

## Poor White Trash: The Legacy of Carrie Buck and Eugenic Sterilization in the United States

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Carrie Buck, a seventeen year old girl from Charlottesville, Virginia, sat pregnant and alone. Adding to her misery, Carrie's foster family, the Dobbs, placed her in a mental institution, the Virginia Colony for the Epileptic and Feeble-minded, to hide Carrie's pregnancy, which resulted from rape committed by Mrs. Dobbs' nephew. While in the Colony, Carrie's doctor, Dr. Priddy, diagnosed her as "feeble-minded" and wanted to perform "an operation" (a forced sterilization) to benefit her health and society. Unknown to Carrie, she was a socioeconomic victim swept away in the fervor of the American Eugenics Movement.

The American Eugenics Movement played on the fears of race degeneration: "A democracy cannot endure unless it be composed of able citizens; therefore, it must in self defense withstand the free introduction of degenerate stock."<sup>1</sup> Eugenicists sought to prove that "feeble-mindedness" was hereditary through family studies, such as *The Jukes*, *The Hill Folk*, and *The Kallikaks*. To protect America from the "bad blood" of these families, eugenicists worked to pass an eugenic sterilization law designed to protect doctors, who performed sterilizations. The landmark Supreme Court Case of *Buck v. Bell* of 1927 upheld the right of doctors to perform eugenic sterilizations of the insane, idiotic, epileptic, and the "feeble-minded." Carrie Buck was the central figure in the *Buck v. Bell* decision and ultimately sterilized because of the diagnosis of "feeble-mindedness."

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<sup>1</sup> Francis Galton, *Memoirs of My Life*. (London: Methuen & Co., 1908), 311.

Although falsely labeled as feeble-minded, Carrie was targeted by eugenicists based on the stigma of class and the label of “poor white trash.”

Both Allan Chase’s *The Legacy of Malthus: the Social Costs of the New Scientific Racism* and Elof Axel Carlson’s *The Unfit: the History of a Bad Idea* presents a general history of scientific racism and the eugenics movement.<sup>2</sup> Chase identifies the founding father of scientific racism as Thomas Malthus. Malthus, a political economist in Great Britain, argued in his famous *Essay on the Principle of Population* that any reform that eased the burden of the poor, such as sanitary reform, medical care, birth control, or higher wages was immoral and against the laws of God and nature. Chase contends that Francis Galton, father of eugenics, helped to institutionalize scientific racism by misinterpreting and misusing legitimate scientific discoveries.<sup>3</sup>

Carlson notes the term “eugenics” was coined by Galton in England in 1883. Eugenics was a moral philosophy designed to improve humanity through selective breeding.<sup>4</sup> Galton favored the qualities of intelligence, physical strength, and cultural talents. Today, Galton’s form of eugenics is called positive eugenics. Positive eugenics had a following in Great Britain, especially among the intellectual class. It hoped to bring change by urging the ablest and brightest people to have larger families than the average couple. Great Britain had a tradition of social class based on wealth, property, education, and royalty that the United States did not.<sup>5</sup> On the other hand, negative

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<sup>2</sup> Allan Chase, *The Legacy of Malthus: the Social Costs of the New Scientific Racism*. (Chicago: University of Illinois Press, 1980) and Elof Axel Carlson, *The Unfit: the History of a Bad Idea*. (New York: Cold Spring Harbor Laboratory Press, 2001).

<sup>3</sup> Chase, 6-8.

<sup>4</sup> Carlson, 9.

<sup>5</sup> Ibid, 10.

eugenics, developed primarily in the United States and Germany, played on the fear of race degeneration.

The development of the American Eugenics Movement has been well documented by historians. Steven Selden's *Inheriting Shame: the Story of Eugenics and Racism in America*, Carlson's *The Unfit: the History of a Bad Idea*, and Allison White's and Ina Hofland's "Eugenics-Three Generations No Imbeciles: Virginia, Eugenics, and Buck v Bell" all trace the origins of the American Eugenics Movement.<sup>6</sup> Initially an import from Great Britain, eugenics crossed the Atlantic by the late 1890's and found a rich medium for growth in the United States by gaining popularity with educated Americans, who were concerned with "threats to the American stock."<sup>7</sup> In the article, "Traits Studied by Eugenicists," Jan Witkowski asserts that eugenicists identified immigrants from Southern and Eastern Europe as "threats," who possessed undesirable traits.<sup>8</sup>

Historians White and Hofland note the organizations in the United States that played prominent roles in organizing and promoting eugenical research designed to identify America's "bad blood" lines. These organizations included the American Breeders Association (ABA), the Race Betterment Foundation, the American Eugenics

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<sup>6</sup> Carlson, Steven Selden, *Inheriting Shame: The Story of Eugenics and Racism in America*. (New York: Teachers College Press, 1999), and Allison White and Ina Hofland, "Eugenics-Three Generations No Imbeciles: Virginia, Eugenics, and Buck v Bell." *University of Virginia Health System*. March 2004. <<http://www.healthsystem.virginia.edu/internet/library/historical/eugenics/index.cfm>> (16 March 2004).

<sup>7</sup> Selden. 1.

<sup>8</sup> Jan Witkowski, "Traits Studied by Eugenicists." *Image Archive on the American Eugenics Movement*. <<http://www.eugenicsarchive.org/eugenics/>> (01 March 2004).

On the other hand, eugenicists identified "good blood" among the early settlers of North America, who mainly came from Northern and Western Europe. Many American intellectuals believed that their genes contributed to America's reputation for "conscientiousness and love of learning and culture." While Germans were "intelligent and honest," Italians had a "tendency to personal violence." These comparisons led to the conclusion that unrestricted immigration would lead to the degeneration of American "germ plasm." By linking undesirable traits with specific racial and ethnic groups, eugenicists scored a significant impact on social policy with the passage of restrictive immigration laws in the 1920s.

