Chapter Six
A Comparison of American and Nazi Sterilization Programs.

In February 1937 the American Eugenics Society sponsored a conference on Eugenics in relation to Nursing at the Hotel Delmonico in New York. One of the featured speakers was Dr. Marie Kopp, (1888-1943) who had toured Germany in 1935 for the Oberlander Foundation studying the administration of the Nazi eugenic sterilization laws. In his summary of Dr. Kopp’s paper, Frederick Osborn, then Secretary of the Society, had occasion to remark that "the German sterilization program is apparently an excellent one" and that "taken altogether, recent developments in Germany constitute perhaps the most important social experiment which has ever been tried."\(^2\)

\(^1\) Very little information is available on Dr. Kopp. A New York Times obituary states that she was affiliated with the Rockefeller Foundation and a founder of the Pestalozzi Foundation. She was born in Lucerne, Switzerland. See New York Times 12/16/43, p. 27.

I have not been able to locate any biographical information on Dr. Kopp. She apparently held a Ph.D. in sociology.

\(^2\) Frederick Osborn, "Summary of the Proceedings" of the Conference on Eugenics in Relation to Nursing, 2/24/37 AES Papers. The "Summary of the Proceedings" was also mailed to the AES membership in slightly revised form as a circular letter dated 2/24/37. See Mehler and Allen, "Sources in the Study of Eugenics #1," Mendel Newsletter (June 1977) note 6 on page 15. See also Dr. Kopp’s presentation to the "Symposium on Sterilization" held at the New York Academy of Medicine in November 1936 entitled: "Eugenic Sterilization Laws in Europe," and published in the Am. Journal of Obstetrics and Gynecology 34 (Sept. 1937) pp. 499-504, and her article, "Legal and
In 1977, Garland Allen and I used Osborn's obviously enthusiastic approval of the Nazi eugenics programs to question the notion propagated by Mark Haller and Kenneth Ludmerer, that the American Eugenics movement had undergone drastic changes by the 1930s. According to Haller and Ludmerer, the eugenics movement in the United States had been shaped by naive and simplistic notions of human genetics as well as class and race bias. By the 1930's a new leadership was supposed to have taken over the movement. This new leadership was "genuinely interested in mankind's genetic future." They "propounded a new eugenic creed which was scientifically and philosophically attuned to a changed America." The eugenic measures espoused by the Nazis, according to Ludmerer, "were obviously a perversion of the true eugenic ideal as seen by well-meaning men deeply concerned about mankind's genetic future."  


The effort to exonerate eugenics of guilt for the Holocaust continues. In May 1985, Lloyd Humphreys, professor emeritus at the University of Illinois, called
In the same year that Allen and I challenged this thesis (1977), Loren Graham published an influential comparative study of Weimar and Russian eugenics. He suggested that Nazi eugenic policies represented a major departure from Weimar eugenics of the 1920s in which "humane socialist principles predominated." Thus, the impression given by Ludmerer and Graham was of two eugenic movements changing in opposite directions with apparently no interaction. American eugenics was becoming more humane and scientific while German eugenics was abandoning the "humane socialist principles" of the 1920s. Both agreed that Nazi eugenics was somehow a major perversion of eugenics. for a new eugenic policy to stem the dysgenic trend in the American population. Recognizing the problem of advocating eugenics in the post-Holocaust era, he said, "Anger and horror at the practices of Nazi Germany are understandable and justified, but we should not allow those emotions to determine our own policies. A group of insane evil men established practices that were antithetical to every aspect of Galton's definition of eugenics." Humphreys, "Intelligence and Public Policy," paper presented at the symposium: Intelligence, Measurement and Public Policy. Held at the University of Illinois, April 30-May 2, 1985.

This study stresses the continuity and coherence of eugenics both nationally and internationally. It does not mean to imply that there were no differences between American and Nazi eugenics or between Weimar and Nazi eugenics but it does challenge the notion that Nazi eugenics was a "perversion" of eugenics. Eugenicists from all over the world met at international conferences, participated in international eugenic organizations, toured and lectured in each other's countries, translated and reported on each other's research, and carefully examined legislative initiatives in each other's countries. This is not to say that national differences did not exist, but that continuity confronts the problem head on. "Does eugenics include brutal racist evolutionary practices such as those of Nazi Germany?" Bajema's answer is an emphatic no. See the discussion of Bajema in the introduction to this study (page 14, footnote 20). He claims that Francis Galton employed two criteria for a true eugenics program: The policy must be humane and it must be effective. It was clear to Bajema that "the inhuman racist practices of Nazi Germany fail both criteria and cannot be called eugenic." Bajema, Eugenics: Then and Now (Stroudsburg 1976) p. 5. The attempt to separate eugenics from the negative associations of the Nazi regime began in the mid-forties. See Henry Sigerest, Civilization and Disease (Chicago 1943) pp. 106-107. Sigerest writes, "I think it would be a great mistake to identify eugenic sterilization solely with the Nazi ideology and to dismiss the problem simply because we dislike the present German regime and its methods... The [eugenic] problem is serious and acute, and we shall be forced to pay attention to it sooner or later." Quoted from Ludmerer, Genetics, p. 117. For an article entirely free of this misperception see Jeremy Noakes, "Nazism and Eugenics: The Background to the Nazi Sterilization Law of 14 July 1933," in R.J. Bullen et. al. (eds.) Ideas into Politics: Aspects of European History 1880-1950 (London and New Jersey 1984) pp. 75-95.
and interaction were more pronounced than differences.\textsuperscript{5}

Furthermore, the American and German eugenician were particularly close in ideology in the thirties.

With regard to eugenic sterilization, Marie Kopp remarked, America "served as an example to the rest of the world." The first sterilization law was passed in Indiana in 1907. Between 1907 and 1928, when the first European sterilization law was passed in the Swiss Canton de Vaud, Americans had enacted nearly thirty state sterilization laws. Between 1928 and 1936 a number of European states also passed sterilization laws including Denmark (1929), Germany (1933), Sweden and Norway (1934), Finland and Danzig (1935), and Estonia (1936). All of these laws, according to Dr. Kopp, were modeled on and inspired by American efforts.\textsuperscript{6}

\textsuperscript{5} See, for example, the many papers presented at the three international conferences of eugenics in 1912, 1921, and 1933. The sharpest international differences in eugenics were between the Catholic and Protestant nations. Many Catholic nations had thriving eugenics movements. But in these countries sterilization was generally disapproved of as a means of eugenical control. The eugenics movements in Germany, America, and England were quite close ideologically.

Furthermore, the American and German eugenicists were particularly close in ideology. The German and American movements each regularly translated the literature of the other, and the German movement was closely followed in the American eugenic press. In June 1936, Heidelberg University planned a celebration in honor of its 550th anniversary. Harry Laughlin, the author of *Eugenical Sterilization in the United States* (Chicago 1922), was offered an honorary degree in recognition of his services to eugenics. Laughlin wrote that he would be glad to accept "not only as a personal honor, but as evidence of the common understanding of German and American scientists of the nature of eugenics as research in and the practical application of those

sterilization law and the full text of the Norwegian sterilization bill in Vol. 28 #5 (September 1933) pp. 89-95. Eugenic sterilization was legal in all Swiss Cantons under the Medical Practices Act and could be performed at the discretion of the physician with the permission of the individual or guardian. See Marie Kopp’s review of S. Zurukzoglu, *Verhütung Erbkranken Nachwuchses* (Basel 1938) in *Eugenical News* 24 #1 (March 1939) pp. 7-8.

