

Imbeciles: a court ruling that history has proven to be moronic

Imbeciles: The Supreme Court, American eugenics, and the sterilization of Carrie Buck

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Penguin Press, NY, 2016

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This book chronicles an incredibly shameful period in American history that was openly based on Darwinian eugenics. Eugenics supporters believed that to help perfect humanity it was necessary to determine who should and should not have children, based on characteristics such as I.Q. test results, race, and promiscuity among women (p. 6). This movement was active from 1895 to as late as 1981 (p. 11). This book chronicles the infamous 1927 *Buck vs Bell* Supreme Court decision that allowed eugenic forced sterilization. The ruling has never been overturned, or even limited, by the Supreme Court, although *Skinner v. Oklahoma* (1942) ended compulsory sterilization of criminals and reduced sterilization rates in general. A few states are still claiming that they have the right to forcibly sterilize some persons (p. 32). In fact, “Virginia forcibly sterilized at least 7,450 ‘unfit’ people between 1927 and 1979” (p. 1). In short, in the 1920s the United States

“... was caught up in a mania: the drive to ... perfect humanity. Modern eugenics, which had emerged in England among followers of Charles Darwin, had crossed the Atlantic and become

a full-fledged intellectual craze. The United States suddenly had a new enemy: bad ‘germplasm,’ and those who carried it. The ‘unfit,’ the eugenicists warned, threatened to bring down not only the nation but the whole human race” (p. 2).

The book chronicles the legalization of forced sterilization for those persons considered inferior by focusing on the Carrie Buck Supreme Court case. The decision was written by Justice Oliver Wendell Holmes Jr, widely considered to be “one of the greatest legal minds—if not the greatest—in American history” (p. 1). The 8–1 majority opinion upheld the Virginia eugenics law (pp. 226, 239–240). Formerly a social Darwinist, Holmes evolved further into a eugenics supporter. He even wrote approvingly of “putting to death infants” to further eugenics goals (p. 242). Those supporting the decision included leading professionals from the medical, academic, legal, and judiciary establishments (p. 7).

Cohen, a Harvard Law School graduate and former president of the *Harvard Law Review*, has done an outstanding job documenting several aspects of the American eugenics movement, including the influence of Darwinism and the role of reformers and progressives in advocating the sterilization of various categories of people. Cohen focuses on how Carrie Buck came to be the lead character in *Buck v. Bell*. The American eugenics movement began with numerous prominent scientists who formed organizations to

“... promote eugenics, with names like *the Committee to Study and to*

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Report on the Best Practical Means of Cutting Off the Defective Germ-Plasm in the American Population. Social reformers embraced biology as the fastest route to their goal of a better world” (p. 3).

One of many leading academics who supported the decision was Dr Albert Priddy, then Superintendent for Virginia’s home for Epileptics and Feeble Minded. Also prominent was Princeton University Ph.D., Harry Laughlin, Director of the Eugenics Record Office of the Carnegie Institute in New York, who argued for the state in the Buck case. He was also a major supporter of the 1924 immigration act designed to keep what he viewed as inferior races, especially Jews, out of the United States (p. 8).

Professor Aubrey Strode was the author of the Virginia sterilization statute and the legal representative for the state before the court. The unfortunate victim chosen to be the test case was Carrie Buck, who had been placed in Dr Priddy’s institution for being a ‘feeble-minded’, uneducated unwed mother living in poverty.

Cohen documented in chapters three to eight his conclusion that many of the states’ claims in the *Buck vs Bell*

case were very troubling, including the fact that

“The Supreme Court got the most basic facts about Carrie Buck and her family wrong, and relying on those errors it allowed a terrible injury to be done to her. The court exhibited a shockingly narrow conception of individual rights. It gave its unqualified endorsement to a cruel procedure. And when a young woman came seeking to be protected from an immense wrong, the court showered her with insults and allowed her to be harmed” (p. 13).