Society, and the Eugenics Record Office (ERO).<sup>9</sup> Of primary importance to these organizations, such as the ERO, was passing an eugenical sterilization law, which transformed the *Buck v. Bell* case into a landmark decision.

Director of the Program of Law and Medicine at the University of Virginia's Center for Bioethics, Dr. Paul Lombardo, who has spent more than 20 years studying the *Buck v. Bell* decision, asserts that many states adopted sterilization laws to relieve the tax burden of expanding public facilities for the "insane" and "feeble-minded."<sup>10</sup> Lombardo claims that Virginia's Sterilization Act was designed to protect doctors, such as Dr. Albert Priddy, Superintendent of the Virginia Colony for the Epileptic and Feeble-minded, who performed forced eugenical sterilizations.<sup>11</sup> Prior to the passage of this legislation, doctors were vulnerable to lawsuits. Several months after Dr. Priddy performed the forced sterilizations of two women from the same family, Mrs. Willie and Jessie Mallory, Mrs. Willie Mallory filed a \$5000 damage suit against Dr. Priddy. The records of *Mallory v. Priddy* contained a revealing portrait of Dr. Priddy, who appeared to be "an obsessed moralist who used his position to threaten and manipulate his patients."<sup>12</sup> Lombardo contends that "a close look at Priddy's behavior explains [...] his motive for seeking specific legislative and judicial endorsement of eugenical sterilization."<sup>13</sup>

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<sup>9</sup> White and Hofland.

The center of the American eugenics movement focused around the ERO located at Cold Springs Harbor, New York.

<sup>10</sup> Paul Lombardo, "Eugenic Sterilization Laws." *Image Archive on the American Eugenics Movement*. <<http://www.eugenicsarchive.org/eugenics/>> (01 March 2004).

Americans who feared the potential degradation of their race and culture, eugenics offered a convenient and scientifically plausible explanation of those fears. Additionally, sterilization appeared to be a cost effective way of strengthening and improving American society.

<sup>11</sup> Paul Lombardo, "Facing Carrie Buck." *Hastings Center Report* 33, 2003.

<sup>12</sup> Paul Lombardo, "Three Generations, No Imbeciles: New Light on Buck v Bell." *New York University Law Review*, 1985.

<sup>13</sup> Ibid.

The case of *Buck v. Bell* was built upon the rhetoric of *Mallory v. Priddy*. After Virginia's Sterilization Act was passed in 1924, officials at the Virginia Colony for the Epileptic and Feebleminded selected Carrie Buck (a patient at the Colony) from Charlottesville, Virginia, to test the law's legality and the right of doctors to perform sterilizations on the "mentally ill."<sup>14</sup> The *Buck v. Bell* case made it to court due to the combined efforts of three men- Dr. Albert Priddy, Aubrey E. Strode (the author of Virginia's Sterilization Act), and Irving Whitehead (Carrie's defense attorney). However, Lombardo demonstrates that the *Buck v. Bell* case never should have made it to court. Priddy, Strode, and Whitehead were political associates, professional colleagues, and close friends for many years before the Buck litigation. Ultimately, due to the efforts of Priddy, Strode, and Whitehead, both the Amherst County Circuit Court and the United States Supreme Court upheld the validity of Virginia's Sterilization Act. Lombardo concludes that Carrie was not feebleminded but instead, the victim of an elaborate legislative and judicial campaign designed to legalize eugenical sterilization.<sup>15</sup>

To add to the historiography of the *Buck v. Bell* decision, this paper will attempt to analyze the complex relationship between eugenics and the socioeconomic status of Carrie Buck, while drawing connections from the subjects of the Eugenical Family Studies: the Jukes, the Hill Family, and the Kallikaks. By examining the works of Francis Galton, the father of eugenics, the Eugenical Family studies, and lastly, the trial of Carrie Buck, this paper will demonstrate that class, not science, was at the root of the American Eugenics Movement and the *Buck v. Bell* decision.

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<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

Sir Francis Galton first coined the term eugenics in 1883.<sup>16</sup> Initially, meaning “well-born,” Galton’s eugenics called for “the improvement of the race by furthering the productivity of the Fit by early marriages and healthful rearing of their children.”<sup>17</sup>

Eugenics aimed to “check the birth-rate of the Unfit, instead of allowing them to come into being, though doomed in large numbers to perish prematurely,” which gained considerable interest during a time period when the poor working class were reproducing at a higher rate than the middle and upper class members of society.<sup>18</sup>

Modeled after Galton’s Eugenics Record Office in London, the American Eugenics Record Office (ERO) under the leadership of Director Harry Laughlin sought to study the “forces [...], which tend to improve or impair the racial qualities of future generations.”<sup>19</sup> The ERO used the Binet-Simon intelligence test to identify the feeble-minded.<sup>20</sup> Based on the Binet-Simon test, the American Association for the Study of the Feeble-minded adopted a closer classification to assess mental age. “The term idiot [was] used to designate those of mental age up to and including two; imbeciles, those of from three to seven years, inclusive. For those from seven to twelve a new term has been invented, they are now called morons.”<sup>21</sup> Due to incomplete or abnormal development, morons or the feeble-minded, from an early age, were considered incapable of living as functional members of society.<sup>22</sup>

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<sup>16</sup> Galton, 322.

<sup>17</sup> Ibid, 323.

<sup>18</sup> Ibid.

<sup>19</sup> Carnegie Institute, “Eugenics Record Office.” July, 1935, 23.

<sup>20</sup> Stanley Powell Davies, *Social Control of the Mentally Deficient*. (New York: Arno Press, 1923), 2. The Binet-Simon intelligence test used a numerical grading scale to assess the intelligence and mental age of a subject. There were thirty tests in the original Binet-Simon scale, which tested the intelligence, communication, and memory of children.