The German law was much more comprehensive than all other similar laws and bills and incorporates more safeguards than any other bill.

The Germans had been following the American sterilization legislation closely. Geza von Hoffman, the Austro-Hungarian Vice-Consul, took a keen interest in eugenics. After being transferred to Berlin he became an active member of the Deutsche Gesellschaft für Rassenhygiene and published extensively on the American sterilization programs. For more on this see Noakes, "Nazism and Eugenics," in R.J. Bullen et. al. (eds.) *Ideas into Politics: Aspects of European History 1880-1950* (London and New Jersey 1984) pp. 75-95 and K. Novak, *Euthanasie und Sterilisierung im "Dritten Reich."

fundamental biological and social principles which determine racial endowments and the racial health... of future generations."

The Nazi takeover enabled German eugenicists to achieve long sought goals, but at least until the outbreak of the war the movement did not substantially alter its goals. Some American eugenicists did not approve of Nazi totalitarianism (though some did), but they did not see the German eugenics legislation as corrupted by the Nazi regime. As Osborn remarked, "Germany’s rapidity of change with respect to eugenics was possible only under a dictator."

But, as doctor Kopp pointed out in her paper, the eugenic legislation enacted by the Nazis had "been on the docket for many years."

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8 Randy Bird and Garland Allen, "Archival Sources in the History of Eugenics," J. of the History of Biology 14 #2 (Fall 1981) p. 351. The most popular German eugenics text, Menschliche Erblichkeitslehre (Munich 1927) was translated into English and widely read in the United States. See Human Heredity (New York 1931) translated by Eden and Cedar Paul. Many American eugenic texts, including Madison Grant’s classic, The Passing of the Great Race (New York 1916), were translated into German. The Eugenical News is filled with news from Germany and reviews of German texts.

Recent work on the German eugenics program supports this view. Gisela Bock, in a landmark essay entitled, "Racism and Sexism in Nazi Germany," writes that by the end of World War I "sterilization was widely and passionately recommended as a solution to urgent social problems."^10

Holmes, Human Genetics and its Social Impact (New York 1936) and Leon Whitney, The Case for Sterilization (New York 1934). In England the Nazi eugenics law "was much discussed in the English press." C.P. Blacker, who was no fan of the Nazis, felt constrained in his book, Voluntary Sterilization (London 1934), to defend the German eugenic law against claims that it would be used as an instrument of persecution. While he admitted that such a possibility existed, he pointed out that the law itself did not allow for such abuse. Blacker quoted the law and informed his English readers that he did not believe the law was designed for the improper sterilization of political prisoners or for racial persecution. Blacker, pp. 87-90. The German Reichstag did not favor eugenic legislation before 1933. In response to bills advocating eugenic sterilization, bills were introduced into the Reichstag in 1914 and 1918 which plainly stated that sterilization and abortion could only be performed if there was a threat to the life or limb of the mother. War and revolution prevented the Reichstag from taking action on these bills. After the war, particularly after 1927, the eugenics movement in Germany made great gains. Eugenic sterilization would probably have become law without a Nazi takeover. See Noakes, "Nazism and Eugenics," in R.J. Bullen et. al. (eds.) Ideas into Politics: Aspects of European History 1880-1950 (London and New Jersey 1984) p. 81.

^10 Gisela Bock, "Racism and Sexism in Nazi Germany," Signs: Journal of Women in Culture and Society 8 #3 (Spring 1983) quoted from a slightly revised version reprinted in Renate Rindenthal et. al. When Biology Became Destiny: Women in Weimar and Nazi Germany (New York 1984) p. 274. Bock comments in her footnote (#15 on page 291) that there had been extensive writing on this subject in the 1920s. She notes that even Chase "seems to underestimate the German roots of the movement." For a more thorough examination of these issues by Bock see Zwangsterilization im Nationalsozialismus: Studien zur Rassenpolitis und Frauenpolitik (Opladen 1986). See also "Frauen und ihre Arbeit im Nationalsozialismus" in A. Kuhn and G. Schneider, eds. Frauen in der Geschichte (Dusseldorf 1979) pp. 113-149.
Paul Weindling, who has written on Weimar eugenics, notes that the emphasis on negative eugenics "pre-dated the Third Reich." He quotes the geneticist Richard Goldschmidt, who complained that the Nazis "took over our entire plan of eugenic measures." The legislation which the Nazis promulgated in July 1933 had been developed and lobbied for during the Weimar years. Weindling concludes that "authoritarian politics provided favorable circumstances for eugenicists to exert influence on social policy in the planning of sterilization legislation."\textsuperscript{11}

Despite all the revisionary work which has been done, no one has actually compared the American and German eugenicists' views on these issues or the legislation that emerged in the two countries. Several historians have suggested that the Nazi eugenic sterilization laws were modeled after the American laws, but no detailed examination has been carried out to see just how much ideological affinity existed in regard to these issues.\textsuperscript{12}

\textsuperscript{11} Paul Weindling, "Race Blood and Politics," \textit{Times Higher Ed.}, 19 July 1985; "Weimar Eugenics," \textit{Annals of Science}, 42 (1985), 304, 318. See also \textit{Eugenical News} 19 (July-August 1934) p. 107. A news article reports on the eleventh meeting of the International Federation of Eugenic Organizations held in Zurich, 18-21 July 1934. The report states that eugenics was being tackled in Germany with "characteristic thoroughness and efficiency. The main direction is in the hands of scientific men who have long been leaders of this field, and it seems to be going on sound and truly eugenic lines."

\textsuperscript{12} See, for example, Allan Chase, \textit{Legacy of Malthus} (New York 1980) p. 349; Randy Bird and Garland Allen, "Archival Sources in the History of Eugenics #3: The Papers of Harry Hamilton Laughlin," \textit{The J. of the History
The German and American views on eugenic sterilization were fundamentally the same throughout most of the 1930s. This is not to say that individual eugenicists did not disagree with some aspects of the program or that some American geneticists did not criticize the program as a whole, but the many efforts that have been made to distinguish Nazi eugenics from "humane socialist eugenics," "new eugenics," or "reform eugenics" obscures the fundamental coherence of eugenic ideology in the United States and Germany in the thirties.

The Nazi sterilization law was promulgated on 26 July 1933. Within two months the Eugenical News printed a major evaluation of the law including its complete text in translation. The Eugenical News praised the Nazi government for being the "first of the world’s major nations to enact a modern sterilization law." The German law "reads almost
like" Harry Laughlin's "American model sterilization law"\[^{14}\] and along with the American statutes will "constitute a mile stone" (sic) in the advance in controlling human reproduction.

The new law is clean-cut, direct and "model." Its standards are social and genetical. Its application is entrusted to specialized courts and procedure. From a legal point of view nothing more could be desired.