The many facts ignored by the Darwinian eugenic supporters include that Miss Buck’s child was a result of her having been raped by her foster parents’ nephew, and her school records documented that she was not feeble minded but rather a good student of average intelligence. Her daughter was a mere 8 months old at the time, making all claims of feeble mindedness close to worthless. Nonetheless, the eugenicists prevailed in the Supreme Court. This ruling opened up the floodgates, resulting in many thousands of eugenic sterilizations. The social climate of the time was very conducive to the Buck case ruling because eugenics had permeated the popular culture to the extent that several bestselling

“... books explained the concept of ‘race betterment’ to an eager public, and mass-market magazines urged their readers to do their part to breed superior human beings. The ‘inspiring, the wonderful, message of the new heredity,’ *Cosmopolitan* explained, was that it offered the promise of preventing once and for all the birth of the ‘diseased or crippled or depraved.’ Hollywood released a feature-length horror movie, which filled theaters from coast to coast, showing the frightening consequences of allowing ‘defective’ babies to live” (p. 3).

In the early 20th century, eugenics was also successfully used to keep most Italians, Eastern European Jews and other ‘undesirables’ from entering the US. The reason was eugenics supporters feared that intermarriage with white Americans would adversely pollute the US. gene pool. Included in the ban were thousands of Jews who would later perish in the Holocaust, including Anne Frank. In 1941, her father, Otto Frank, desperately wrote several letters to the United States government for permission to immigrate, but as a Jew he was turned down (p. 135).

Darwinian eugenic ideas had rapidly spread to Sweden, Norway, Finland, Great Britain, and, of course most notably, to Nazi Germany (p. 302). When the final solution was implemented, Germans with mixed Aryan and Jewish blood were sterilized as an alternative to extermination, resulting in 375,000 or more sterilization orders (p. 303). In fact, during the Nuremberg Trials, the Nazis used the eugenic policies developed in the US, and even the Carrie Buck court case itself, to justify their war crimes. Cohen writes:

“The Nazi Party, which was on the rise in Germany, used America as a model for its own eugenic

sterilization program. The Supreme Court’s ruling influenced the *Erbgesundheitsgerichte*, the Hereditary Health Courts that decided who should be forcibly sterilized. And at the Nuremberg trials that followed World War II, Nazis who had carried out 375,000 forced eugenic sterilizations cited *Buck v. Bell* in defense of their actions” (pp. 10–11).

The implications of this case, as applied internationally, were enormous, but they are also important to current Western domestic problems now that scientists are routinely using genetic recombinant techniques for plant and animal research. Scientists have also developed god-like ‘designer babies’ procedures that would have been inconceivable in the 1920s. Supporters may rationalize that gene modifications are for the sake of the baby, and this may often be true, but the real reason may be to improve society. Entering that territory places us in the danger of repeating the atrocities exemplified by the Carrie Buck case. One example is that therapy involves a whole host of diagnoses or traits where genes play a role, diagnoses such as autism and Down Syndrome, and traits such as eye colour.



