

Carrie Buck's Daughter

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The Lord really put it on the line in his preface to that prototype of all prescription, the Ten Commandments:

for I, the Lord thy God, am a jealous God, visiting the iniquity of the fathers upon the children unto the third and fourth generation of them that hate me (Exod. 20:5).

The terror of this statement lies in its patent unfairness—its promise to punish guiltless offspring for the misdeeds of their distant forebears.

A different form of guilt by genealogical association attempts to remove this stigma of injustice by denying a cherished premise of Western thought—human free will. If offspring are tainted not simply by the deeds of their parents but by a material form of evil transferred directly by biological inheritance, then “the iniquity of the fathers” becomes a signal or warning for probable misbehavior of their sons. Thus Plato, while denying that children should suffer directly for the crimes of their parents, nonetheless defended the banishment of a man whose father, grandfather, and great-grandfather had all been condemned to death.

It is, perhaps, merely coincidental that both Jehovah and Plato chose three generations as their criterion for establishing different forms of guilt by association. Yet we have a strong folk, or vernacular, tradition for viewing triple occurrences as minimal evidence of regularity. We are told that bad things come in threes. Two may be an accidental association; three is a pattern. Perhaps, then, we should not wonder that our own century's most famous pronouncement of blood guilt employed the same criterion—Oliver Wendell Holmes's defense of compulsory sterilization in Virginia (Supreme Court decision of 1927 in *Buck v. Bell*): “three generations of imbeciles are enough.”

Restrictions upon immigration, with national quotas set to discriminate against those deemed mentally unfit by early versions of IQ testing, marked the greatest triumph of the American eugenics movement—the flawed hereditarian doctrine, so popular earlier in our century and by no means extinct today (see my column on Singapore's “great marriage debate,” May 1984), that attempted to “improve” our human stock by preventing the propagation of those deemed biologically unfit and encouraging procreation among the supposedly worthy. But the movement to enact and enforce laws for compulsory “eugenic” sterilization had an impact and success scarcely less

pronounced. If we could debar the shiftless and the stupid from our shores, we might also prevent the propagation of those similarly afflicted but already here.

The movement for compulsory sterilization began in earnest during the 1890s, abetted by two major factors—the rise of eugenics as an influential political movement and the perfection of safe and simple operations (vasectomy for men and salpingectomy, the cutting and tying of Fallopian tubes, for women) to replace castration and other obvious mutilation. Indiana passed the first sterilization act based on eugenic principles in 1907 (a few states had previously mandated castration as a punitive measure for certain sexual crimes, although such laws were rarely enforced and usually overturned by judicial review). Like so many others to follow, it provided for sterilization of afflicted people residing in the state’s “care,” either as inmates of mental hospitals and homes for the feebleminded or as inhabitants of prisons. Sterilization could be imposed upon those judged insane, idiotic, imbecilic, or moronic, and upon convicted rapists or criminals when recommended by a board of experts.

By the 1930s, more than thirty states had passed similar laws, often with an expanded list of so-called hereditary defects, including alcoholism and drug addiction in some states, and even blindness and deafness in others. It must be said that these laws were continually challenged and rarely enforced in most states; only California and Virginia applied them zealously. By January 1935, some 20,000 forced “eugenic” sterilizations had been performed in the United States, nearly half in California.

No organization crusaded more vociferously and successfully for these laws than the Eugenics Record Office, the semiofficial arm and repository of data for the eugenics movement in America. Harry Laughlin, superintendent of the Eugenics Record Office, dedicated most of his career to a tireless campaign of writing and lobbying for eugenic sterilization. He hoped, thereby, to eliminate in two generations the genes of what he called the “submerged tenth”—“the most worthless one-tenth of our present population.” He proposed a “model sterilization law” in 1922, designed

to prevent the procreation of persons socially inadequate from defective inheritance, by authorizing and providing for eugenical sterilization of certain potential parents carrying degenerate hereditary qualities.