Indeed, the *Eugenical News* editorialized, "it is difficult to see how the German sterilization law could be deflected from its purely eugenical purpose, and be made an 'instrument of tyranny' for the sterilization of non-Nordic races."\[^{15}\]

Paul Popenoe, director of the Human Betterment Foundation and member of the Board of Directors of the American Eugenics Society, published an alternate translation of the full text of the German sterilization law.

\[^{14}\] There is no hard evidence that the Nazi sterilization law was actually "based" on Laughlin's model law. Laughlin himself is probably the source of this observation since he was editor of the *Eugenical News* in 1937 and wrote most of the unsigned articles. My point here and in the following paragraphs is simply to show the enthusiasm and pride American eugenicists expressed in regard to the German law. Rightly or wrongly, the Americans took credit for the German law.

\[^{15}\] The law was titled, "Gesetz zur Verhütung erbkranken Nachwuchses." *Eugenical News* 18 #5 (September/October 1933) pp. 89-95. In the same issue the *Eugenical News* printed the text of the Norwegian sterilization bill which was much less rigorous than the German law. It allowed for the sterilization of anyone who was not self-supporting and for the castration of anyone who has sex with children under the age of 14 years. It contained none of the safeguards of the Nazi law.
in the *Journal of Heredity* in July 1934. He too maintained that the law was clearly based on American models and stated his belief that the majority of American eugenics experts recognized it as "better than the sterilization laws of most American states." The safeguards against abuse were the best to be found anywhere in the world.\(^6\)

While the law itself was considered excellent, Popenoe commented, "the success of any such measure naturally depends on conservative, sympathetic and intelligent administration." The Nazis were doing their best to prevent criticism by gathering "about it the recognized leaders of the eugenics movement, and to depend largely on their council in framing a policy which will direct the destinies of the German people, as Hitler remarks in *Mein Kampf*, 'for the next thousand years.'"\(^7\)

The German law resembled Laughlin's model in allowing for the sterilization of eight classes of "hereditary"

\(^6\) Popenoe, "The German Sterilization Law," *Journal of Heredity* 25 #7 (July 1934) pp. 257-260. Popenoe not only praised the sterilization law, he also praised Hitler who "bases his hopes of national regeneration solidly on the application of biological principles to human society." He went on to quote extensively from *Mein Kampf*. Popenoe also defended the Nazis privately. See Popenoe to L.C. Dunn, 22 January 1934. LCD Papers, quoted in Ludmerer, p. 117.

diseases including feeble-mindedness, schizophrenia, manic-depressive insanity, epilepsy, Huntington's chorea, hereditary blindness, deafness and malformation. It also allowed for the sterilization of alcoholics under a separate category. There was a good deal of debate as to whether alcoholism was hereditary, and the law apparently therefore allowed the sterilization of alcoholics under a category separate from "hereditary diseases."\(^{18}\)

Even when a family member of an incompetent person requested sterilization, permission had to be obtained from the Court of the Wards. If the individual were a minor, incompetent, or mentally deficient, a ward could apply to the court. In all cases of legal incompetency a legal guardian was necessary. A licensed physician had to append a certificate to all voluntary sterilization orders stating that the person has "had the purpose and consequences of sterilization explained to him."

Sterilizations could also be requested by public health officials for inmates of hospitals, custodial institutions, or penitentiaries. The petition had to be submitted in writing to the District Eugenical Court (Erbsgesuntheitsgericht) and supported by a medical certificate. The decision rested with the Eugenical Court. Attached to the

Magistrates Court, the Eugenical Court consisted of three members: a judge, (as chairman), a public health physician, and a physician "particularly versed in eugenics." None of these three could either initiate a petition for sterilization or perform the operation, nor could a physician who initiated a petition perform the operation. Legal council had to be provided for the defendant and all costs both legal and medical were to be borne by the state. A special court of appeals was set up and any challenge to the lower court decision automatically suspended the ruling until it could be reviewed.

The Eugenical Court had all of the authority of a regular court. Witnesses could be called and were obliged to testify. The court decision was based upon a majority vote and had to be delivered in writing and signed by the members of the tribunal. The reason for ordering or suspending a sterilization had to be stated in the order, and the decision had to be delivered to the applicant as well as the person whose sterilization had been ordered or to that person's legal counsel.

The decision of the court could be appealed within one month and an appeal automatically postponed the procedure until the Supreme Eugenical Court could review the case and pass judgment. The Supreme Eugenical Court was composed of a judge from the District Superior Court, a public health physician, and another physician especially versed in
eugenics. The decision of the Supreme Court was final. If approved, the sterilization was to be performed only at a hospital and by a licensed physician. Finally, all persons involved in the procedure were "pledged to secrecy." Violation of this confidence was punishable with imprisonment of up to one year or a fine.19

Daniel Kevles remarks that the German sterilization law "went far beyond American statutes" in that it applied to all persons "institutionalized or not, who suffered from allegedly hereditary disabilities."20 In practice, this was an important distinction. Some two-thirds of the victims of the Nazi sterilization program were not institutionalized. However, in principle, the American and German sterilization programs sought to sterilize the same population.

The most famous American sterilization law, the Virginia law, was challenged on the grounds that it violated the principle of equal protection since it applied only to institutionalized persons. Oliver Wendell Holmes spoke directly to this concern in Buck v. Bell (1927). Holmes pointed out that the Virginia compulsory sterilization law sought to sterilize all persons with hereditary defects, not just those institutionalized. It did not violate the equal protection clause because "the law does all that is needed when it does all that it can." The law, he said clearly

19 The law went into effect 1 January 1934.
20 Kevles, In the Name of Eugenics, p. 116.
sought to bring all "similarly situated so far and so fast
as its means allow" under its jurisdiction.

so far as the operations enable those who
otherwise must be kept confined to be returned
to the world, and thus open the asylum to
others, the equality aimed at will be more
nearly reached. 21

Doctor J. H. Bell, Superintendent of the State Colony
for Epileptics and Feebleminded of Virginia, made this point
explicit in a talk before the American Psychiatric
Association at Atlanta, Georgia, in May 1929. Bell stated:

There is, of course, no object in sterilizing
an institutional inmate who is not still within
the reproductive period or who will not be
returned to the population at large.... We
believe that a widespread operation of
eugenical sterilization under institutional
control ... will, in the course of time,
greatly reduce the number of defective and
dependent people within our population. 22

The Commonwealth of Virginia aimed to sterilize only
those who could "be safely discharged or paroled and become
self-supporting with benefit to themselves and to society."
Carrie Buck was institutionalized only after she became
pregnant. She was released immediately after she was
sterilized. Her sister Doris Buck was brought to the State
Colony specifically to be sterilized and was released
immediately after her sterilization. It was clear that the

21 Kesles, In The Name of Eugenics, p. 116. Buck v. Bell,
Supreme Court Reporter 47 (St. Paul 1928) pp. 585.

22 J. H. Bell, "Eugenical Sterilization," Paper presented
before the American Psychiatric Association at Atlanta,
Georgia, May 1929. Quota from the Eugenical News 14 #10
(October 1929) p. 151-2.
provision in the law to sterilize institutionalized persons was not meant to restrict the population of those to be sterilized. The Virginia law and the Nazi law actually aimed to sterilize the same people. It was only a technical mechanism of the Virginia law that differed. If the law really did single out an institutionalized population for special treatment it would have violated the equal protection clause and would have been unconstitutional. Thus, the difference was not as significant as it has sometimes been seen to be.\textsuperscript{23}

In actual operation there were a number of factors which made it easier to perform a sterilization under the

\textsuperscript{23} See "An Act to provide for the sexual sterilization of inmates of State institutions in certain cases," \textit{Acts of the General Assembly of the State of Virginia} (Richmond 1924) pp. 569-571.

