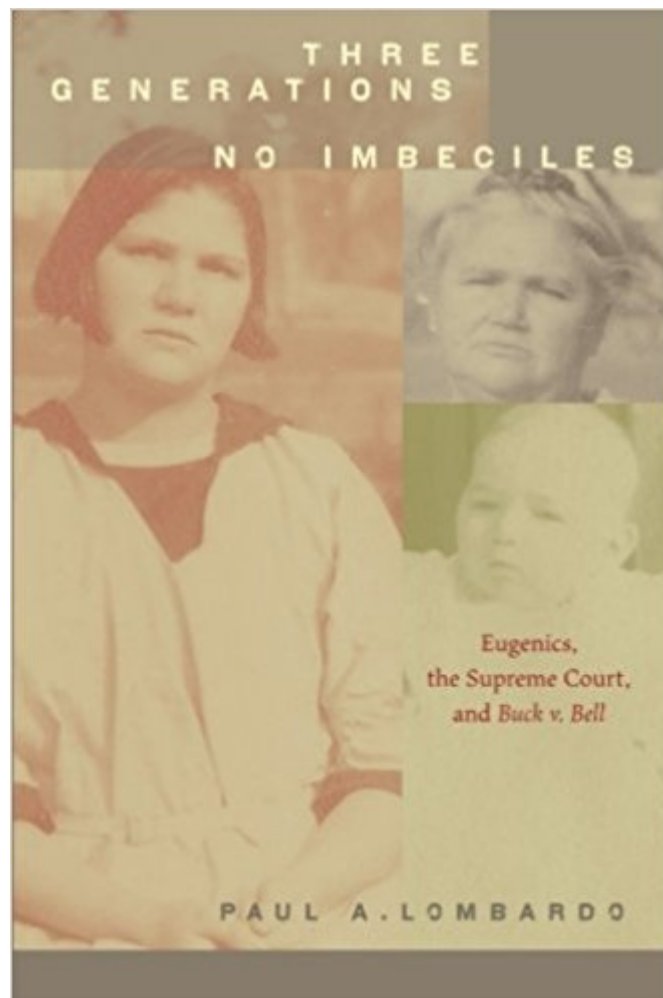




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Three Generations, No Imbeciles: Eugenics, The Supreme Court, And Buck V. Bell



Synopsis

"Three generations of imbeciles are enough." Few lines from Supreme Court opinions are as memorable as this declaration by Justice Oliver Wendell Holmes Jr. in the landmark 1927 case *Buck v. Bell*. The ruling allowed states to forcibly sterilize residents in order to prevent "feeble-minded and socially inadequate" people from having children. It is the only time the Supreme Court endorsed surgery as a tool of government policy. Paul Lombardo's startling narrative exposes the *Buck* case's fraudulent roots. In 1924 Carrie Buck was involuntarily institutionalized by the State of Virginia after she was raped and impregnated. She challenged the state's plan to sterilize her. Having already judged her mother and daughter mentally deficient, Virginia wanted to make Buck the first person sterilized under a new law designed to prevent hereditarily "defective" people from reproducing. Lombardo's more than twenty-five years of research and his own interview with Buck before she died demonstrate conclusively that she was destined to lose the case before it had even begun. Neither Carrie Buck nor her mother and daughter were the "imbeciles" condemned in the Holmes opinion. Her lawyer, a founder of the institution where she was held, never challenged Virginia's arguments and called no witnesses on Buck's behalf. And judges who heard her case, from state courts up to the U.S. Supreme Court, sympathized with the eugenics movement. Virginia had Carrie Buck sterilized shortly after the 1927 decision. Though Buck set the stage for more than sixty thousand involuntary sterilizations in the United States and was cited at the Nuremberg trials in defense of Nazi sterilization experiments, it has never been overturned. *Three Generations, No Imbeciles* tracks the notorious case through its history, revealing that it remains a potent symbol of government control of reproduction and a troubling precedent for the human genome era.