This model bill became the prototype for most laws passed in America, although few states cast their net as widely as Laughlin advised. (Laughlin’s categories encompassed “blind, including those with seriously impaired vision; deaf, including those with seriously impaired hearing; and dependent, including orphans, ne’er-do-wells, the homeless, tramps, and paupers.”) Laughlin’s suggestions were better heeded in Nazi Germany, where his model act served as a basis for the infamous and stringently enforced *Erbgesundheitsrecht*, leading by the eve of World War II to the sterilization of some 375,000 people, most for “congenital feeblemindedness,” but including nearly 4,000 for blindness and deafness.

The campaign for forced eugenic sterilization in America reached its climax and height of respectability in 1927, when the Supreme Court, by an 8-1 vote, upheld the Virginia

sterilization bill in the case of *Buck v. Bell*. Oliver Wendell Holmes, then in his mid-eighties and the most celebrated jurist in America, wrote the majority opinion with his customary verve and power of style. It included the notorious paragraph, with its chilling tag line, cited ever since as the quintessential statement of eugenic principles. Remembering with pride his own distant experiences as an infantryman in the Civil War, Holmes wrote:

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. . . . 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. Three generations of imbeciles are enough.

Who, then, were the famous “three generations of imbeciles,” and why should they still compel our interest?

When the state of Virginia passed its compulsory sterilization law in 1924, Carrie Buck, an eighteen-year-old white woman, was an involuntary resident at the State Colony for Epileptics and Feeble-Minded. As the first person selected for sterilization under the new act, Carrie Buck became the focus for a constitutional challenge launched, in part, by conservative Virginia Christians who held, according to eugenical “modernists,” antiquated views about individual preferences and “benevolent” state power. (Simplistic political labels do not apply in this case, and rarely do in general. We usually regard eugenics as a conservative movement and its most vocal critics as members of the left. This alignment has generally held in our own decade. But eugenics, touted in its day as the latest in scientific modernism, attracted many liberals and numbered among its most vociferous critics groups often labeled as reactionary and antiscientific. If any political lesson emerges from these shifting allegiances, we might consider the true inalienability of certain human rights.)

But why was Carrie Buck in the State Colony, and why was she selected? Oliver Wendell Holmes upheld her choice as judicious in the opening lines of his 1927 opinion:

Carrie Buck is a feeble-minded white woman who was committed to the State Colony. . . . She is the daughter of a feeble-minded mother in the same institution, and the mother of an illegitimate feeble-minded child.

In short, inheritance stood as the crucial issue (indeed as the driving force behind all eugenics). For if measured mental deficiency arose from malnourishment, either of body or mind, and not from tainted genes, then how could sterilization be justified? If decent food, upbringing, medical care, and education might make a worthy citizen of Carrie Buck’s daughter, how could the State of Virginia justify the severing of Carries Fallopian tubes against her will? (Some forms of mental deficiency are passed by inheritance in family line, but most are not—a scarcely surprising conclusion when we consider the

thousand shocks that beset fragile humans during their lives, from difficulties in embryonic growth to traumas of birth, malnourishment, rejection, and poverty. In any case, no fair-minded person today would credit Laughlin's social criteria for the identification of hereditary deficiency—ne'er-do-wells, the homeless, tramps, and paupers—although we shall soon see that Carrie Buck was committed on these grounds.)

When Carrie Buck's case emerged as the crucial test of Virginia's law, the chief honchos of eugenics knew that the time had come to put up or shut up on the crucial issue of inheritance. Thus, the Eugenics Record Office sent Arthur H. Estabrook, their crack fieldworker, to Virginia for a "scientific" study of the case. Harry Laughlin himself provided a deposition, and his brief for inheritance was presented at the local trial that affirmed Virginia's law and later worked its way to the Supreme Court as *Buck v. Bell*.

Laughlin made two major points to the court. First, that Carrie Buck and her mother, Emma Buck, were feeble-minded by the Stanford-Binet test of IQ, then in its own infancy. Carrie scored a mental age of nine years, Emma of seven years and eleven months. (These figures ranked them technically as "imbeciles" by definitions of the day, hence Holmes's later choice of words. Imbeciles displayed a mental age of six to nine years; idiots performed worse, morons better, to round out the old nomenclature of mental deficiency.) Second, that most feeble-mindedness is inherited, and Carrie Buck surely belonged with this majority. Laughlin reported:

Generally feeble-mindedness is caused by the inheritance of degenerate qualities; but sometimes it might be caused by environmental factors which are not hereditary. In the case given, the evidence points strongly toward the feeble-mindedness and moral delinquency of Carrie Buck being due, primarily, to inheritance and not to environment.