Carrie Buck had lived with the Dobbs family in Charlottesville, Virginia, until she was seventeen years old. She had completed the sixth grade in school and had a congenial relationship with the family. The Dobbs family sought her commitment on 23 January 1924, after they discovered that Carrie was pregnant. During the hearings to establish Carrie’s eligibility for sterilization, Arthur Estabrook, the eugenics expert from the Eugenics Record Office sent to testify in the case, was asked if Carrie was incapable of self support. He was specifically asked, "would she land in the poorhouse." He answered, no, "she would probably land in the lower-class area in the neighborhood in which she lives." Estabrook went on to explain that she "is incapable of taking care of herself in the manner in which society expects her to." Quoted from Dudziak, "Oliver Wendell Holmes as a Eugenic Reformer," \textit{Iowa Law Review} 71 #3 (March 1980) p. 850. See Gary Robertson "I Wanted Babies Bad," \textit{Richmond Times Dispatch} 2/23/80. See also Smith, \textit{Minds Made Feeble} pp. 144-7. For a detailed review of Buck v. Bell see R. J. Cynkar, "Buck vs. Bell: Felt Necessities vs. Fundamental Values?" \textit{Columbia Law Review} 81 (1981) pp. 1418-61.
Virginia law than under the Nazi law. The Virginia law
states that "whenever the superintendent" of any of the five
state hospitals "shall be of the opinion that it is for the
best interests of the patient and of society that any inmate
of the institution under his care should be sexually
sterilized, such superintendent is hereby authorized to
perform, or cause to be performed... the operation." The
Virginia law differed somewhat as to the categories subject
to sterilization, stressing "hereditary forms" of idiocy,
insanity, imbecility, feeblemindedness, or epilepsy and
leaving out alcoholism, Huntington's chorea, hereditary
blindness, deafness and malformation. It should be noted
however that these categories were included in Laughlin's
model law and were included in other state laws.

The superintendent had first to present a petition for
sterilization to a special board of his hospital which he
was charged to establish to deal with such cases. He would
then state the facts of the case and the grounds for his
recommendation. A copy of the petition was then to be
served to the "inmate together with a notice in writing
designating the time and place" of sterilization and giving
the inmate at least thirty days notice. "A copy of the said
petition shall also be served upon the legal guardian." If
no guardian existed the superintendent applied to the
Circuit Court to appoint one. The guardian was paid a fee
not to exceed twenty-five dollars. If the inmate to be
sterilized was an infant and the parents were known they too were to be served the papers.

After receiving the petition the "special board" proceeded to hear and consider the petition and the evidence offered in its support. "Any member of the special board shall have the power to administer oaths to any witness at such hearings." All testimony had to be transcribed and all records of the proceedings had to be preserved. The inmate or his/her guardian could attend these hearings if they wished.

If the special board determined that the inmate was a "probable potential parent of socially inadequate offspring" and that said inmate may be sterilized without detriment to his or her general health "and that the welfare of the inmate and society will be promoted by such sterilization, the said special board may order" the sterilization by a "competent physician." Thus, the director of the institution could control the entire proceeding. He established the review board, initiated the sterilization proceeding, and carried out the operation.

Within thirty days of the order the inmate or his or her guardian could appeal to the Circuit Court. All papers regarding the proceedings were then to be handed over to the Circuit Court. The decision of the Circuit Court could be appealed to the Supreme Court of appeals within ninety days of the Circuit Court order.
Reading the two laws one is struck by the problems with the American version. The Virginia law allowed the institution much greater control over the sterilization mechanism than the German law. In the German law the proceedings were clearly divided between the petitioner for sterilization, the Eugenical Court, and the physician who carried out the operation. Furthermore, in the German procedure the hearings were carried out in a special court attached to the regular court system. In the Virginia law the initial hearing was carried out in the institution.

In the Virginia law the superintendent himself creates a "special board" which is undefined. The superintendent then petitions his own board and is charged by the board with the sterilization. This is an in-house proceeding open to all sorts of abuse by a zealous eugenics advocate. And indeed the historical record indicates much abuse. Furthermore, where the German law paid all legal expenses for defense and appeal, the Virginia law allowed only twenty-five dollars. This was hardly enough to cover the cost of carrying a case to the Circuit Court of appeals.

Despite these apparent problems Oliver Wendell Holmes commented that there "can be no doubt that so far as procedure is concerned the rights of the patient are most carefully considered." That the rights of the patient were not carefully considered is obvious from a review of the record. Doris Buck and others sterilized in Virginia were
not even told the nature of the operation. According to Doris Buck, "When the welfare people found out who my mother was, they said I had to go to Lynchburg." At the hospital she was told she needed surgery to "correct medical problems." Carrie Buck, herself, testified in 1980, "All they [the doctors] told me was that I had to get an operation on me. I never knew what it was for. Later on, a couple of the other girls told me what it was. They said they had it done on them."²⁴

In reality, the carefully drawn legal procedures were politically motivated. Eugenic legislation was difficult to pass and the courts often challenged eugenic laws on a variety of grounds. In order to make eugenic bills more palatable to legislatures and courts, eugenicists drafted careful legal procedures to protect the rights of the "degenerate classes." But when it came down to the actual day to day operation of eugenic programs, we find all sorts of abuses.²⁵

²⁴ Holmes, Buck v. Bell, Supreme Court Reporter 47 (Oct. 1926) p. 585. Richmond Times-Dispatch 2/23/80 p. 6 and 2/27/80 p. 2. See also Richmond Times-Dispatch 2/24/80, page one, "Nazi Sterilizations had their roots in U.S. Eugenics." Dr. K. Ray Nelson, Director of the Lynchburg Hospital, stated that many of the women sterilized between 1920 and 1940 were used as a source of household help. "Most ... would not be considered retarded by today's standards, he said."

²⁵ See Chase, Legacy of Malthus (New York 1980) p. 16-18. Chase cites a 1974 case court case in which Federal District Judge Gerhardt Gesell ruled that Federal family planning programs were being used to coerce poor women into accepting sterilization. There is a large body of documentation on sterilization abuse in the United
Support for the Nazi eugenics program was widespread within the American Eugenics Society leadership. The idea that in the 1930s support for Nazi eugenics was limited to a fringe element discredited in the legitimate world of science is patently false. The American Eugenics Society officially endorsed the Nazi program in its 1937 conference on "Eugenics in Relation to Nursing" and praised the program in its official publications throughout the thirties.26

Charles R. Stockard, president of the Board of the Rockefeller Institute for Medical Research (1935-1939) and a leading eugenicist, sounded the alarm for sterilization with as great an urgency as any Nazi. At a round table discussion at the New York Academy of Medicine organized by the American Eugenics Society in 1937, Stockard said that the human species faced "ultimate extermination" unless propagation of "low grade and defective stocks" could be "absolutely prevented."27

States. For more details on this see Thomas M. Shapiro, Population Control Politics: Women, Sterilization, and Reproductive Choice (Philadelphia 1985). We know that numerous eugenic sterilizations were in fact carried out in the United States without any legal authority and we will never know how many illegal eugenic sterilizations have been or continue to be performed.

