report's explanation of the need for such drastic steps represents a classic statement of the eugenic mission:

In recent years society has become aroused to the fact that the number of individuals within its defective classes has rapidly increased both absolutely and in proportion to the entire population; that eleemosynary expenditure is growing yearly; that some normal strains are becoming contaminated with anti-social and defective traits; and that the shame, the moral retardation, and the economic burden of the presence of such individuals are more keenly felt than ever before. . . . The word "Eugenics" has for the first time become known to thousands of intelligent people who now seek to understand its full significance and application. Biologists tell us that whether of wholly defective inheritance or because of an insurmountable tendency toward defect, which is innate, members of the following classes must generally be considered as socially unfit and their supply should if possible, be eliminated from the human stock if we would maintain or raise the level of quality essential to the progress of the nation and our race.

Laughlin included feeble-minded and insane people, criminals, and paupers among the "socially unfit" to be sterilized.<sup>46</sup> This defective "10 percent of our population," Laughlin claimed, "are an economic and moral burden on the 90 percent and a constant source of danger to the national and racial life."

Laughlin's 1922 survey, *Analysis of America's Modern Melting Pot*, studied the ethnic background of the institutional population in order to demonstrate that immigrants made up a disproportionate share of the nation's socially degenerate members. Laughlin's conclusion that "the recent immigrants (largely from Southern and Eastern Europe), as a whole, present a higher percentage of inborn socially inadequate qualities than do the older stocks" helped to propel the passage of the immigration law in 1924.<sup>47</sup> When Laughlin received an honorary degree from the University of Heidelberg in 1936, he wrote to German officials that the award represented "evidence of a common understanding of German and American scientists of the nature of eugenics."<sup>48</sup> Indeed, the Nazis modeled their compulsory sterilization law after one enacted in California.

The eugenicists' legislative victories were stymied by a battle waged in the courts over the constitutionality of compulsory sterilization laws. Opponents argued that the statutes imposed cruel and unusual punishment for sexual crimes, violated the Equal Protection Clause by permitting sterilization of inmates of state institutions, but not of similarly situated noninstitutionalized persons, and denied affected persons due process of law by failing to include necessary procedural safeguards. By 1921, these constitutional challenges succeeded in securing the invalidation of seven eugenics laws. Even the original sterilization law was overturned by the Indiana Supreme Court in 1919.

The sterilization movement renewed its momentum when the U.S. Supreme Court upheld Virginia's compulsory sterilization statute enacted in 1924 to prevent reproduction by "potential parents of socially inadequate offspring." The case arose when, six months after the statute's passage, the Virginia Colony for Epileptics and Feeble-minded approved the sterilization of a seventeen-year-old white girl named Carrie Buck. Carrie, the daughter of an allegedly feeble-minded woman, was committed to the colony by her adoptive parents when she became pregnant as a result of rape. Carrie's court-appointed guardian, in cooperation with the colony's superintendent, Dr. Albert J. Priddy, appealed the order to create a test case. The case made its way to the U.S. Supreme Court. Harry Laughlin testi-

fied in a deposition, based solely on his examination of Carrie's family records, that Carrie suffered from hereditary feeble-mindedness. Noting that her sexual depravity was "a typical picture of the low-grade moron," Laughlin concluded that Carrie belonged to the "shiftless, ignorant, and worthless class of anti-social whites of the South."<sup>49</sup> The colony also submitted testimony that Carrie's seven-month-old daughter, Vivian, was mentally below average.

In a 1927 decision, *Buck v. Bell*, the Supreme Court approved the sterilization order.<sup>50</sup> Rejecting arguments that the Virginia sterilization law violated Carrie's equal protection and due process rights, Justice Oliver Wendell Holmes explained the state's interest in preemptively sterilizing people with hereditary defects: "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." Holmes, himself an ardent eugenicist, gave eugenic theory the imprimatur of constitutional law in his infamous declaration: "Three generations of imbeciles are enough."<sup>51</sup>

During the years following the *Buck v. Bell* decision, the number of states with compulsory sterilization laws grew to thirty. Around the time of the decision the focus of sterilization policy shifted to preventing procreation by women who, like Carrie Buck, were deemed unfit to be mothers. There was a corresponding steady increase in the percentage of young women who were sterilized, with many more operations ultimately performed on institutionalized women than men.<sup>52</sup> Young women who were at most mildly retarded were often admitted to facilities for the feeble-minded for the sole purpose of being sterilized. Several states pursued a program of "admission, prompt sterilization, and speedy discharge" in order to perform the surgery on as many women and as efficiently as possible.<sup>53</sup> Sterilization was viewed as a way of allowing mentally deficient women to be released safely from institutions into society, eliminating the chance that they would bear children who were expected to become wards of the state.