Carrie Buck's daughter was then, and has always been, the pivotal figure of this painful case. As I stated before, we tend (often at our peril) to regard two as potential accident and three as an established pattern. The supposed imbecility of Emma and Carrie might have been coincidental, but the diagnosis of similar deficiency for Vivian Buck (made by a social worker, as we shall see, when Vivian was but six months old) tipped the balance in Laughlin's favor and led Holmes to declare the Buck lineage inherently corrupt by deficient heredity. Vivian sealed the pattern—three generations of imbeciles are enough. Besides, had Carrie not given illegitimate birth to Vivian, the issue (in both senses) would never have emerged.

Oliver Wendell Holmes viewed his work with pride. The man so renowned for his principle of judicial restraint, who had proclaimed that freedom must not be curtailed without "clear and present danger"—without the equivalent of falsely yelling "fire" in a crowded theater—wrote of his judgment in *Buck v. Bell*: "I felt that I was getting near the first principle of real reform."

And so the case of *Buck v. Bell* remained for fifty years, a footnote to a moment of American history perhaps best forgotten. And then, in 1980, it reemerged to prick our collective conscience, when Dr. K. Ray Nelson, then director of the Lynchburg Hospital

where Carrie Buck was sterilized, researched the records of his institution and discovered that more than 4,000 sterilizations had been performed, the last as late as 1972. He also found Carrie Buck, alive and well near Charlottesville, and her sister Doris, covertly sterilized under the same law (she was told that her operation was for appendicitis), and now, with fierce dignity, dejected and bitter because she had wanted a child more than anything else in her life and had finally, in her old age, learned why she had never conceived.

As scholars and reporters visited Carrie Buck and her sister, what a few experts had known all along became abundantly clear to everyone. Carrie Buck was a woman of obviously normal intelligence. For example, Paul A. Lombardo of the School of Law at the University of Virginia, and a leading scholar of the *Buck v. Bell* case, wrote in a letter to me:

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.

On what evidence, then, was Carrie Buck consigned to the State Colony for Epileptics and Feeble-Minded on January 23, 1924? I have seen the text of her commitment hearing; it is, to say the least, cursory and contradictory. Beyond the simple and undocumented say-so of her foster parents, and her own brief appearance before a commission of two doctors and a justice of the peace, no evidence was presented. Even the crude and early Stanford-Binet test, so fatally flawed as a measure of innate worth (see my book *The Mismeasure of Man*, although the evidence of Carrie's own case suffices) but at least clothed with the aura of quantitative respectability, had not yet been applied.

When we understand why Carrie Buck was committed in January 1924, we can finally comprehend the hidden meaning of her case and its message for us today. The silent key, again and as always, is her daughter Vivian, born on March 28, 1924, and then but an evident bump on her belly. Carrie Buck was one of several illegitimate children borne by her mother, Emma. She grew up with foster parents, J.T. and Alice Dobbs, and continued to live with them, helping out with chores around the house. She was apparently raped by a relative of her foster parents, then blamed for her resultant pregnancy. Almost surely, she was (as they used to say) committed to hide her shame (and her rapist's identity), not because enlightened science had just discovered her true mental status. In short, she was sent away to have her baby. Her case never was about mental deficiency; it was always a matter of sexual morality and social deviance. The annals of her trial and hearing reek with the contempt of the well-off and well-bred for poor people of "loose morals." Who really cared whether Vivian was a baby of normal intelligence; she was the illegitimate child of an illegitimate woman. Two generations of bastards are enough. Harry Laughlin began his "family history" of the Bucks by writing: "These people belong to the shiftless, ignorant and worthless class of anti-social whites of the South."

We know little of Emma Buck and her life, but we have no more reason to suspect her than her daughter Carrie of true mental deficiency. Their deviance was social and sexual; the charge of imbecility was a cover-up, Mr. Justice Holmes notwithstanding.

