A Century of Eugenics in America

From the Indiana Experiment to the Human Genome Era

Edited by Paul A. Lombardo
A Century of Eugenics in America
BIOETHICS AND THE HUMANITIES

ERIC M. MESLIN AND RICHARD B. MILLER, EDITORS
From the Indiana Experiment to the Human Genome Era

EDITED BY

PAUL A. LOMBARDO

INDIANA UNIVERSITY PRESS
Bloomington & Indianapolis
FOR CONNI, CHRIS, AND CLARE
CONTENTS

· Preface & Acknowledgments  ix

· Introduction: Looking Back at Eugenics  Paul A. Lombardo  1

· Part 1. The Indiana Origins of Eugenic Sterilization
  1 The Hoosier Connection: Compulsory Sterilization as Moral Hygiene  Elof Axel Carlson  11
  2 The Indiana Way of Eugenics: Sterilization Laws, 1907–74  Jason S. Lantzer  26

· Part 2. Eugenics and Popular Culture
  3 From Better Babies to the Bunglers: Eugenics on Tobacco Road  Paul A. Lombardo  45
  4 “Quality, Not Mere Quantity, Counts”: Black Eugenics and the NAACP Baby Contests  Gregory Michael Dorr & Angela Logan  68

· Part 3. State Studies of Eugenic Sterilization
  5 From Legislation to Lived Experience: Eugenic Sterilization in California and Indiana, 1907–79  Alexandra Minna Stern  95
6 Eugenics and Social Welfare in New Deal Minnesota Molly Ladd-Taylor 117
7 Reassessing Eugenic Sterilization: The Case of North Carolina Johanna Schoen 141
8 Protection or Control? Women’s Health, Sterilization Abuse, and Relf v. Weinberger Gregory Michael Dorr 161

· Part 4. Eugenics in the Human Genome Era
9 Are We Entering a “Perfect Storm” for a Resurgence of Eugenics? Science, Medicine, and Their Social Context Linda L. McCabe & Edward R. B. McCabe 193
10 Modern Eugenics and the Law Maxwell J. Mehlman 219

· List of Contributors 241
· Index 243
In 1907, Indiana passed the first involuntary sterilization law in the world based on the theory of eugenics. In time more than 30 states and a dozen foreign countries followed Indiana’s lead in passing sterilization laws; those and other laws restricting immigration and regulating marriage on “eugenic” grounds were still in effect in the United States as late as the 1970s.

The centennial of Indiana’s pioneering enactment provided an opportune time to evaluate the historical significance of eugenics in America. On April 12, 2007, after more than two and a half years of planning, a group that included scholars, state officials, and members of the public assembled in Indianapolis for the culmination of the Indiana Eugenics Legacy Project. The project was designed to advance historical research on eugenics, to deepen our understanding of the varied ways “eugenics” was expressed intellectually, legally, and socially, and to help draw lessons from history for current policy makers.

The project included several specific events. Foremost among them was a public symposium held to mark the eugenic centennial. On that occasion the Indiana State Library launched an exhibit on the history of eugenics in Indiana as scholars engaged in panel discussions on the implications of eugenic policies. Professor Daniel Kevles, historian and author of *In the Name of Eugenics* (1985), provided a keynote lecture, as did Joe Palca, science journalist for National Public Radio. The highlight of the centenary activities was the unveiling of a historical marker that now stands on the grounds of the State Library, explaining Indiana’s role in the eugenics movement.
The Indiana secretary of health appeared on behalf of the governor
to condemn past eugenic abuses, adding her voice to that of the Indiana
legislature, which adopted a formal resolution decrying its role in eugenic
history. The Indiana Supreme Court held a conference on eugenic history
in its own courtroom. The coalescence of all three branches of state gov-
ernment to reflect on and repudiate the abuses that took place as part of
America’s eugenic past was unprecedented. Of particular significance was
the appearance of Jamie Coleman, a woman whose challenge to the le-
gality of her own involuntary sterilization in Indiana reached the United
States Supreme Court in the 1978 case of *Stump v. Sparkman*. She attended
the symposium and unveiled the historical marker.