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Customer Reviews

Starred Review. Law professor and historian Lombardo does a superb job of revealing, for the first time, all the facts in the infamous Buck v. Bell case of the 1920s, the Supreme Court decision ratifying Virginia's compulsory sterilization of feeble-minded people. In the majority decision, Chief Justice Oliver Wendell Holmes Jr. called the plaintiffs manifestly unfit both mentally and morally, and insisted that three generations of imbeciles are enough. This decision "which has never been overturned" led to tens of thousands of involuntary sterilizations. Lombardo interviewed the last survivor of the three Buck women who were plaintiffs; turned up indisputable evidence that there was no feeble-mindedness in that family; unearthed previously unknown correspondence of Carrie Buck's attorney, who, believing the law to be necessary, mounted a deliberately insufficient defense; and documented the private family tragedy (an incestuous rape and resulting pregnancy) that lay behind the Bucks' encounter with doctors bent on exploring eugenics. His book is a testament to injustice and to ignorance "not that of the Buck women, but rather of powerful doctors, attorneys and Supreme Court justices. 17 b&w photos. (Oct.) Copyright © Reed Business Information, a division of Reed Elsevier Inc. All rights reserved. --This text refers to an out of print or unavailable edition of this title.

A 1927 U.S. Supreme Court ruling, *Buck v. Bell*, approved laws allowing states to sterilize the "feeble-minded" to keep them from having children. The case involved Carrie Buck, whose mother and daughter "like Carrie" had been adjudged "feeble-minded." At a time of growing debate about the practice of eugenics, feeble-minded was a label freely and frequently given to prostitutes, illegitimate children, and epileptics, as well as the mentally deficient. For a period, Carrie and her mother were both residents of the Colony, a facility that practiced the segregation and sterilization policies prevalent at the time. Supreme Court Justice Oliver Wendell Holmes Jr., in writing the decision, declared that "three generations of imbeciles are enough." The decision set in motion more than 60,000 sterilizations. Law professor Lombardo draws on 25 years of research, including interviews with Buck before she died, her medical and school records, correspondence with her attorneys, and other documents to support the claim that the case was a fraud against a poor girl who had been raped. An engrossing look at a shameful case. --Vanessa

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A must read story on the History of Eugenics in the United States and around the world. A story most Americans are ignorant of today. This horrific attitude was accepted, condoned and advocated by US Supreme Court Justice and former President William H. Taft and many other prominent Americans of the early 20th century. It became the basis for Hitler's mass sterilization in Germany and across Europe. There were over 60,000 of these procedures done in the US alone. All done with the intention of Society ridding itself of its undesirables. What is really shocking is that the laws that allowed this to take place are still on the books in many states.

Excellent

Okay read. Informative.

Excellent coverage of this shameful turning-point case in the horrific civil abuse of less fortunate members of society. I will never think of Oliver Wendell Holmes in any other light than his despicable declaration in the case of Carrie Buck: "Three generations of imbeciles are enough."

This is tightly written, well-documented book that lays out the personal and social background behind, and the aftermath following, the Supreme Court decision in *Buck v. Bell*. In the early 20th Century, eugenics was a hot social issue. Institutes and organizations were being established to promote the notion that progress in national health lay in purifying the human gene pool of traits such as epilepsy, imbecility and moral vices. Social studies research at the end of the 19th and beginning of the 20th Centuries had focused on dysfunctional families like the Jukes and Kallikaks, whose pedigrees were traced and documented to show that laziness and criminality was an inherited trait. The author of this book makes the interesting point that an impetus for the eugenics movement was the rediscovery of Mendel's genetics research in 1900, after it had been forgotten since 1865. Between the publication of Darwin's *Origin of the Species* in 1859 and 1900 (and for some time thereafter as the implications of genetics was incorporated into the scientific worldview) the means by which characteristics were developed such that they could be inherited had been uncertain. Darwin was not adverse to some combination of inheritance and a Lamarckianism, which posited that environment could shape individuals, who would then pass their developed characteristics on to their descendants. This same uncertainty beset proponents of eugenics, who