We come then to the crux of the case, Carrie's daughter, Vivian. What evidence was ever adduced for her mental deficiency? This and only this: At the original trial in late 1924, when Vivian Buck was seven months old, a Miss Wilhelm, social worker for the Red Cross, appeared before the court. She began by stating honestly the true reason for Carrie Buck's commitment:

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.

Miss Wilhelm then rendered her judgment of Vivian Buck by comparing her with the normal granddaughter of Mrs. Dobbs, born just three days earlier:

It is difficult to judge probabilities of a child as young as that, but it seems to me 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.

This short testimony, and nothing else, formed all the evidence for the crucial third generation of imbeciles. Cross-examination revealed that neither Vivian nor the Dobbs grandchild could walk or talk, and that "Mrs. Dobbs' daughter's baby is a very responsive baby. When you play with it or try to attract its attention—it is a baby that you can play with. The other baby is not. It seems very apathetic and not responsive." Miss Wilhelm then urged Carrie Buck's sterilization: "I think," she said, "it would at least prevent the propagation of her kind." Several years later, Miss Wilhelm denied that she had ever examined Vivian or deemed the child feebleminded.

Unfortunately, Vivian died at age eight of "enteric colitis" (as recorded on her death certificate), an ambiguous diagnosis that could mean many things but may well indicate that she fell victim to one of the preventable childhood diseases of poverty (a grim reminder of the real subject in *Buck v. Bell*). She is therefore mute as a witness in our reassessment of her famous case.

When *Buck v. Bell* resurfaced in 1980, it immediately struck me that Vivian's case was crucial and that evidence for the mental status of a child who died at age eight might best be found in report cards. I have therefore been trying to track down Vivian Buck's school records for the past four years and have finally succeeded. (They were supplied to me by

Dr. Paul A. Lombardo, who also sent other documents, including Miss Wilhelm's testimony, and spent several hours answering my questions by mail and Lord knows how much time playing successful detective *in re* Vivian's school records. I have never met Dr. Lombardo; he did all this work for kindness, collegiality, and love of the game of knowledge, not for expected reward or even requested acknowledgment. In a profession—academics—so often marked by pettiness and silly squabbling over meaningless priorities, this generosity must be recorded and celebrated as a sign of how things can and should be.)

Vivian Buck was adopted by the Dobbs family, who had raised (but later sent away) her mother, Carrie. As Vivian Alice Elaine Dobbs, she attended the Venable Public Elementary School of Charlottesville for four terms, from September 1930 until May 1932, a month before her death. She was a perfectly normal, quite average student, neither particularly outstanding nor much troubled. In those days before grade inflation, when C mean "good, 81-87" (as defined on her report card) rather than barely scraping by, Vivian Dobbs received A's and B's for deportment and C's for all academic subjects but mathematics (which was always difficult for her, and where she scored D) during her first term in Grade 1A, from September 1930 to January 1931. She improved during her second term in 1B, meriting an A in deportment, C in mathematics, and B in all other academic subjects; she was on the honor roll in April 1931. Promoted to 2A, she had trouble during the fall term of 1931, failing mathematics and spelling but receiving A in deportment, B in reading, and C in writing and English. She was "retained in 2A" for the next term—or "left back" as we used to say, and scarcely a sign of imbecility as I remember all my buddies who suffered a similar fate. In any case, she again did well in her final term, with B in deportment, reading, and spelling, and C in writing, English, and mathematics during her last month in school. This offspring of "lewd and immoral" women excelled in deportment and performed adequately, although not brilliantly, in her academic subjects.

In short, we can only agree with the conclusion that Dr. Lombardo has reached in his research on *Buck v. Bell*—there were no imbeciles, not a one, among the three generations of Bucks. I don't know that such correction of cruel but forgotten errors of history counts for much, but it is at least satisfying to learn that forced eugenic sterilization, a procedure of such dubious morality, earned its official justification (and won its most quoted line of rhetoric) on a patent falsehood.

Carrie Buck died last year. By a quirk of fate, and not by memory or design, she was buried just a few steps from her only daughter's grave. In the umpteenth and ultimate verse of a favorite old ballad, a rose and a brier—the sweet and the bitter—emerge from the tombs of Barbara Allen and her lover, twining about each other in the union of death. May Carrie and Vivian, victims in different ways and in the flower of youth, rest together in peace.