The project also generated educational activities. In addition to the
Supreme Court seminar, a graduate school course on eugenics was held
at Indiana University–Purdue University Indianapolis. Articles were
published in the *Indiana Magazine of History* and *Traces of Indiana and
Midwestern History*, and several presentations were given by project par-
ticipants at state and national meetings such as the Indiana Association of
Historians, the American Public Health Association, and the American
Society of Law, Medicine, and Ethics. The exhibit that was displayed at
the State Library in Indianapolis was digitized for permanent display
online. By all measures, the project was a success.

In the past 25 years, scholars in the United States and several other
countries have documented the wide appeal of eugenics, and students
of contemporary science have used that research as a warning about po-
tentially troubling applications of the breathtaking new discoveries in
genetics. This volume, the final product of the Indiana Eugenics Legacy
Project, builds on that growing literature. The Indiana eugenic centen-
nial provided an opportunity to undertake original historical research.
In contrast to the many wide-ranging scholarly and popular surveys of
eugenics already available, this book was planned as an exploration of the
detailed and varied history of eugenics in America at the state and local
levels, beginning with its appearance in Indiana.

Authors of several recent historical works that analyzed regional
and state eugenic programs were invited to participate, along with other
scholars from the fields of law, genetics, and bioethics. Grant funding
supported the committee of scholars to travel to Indianapolis to attend
public events and to discuss their papers for a commemorative volume.
This group produced new scholarship that probed practices in Indiana, Georgia, California, Minnesota, North Carolina, and Alabama, along with other papers that explored perspectives on bioethics, law, race, and eugenics. Our goal was to create a volume that would contribute to the ongoing national discussion about the meanings of “eugenics” and how those meanings played out in specific and concrete contexts.

I want to thank several key people who were instrumental in bringing the Indiana Eugenics Legacy Project to fruition. First on the list is Eric Meslin, director of the Indiana University Center for Bioethics. When I contacted Eric in 2004 with a reminder that the centennial of the Indiana sterilization law was approaching, he enlisted the expertise of IU historian William Schneider. Bill led the Legacy Project, managing the efforts to secure funding and bringing together the wide diversity of people who eventually contributed to the project’s success. We then asked Alexandra Stern of the University of Michigan to join our planning group. Her own experience as a historian with an in-depth knowledge of Indiana’s eugenic past represented another welcome resource. Without the skills of Eric, Bill, and Alex, this project would not have occurred.

Judi Izuka Campbell, a research associate in the Medical Humanities & Health Studies program, provided invaluable assistance in managing project logistics. Another IU colleague, David Orentlicher, used his considerable skills as physician, lawyer, and member of the Indiana House of Representatives to shepherd the eugenics resolution through the General Assembly. Thanks to Judi and David for their contributions to the project.

Special thanks are also due to the National Institutes of Health’s Human Genome Institute’s Ethical, Legal, and Social Issues program, which provided funding for the 2007 symposium and support for this volume. I also want to thank Dean Steven Kaminshine of the Georgia State University College of Law for providing summer support that allowed me to complete the work of compiling this volume.

*Paul A. Lombardo*

*April 2010*
A Century of Eugenics in America
A quick internet search identifies that word as the invective *du jour* in public discourse, shorthand for everything evil. Most often those who brandish the “E” word condemn it as the nadir of “pseudo-science” and make explicit reference to Hitler and the Holocaust. And after many years of absence from public consciousness, terms like *eugenicist* are now regularly employed to skewer a political opponent, to condemn the teaching of evolution, and to oppose some feature of health care reform. The specter of eugenics is also commonly invoked to question the use of new technologies and the pursuit of science more generally. Clearly the meaning of the term *eugenics*, praised a century ago as a science made up of “fact not fad,”¹ and used to signal the study of those “hereditarily endowed with noble qualities,”² has undergone a sea change.