<sup>21</sup> Henry Herbert Goddard, *Feeble-Mindedness: Its Causes and Consequences*. (New York: The MacMillan Company, 1914), 4.

<sup>22</sup> Ibid.

Many social problems of the early 20<sup>th</sup> century were blamed on the condition of feeble-mindedness: crime, prostitution, and poverty. Many estimated that 50% of prostitutes were feeble-minded, while ignoring the social contexts that led them to prostitution. Additionally, the ERO estimated that at least 50% of inmates in almshouses were feeble-minded.<sup>23</sup> Furthermore, eugenicists argued that feeble-mindedness was hereditary. Therefore, “feeble-minded” people passed down the social ills of crime, prostitution, and poverty to their children.

Richard Dugdale conducted a landmark study that linked the feeble-minded with crime. In 1868, Dugdale became a member of the Executive Committee of the New York Prison Association, which led him to investigate the jails in Ulster County to search for groups of family-related prisoners. *The Jukes: A Study in Crime, Pauperism, Disease, and Heredity*, published in 1877, came out of Dugdale’s investigation. Dugdale estimated that it would cost \$1,308,000 to rehabilitate the 1,200 members of the Juke family from “incurable disease, idiocy, and insanity.”<sup>24</sup> Unlike many members of the ERO, Dugdale claimed that environment instead of heredity caused the “licentiousness” condition of the Juke family.<sup>25</sup> To transform the character of the Jukes, Dugdale called for a change of environment and career, ultimately appealing for social uplift to prevent feeble-mindedness and crime.<sup>26</sup>

*The Jukes* was largely misinterpreted as the history of a condemned, unredeemable family. Nonetheless, at the core of *The Jukes* was the issue of class. The Juke family represented the ideal of “poor white trash,” who drained tax payers for their

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<sup>23</sup> Ibid.

<sup>24</sup> Robert Dugdale, *The Jukes: A Study in Crime, Pauperism, Disease, and Heredity*. (New York: The Knickerbocker Press, 1910), 70

<sup>25</sup> Ibid, 66.

<sup>26</sup> Ibid, 113.

care. This portrayal soon stimulated other investigations in the United States and in Europe that stressed the role of heredity in social problems. The ERO trained 258 field workers from 1910 to 1924, who collected eugenical data on physical and mental qualities of American families.<sup>27</sup> In the early 20<sup>th</sup> century these families included the Nams, the Hill Folk, the Jackson Whites, and especially the Kallikaks.<sup>28</sup>

Sponsored by the ERO, *The Hill Folk* contradicted Dugdale's finding that feeble-mindedness resulted from environment. Trained as an ERO field worker, Danielson based this study on three principal families, who traced their origins to one common descendent- Neil Rasp.<sup>29</sup> Danielson strove to prove "how much crime, misery, and expense may result from the union of two defective individuals."<sup>30</sup> Danielson argued the Hill Families of Massachusetts cost tax payers \$498,260 because they sent "broods of prostitutes, thieves, and drunkards [...] into our cities."<sup>31</sup> The enormous cost of helping the Hill Folk stimulated the ERO to label them as feeble-minded. Although labeled as "feeble-minded," the Hill Folk were targeted based on their socioeconomic status and the "burden" they placed on Massachusetts' tax payers.

The Kallikaks were a family of "degenerates" from New Jersey, who traced their roots to a Revolutionary war soldier, Martin Kallikak Jr. Purportedly Martin's marriage to a respectable woman produced successful children, while his affair with a feeble-minded girl produced degenerates. Psychologist Henry Goddard, author of *The*

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<sup>27</sup> Carnegie Institute.

<sup>28</sup> Ibid.

<sup>29</sup> Nicole Rafter, *The Eugenic Family Studies 1877-1919*. (Boston: Northeastern University Press, 1988), 81.

Combined with at least six other families from Massachusetts, these groups constituted the "Hill Folk," although some lived a considerable distance from the hill.

<sup>30</sup> Florence Danielson and Charles Davenport, *The Hill Folk: Report on A Rural Community of Hereditary Defectives*. (Cold Spring Harbor: The New Era Printing Company, 1912), 1.

<sup>31</sup> Ibid.

*Kallikak Family*, believed that they represented a problem of “true heredity.”<sup>32</sup> To Goddard, the Kallikaks were a direct socioeconomic burden on society because they were “phlegmatic, sluggish, indolent, [and would] simply lie down and starve to death, if some one did not help them.”<sup>33</sup>

To correct the problems that the Jukes, Hill Family, and Kallikaks caused, Goddard and other eugenicists from the ERO called for segregation of the feeble-minded. Nonetheless, many tax payers believed that they were “over-taxed for the care of [...] people” in institutions.<sup>34</sup> For this reason, eugenicists sought other methods to deal with the feeble-minded. The method proposed to remedy the “problem” of the feeble-minded was to take away their power of procreation. The first eugenical sterilization in the United States, performed in 1899 by Dr. Harry Sharp, occurred at the Jeffersonville Reformatory, Indiana.<sup>35</sup> In 1907, Indiana passed the first compulsory sterilization law in the United States and by 1924, 18 states followed Indiana’s course. In 1914, Laughlin (Director of the ERO) along with Harry Sharp joined the Committee on Sterilization set up by the Institute of Criminal Law and Criminology. Later that year, Laughlin, in his Model Sterilization Act (designed to help states write legal sterilization laws), declared that the “socially inadequate” should be sterilized, which targeted America’s poor and racial minorities. The Model Law was accompanied by pedigree charts, designed to

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<sup>32</sup> Henry Herbert Goddard, *The Kallikak Family: A Study in the Heredity of Feeble-Mindedness*. (New York: The MacMillan Company, 1927), 50.

<sup>33</sup> Ibid, 55.