often believed that immoral behavior could be passed on genetically to subsequent generations, but that education was not as likely to lead to genetic improvement. Along with an uncertain idea of inheritance - amounting to a folk wisdom - the period had a definite but uncertain view about what constituted "imbecility." Several terms were tried out before "social inadequate" came to be the norm. Today, we see "socially inadequate" as class-based and open to abuse, but at the time it seemed self-evident. Today, we see the scientific and philosophical problems, but at the time, eugenics was cutting edge science. It was a time of social improvement with people to unheard of social controls, including vaccinations and hygienic "no spitting" ordinances, for the common good. For that time, the endorsement of science and progress, and a kind of bloody-mindedness that we find brutal today, led people to think of forced sterilization of the "socially inadequate" as a positive good for society and the individual sterilized. By the 1920s, 28 states, some of them the most "progressive" in the nation had passed forced sterilization laws. California and New York were "early adopters" of forced sterilization, and California was the most enthusiastic in sterilizing the "socially inadequate," sterilizing 20,000 before these laws were taken off the books in 1979. In Virginia, Dr. Albert Priddy, the superintendent of the Virginia Colony for Epileptics and Feeble-Minded, approached eugenics and forced sterilization with an almost messianic zeal. Priddy believed that he was quite capable of determining which "socially inadequate" women should lose the ability to reproduce in the interest of human progress. But he had almost been tripped up in forcibly sterilizing one young woman without legal authority, and he wanted a test case. Enter Carrie Buck. Carrie was committed to the Virginia Colony after she had turned up pregnant at age 18. Immorality was classically associated with "social inadequacy" and the breeding of future generations of welfare recipients. Carrie also had a mother she barely knew, Emma Buck, who was also an inmate at the Colony. In addition, Carrie's child was diagnosed at age 6 months as suffering from "imbecility." This gave Priddy "three generations of imbeciles," a classic instance of the hereditary nature of imbecility. Carrie gave Priddy his test case. Priddy had a longstanding relationship with attorney Aubrey Strode, who was the attorney for the Colony and had written Virginia's law on forced sterilization. Carrie was appointed an attorney, Irving Whitehead, friend of Priddy, who would report to the Colony's board on the progress in the case. With what appears to be a "show trial" where Carrie's lawyer was more interested in documenting that due process had been afforded than defending Carrie, the decision was made to sterilize Carrie. This led to a trip to the United States Supreme Court, where legal giant Oliver Wendell Holmes, Jr. wrote what he undoubtedly thought was a landmark decision in favor of science and progress, but which has either been ignored by progressives and those who adore Holmes, or brought up briefly as a case where Holmes just went

wrong. In a short decision, citing only one case - upholding a fine for refusing a vaccination - Holmes thundered that since the best of society could be called upon to lay their lives down for society, then those "who sap the strength of the state" could be called on for a "lesser sacrifice." "Three generations of imbeciles are enough." Beyond the brutality of the opinion, the fact seems to be that it was factually wrong. Carrie's child was determined to be quite intelligent, and Carrie herself, and her mother, were not imbeciles in the sense of not being able to care for themselves. Rather, the "evidence" against Carrie was jury-rigged to set up the test case. The most egregious example of the rigging of the evidence was the failure to present to the judge Carrie's version of her pregnancy, which amounted to the fact that she had been raped by the nephew of her foster-parents. It was a sad day in American judicial history. Paul Lombardo's book is well-worth reading for a glimpse into an episode that we lovers of progress and science want to forget. It is a useful warning to those who hold up "science" or "progress" as an argument stopper. For me, there were several things that I found particularly surprising or interesting. As a lawyer, I was surprised to realize that *Skinner v. Oklahoma* did not overrule *Buck v. Bell*. *Skinner* struck down an Oklahoma law that sterilized criminals on the grounds that (a) reproduction was a "fundamental right" (starting the fundamental right strand of Constitutional law analysis) and (b) the law was inexact in not requiring the sterilization of white collar crimes. Justice Douglas - the author of *Skinner* and a progressive enamored of science - did not question the assumptions of eugenics, he just didn't see the sense of it in the Oklahoma law. (p. 248.) As an amateur historian, I was surprised to learn that America's infatuation with eugenics was not cured by learning about the horrors of Nazi eugenics. There were individuals who did view forced sterilization as "smacking of totalitarianism," including Catholic priest J.E. Coogan. (p. 241.) However, as late as 1962, 80% of physicians favored sterilizing the retarded when there was a chance of their mental dysfunction being inherited. (p. 243.) Finally, as a Catholic, I found the emergence of a Catholic opposition to forced sterilization laws interesting. After being shoddily represented by her own attorney, it was a Catholic group - the Knights of Columbus, actually - that paid for a brief to argue for re-hearing before the Supreme Court, and had it presented by Irving Whitehead without naming them because of anti-Catholic prejudice. (p. 179.) According to Lombardo, the brief was the finest effort in Carrie Buck's defense. (p. 181.) Likewise, the only Supreme Court Justice who dissented was a Catholic, Justice Butler, described as the "papal representative to the Supreme Court." (p. 171.) Justice Holmes believed that Butler's "fear of the church" was the reason for the dissent, but Lombardo offers another explanation, which frankly did not convince me. (p. 171.) At the time of *Buck v. Bell* (1924), there was no declared or uniform position on forced sterilization and negative eugenics. There were some

