

Sterilization Act of 1924

The passage of the Virginia Sterilization Act of 1924 demonstrates how science has been used to drive policy throughout history. In the case of the Virginia sterilization law, the science used to draft the law was based on the principles of eugenics. With the help of Harry Laughlin's Model Sterilization Law, the state of Virginia was able to pass its own law allowing sterilization of the feebleminded, expressing sterilization as a health issue that needed to be protected from the public.

The compulsory sterilization movement in the US began in the 1890s, stemming from the rise of eugenics as a valid scientific field. Eugenics served as an influential political movement and led the way to the perfection of sterilizing operations. The first sterilization act based on eugenic principles was passed in Indiana in 1907, but it was problematic. It was not until the superintendent of the powerful Eugenics Record Office, Harry Laughlin, drafted the Model Sterilization Law, that state sterilization laws became more common. Laughlin's Model Sterilization law was published in his book, *Eugenical Sterilization in the United States* in 1922. The purpose of the book was not to sell the idea of eugenic sterilization laws to the greater public, but to influence state legislatures to design and implement their own eugenic laws.

In his book, Laughlin argued for the government to limit human reproduction in what he called worthless and defective populations in order to better the human race. During this time, marriage and reproduction were overseen by state regulations. Laws existed to place the so called anti-social into institutions, which prevented these individuals from reproducing, just as quarantine prevented the spread of infectious disease. Laughlin argued that these already existing legal provisions might limit personal freedoms, but they were valid means of protecting the public. So too, he argued, was sterilization.

Laughlin took the initiative to inform legislatures that sterilization was a public health concern, citing the 1905 US Supreme Court case of *Jacobson v. Massachusetts*. This precedent case decided in favor of compulsory vaccination in order to prevent the greater public from infection by a diseased individual. Laughlin argued that like compulsory vaccination, sterilization involved seizing people and subjecting them to intrusive operations, but for the greater good. This case would later serve as a precedent when the US Supreme Court faced the decision of sterilizing Carrie Buck in accordance to the law in the trial of *Buck v. Bell* (1927)

Three thousand copies of *Eugenical Sterilization in the United States* were printed and distributed nation-wide. Reviews varied widely, from extremely positive to somewhat negative. However, Laughlin knew that the impact of the book did not depend on the reviewers, but on the legislators who would use it to design and implement their own eugenic laws. He made sure to send his book to famous academic scholars and those belonging to the US legal world, including former president and Chief Justice of the US Supreme Court, William Howard Taft. Not all of Laughlin's recipients were famous, however. Laughlin directed copies of his book to many hospital and asylum directors as well. Few found the book as useful as Albert S. Priddy, superintendent of the Virginia Colony for Epileptics and Feeble Minded and former state legislature.

In Virginia, Priddy contacted legislator Aubrey Strode in order to draft the 1924 Virginia Sterilization Act. At this time, state laws allowing for sterilization had been struck down by the courts. Only ten state sterilization laws remained in place, and even these were weak and rarely enforced. Strode's research revealed that many state sterilization laws had been vetoed for due process violations or because the laws did not apply equally to residents of asylums and other citizens. Furthermore, Strode recalled from his service in the General Assembly that many sterilization bills had not passed because of negative public sentiment. Therefore, Priddy initiated campaigning in Virginia

in order to achieve positive public sentiment for passage of a Virginia Sterilization Act.

When E. Lee Trinkle, a longtime political colleague of Strode and supporter of the eugenics movement, was elected Governor of Virginia in 1922, Priddy achieved an influential political supporter for his campaign. In order for the bill to pass and survive legal attack, the men focused on changing public sentiment by broadening the public's knowledge of eugenic science and the laws of hereditary defect. Governor Trinkle released a report on the critical financial condition of the state of Virginia. Within the report, Trinkle reported that one of the largest contributions to Virginia's financial state was the increased spending on institutionalizing what he called defectives. Trinkle advocated the sterilization bill as a cost-saving strategy for public institutions that had experienced growth in the incarceration of what he referred to as feebleminded and defective populations. Trinkle added that legalizing sterilization for the insane, epileptic, and feeble-minded persons would allow these patients to leave the institutions and not propagate their own kind.

Within his draft of the sterilization bill, Strode made sure to be strategic and prudent about his language. He borrowed extensive portions of Laughlin's language from the Model Sterilization Law, following Laughlin's example of never using technical terms such as eugenics, genetics, or germ-plasm. Instead, his bill consisted of a simple argument, discussed in the preamble, advocating compulsory sterilization of what he called defective persons and only in "certain cases" to promote the health of the individual patient and to protect the welfare of society.

In addition to stating that sterilization was a public health concern, the bill also contained the qualification that if performed, sterilization would be done safely and by competent authority, implying that the patient would be operated on only by physicians and that any operation that was performed would be done only with the best interests of the patient in mind. The bill also stated that operations would result in little to no serious pain or substantial danger to patients. Physicians themselves would be protected from any repercussions under the law, and those who performed sterilizing operations could not be sued.

The eugenics argument soon followed and Strode wrote that the state was supporting too many defective persons in various institutions, resulting in a financial burden to the state of Virginia. Strode drove home the message that if the people were to be released from the facilities, they would "likely become a propagation of their own kind and a menace to society." The final sentence of the preamble explained, without scientific terms, that heredity played a significant role in the transmission of "insanity, idiocy, imbecility, epilepsy, and crime." The 1924 Virginia Sterilization Act passed quietly and without ceremony, as another eugenic enactment forbidding interracial marriage was passed on the same day drawing much more attention from the press than the new sterilization law.

In July of 1924, the Virginia Sterilization Act took effect, stating that inmates of any state institution could be sexually sterilized in certain cases. Anxious to continue his work, Priddy followed Strode's legal advice to validate the sterilization law through the Virginia Court of Appeals and possibly the US Supreme Court. Priddy then presented a list of eighteen patients residing at the Virginia Colony, all women, whom Priddy believed to be moral delinquents. Among this list of women was Carrie Buck, who would become the first person sterilized under the 1924 Virginia Sterilization Act. Her case would give rise to one of the most famous US Supreme Court cases: *Buck v. Bell*, a classic example of an individual's right versus state rights to control reproduction.

Sources

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