<sup>34</sup> Ibid, 106.

<sup>35</sup> Carlson, 207.

Sharp served from 1895 to 1910 as the reformatory physician, which stimulated his interest in the causes and treatments of “mental defect.”

show the hereditary nature of traits, such as alcoholism, illegitimacy, and feeble-mindedness.<sup>36</sup>

The language of Laughlin's Model Sterilization Law was used in Virginia's Sterilization Act. This legislation designed to rid Virginia of "defective" persons, was drafted by Aubrey Strode, a former member of the Virginia General Assembly at the request of Dr. Priddy.<sup>37</sup> Priddy, Superintendent of the Virginia Colony for the Epileptic and Feeble-minded (also known as the Lynchburg Colony or the Colony), located in Lynchburg, Virginia, believed that the "feeble-minded" should be segregated from the rest of society so they could not procreate. Therefore, in 1912, he lobbied the Virginia General Assembly for funds to expand the Colony to provide residential space for the "feeble-minded." Ultimately, the population of the Colony rose sharply, which led Priddy to focus on preventing patient reproduction, which was more cost effective than long term segregation.<sup>38</sup>

Originally, when the Colony opened in 1910, it was intended to be a home for epileptics, the mentally retarded, and the severely disabled. Nonetheless, under the direction of Priddy, the Colony shifted to the policy of admitting feeble-minded "women of childbearing age, from 12 to 45 years of age."<sup>39</sup> Prior to the passage of Virginia's Sterilization Act of 1924, sterilization procedures had been taking place at the Colony "for the relief of physical suffering."<sup>40</sup> After the law was passed, the immediate targets

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<sup>36</sup> Harry Laughlin, *Eugenical Sterilization: Historical, Legal, and Statistical Review of Eugenical Sterilization in the United States*. New Haven, Connecticut: American Eugenics Society, 1926 and White and Hofland.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

Once in the Colony, some of the patients attended school or received basic skill training.

<sup>39</sup> White and Hofland.

At the time the Colony was America's largest asylum.

<sup>40</sup> Ibid.

for sterilization were the allegedly feeble-minded women who were committed to the Colony. Soon the Colony became a collecting place for poor, uneducated, white Virginians, who were regarded as “unfit” by the state. Unfortunately, Carrie Buck, a 17 year old girl, from Charlottesville, fell directly into this category.

At the age of four, Carrie was taken away from the “bad environment” that her mother, Emma Buck, provided and placed in the custody of Mr. and Mrs. J.T. Dobbs.<sup>41</sup> In the summer of 1943, Mrs. Dobbs was away “on account of some illness.”<sup>42</sup> During Mrs. Dobbs’ absence, her nephew raped Carrie and subsequently she became pregnant. Shortly thereafter, Carrie’s foster parents committed her to the Colony on January 23, 1924 to hide their embarrassment.<sup>43</sup> On March 28, 1924, Vivian Buck, Carrie’s illegitimate child, was born. Emma Buck, also a patient at the Colony, was admitted before Carrie for feeble-mindedness and prostitution. However, little other information is known about her life. She died while at the Colony, leaving few records of her life.<sup>44</sup>

After Virginia’s Sterilization Act passed in 1924, Carrie Buck became a target for the Virginia Colony’s officials. Nonetheless, the *Mallory v. Priddy* decision influenced Dr. Priddy to move with caution before sterilizing any patients. Priddy suggested to the Colony’s board that “as a matter of precautionary safety [...], a test case of the constitutionality of the Sterilization Law be made before any operation is performed.”<sup>45</sup> The board agreed and asked Strode, author of Virginia’s Sterilization Act, to prepare a

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<sup>41</sup> Harry Laughlin, *The Legal Status of Eugenic Sterilization: History and Analysis of Litigation under the Virginia Sterilization Statute, which Led to a Decision of the Supreme Court of the United States Upholding the Statute*. Chicago: The Fred J. Ringley Co., 1930, 19.

<sup>42</sup> Lombardo, “Three Generations, No Imbeciles: New Light on Buck v Bell.”

<sup>43</sup> *Buck v. Priddy*. Amherst County Clerk of Courts Office, Amherst County Courthouse, Amherst Virginia, 1924. Virginia State Law Library, Richmond, VA.

<sup>44</sup> Lombardo, “Three Generations, No Imbeciles: New Light on Buck v Bell.”

<sup>45</sup> *Ibid.*

Mrs. Willie Mallory filed a \$5000 damage suit against Dr. Priddy for performing a forced sterilization.

test case. Strode appeared before the Colony's board, pointing out that Virginia's law might be vulnerable to constitutional challenge based on two issues. The first issue was due process. Sterilization laws impaired life when they failed to include procedural safeguards. The second issue was equal protection since Virginia's sterilization law targeted institutionalized patients. Strode asserted that "because an unconstitutional law had no legal force, any sterilization performed before the constitutional issues were settled might expose Dr. Priddy and the institution [the Colony] to liability."<sup>46</sup> Strode recommended that all sterilizations be postponed until the Court of Appeals of Virginia and possibly the United States Supreme Court upheld the law's legality.

Following Strode's advice, the Colony selected Carrie Buck to test the law's constitutionality. With both Emma and Carrie Buck institutionalized, eugenicists believed that they could strengthen the validity of the Sterilization Act by arguing that Carrie and Emma shared the hereditary traits of feeble-mindedness and sexual promiscuity.<sup>47</sup> Robert G. Shelton was appointed Carrie's guardian for the sterilization hearing. Shelton was paid for representing the Colony patients scheduled for sterilization, which provided him with an additional income. For more than ten years, he was the only person designated as guardian for the Colony's inmates.<sup>48</sup> After hearing testimony from Priddy that Carrie was "feeble-minded" and a "moral delinquent," the Board carefully framed its judgment using the language of Virginia's Sterilization Act:

Carrie Buck is a feeble-minded inmate of this institution and by the laws of heredity is the probable potential parent of socially inadequate offspring, likewise afflicted, that she may be sexually sterilized without detriment to

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<sup>46</sup> Ibid

<sup>47</sup> White and Hofland.