26 Conference on Eugenics in Relation to Nursing: Summary of the Proceedings, by Frederick Osborn. AES Papers, 2/24/37. See also Eugenical News 18 #5 (September-October 1933); 19 #2 (March-April 1934); 19 #4 (July-August 1934); 19 #6 (November-December 1934); 20 #1 (January-February 1935); 21 #6 (November-December 1936); 21 #4 (July-August 1936); 22 #4 (July-August 1937); 23 #6 (November-December 1938).

27 Charles R. Stockard, remarks made during the "General Discussion" at the "Round Table Conference on Eugenics in
Furthermore, support for Nazi eugenics was not confined to the AES. A recent survey of high school biology texts from 1914 to 1949 reveals that over 90 per cent included a discussion of eugenics. In the mid-thirties many of these texts commented explicitly and favorably on the German eugenics program. During this same period, in 1937, Frederick Osborn and Harry Laughlin founded the Pioneer Fund, a eugenic fund whose first project was to bring a Nazi eugenic propaganda film to America which was distributed to high schools and churches.

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29 As late as 1948 Michael Guyer's popular text, Animal Biology (New York 1931; revised edition 1948; 5th edition, New York 1964) was still advocating a vigorous program of positive and negative eugenics. "In many family strains," Guyer warns, "the seeds of derangement and disability have become so firmly established that they menace the remainder of the population." Guyer (1948) p. 555. Quoted from Selden, "Confronting Tacit Social Values," to be published in Alex Molnar (ed.), The Social Responsibility of Educators, p. 26.

30 Two films were received by the Pioneer Fund in 1937. The English title for the films was "Applied Eugenics in Germany." See "Outline proposed for the first year's work of the Foundation" in the Laughlin Papers, Folder marked "Pioneer Fund," North East Missouri State University, Kirksville, Mo.
More to the point, however, is the fact that the underlying ideology, for both the American and the Nazi sterilization programs, was quite similar. The American Eugenics Society catechism of 1935 saw eugenics as "racial preventive medicine" and degenerates as "an insidious disease" affecting the body of society in the same way as cancer affects the human body.

Just as opiates lessen the pain of cancer, so religion, philanthropy, and education, at great expense to society, restrain some of the hereditary weaklings from doing harm. Nevertheless, crime and dependency keep on increasing because new defectives are born, just as new cancer cells remorselessly penetrate into sound tissue.31

In modern times, the catechism went on, "we treat cancer by means of the surgeon's knife." Our present methods of treating defectives leaves "great numbers of them to produce new offspring and create new cancers in the body politic." One might think of the American Eugenics Society as "a Society for the Control of Social Cancer," the catechism concluded. Sterilization, therefore, had to be seen as an integral part of preventive medicine. Since religion, philanthropy and modern medicine would not permit the weak to die of hunger and pestilence "sterilization seems to be the best protective."32

32 Ibid., pp. 45, 46, 51.
Compare that with the view expressed by Konrad Lorenz in the Zeitschrift für angewandte Psychologie und
Charakterkunde:

There is a close analogy between a human body invaded by a cancer and a nation afflicted with subpopulations whose inborn defects cause them to become social liabilities. Just as in cancer the best treatment is to eradicate the parasitic growth as quickly as possible, the eugenic defense against the dysgenic social effects of afflicted subpopulations is of necessity limited to equally drastic measures.... When these inferior elements are not effectively eliminated from a [healthy] population, then -- just as when the cells of a malignant tumor are allowed to proliferate throughout a human body -- they destroy the host body as well as themselves.33

This ethic was expressed quite clearly by Wilhelm Frick, Nazi minister of interior who was hanged at Nuremberg for crimes against humanity, in a talk he gave on German population policy in 1933. In the talk, which was favorably reported in the Eugenical News, Frick outlined the dangers of the social welfare system which had increased the numbers of the "diseased, weak and inferior." It is "urgent," he said, "to reform the entire public health system, as well as the attitude of physicians." The main object of state and

public health services must be "to provide for the unborn generation."\textsuperscript{34}

Harry Laughlin expressed the same sentiments in his defense of sterilization. The "germ-plasm," he contended belonged to "society and not solely to the individual who carries it." Furthermore the interests of society clearly outweigh the interests of the individual. "If America is to escape the doom of nations generally, it must breed good Americans." Historically, Laughlin declared, the chief cause of national decline "has been the decline of the national stock."\textsuperscript{35}

That these ideas could be used to justify euthanasia as well as sterilization was made explicitly clear by Foster Kennedy, an influential New York psychiatrist and eugenics advocate, in 1942. In an article in the American Journal of Psychiatry, Kennedy stated that he was "in favor of euthanasia for those hopeless ones who should never have been born -- Nature's mistakes." Kennedy recommended a medical board be established to review cases of defective

\textsuperscript{34} \textit{Eugenical News} 19 \#2 (March 1934) p. 35. While I am quoting here from Wilhelm Frick rather than a leader of the German eugenics movement, it is clear that Frick was expressing their views.

children who had reached the age of five or more. If in the opinion of medical experts, "that defective has no future or hope of one then I believe it is a merciful and kindly thing to relieve that defective -- often tortured and convulsed, grotesque and absurd, useless and foolish, and entirely undesirable -- of the agony of living."  

In 1982 Yale Psychiatrist Robert Jay Lifton published an important article entitled, "Medicalized Killing in Auschwitz," in which he examined the imagery of killing as a medical procedure. Lifton was interested in just how German physicians were able to rationalize their participation in mass murder. He discovered to his surprise that many of

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Leo Alexander, an investigator at the War Crimes Trials wrote in "Medical Science Under Dictatorship," New England J. of Medicine (14 July 1949) that doctors served as executioners for the Third Reich in numerous capacities. "It all started," he argued, "with the acceptance of the attitude, basic in the euthanasia movement, that there is such a thing as life not worthy to be lived." (42). For an extraordinary article on the contemporary use of these same psychological mechanisms see Richard Goldstein and Patrick Breslin, "Technicians of Torture: How Physicians Become Agents of State Terror," in The Sciences a publication of the New York
the former Nazi physicians whom he interviewed in the late seventies were almost totally unreconstructed. While they condemned the "excesses" of the Nazi era they often expressed "a nostalgia for the excitement, power, and sense of purpose of the Nazi days." This led Lifton to focus on "the motivational principles around ideology, and the various psychological mechanisms that contributed to the killing."

Lifton emphasized the importance of the belief that killing was a therapeutic imperative. German physicians propounded an ethic which placed the doctor's loyalty to the nation as "cultivator of the genes" above his responsibility to the individual patient. As one SS doctor, Fritz Klein, explained it, he participated in Auschwitz exterminations "out of respect for human life." Just as the physician "would remove a purulent appendix from a diseased body" so he was removing degenerates from the "body of Europe." The comparison of degenerate humans with cancer cells and disease is recurrent throughout the European and American eugenic literature. It was not unique to Germany.