Part of the reason for the recent reemergence of *eugenics* as an almost exclusively pejorative term is the expansion of scholarship that has explained the origin of the U.S eugenics movement.³ Many people are still shocked to hear that practices such as eugenic sterilization began in the United States long before they were taken up in totalitarian settings such as Nazi Germany. Because of the power of that historical trajectory, a linkage is assumed—both too often and too quickly—between anything “eugenical” and the rise of the Third Reich.

But historians of eugenics have been saying for decades that from the first enunciation of Galton’s “brief word to express the science of improving stock,”⁴ eugenics took on an ever-changing variety of meanings,⁵ and that those sometimes complementary, sometimes contrasting meanings generated “competing and evolving varieties of eugenics.”⁶
The essays in this book do not propose a single definition that captures the meaning of eugenics. They are instead attempts to describe and analyze the many ways that term was used to justify cultural shifts, social programs, and laws in the United States. There is no extended discussion of the “eugenics movement” in these essays either, both because most of the nationally prominent eugenic organizations have already been well studied and because the general focus here is not on national trends but on how those trends played out in ways that were unique and local. Eugenics took many forms, and different agendas were launched “in the name of eugenics.” This book traces the career of several of those agendas, with particular attention to legal activities at the state level. The first eight essays are by historians; seven of them are about features of sterilization law in one or more states. While sterilization is clearly only one expression of the group of ideas we think of as eugenics, it still draws historical attention because it was practiced so regularly in the United States for so long. It also generated legal and administrative records that are the raw material of much historical study.

The eighth historical essay is about race and the way eugenic thinking of one kind was adopted even by those who might have been victimized under “eugenics” of another stripe. Race is touched upon in several other chapters, and that is hardly surprising, since racially and ethnically discriminatory laws, from Jim Crow to genocide, represent some of the most notorious examples of the policies we understand as eugenics.

The book is completed with two essays from perspectives outside of history: law and biomedical science. They too allude to history, but also bring our inquiry up to date with reflections on the era of the human genome. The book as a whole can be broken down into four parts, as summarized below.

PART 1. THE INDIANA ORIGINS OF EUGENIC STERILIZATION

Two essays place Indiana as first among all the states to begin the “experimental stage” of eugenics, with specific attention to Dr. Harry Clay Sharp, a prime mover in the legalization of eugenic surgery, followed by an in-depth view of the state legislative process that yielded the first sterilization law.
Elof Carlson reminds us that the roots of twentieth-century eugenics had burrowed deep even before that word was coined. Oscar McCulloch’s nineteenth-century tale of the Tribe of Ishmael relied on earlier degeneracy theory to convince readers of the social costs of wandering tribes and the problem families they nurtured. McCulloch’s fixation on the Ishmaelites—a group not responsive to his charitable reforms—foreshadows the later account in this book of the Bunglers, another pseudonymous clan that seemed impervious to a reformer’s efforts.

Carlson surveys a broad sweep of social and cultural history, reaching back to the history of English Poor Laws for an explanation of how new ideas on the role of public philanthropy developed in turn-of-the-century Indiana. He also highlights the importance of the new technology of surgical vasectomy, which became available to Dr. Sharp when his career as prison physician was just beginning and was viewed for a time as therapeutic for the criminals to whom it was applied. Its use as a eugenic tool to isolate the seeds of criminality within those already convicted of crime was considered a value-added feature of the novel surgical technique.

Jason Lantzer moves the discussion of Indiana’s 1907 sterilization law forward, tracing it to interest group politics. Rather than focusing on a grassroots movement, he details the small cadre of reformers, politicians, and physicians whose first efforts at eugenic law resulted in denying marriage licenses to the poor and disabled and eventually produced sterilization laws that in various incarnations remained in place in the state for almost seven decades. Lantzer explores the political and legal climate surrounding Indiana’s sterilization laws during that period and explains how the law changed over time to fit the idiosyncratic needs of advocates. He also identifies the changing targets of Indiana sterilization law, which included criminals, the “feebleminded,” the mentally ill, and people with epilepsy. Similar insights about the officials who administered sterilization laws and the changing motives they articulated are evident in later local accounts of sterilization in this volume. The next two articles provide examples of the broad reach of eugenics in American culture.