<sup>48</sup> Lombardo, "Three Generations, No Imbeciles: New Light on Buck v Bell."

her general health, and the welfare of the said Carrie Buck and of society will be promoted by [...] sterilization.<sup>49</sup>

Strode took Dr. Priddy's case and decided to defend him and the Colony at the trial and any subsequent hearings. Shelton, directed by the Colony to hire an attorney to defend Carrie, chose Irving Whitehead, a former Colony director.<sup>50</sup>

The Buck case arose to strengthen the legality of Virginia's Sterilization Act, which authorized the sterilization of people designated as "socially inadequate." The law adopted eugenic theory, affirming that the "transmission of sanity, idiocy, imbecility, epilepsy, and crime" were hereditary.<sup>51</sup> Eugenicists believed that the social costs of those conditions could be erased, saving tax payers millions of dollars over time. Therefore, Carrie Buck's case went to court to establish a constitutional precedent, to ratify the practice of eugenical sterilization, and protect doctors who performed these operations.<sup>52</sup>

The right of the state to perform eugenical sterilizations was first challenged by Whitehead and heard in the Circuit Court of Amherst County on November 18, 1924.<sup>53</sup> Aubrey Strode, who drafted Virginia's sterilization law, called more than a dozen witnesses to prove Carrie's feeble-mindedness. These witnesses included Dr. Priddy, Dr. J.S. DeJarnette, Dr. A.H. Estabrook, Miss Caroline Wilhelm, and Harry Laughlin. In addition, one of her teachers testified that Carrie sent flirtatious notes to boys, a fact used to assert that Carrie had inherited sexual promiscuousness from her mother.<sup>54</sup>

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<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

<sup>51</sup> Virginia Eugenical Sterilization Act. Virginia's Eugenical Sterilization Act. 20 May 1924. American Philosophical Society, Philadelphia, <http://www.eugenicsarchive.org/eugenics/showImage.pl?id=1241&printable=1&detailed=0>.

<sup>52</sup> Lombardo, "Facing Carrie Buck," 14.

<sup>53</sup> Buck v. Priddy.

<sup>54</sup> Ibid.

Dr. Priddy testified that Carrie was a feeble-minded patient at the Colony and

according to natural expectancy, if the purpose of the act chartering this institution are to be observed and carried out, this is to keep her under custody during her period of child-bearing, she would have thirty years of strict custody and care, under which she would receive only her board and clothes: would be denied all the blessings of outdoor life and liberty, and be a burden on the State of Virginia of about \$200.00 a year for thirty years: whereas, if by the operation of sterilization, with the training she has got, she could go out, get a good home under supervision, earn good wages, and probably marry some man of her own level and do as many who I have sterilized for disease have done- be good wives- be producers, and lead happy and useful lives in their spheres.<sup>55</sup>

Furthermore, Priddy supported the idea that Carrie would benefit from sterilization because “she would not have a feeling of dependence; she would be earning her own livelihood and would get some pleasure out of life, which would be denied her in having to spend her life in custodial care in an institution.”<sup>56</sup>

In his testimony, Priddy painted the picture that the patients in the Colony “clamored” for sterilization “because they know it means the enjoyment of life and the peaceful pursuit of happiness, as they view it, on the outside of institution walls.”<sup>57</sup>

Additionally, Priddy testified that once Carrie was no longer a danger to herself or to society, the Dobbs would be willing to take her back. In contrast, without the sterilization, he believed that they would not be “willing to assume the risk as she is now.”<sup>58</sup> Lastly, Priddy tried to show the court that Carrie’s feeble-mindedness was hereditary; “there are two direct generations of feeble-minded, and besides, while I don’t know anything about their kinship, under my care and observation I have got about eight Bucks and Harlows, all coming from the Albemarle stock.” In Priddy’s eyes, the Bucks

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<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

and Harlows were “poor white trash” who drained the Virginian tax payer but eugenical sterilization could ease the “burden” of these families.

Joseph S. DeJarnette, Superintendent of Western State Hospital (Virginia’s largest State Hospital for the Insane) in Staunton, was at the forefront to have Virginia’s Eugenical Sterilization Act legalized. DeJarnette testified at Carrie’s trial as one of Strode’s expert witnesses.<sup>59</sup> Agreeing with Priddy that feeble-mindedness was linked to heredity, DeJarnette argued that “if both parents are feeble-minded, it is practically certain that the children will all be feeble-minded.”<sup>60</sup> DeJarnette believed that Carrie was the “probable potential parent of socially inadequate offspring by the laws of heredity, that her offspring would probably be so affected and that her welfare and the welfare of society would be promoted by her sterilization.”<sup>61</sup>

Arthur H. Estabrook, a trained ERO field worker, testified as an expert witness about assessments he made of Carrie, Emma, and Vivian. A letter written by Strode to Estabrook revealed that he was fully compensated for this testimony. Estabrook presented his “expert” testimony “for the payment of [his] expense and a per diem of \$20.00 per day while in attendance in court.”<sup>62</sup> At the age of six months, Estabrook determined that Vivian was likely to be feeble-minded.<sup>63</sup> Estabrook backed his opinion by asserting that “I gave the child the regular mental test for a child of the age of six

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<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> A. Strode Letter to A. Estabrook, Plans for Making "Preliminary Investigations" Prior to Testifying at the Carrie Buck Trial. 16 November, 1924. State University of New York at Albany. [http://www.eugenicsarchive.org/eugenics/image\\_header.pl?id=1338&printable=1&detailed=1](http://www.eugenicsarchive.org/eugenics/image_header.pl?id=1338&printable=1&detailed=1).