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38 Quoted from interview with Lifton, "Doctors of Death," *Time* (25 June 1979) p. 68.
Those who participated in the eugenic sterilization programs could also express nostalgia. Hans Harmsen,\(^3^9\) Director of the School of Public Health in Hamburg, pointed out in the English Eugenics Review in 1955 that the German eugenic sterilization law under which some 400,000 people were sterilized\(^4^0\) was not a result of Nazi excess. In fact, the law was not even rescinded by the Control Commission of Germany after the war. It remained on the books although sterilization could not be performed without the reconstitution of the Erbgesundheitsobergerichte (sterilization review courts) which were disbanded after the war.\(^4^1\)

Harmsen, who was active during the entire Nazi period as a Hamburg health official, could write a decade after the

\(^3^9\) Harmsen was a eugenicist from the mid-twenties on. For comments on his activism see Bock, Zwangsterilization (Opladen 1986) pp. 27, 37, 45-47, 49, 51 and 53.

\(^4^0\) It is estimated that the Nazis sterilized two million people, but only 400,000 were sterilized under the eugenic sterilization law. Many people, for example, "voluntarily" submitted to sterilization and did not come under the purview of the law or were sterilized without legal authority.

\(^4^1\) Harmsen, "The German Sterilization Act of 1933: Gesetz zur Verhütung erbkranken Nachwuchses," Eugenics Review 46 #4 (London 1955) pp. 227-232. Marion S. Olden of the Association for Voluntary Sterilization, who was active in the eugenic sterilization campaign of the 1930s, also favorably recalled in 1974 the Nazi sterilization program. She wrote that she "read everything on the subject and had a well founded conviction that it was administered scientifically and rationally, not emotionally and racially." The post war revelations did not shake her conviction. Quoted from J. David Smith, Minds Made Feeble (Rockeville 1984) p. 159.
war that "there was no evidence that any reason other than eugenic ones influenced the handling of the proceedings."

In fact the sterilization proceedings continued after the war. Four hundred and fifty-eight orders for eugenic sterilizations issued under the Nazi regime were reviewed between 1947 and 1952 in Hamburg alone. One-third of the original orders were upheld upon retrial. Harmsen commented with obvious regret that

> At the present time, lack of uniformity in the sterilization laws, coupled with the non-existence of a superior court to which decisions could be referred, has resulted in no operations being performed, not even in cases where sterilization is eugenically desirable.42

In reviewing the German sterilization experience between 1933 and 1945 Harmsen wondered if the "danger of passing on hereditary traits" had not been overemphasized. But he expressed no awareness that involuntary sterilization might be seen as a great injustice by the victim. Still finding it necessary to defend eugenic sterilization against the claim that it led to an increase in promiscuity Harmsen cited a 1938 study which showed that only 4.8% of women sterilized "continued their immoral lives" and 7.6% "seemed to be endangered by extraordinary sensual desires." Fully

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42 Ibid., pp. 228-231. Harmsen admitted that the sterilization of those with "a slight or medium degree of imbecility" (i.e. people who were perfectly capable of self-support) might have been a mistake. In such cases he wrote "the value of sterilization... appears to be doubtful." He further concluded that "because of recent research in schizophrenia" some of the sterilizations of mental patients may also have been in error.
82% of the women led "normally moral lives" after their sterilization. The study concluded that sterilization did not "further a slide off into prostitution."43

While castration was not an important part of either the German or American eugenics programs, even in this regard there were similarities. Castration of boys was introduced by the Nazis in a separate law that was part of the eugenic legislation of 1933. Between 1933 and 1940 they castrated about 2000 "habitual delinquents." But castration as a part of a eugenic program was not unique to Nazi Germany. Norway, Finland, and Denmark also had provisions for castration of sexual delinquents or persons of marked sexual abnormality. The debate over the benefits of castration had been going on in America for decades with many prominent and enthusiastic supporters.44

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43 Ibid., p. 230. In the United States Popenoe published a number of studies through the Human Betterment Foundation to alleviate this same fear. The thrust of the studies was to show that sterilization had a positive effect on the victim. Some of the early claims were that sterilization cured masturbation and prostitution. See E.S. Gosney, ed. Collected Papers on Eugenical Sterilization in California: a critical study of 6000 cases (Pasadena 1930).


My point here is not that castration was widely recommended either by the Nazis or anyone else. The Nazis performed two thousand castrations in the same period of time that they performed two million
Foster Kennedy led a symposium on sterilization for the American Eugenics Society in 1937. He told his fellow American eugenicists that "there is something to be said" not just for sterilization "but of castration" as well. Castration he argued would be an excellent treatment for the criminally insane. While he criticized the German eugenic program for sterilizing manic depressives, whom he believed often carried genes for great genius, he agreed that "sterilization of the feebleminded, if done largely and thoroughly" would "aid our civilization."\(^{45}\)

Castration of women began in Germany in 1936 with the introduction of X-ray and radium therapy as a means of sterilization. This was hailed at the time as the safest and most modern method of sterilization. It had been enthusiastically recommended in the United States as the most humane method of female sterilization since 1922 but it was not until 1936 that the procedure was perfected.\(^{46}\) In that year the prestigious *American Journal of Obstetrics and Gynecology* recommended "sterilization by irradiation" as the preferred method of sterilization in an article by Ira

sterilizations. Nevertheless, castration was considered a legitimate procedure in certain cases. This view was not overwhelmingly embraced in either the United States or Germany but was considered legitimate in both countries.

\(^{45}\) Foster Kennedy, "Symposium on Sterilization" presented at the Conference on Eugenics (The doctors conference) held at the New York Academy of Medicine, 21 April 1937. AES Papers.

Kaplan, an American specialist in radiation therapy at Bellevue Hospital in New York.47

Kaplan, recommended irradiation by means of x-ray or radium as "the procedure of choice" for female sterilization. X-ray therapy did not require hospitalization or surgery and was safe and comparatively simple. The great draw-back to x-ray treatment, especially for patients between twelve and eighteen years old, however, was that the effects often wore off. For more permanent results Kaplan recommended packing the uterus with radium and leaving it there for a few days. While errors in the technique "may cause some distressing or even fatal conditions" when "properly administered by an experienced and trained therapist, sterilization by irradiation is effective and at the same time produces no untoward effects." He did note that radiation sickness - "nausea, vomiting and malaise" sometimes occurs. "Its cause is not

47 Albers-Schoenberg was the first to produce aspermia in males by x-ray in 1904. See Ira I. Kaplan, "Sterilization by Irradiation," Paper read before the Section on Gynecology and Obstetrics, New York Academy of Medicine, 24 November 1936. It is reprinted in the Am. J. of Obstetrics and Gynecology 34 (September 1937) pp. 507-512. In 1922 Harry Laughlin wrote that of all the methods for sterilization, radiation therapy "holds out the greatest promise." Laughlin looked forward to the time when "with very little trouble or expense to the state and very little inconvenience to the cacogenic individual... sexual sterility can be effected" by means of radiation therapy. This was especially important for women since salpingectomy necessitated opening the abdominal cavity. Harry Laughlin, Eugenical Sterilization in the United States (Chicago 1922) p. 421-22.
yet understood" but it could be easily treated with fruit juices and nembutal (a powerful barbiturate). In a few cases rapid onset of menopause occurred but this could be relieved by irradiation of the pituitary.48

Gisela Bock makes an important point worth emphasizing. Unlike Haller, Ludmerer, and so many others, Bock simply refers to eugenics as "a form of racism." Her rationale is that the theory of genetic "inferiority" is essentially racist. The central tenant of eugenics is that the human species can be divided into three groups: inferior, normal, and superior. This is a generic racism. The genetically inferior are composed of the lower ten or twenty percent of the society roughly measured by socioeconomic status. In societies in which racial and ethnic minorities are present they are usually included within this definition, even if they are not specifically singled out. In any case, historically, Jews, Gypsies, Negroes, Mexicans, and other ethnic minorities have been the victims of negative eugenics campaigns.