Figure 1. Justice Oliver Wendell Holmes, Jr

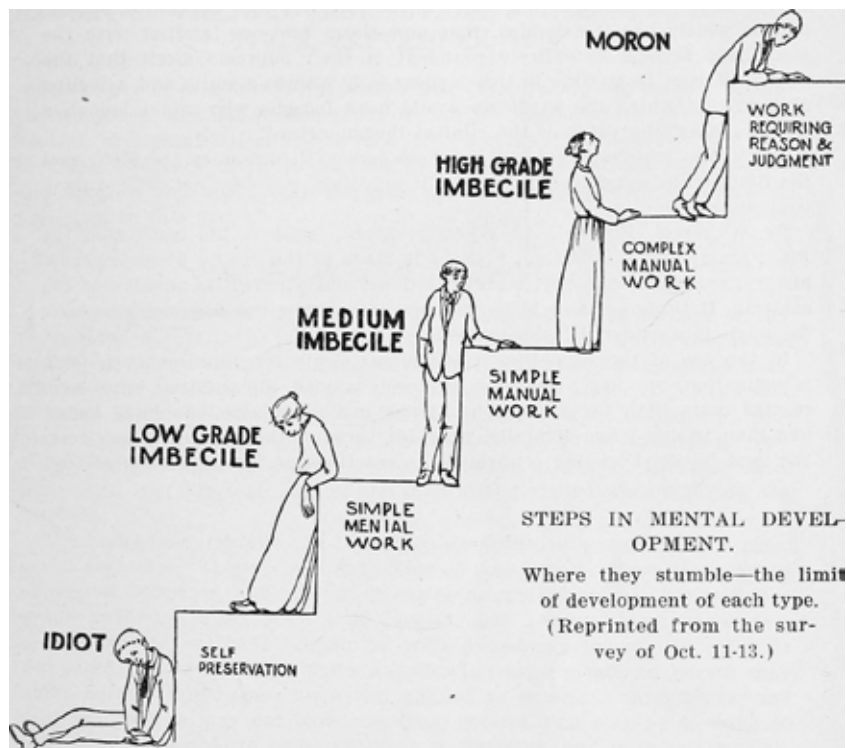


Figure 2. An illustration of the intelligence ranking used in the 1920s. From *The Survey*, 11 October 1913, public domain.

The universities' involvement

In the 1900s, the “nation’s universities churned out large” numbers of reports “documenting the serious problem of feeble-mindedness” in America (pp. 55–54). When eugenics developed to the point where the various eugenic movements concluded that they had to do something about the problem of inferior human breeds (p. 60), the next step was determining what to do. One approach, popular for some time, was institutional segregation of ‘defective’ humans in camps or farms during their child-bearing years. The enormous cost of this approach created a large burden on taxpayers (p. 64). To help pay this cost, supporters proposed work training to help the colonies become self-supporting, an unrealistic goal that was never realized.

Another solution was castration, a method of sterilization viewed as barbaric until Dr Albert Ochsner

published his less barbaric technique involving severing the vas deferens (p. 65). Today called a vasectomy, it is still used for voluntary male birth control. Efforts to sterilize women were less successful, and included cutting the fallopian tubes. In one study, close to three percent of salpingectomies (removal of the Fallopian tubes) ended in fatalities. Hysterectomy was another approach that was widely used for decades. One approach, prohibiting those judged inferior to marry, failed due to the inability of controlling sex outside of marriage. Laws requiring involuntary sterilization was the method often used until the eugenics movement died (at least under that name) in the late 1970s.

Professional support for eugenics

Sterilization of individuals who were considered “a perpetual menace,

a constant source of trouble and danger” was promoted “largely by progressives, intellectuals, and professionals” (p. 11). Dr William F. Drewry of Central State Hospital, Petersburg, VA, believed the answer lay in preventing the feeble minded from reproducing “by the relentless hand of science, under sanction and authority of law” (p. 80). The most important group that advocated

“... eugenic sterilization was the medical establishment. Major medical journals ran articles by prominent academics that endorsed sterilization, often in fiery terms. The normally staid *Journal of the American Medical Association* took an apocalyptic turn when Dr. William T. Belfield, a professor of surgery at Rush Medical College, took to its pages in 1908 to advocate sterilization laws. The title of his article, which urgently called for sterilizing criminals and mental defectives, was ‘Race Suicide for Social Parasites’” (p. 56).

Furthermore, the medical establishment not only openly supported

“... eugenic sterilization but did so with near unanimity. No prominent medical professors or surgeons publicly opposed the sterilization movement—or if they did, they were not being heard. One survey found that every article on the subject of eugenic sterilization published in a medical journal between 1899 and 1912 endorsed the practice” (p. 66).

Importantly, this included even the most prestigious professionals:

“The highest echelons of the medical profession also largely supported the eugenics movement. At the American Academy of Medicine’s first meeting of the twentieth century, in June 1900, its president called for laws to prevent ... ‘Crime, Pauperism, and Mental Deficiency.’ Dr. G. Hudson Makuen argued that medicine

as it was currently practiced was counterproductive. ‘We prolong the lives of weaklings,’ he said, ‘and make it possible for them to transmit their characteristics to future generations’” (p. 56).