<sup>63</sup> Buck v. Priddy.

months, and judging from her reaction to the tests I gave her, I decided that she was below the average.”<sup>64</sup>

To determine Vivian’s mental development, Estabrook would have performed simple neurological tests used during this time period. Tests for children ranging in age from three to six months included turning the head toward sources of sound, following a moving light, and balancing their head while sitting. At the age of one year, children were expected to show visual coordination of both the head and eyes, while following a moving object.<sup>65</sup> According to Estabrook, the Buck’s “blood [was] bad” and all descendants of Carrie and Emma [including Vivian] would possess the trait of hereditary feeble-mindedness.<sup>66</sup>

From all of Strode’s witnesses, Miss Caroline Wilhelm’s, a social worker for the Red Cross, testimony probably came closest to telling the truth about Carrie’s plight.<sup>67</sup>

She noted the real reason that Carrie had been committed to the Colony:

Mr. Dobbs, who had charge of the girl, had taken her when a small child, had reported to Miss Duke (the temporary secretary of Public Welfare for Albemarle County) that the girl was pregnant and that he wanted to have her committed somewhere, to have her sent to some institution.<sup>68</sup>

It is unlikely that the Dobbs would have institutionalized Carrie if she had not gotten pregnant and given birth to an illegitimate child. Ultimately, the family’s embarrassment led them to institutionalize Carrie. Supporting this idea was Miss Wilhelm’s testimony that Carrie had no social work records that showed her to be feeble-minded, unsocial, or anti-social. In fact, Carrie’s social work record did not begin until January 17, 1924 and

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<sup>64</sup> Ibid.

<sup>65</sup> Lombardo, “Facing Carrie Buck,” 16.

<sup>66</sup> White and Hofland.

<sup>67</sup> Stephan Jay Gould, “Carrie Buck’s Daughter.” *Natural History* 111. (July-August, 2002).

<sup>68</sup> Buck v. Priddy.

before that, Miss Wilhelm had no knowledge of Carrie.<sup>69</sup> When questioned by Strode that, “the question of pregnancy is not evidence of feeble-mindedness, is it-the fact, as we say, she made a miss step went wrong- is that evidence of feeble-mindedness?”<sup>70</sup> Miss Wilhelm only implied that Carrie could be feeble-minded: “No, but a feeble-minded girl is much more likely to go wrong.”<sup>71</sup>

Although Miss Wilhelm’s testimony suggested that Carrie was feeble-minded, she depicted Vivian in a much different light. In her testimony, Miss Wilhelm compared Vivian Buck to Mrs. Dobbs’ “normal” granddaughter.

It is difficult to judge probabilities of a child as young as that, but it seems to be not quite a normal baby. In its appearance- I should say that perhaps my knowledge of the mother may prejudice me in that regard, but I saw the child at the same time as Mrs. Dobbs’ daughter’s baby, which is only three days older than this one, and there is a very decided difference in the development of the babies. That was about two weeks ago. There is a look about it that is not quite normal, but just what it is, I can’t tell.<sup>72</sup>

By depicting Vivian as “not quite normal” and “likely to be feeble-minded,” both Miss Wilhelm and Estabrook portrayed the Bucks as three generations of feeble-minded women, who were socioeconomic burdens to Virginia.

Harry H. Laughlin, Director of the ERO, did not appear at Carrie Buck’s trial, but instead sent a written “deposition of [...] authority” containing sworn testimony, which was requested by Aubrey Strode.<sup>73</sup> Although Laughlin had never met Carrie, Emma, or Vivian, he affirmed Priddy’s and Estabrook’s statements. In his deposition, Laughlin wrote that Carrie’s “mental defectiveness” was revealed by “failure of mental

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<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> A. Strode Letter to H. Laughlin, Requesting a Deposition on Hereditary Feeble-mindedness for the Trial of Carrie Buck in Amherst, Virginia. 30 November 1924. State University of New York at Albany. [http://www.eugenicsarchive.org/eugenics/image\\_header.pl?id=1336&printable=1&detailed=1](http://www.eugenicsarchive.org/eugenics/image_header.pl?id=1336&printable=1&detailed=1).

development” and although she had a “chronological age of 18 years,” she had “a mental age of 9 years.”<sup>74</sup> Additionally, Laughlin claimed that Carrie had a history of “social economic inadequacy” and a “record during life of immorality, prostitution, and untruthfulness.”<sup>75</sup> Laughlin depicted Carrie as an economic burden by alleging that she “has never been self sustaining.”<sup>76</sup>

Furthermore, Laughlin asserted that Carrie’s mother, Emma, was also feeble-minded, having a “chronological age of 52” with a “mental age of seven years and eleven months (7yrs, 11mos),” despite never examining her himself.<sup>77</sup> Laughlin maintained that Emma, like Carrie, had a record of “immorality, prostitution, and untruthfulness.”<sup>78</sup> Also, according to Laughlin, Emma had “been divorced from her husband on account of infidelity, has had record of prostitution and syphilis.”<sup>79</sup> Laughlin attempted to show that feeble-mindedness, prostitution, and immorality were hereditary by linking these traits with two generations of Buck women.

Laughlin argued that the Bucks belonged “to the shiftless, ignorant, and worthless class of antisocial whites of the South.”<sup>80</sup> Since Carrie was removed from Emma’s care at the age of four and placed in the care of the Dobbs’, an upstanding family, her “feeble-mindedness” resulted from heredity. Despite the quality of care the Dobbs provided for Carrie, she still produced an illegitimate child and combined with her family

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<sup>74</sup> Harry Laughlin, *The Legal Status of Eugenic Sterilization: History and Analysis of Litigation under the Virginia Sterilization Statute, which Led to a Decision of the Supreme Court of the United States Upholding the Statute*, 20.