The evidence of this chapter suggests that the American and German eugenics movements were one in "the identification of human beings as valuable, worthless, or of inferior value in supposedly hereditary terms." As Bock notes this "was the common denominator of all forms of Nazi

Even in America eugenics was synonymous with "race hygiene" and its most fundamental program was to purify the "race" of "low grade" and "degenerate" groups. Thus, American and European eugenicists created a generic racism — the "genetically inferior". Not surprisingly the victims always turned out to be the traditional victims of racism — Jews, Blacks, and the poor.49

Eugenic ideology within the American Eugenics Society was slowly hammered out in discussions and publications of the society over the years. The sterilization issue was discussed on numerous occasions and was the subject of many articles, books, and conference round table discussions. The integral role of eugenic sterilization in any thorough eugenics program was stressed in at least a dozen pamphlets that were published between between 1923 and 1940. The most extensive exploration of the Society's self-identity in these years, however, was Ellsworth Huntington's Tomorrow's Children (1935), a 137 page catechism which was an effort to synthesize the various position papers of the past decade.50


50 Ellsworth Huntington, Tomorrow's Children: The Goal of Eugenics (New York 1935). The first formal act of the Society at its first annual meeting was the issuance of the President's Report which re-examined and refined the "Eugenics Catechism" of 1923. The next year the Society published "The American Eugenics Society," a sixteen page pamphlet which again examined the broad purpose of the Society and its program. "Organized Eugenics" appeared a few years later followed by "American Eugenics" in 1936 which represented a roundtable discussion of issues. In 1938 "Practical Eugenics" was published and "The
Although Ellsworth Huntington was credited as the author "in conjunction with the Directors of the American Eugenics Society," *Tomorrow's Children* may be seen to represent the collective view of eugenics worked out by the Board of Directors and the Advisory Council of the American Eugenics Society over a period of more than a decade of debate and discussion.

"This book," Huntington wrote in the preface, "...is an outgrowth of the original report of the Committee on Program prepared under the direction of Professor Irving Fisher when the American Eugenics Society was founded." It was arranged as a catechism because it was written to replace *A Eugenics Catechism* prepared by Leon Whitney in 1923. "The authorship of *Tomorrow's Children* is composite." The final version of the manuscript went through seven drafts and the galley proofs were distributed to all the members of the Advisory Council "so far as they could be reached." The final catechism represented the consensus of the group: "the author has done his best to represent the general sentiment of the group as a whole." To make it entirely clear the verso of the copyright page lists the entire one hundred and ten members of the Board and Advisory Council of the Society. Virtually all these members had belonged to the Development of Eugenic Policies" was published in 1939 along with "A Eugenics Program for the United States." These are only examples of pamphlets produced by the Society. Committees of the Society also produced pamphlets and all of the pamphlets were distributed to the advisory council members for comment.
Society for five years or more. Sixty-three of them had
belonged to the group since at least 1923 and thus had
participated in the many discussions that had taken place in
the process of hammering out this final collective catechism
of American Eugenics.\textsuperscript{51}

The catechism defines eugenics as "an applied science
like engineering or medicine." It rests on the two-fold
basis of genetics, the science of heredity; and sociology,
the science of society. Eugenics seeks to improve the
inherited physical, mental, and temperamental qualities of
the human family by controlling human evolution. Just as
the medical profession guards the community against ill
health, so eugenics guards the community against the
propagation of poor biological inheritance. The germ plasm
is the nation's most precious natural resource. Eugenics is

\textsuperscript{51} Ibid., pp. vii-viii. The Board consisted of Guy Irving
Burch, Population Reference Bureau; Henry P. Fairchild,
New York University; Irving Fisher, Yale University;
Willystine Goodsell, Columbia University; C.C. Little,
American Society for the Control of Cancer; Frederick
Osborn, Secretary of the AES; H.F. Perkins, University of
Vermont; Paul Popencoe, Human Betterment Foundation and
Milton Winternitz, Yale University. Among the advisory
council were some of Americas most liberal and highly
respected religious, political, medical and academic
names. They included Robert L. Dickinson, probably the
most highly respected gynecologist in America at the
time. The Reverend Harry Fosdick whose Riverside Church
in New York had over 3000 members and his brother Raymond
Fosdick, at the time the newly appointed President of the
Rockefeller Foundation and the General Education Board.
Among the biologists were E.M East, William Wheeler and
Sewall Wright. Among the psychologists were E.L.
Thorndike, Lewis Terman and Robert Yerkes. The list
includes an all-star cast from other fields as well, the
majority of whom were quite active in the Society.
thus an integral part of public health as a form of preventive medicine and an integral component in the conservation of our natural resources.52

The catechism stressed again and again that sterilization need not be limited to those for whom a definite genetic etiology could be established. By 1935, the Society had decided that sociological factors were just as important as genetic factors in determining eugenic policy. It was quite clear to eugenicists in the mid-thirties that in most cases there was no way of knowing whether a particular family's qualities were due to heredity or environment, "but heredity and cultural status are closely associated." Therefore the eugenicist can feel sure that both biologically and socially" we will get more high grade individuals from those who fulfill certain eugenic criteria than from those who do not.53

The Nazis too believed that social worth and progeny tests should be the major means for determining sterilization. In fact, after the passage of their

52 Huntington, Tomorrow's Children, p. 9.
53 Ibid., p. 36. See also Osborn, "History of the American Eugenics Society," Social Biology 21 #2, (1974) p. 119. Osborn quotes Barbara Burks at a meeting held in 1937 to discuss the catechism. Burks "spoke hopefully about the possibility of negative eugenics." Pointing out the difficulty "of measuring specific traits in individuals" she concluded that despite that problem "we can say within a group of families that fulfill certain criteria we will get more eugenically desirable children than we will out of another group that fail to meet these criteria."
sterilization law, the Nazis engaged in a long debate in 1936-37 over the criteria of inferiority. Race and ethnicity were not the chief criteria. "The individual's proof of social worth (Lebensbewahrung) was now officially established as the decisive criterion." Members of the working class "who show no inclination to change or become more efficient, and also seem unintelligent, will be close to a diagnosis of 'feeble-mindedness.'" And, of course, those "who are unable to earn a steady livelihood or otherwise unable to adapt socially" should be included among those to be sterilized. Such people are "morally underdeveloped and unable to correctly understand the order of human society." The majority of those actually sterilized in Germany were unskilled workers, particularly agricultural workers, servants, and unskilled factory workers. Among the women prostitutes and unmarried mothers were included among the inferior.54

The stress on negative eugenics that was common to American and German eugenics of the thirties aimed at the sterilization of two large groups. As defined by the American eugenics "catechism" they were: First, emotional and mental defectives, "or in the broader sense persons who by reason of inborn temperamental or intellectual deficiencies are a menace or an undue burden to society."