Catholics who argued for the progressive line of forced sterilization, but Lombardo recounts enough facts, such as the petition for rehearing and a Catholic's opposition that defeated a forced sterilization law in one state, to suggest that the center of gravity in the Catholic world was against forced sterilization. In 1930, Pope Pius XI would declare the Catholic Church firmly against forced sterilizations in the encyclical *Casti Connubii*, (p. 224.) From that time on it seems that Catholic opposition to forced sterilization and forced eugenic measures solidified. It is not such a long time from 1930 to 1975. One wonders how the experience of fighting forced sterilizations played into the emergence of Catholic opposition to abortions and *Roe v. Wade*. By the time of *Roe*, Catholics would have had several decades worth of experience in dealing with issues relating to procreation. Carrie Buck died in 1982. Lombardo met her at a "District Home," where she was residing and found that while she had no anger, she certainly felt that she had been treated unfairly. Anyone reading this book would be hard pressed to deny that.

Paul A. Lombardo's history of *Buck v. Bell*, *Three Generations, No Imbeciles*, is a terrific telling of case of Carrie Buck, a young woman sterilized by Virginia in 1927 in order to prevent her from having more "socially inadequate" offspring. In 1924, supporters of a statute known as the Virginia Sterilization Act challenged the very law they helped author in hopes of gaining legal cover for their eugenic efforts. They claimed that reproduction among the "feeble-minded" was a proximate threat to the body social. According to the "expert" brought in by counsel to defend the Act, Buck was the daughter of a feeble-minded woman, was feeble-minded herself, and had demonstrated that she was a danger to the community by bearing an illegitimate feeble-minded daughter. The case made it all the way to the U.S. Supreme Court. In its 8-1 affirmation, Justice Oliver Wendell Holmes famously opined, "Three generations of imbeciles is enough." Lombardo presents documentary proof that Carrie Buck and her daughter were perfectly normal, perhaps even a bit above average, and that the 1924 proceedings which led to the Supreme Court's review were a sham, with prosecution and defense attorneys colluding to produce the desired outcome. Adding insult, Buck's daughter, the birth of whom signaled to many that Carrie was genetically predisposed to promiscuity, was the product of an incestuous rape. But Lombardo's story is about much more than a poor court decision. Lombardo tells a crackling tale, and tells it so passionately and so well that one barely notices that this is not a popularization or polemic, but a thoroughly documented work of history. His first 4 chapters are intended to serve mostly as a set up his central story of the legal history of eugenic laws in the United States. But in these 57 or so short pages, Lombardo contextualizes the cultural, political and scientific landscape that conditioned the passing and implementation of these

laws better than any history I have yet read. The author demonstrates a clear mastery of his material in the way he is able to pull quotes from an incredibly wide range of published sources and personal correspondence to create a novelistic narrative that never strays into territory not mapped by solid primary sources. Lombardo challenges us to see *Buck v. Bell* not as miscarriage of justice committed in service to a since discredited "science," but as a still relevant example of the dangers of rationalizing broad exceptions to personal liberty based on "emergency" conditions. Carrie Buck's "socially inadequate" baby was seen as a part of an invisible and fast moving invasion. It, along with foreign germs, foreign ideas and foreigners were proximate threats to the body politic which demanded expert extra-legal action lest the battle be lost before the country's slow moving constitutional system got around to okaying any action. Sound familiar?

Professor Lombardo has done a great service in exposing one of the vilest decisions the Supreme Court has ever made. His is the third book I have read on *Buck v. Bell* (as well as many articles) and it is by far the best. He has thoroughly researched all aspects of the case and has provided a well written, easy to read history of the eugenics movement in America. At times the book reads like a novel rather than a historic account. Lombardo develops personalities like a fiction writer yet maintains scholarly history accuracy. This book should be required reading in every high school in America. Roger Paull, Glendale, AZ

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