<sup>75</sup> Ibid.

<sup>76</sup> Ibid.

<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

<sup>80</sup> Ibid.

history of feeble-mindedness, demonstrated “the hereditary nature of [...] moral delinquency described in Carrie Buck.”<sup>81</sup>

In response to the testimony of Strode’s witnesses, Carrie’s attorney, Irving Whitehead, called no witnesses to challenge the charges made against Carrie’s mental health. As a result, the Amherst County Circuit Court affirmed the validity of the sterilization law on September 10, 1924 and ordered her sterilization. Dr. Albert Priddy died before the appeals were heard in the case. Dr. J.H. Bell became superintendent of the Colony and his name replaced Priddy’s as party to the suit in the appeals process. Whitehead and Shelton (Carrie’s guardian) appealed the case (to ensure its legality) to the Supreme Court of Appeals of Virginia, arguing

If the Virginia Act of Assembly under consideration is held to be a valid enactment, then the limits of the power of the state to rid itself of those citizens deemed undesirable according to its standards by means of surgical sterilization have not been set. We will have established in the state the science of medicine and a corresponding system of judicature. A reign of doctors will be inaugurated in the name of science new classes will be added, even races may be brought within the scope of such a regulation and the worst forms of tyranny practiced.<sup>82</sup>

However, in November of 1925, the Virginia Supreme Court of Appeals upheld the ruling of the Amherst County Circuit Court.<sup>83</sup>

Next the case of *Buck v. Bell* was taken to the United States Supreme Court when a petition for certiorari was filed. Briefs were submitted on May 2, 1927, which led the Supreme Court to uphold Virginia’s Eugenical Sterilization Act by a vote of 8 to 1.<sup>84</sup> In

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<sup>81</sup> Ibid.

<sup>82</sup> Laughlin, *The Legal Status of Eugenical Sterilization: History and Analysis of Litigation under the Virginia Sterilization Statute, which Led to a Decision of the Supreme Court of the United States Upholding the Statute*.

<sup>83</sup> White and Hofland.

<sup>84</sup> *Buck v. Bell*. 274 U.S. 200, 47 S. Ct. 584, 1927. Lexis Nexis. <http://0-web.lexis-nexis.com.wncln.wncln.org/universe>.

his opinion, Chief Justice Oliver Wendell Holmes Jr. relied on an earlier case, *Jacobson v. Massachusetts*, which upheld a Massachusetts law requiring school children to be vaccinated against smallpox in support of the Court's decision.<sup>85</sup>

The judgment finds the facts that have been recited and that Carrie Buck “is the probable potential parent of socially inadequate offspring, likewise, afflicted, that she may be sexually sterilized without detriment to her general health and that her welfare and that of society will be promoted by her sterilization,” and thereupon makes the order. We have seen more than once that the public welfare may call upon the best citizens for their lives. It would be strange if it could not call upon those who already sap the strength of the State for these lesser sacrifices, often not felt to be such by those concerned, in order to prevent our being swamped with incompetence. 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 sustains compulsory vaccination is broad enough to cover cutting the Fallopian tubes. *Jacobson v. Massachusetts*, 197 U.S. 11. Three generations of imbeciles are enough.<sup>86</sup>

On October 19, 1927, Carrie Buck became the first person in Virginia sterilized under the new law. Carrie was paroled from the Colony shortly after her sterilization was performed. Although condemned as feeble-minded, she spent most of her adult life helping others. Her competence was obvious through the quality of care that she gave to those who depended on her.<sup>87</sup> However, Carrie expressed sorrow that she could not have additional children. After she left the Colony, Carrie married William Eagle and became a member of the Methodist Church in Bland where she sang in the choir. After twenty four years of marriage, Eagle died and Carrie moved to Front Royal, Virginia. While in Front Royal, Carrie met and married Charles Detamore. He worked on local farms and

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<sup>85</sup> Ibid.

<sup>86</sup> Ibid.

<sup>87</sup> Lombardo, “Three Generations, No Imbeciles: New Light on Buck v Bell.”

orchards while Carrie helped a local family by serving as a caretaker for an elderly relative.<sup>88</sup>

In 1970, Carrie and Charles returned to Charlottesville. They moved into a single-room cinder block shed without plumbing. They lived there for ten years in poverty, until 1980, when Carrie was hospitalized for exposure and malnutrition. After Carrie recovered, the couple was taken to a state-operated nursing home near Waynesboro, Virginia. She died at the nursing home on January 28, 1983 at the age of seventy-six. Carrie's body was returned to Charlottesville and buried near the graves of her only child Vivian and her foster parents, the Dobbs.<sup>89</sup>

*Buck v. Bell* was rooted in the acceptance of a politically popular social policy that mistakenly labeled Carrie as feeble-minded. Evidence conveniently not presented by her defense attorney, Whitehead, demonstrates that Carrie was wrongly labeled. Although Laughlin portrayed Emma as sexually promiscuous and unfaithful, records show that Frank and Emma Buck were married in 1896.<sup>90</sup> In 1906, when Carrie was born, records indicated that the Bucks were in fact still married. This disputes Laughlin's claim that Carrie was illegitimate and serves as the first piece of evidence to dispute the claim that Carrie and Emma were feeble-minded.

Carrie Buck's pedigree, created after the *Buck v. Bell* decision attempted to show that not only was Carrie feeble-minded but her daughter, Vivian, her mother, Emma, and her siblings Roy and Doris were feeble-minded as well.<sup>91</sup> Despite attempts to depict the

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<sup>88</sup> Ibid.

<sup>89</sup> Ibid.

<sup>90</sup> Marriage license of Emma Buck. Claude Moore Health Science Library. University of Virginia, Charlottesville, 1896, <http://www.healthsystem.virginia.edu/internet/library/historical/eugenics/exhibit3-2.cfm>.