The second group was composed of "borderline persons not obviously defective, but of such low intelligence and unstable temperament that they are undesirable." Such people were considered "of little direct value to society" and "according to both Mendelian principles and historical experience" were likely to produce defective children.55

The AES criteria for restriction of procreation were chronic dependency, feeblemindedness, insanity, and criminal behavior. "Any of these may be of environmental origin" but when two or more of these traits occur together, "the chances that hereditary defects are present become fairly large." Crime, for example, is often the result of "temperamental instability." While "almost anyone may become a criminal" under stress "excessive emotional instability, or lack of will power" seems to run in certain families. "No matter whether such a condition is the result of heredity or environment" or both "it is not advisable for such families to have children." They should be treated with "the utmost kindness" but "their disabilities should die with them." The situation was the same for "chronic dependency" except that "the part played by environment is apparently less, and the part played by inherited lack of intelligence, will power, and the capacity for coordination is greater."56

55 Huntington, Tomorrow's Children, p. 39.
56 Ibid., p. 40.
What kind of numbers did the American eugenicists consider dysgenic? The catechism cited the report of the 1929 White House Conference on Child Health and Protection, according to which 850,000 children were definitely feebleminded and 150,000 were epileptic. It was estimated that there were about two million persons who were so feebleminded they need institutional care (90,000 were actually institutionalized). Another 320,000 persons were institutionalized for insanity. Once again it was clearly recognized that such defects are sometimes "purely environmental in origin." Nevertheless, such people are always in danger of producing defective children. After all, "what kind of home influence can one expect where either parent is epileptic, feeble-minded, or insane?" No matter what the cause of such defects may be "even if all the criminals, epileptics and similar people were biologically desirable, their homes are rarely desirable places in which to bring up children." Common prudence "makes it advisable that even the doubtful cases should have no children." 57

Furthermore, about five million adults and six million children are "subnormal in education" and suffer from "lack of innate ability." Another twenty million others fail to finish grammar school. Some of these, of course, could have finished with better health care, school programs designed

57 Ibid., pp. 41-42.
to their needs, etc. Nevertheless, there "seems no escape from the conclusion that many of them inherit such a poor mental endowment that even this moderate degree of success is beyond their ability." Not all of these people should be sterilized, of course, "it would be absurd to think of sterilizing or segregating a quarter of our population." A thorough eugenics program would combine sterilization, segregation, and the vigorous promotion of birth control among the lower classes. Nevertheless, it is clear that the eugenicists were advocating the sterilization of millions of Americans right up to 1940.58

Such a policy would "in a few generations" greatly reduce the numbers of criminals, paupers and insane individuals. The billions now spent combating crime and dependency would gradually become available for more constructive purposes, such as promoting the birth and education of high-grade children to replace the defectives.59

Fully one fifth of the population is "comparatively unintelligent" although not "actually defective." An army of educators, clergymen, philanthropists, social workers, and physicians was attempting to uplift them. "It is time for the eugenists to persuade the country to replace the innately deficient" with those who "unquestionably possess

58 Ibid., pp. 44, 56.
59 Ibid.
an innate endowment." A far-reaching eugenic program was needed. Harry Laughlin, the Society's leading expert on eugenical sterilization, hoped that "the most worthless one-tenth of our population" might be sterilized in two generations.60

It is quite clear from the Eugenics Catechism that American eugenicists were aware that advances in genetics were weakening the biological arguments they had been making since the turn of the century. Geneticists such as J.B.S. Haldane, H.S. Jennings, H.J. Muller, and the Morgan group at Columbia University were undermining the certainties of early eugenic pronouncements. Some historians have argued that this advance in the science led many geneticists away from eugenics in the thirties, but as our examination of the AES Advisory Council has shown this was not really the case. American eugenicists simply took a step back from the biological arguments, admitted the uncertainties of genetic inheritance, and rested their case for sterilization on a combination of sociological and genetic arguments.

60 In 1914 when Laughlin made that statement the population of the United States was something over one hundred million. Thus, Laughlin suggested the sterilization of ten million over the next sixty years. It is apparent from the catechism that this estimate had not really been modified to any great extent. See Laughlin, "Report of the Committee to Study and Report on the Best Practical Means of Cutting Off the Defective Germ-Plasm in the American Population. II. The Legal, Legislative and Administrative Aspects of Sterilization" (Cold Spring Harbor, N.Y.: Eugenics Record Office Bulletin No. 10B, 1914) pp. 132-50.
If it made sense to "discourage large groups" from having children the question remained, was it fair to the individual? To answer this question the catechism turned to Justice Oliver Wendell Holmes "speaking from the bench of the United States Supreme Court."

We have seen more than once that the public welfare may call upon the best citizens for their lives. It would be strange if we could not call upon those who already sap the strength of the state for these lighter sacrifices, often not felt to be such to those concerned, in order to prevent our being swamped with incompetents. It is better for all the world if instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind. The principle that sustained compulsory vaccination is broad enough to cover the cutting of the Fallopian tubes.  

No one who has written on the eugenics movement in America has made it clear that the American Eugenics Society, which represented the collective views of the most prominent American eugenicists, actually envisioned the sterilization of millions of Americans.

How does this compare with the goals of the Nazi eugenics program? In June 1933 Dr. Wilhelm Frick, the Nazi minister of interior, outlined the goals of the Nazi eugenics program. He estimated there were about 500,000 carriers of "serious physical and mental hereditary diseases" who need to be sterilized as quickly as possible.

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61 Huntington, Tomorrow's Children, pp. 43.
Then there was a much larger number whose "progeny is undesirable." He estimated this larger group at approximately a fifth of the German population.\(^6^2\)

The Nazis actually sterilized about 400,000 people under their eugenic sterilization law between 1934 and 1945 (0.5 percent of the population).\(^6^3\) In America perhaps 30,000 people had been sterilized in the period 1907-1937. By the standards of the American Eugenics Society the German program was still conservative. It is not at all surprising then that the American Eugenics Society praised the Nazi program in 1937. After carefully studying its goals and operation it was clear to American eugenicists that it reflected the goals and orientation of the American plan. That is precisely what Frederick Osborn meant when he said that "a brief history of the origin and development of eugenic sterilization showed the originality of the United States where all the first laws were initiated, and indicated a lack of thoroughness of our people in their failure to follow through."\(^6^4\)

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\(^6^2\) An Address by Dr. Frick, Reichminster for the Interior, before the First Meeting of the Expert Council for Population and Race-Politics held in Berlin, 28 June 1933. *Eugenical News* 19 #2 (March/April 1934), p. 34.

This larger group was not necessarily to be sterilized. Various programs of education, segregation, marriage restrictions and coercion could be used. This was the American view as well.


\(^6^4\) Osborn, Circular Letter, 2/24/37, Scrapbook, AES Papers. For the German sterilization statistics see Bock, "Racism
To have "followed through" on the plan of the American Eugenics Society in 1937 would have meant a mass program of eugenic sterilizations in every state in the Union. The difference between America and Germany with regard to eugenic sterilization was simply that in Germany a eugenic sterilization plan was fully supported by the state. In America essentially the same eugenic sterilization program met stiff resistance. Nevertheless, it should be remembered that in both countries human beings were judged to be biologically inferior and their right to bear children and raise families was denied.

and Sexism" in When Biology Became Destiny p. 279. Bock notes that in the U.S. only 11,000 persons were sterilized between 1907 and 1930. She also notes that 80 men and 400 women died as a result of the surgery. More detailed statistics can also be found in Harmsen.