Labeling a young woman feeble-minded was often an excuse to punish her sexual immorality. Many women were sent to institutions to be sterilized solely because they were promiscuous or had become pregnant out of wedlock. A review of sterilizations in California found that three out of four of the sterilized women had been judged sexually delinquent prior to their institutional commitment.<sup>54</sup> One sign of the trait was a patient's failure to display "the normal aversions of a white girl to a colored man who was perhaps nice to her."<sup>55</sup>

Walter Fernald, superintendent of the Massachusetts School for Feeble-minded Children, indicated that the trait had more to do with sexuality than with low intelligence. Observing that feebleminded girls were "often bright and attractive," he warned that, if allowed to reproduce, they "bring forth in geometrical ratio a new generation of defectives and dependents, or become irresponsible sources of corruption and debauchery in the communities where they live."<sup>56</sup> Carrie Buck, it turns out, was sterilized because she was poor and had an illegitimate child. There was no reliable evidence that either she or her daughter was mentally deficient. After reviewing the records, Harvard evolutionary biologist Stephen Jay Gould concluded: "Her case never was about mental deficiency; it was always a matter of sexual morality and social deviance. . . . Two generations of bastards are enough."<sup>57</sup> In short, eugenic sterilization enforced social judgments cloaked in scientific terms.

### EUGENICISTS' GROWING INTEREST IN BLACKS

The economic crisis of the Depression also increased interest in sterilization as a means of preventing the birth of children who would need public assistance. The location of most sterilizations shifted from the West, where California led in the number of involuntary operations, to the South.<sup>58</sup> Howard Hale recalled in a recent newspaper interview how Virginia sterilization authorities rounded up entire families in the poverty-stricken mountains during the 1930s:

Everybody who was drawing welfare then was scared they were going to have it done to them. . . . They were hiding all through these mountains, and the sheriff and his men had to go up after them. . . . The sheriff went up there and loaded all of them in a couple cars and ran them down to Staunton [Western State Hospital] so they could sterilize them. . . . People as a whole were very much in favor of what was going on. They couldn't see more people coming into the world to get on the welfare.<sup>59</sup>

The eugenics movement was also energized by issues of race. In the 1930s, it turned its attention from the influx of undesirable immigrants to the Black population in the South. Southern segregationists threatened by Black political advancement borrowed theories from the Northern liberals, who were the chief exponents of eugenics phi-

losophy. It was now clear that the prediction of Social Darwinists that the genetic degeneracy of the Black race doomed it to extinction was wrong. In the decades following Emancipation, poverty had taken its toll on the life prospects of Black sharecroppers in the South. One historian describes the deplorable state of Black health at the turn of the century: "The fertility rates of black women declined by one-third from 1880–1910 as a result of, among other factors, poor nutrition; the life expectancy at birth for black men and women was only thirty-three years; a black mother could expect to see one out of three of her children die before age ten and to die herself before the youngest left home."<sup>60</sup> In *Racial Hygiene*, published in 1929, however, Thurman B. Rice warned that "the colored races are pressing the white race most urgently and this pressure may be expected to increase."<sup>61</sup> The twentieth-century eugenicists were not content to rely on evolutionary forces to eliminate biological inferiors; they proposed instead government programs that would reduce the Black birthrate.

Eugenicists were also worried that intermingling between Blacks and whites would deteriorate the white race. Over half of the papers presented at the Second International Congress of Eugenics in 1921 concerned the biological and social consequences of marriages between people from different ethnic groups.<sup>62</sup> Their titles, including "Some Notes on the Negro Problem," "The Problem of Negro-White Intermixture," and "Intermarriage with the Slave Race," reflect eugenicists' growing interest in the menace of racial intermingling. A textbook published in 1916 informed readers that "many students of heredity feel that there is great hazard in the mongrelizing of distinctly unrelated races. . . . However, it is certain that under existing social conditions in our own country only the most worthless and vicious of the white race will tend in any considerable way to mate with the negro and the result cannot but mean deterioration on the whole for either race."<sup>63</sup> By 1940, thirty states had passed statutes barring interracial marriage. Antimiscegenation laws were a eugenic measure.

A concrete example of the connection between antimiscegenation and eugenics is the correspondence between Walter Ashby Plecker, the Virginia registrar of vital statistics, and the prominent eugenicist Harry Laughlin. Plecker was charged with maintaining racial integrity by zealously enforcing the Virginia antimiscegenation law, which in 1924 was amended to prevent intermarriage between whites and anyone with a trace of Negro ancestry. Plecker sought to enlist eugenicists' support for his plea for better census records to verify the racial history of families. In his last known letter to Laughlin, dated