<sup>91</sup> "Most Immediate Blood-kin of Carrie Buck," American Philosophical Society, Philadelphia, [http://www.eugenicsarchive.org/eugenics/image\\_header.pl?id=1231&printable=1&detailed=0](http://www.eugenicsarchive.org/eugenics/image_header.pl?id=1231&printable=1&detailed=0).

Bucks as feeble-minded, evidence presents a different picture of this family. Seven out of the eleven witnesses called to testify that Carrie was feeble-minded either had never met her or refused to offer any conclusion about her mental health.<sup>92</sup> In addition, several of Carrie's teachers could have testified, with supporting documentation, that Carrie was not feeble-minded. School records indicated that Carrie was not "mentally deficient." In the five years that she attended school, Carrie was promoted to the sixth grade. The year before she left school, her teacher "entered the comment 'very good--deportment and lessons' and recommended her for promotion."<sup>93</sup>

Carrie's daughter Vivian, who was labeled feeble-minded at the age of seven months, was raised by Carrie's foster parents (the Dobbs) until she died at the age of eight from an intestinal disease, enteric colitis.<sup>94</sup> Although she led a short life, Vivian disproved the rumors of feeble-mindedness. Her Venable Elementary School records demonstrated that Vivian was not "feeble-minded." In fact, Vivian was a good student, who maintained a B average.<sup>95</sup> Her grades for the first grade were as followed- "A" in Deportment, "B" in Reading, "B" in Spelling, "B" in English, and an "C" in Mathematics.<sup>96</sup> These clearly are not the grades of a feeble-minded person, attesting to the fact that Vivian possessed no mental deficiencies despite attempts by Estabrook and Miss Wilhelm to depict her as feeble-minded.

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<sup>92</sup> Buck v. Priddy.

<sup>93</sup> Lombardo, "Three Generations, No Imbeciles: New Light on Buck v Bell."

<sup>94</sup> Death Certificate of Carrie Buck's Daughter, Vivian, who died of "Enterocolitis" At Age 8. 1932. Cold Spring Harbor,

<http://www.eugenicsarchive.org/eugenics/showImage.pl?id=2282&printable=1&detailed=0>.

<sup>95</sup> Vivian Buck's Report Card, "Virginia Daily Attendance and Register and Record of Class Grades for Venable School in the City of Charlottesville." 1930-1931. American Philosophical Society, Philadelphia, <http://www.eugenicsarchive.org/eugenics/showImage.pl?id=1232&printable=1&detailed=0>

<sup>96</sup> Ibid.

Historians and interviewers, who met Carrie near the end of her life in 1983, also agreed to the fact that she was not feebleminded. In the article “Carrie Buck’s daughter,” Stephen Jay Gould wrote “as scholars and reporters visited Carrie Buck and her sister [Doris], what a few experts had known all along became abundantly clear to everyone. Carrie Buck was a woman of obviously normal intelligence.”<sup>97</sup> Additionally, in a letter to Gould, Dr. Paul Lombardo wrote

As for Carrie, when I met her she was reading newspapers daily and joining a more literate friend to assist at regular bouts with the crossword puzzles. She was not a sophisticated woman, and lacked social graces, but mental health professionals who examined her in later life confirmed my impressions that she was neither mentally ill nor retarded.<sup>98</sup>

Lastly, Carrie was not sexually promiscuous. Instead, as she told reporters, her pregnancy was the result of rape by the Dobbs’ nephew.<sup>99</sup> Clearly, Carrie Buck was not feebleminded but a pawn used to pass a brutal eugenical sterilization law.

Despite *Skinner v. Oklahoma*, the Court never prohibited states from sterilizing non-criminals.<sup>100</sup> Sterilization of allegedly mentally ill patients continued into the 1970s in several states, by which time around 60,000 Americans had been involuntarily sterilized. The *Buck v. Bell* decision, allowing sterilization of the “feebleminded,” has never been overturned. The 75<sup>th</sup> anniversary of the *Buck v. Bell* decision occurred on May 2, 2002. At an official ceremony to dedicate a historical marker to Carrie Buck, Virginia’s Governor Mark Warner offered the “Commonwealth’s sincere apology for

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<sup>97</sup> Gould.

<sup>98</sup> Ibid.

<sup>99</sup> Ibid.

<sup>100</sup> Lombardo, “Eugenic Sterilization Laws.”

The *Skinner v. Oklahoma* Supreme Court decision of 1942 banned sterilization of criminals.

Virginia's participation in eugenics," adding that "the eugenics movement was a shameful effort in which state government never should have been involved."<sup>101</sup>

Eugenicists hid behind the veil of science and heredity, blaming the social problems of crime, prostitution, and pauperism on the condition of feeble-mindedness. Instead of pursuing social uplift, eugenicists targeted poor uneducated whites for sterilization, believing that this would ease the burden they presented on tax payers. Unfortunately, the members of the Buck, Juke, Hill, and Kallikak families represented the stereotype of "poor white trash," who drained tax payers for their care. Carrie Buck was especially vulnerable to the attacks from eugenicists because of age and lack of a family group to protect her. Carrie alone, uneducated, pregnant, and in the care of a foster family (the Dobbs) was targeted by Dr. Priddy and other eugenicists based on class and economic status. To officials at the Colony, Carrie was an economic burden, costing Virginia's taxpayers \$200 a month for her care. In the end, Carrie was transformed into a tragic figure in American history, who was victimized by her own class and poverty. If Carrie had the economic resources to hire an attorney to portray her case accurately (unlike Whitehead), it was unlikely that the *Buck v. Bell* decision of 1927, upholding false eugenical ideals and the sterilization of the feeble-minded, would have withstood legal pressures.

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<sup>101</sup> White and Hofland.

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