PART 2. EUGENICS AND POPULAR CULTURE

A common theme among most of these essays is the role of economic pressures, real or imagined, on the adoption of practices described as “eu-
The work of novelist Erskine Caldwell confronted Georgians with the problems of poor families in their midst during the Great Depression. Caldwell’s insistent focus on the most desperate families—described in both his fiction and his newspaper reportage—heightened attention to proposals for a sterilization law as the solution to intergenerational familial poverty. Chapter 3 connects the career of Georgia’s 1937 sterilization law to debates over poverty and eugenics fueled by Caldwell’s work.

The second essay in this group identifies the power of eugenic thinking in unlikely places: among the writings of W.E.B. Du Bois in the National Association for the Advancement of Colored People magazine, the Crisis, and other Du Bois publications in Margaret Sanger’s Birth Control Review. Gregory Dorr and Angela Logan review the writings of Du Bois alongside other African American leaders. They find a brand of “black eugenics” that de-emphasized interracial differences and instead encouraged reproduction of quality traits among the most “fit” members of black society. They analyze a baby contest sponsored by the NAACP, started as a vehicle for raising money to combat the scourge of lynching. The contest succeeded as a funding vehicle, while simultaneously highlighting the growth of the “talented tenth” within Du Bois’s own community.

PART 3. STATE STUDIES OF EUGENIC STERILIZATION

The next four chapters are case studies that further explain how eugenic sterilization law was applied in key states. Alexandra Stern details the use of eugenic sterilization in mental institutions in California and compares western practices to the application of surgery in the correctional system in Indiana. Her chapter introduces us to the lives of those most affected by sterilization law—institutionalized patients. Their stories are revealed through hospital records and other archival material containing accounts of both resistance to sterilization and acquiescence to its application by the families of those subject to sterilization laws.

Molly Ladd-Taylor looks at the control of sterilization by local welfare officials in Minnesota during the New Deal. There, sterilization occurred as part of a child welfare policy and was just one part of what its supporters considered a systematic approach to management of social conditions. Procedures for commitment to state institutions as well as the process of
public guardianship were closely linked to decisions about which people would be sterilized. In a system that often appeared coercive, patient acquiescence to sterilization could sometimes represent a truly voluntary acceptance of permanent birth control. Ladd-Taylor also points out the distance between the wishes of fervid “eugenicists” in Minnesota and their less ideologically driven counterparts who controlled the sterilization bureaucracy in that state.

Johanna Schoen frames her discussion of North Carolina sterilization history within the story of an operation that occurred in 1968, at a time when most states had all but abandoned the practice. At that late date, the emphasis in North Carolina was on young black women, and those who endured surgery were often known to be victims of rape and incest. Public rhetoric about fears of burgeoning welfare rolls sounded alongside concern about sexual activity outside of marriage. The number of surgeries done in North Carolina was partially explained by a unique feature in that state’s law. It was the only state in the country that allowed social workers to petition for sterilization of people living outside of hospitals and asylums in the community at large.

The final essay in this group chronicles the legal case that finally interrupted the widespread use of sterilization in public institutions in the mid-1970s. Gregory Dorr draws our attention to Alabama, another southern state, but one where most sterilization occurred outside the limiting rubric of any “eugenics” law. Dorr links the case of *Relf v. Weinberger* to policies launched as welfare reform during the presidency of Richard Nixon. Illegitimate mothers provided a political target for Nixon just as they had for politicians in Carrie Buck’s day, and extending sterilization beyond institutions was accomplished via Nixonian welfare policy, just as it was by the expansive North Carolina law portrayed by Johanna Schoen. Dorr completes his account of the national sterilization politics during the Watergate era with a discussion of the significance of sterilization regulation to reproductive autonomy more generally.

**PART 4. EUGENICS IN THE HUMAN GENOME ERA**

The book is rounded out with two essays by scholars from the biomedical sciences and law: reflections by a geneticist and a physician/geneticist on