Darwin made the same point in his 1871 book *The Descent of Man*. Scientists were another group very active in supporting eugenic sterilization. The most influential eugenic sterilization advocate, Professor Harry Laughlin,

“... was a scientist, with a doctoral degree in biology from Princeton. The most prominent organization that promoted eugenic sterilization in the early days of the movement, the American Breeders’ Association’s Committee of Eugenics, had distinguished scientists as members, including its chairman, David Starr Jordan, an ichthyologist who was the first president of Stanford University” (p. 67).

Church support

Theologically liberal religious leaders also were actively writing articles for religious journals and preaching sermons from the pulpit. For example:

“The Reverend Harry F. Ward, a founder of the Methodist Federation for Social Service and a professor of Christian Ethics at Union Theological Seminary, wrote in the magazine *Eugenics* that Christians and eugenicists were fighting a common battle because both were concerned with the ‘challenge of removing the causes that produce the weak.’ The Reverend Phillips Endecott Osgood, the rector of St. Mark’s Church in Minneapolis, ... urge[d] people of faith to purge ‘the “dross” of humanity’ [by eugenics]” (pp. 60–61).

Decades later, the United Methodist Church formally apologized for “the prominent role its churches and

pastors [had] played in the eugenics movement. ‘As the Eugenics Movement came to the United States,’ the church said regretfully, ‘the churches, especially the Methodists, the Presbyterians, and the Episcopalians, embraced it’” (p. 61). The many religious leaders that actively promoted eugenics included “the Very Reverend Walter Taylor Sumner, dean of Chicago’s Protestant Episcopal Cathedral of Saints Peter and Paul” who “announced in 1912 that he would only marry couples with a ‘certificate of health’ from a reputable physician” (p. 56). Not long afterwards:

“[T]he *New York Times* reported that two hundred Chicago clergy [had] adopted a resolution ‘urging pastors to direct their energies toward creating public opinion indorsing [sic] Dean Sumner’s plan.’ ...New York’s West End Presbyterian Church was an organizing center [of eugenics], with the Reverend Dr. A. E. Keigwin convening his fellow Protestant clergy to ‘push a eugenics campaign’” (p. 56).

Newspaper coverage

Many major newspapers extensively covered eugenics on both their news and editorial pages. The *New York Times* was especially active in giving supportive “coverage to the eugenicists’ agendas” (p. 60). An example, citing American Eugenics Society figures, “an organization it described as having ‘for its aim the betterment of racial standards throughout the country’” they noted was that eugenics courses were proliferating in colleges (p. 60). Some newspapers were expressly supportive:

“When Louisiana’s legislature was considering a major eugenic law, the *New Orleans Times-Picayune* gave its endorsement. In several editorials, it insisted the bill was not a ‘wild eugenic scheme’ or a violation of human rights. It was,

the editorial board insisted, ‘simply a step to protect the community and the human race against the ... unfit’” (p. 60).

Families also entered eugenic competitions requiring them to “... submit to medical and psychiatric examinations and take intelligence tests. Like the livestock, the winning families were awarded prizes. The ‘fitter family’ contests were enormously popular ‘All the newspapers were glad to cooperate,’ a leader of the American Eugenics Society later recalled. ‘No activities of the society got so much publicity’” (p. 61).

White supremacist racism

Physician Dr Bernard Barrow reported in the 1910 issue of *Virginia Medical Semi-Monthly* that he had sterilized five ‘mentally deficient’ black men. He “was blunt about the role his racist views played in his decisions to sterilize. ‘The negro’ was ‘a savage race’ that could not solve its own ‘social and sanitary problems,’ he said. The responsibility lay with ‘the stronger race—the white man’” (p. 75).

The University of Virginia’s faculty was a major “force in support of eugenics in the state, the nation, and even the world” (p. 73). Professor Robert Bennett Bean, “a national leader in racist eugenics,” inspired “generations of white supremacist scientists with his research on subjects like, as the title of one of his papers expressed it, ‘Some Racial Peculiarities of the Negro Brain’” (p. 73).

Opposition to eugenics

The group most organized against the eugenics movement was the Roman Catholic Church, which actively mobilized against sterilization laws to the degree that in

“... states with large Catholic populations, including Massachusetts and Louisiana, the church’s opposition played a crucial role. Politicians in these states ... ‘knew they faced political suicide by backing eugenic statutes.’ In Louisiana, where half the voters were Catholic, reformers and public health leaders repeatedly backed sterilization bills, but without success. The New Orleans archbishop mobilized statewide opposition to what he called ‘unnatural legislation.’ One legislator, a grand knight in the Knights of Columbus, the Catholic fraternal organization, denounced eugenic sterilization, saying, ‘God created these poor unfortunates just the same as he did legislators’” (pp. 67–68).

Indicative of the Catholic church’s opposition to eugenics was Pope Pius XI’s encyclical *Casti connubii* (*‘Of Chaste Marriage’*), 31 December 1930. This affirmed the church’s opposition to artificial contraception, and also included strong denunciations against eugenics laws, forced sterilizations, and abortion (p. 67).

The early opposition to eugenics was mostly from non-scientists and doctors. After a Washington state law was successfully challenged, pro-eugenic laws were defeated in the next seven states (p. 101). The reasons were often moral, as illustrated by one state, which illustrated the fact that

“... not everyone was caught up in the eugenic mania, and the resistance was not just coming from the courts. In several states, governors vetoed eugenic sterilization laws and delivered strongly worded indictments. Nebraska’s governor insisted his state’s sterilization bill seemed ‘more in keeping with the pagan age than with the teachings of Christianity,’ and he declared in his veto message that ‘man is more than an animal’” (p. 101).

Eugenics supporters realized that, in view of the many court losses, they must take a test case to the US Supreme Court. To do this, they needed the authority and prestige of science. Of the many leading professors that could testify, they selected Harry Laughlin (pp. 106, 122). Laughlin worked for the former Harvard and University of Chicago professor, Charles Davenport, who founded Cold Spring Harbor Biological Laboratory. Davenport believed that “society must protect itself” from inferior humans, reasoning just as society “claims the right to deprive the murderer of his life so also it may annihilate the hideous ... hopelessly vicious protoplasm” of inferior humans (p. 110).

Davenport was able to create a board of scientific directors from major Ivy league universities to support eugenics. His many books on breeding better humans soon became “assigned reading in many of the eugenics courses that were [then] springing up at colleges and universities across the country” (p. 112). Furthermore, the enthusiasm for eugenic sterilization, which had been very “promising in 1913, was now decidedly less so—and the judicial momentum was strongly against it” (p. 101).

Towards *Buck vs Bell*

Because of the growing opposition: “... supporters of the Virginia sterilization law would need to create the strongest possible case. They had drafted the law with considerable care, drawing on expert advice on how to make it resistant to constitutional challenge. Then they had chosen, in Carrie Buck, a plaintiff they believed demonstrated particularly well why eugenic sterilization was necessary” (p. 101).

They now had the backing of much of the scientific establishment and the perfect test case. The scientists argued that Carrie’s mother was feeble minded, as were Carrie and her daughter. The evidence included ‘expert’ testimony, such as claims that the Buck family just ‘seemed feeble minded’ Laughlin’s goal was to sterilize 15 million people, and after the favourable Supreme Court’s ruling he was given a green light to reach this goal.

Germany learned from American eugenics

Ironically, even though the German academic eugenics movement was active as early as 1904, the German eugenicists were concerned that the Americans were surpassing them in the development and application of Darwinism to society. To deal with this problem, the German scientists held international eugenics meetings to attract American scientists, including one event held in Dresden, Germany. With America’s help, German eugenicists caught up and would go one step beyond the Americans. Instead of only sterilizing their inferior ‘human protoplasm’, they murdered those persons deemed racially or otherwise genetically inferior. Cohen wrote that Holmes’s decisive aphorism “three generations of imbeciles are enough” was “one of the most notorious statements to appear in a Supreme Court opinion” that was a “cruel insult that has rarely been delivered by a majority of the court—even in cases involving the most cold-blooded of criminals” (p. 270).

I would highly recommend this well-documented book that brings to light the history of this dark side of science and, especially, Darwinism.