Eugenical Sterilization in the United States (1922), by Harry H. Laughlin

By: Gur-Arie, Rachel  Keywords: Model Sterilization Law

Eugenical Sterilization in the United States is a 1922 book in which author Harry H. Laughlin argues for the necessity of compulsory sterilization in the United States based on the principles of eugenics. The eugenics movement of the early twentieth century in the US focused on altering the genetic makeup of the US population by regulating immigration and sterilization, and by discouraging interracial procreation, then called miscegenation. Published in December 1922 by the Psychopathic Laboratory of the Municipal Court of Chicago in Chicago, Illinois, the book reports Laughlin's analysis of how states could benefit from sterilizing their mentally disabled residents, and it reprinted his model sterilization law, which he encouraged state governments to adopt. Laughlin's model sterilization law stressed the need for the sterilization of populations that Laughlin deemed inadequate for reasons ranging from physical appearance to socioeconomic status. The document influenced twentieth century legislation in the US about reproduction and compulsory sterilization.

Laughlin was the superintendent and assistant director of the Eugenics Research Office (ERO) at Cold Spring Harbor Laboratory in Cold Spring Harbor, New York, from 1910 to 1939, when the ERO closed. He collaborated with Charles Davenport, the director of the ERO. Although Laughlin suffered from epilepsy, he advocated for breeding out specific populations from the general population, including epileptics, the physically disabled, the mentally disabled, alcoholics, the blind, and the deaf. Albert Johnson, the chair of the House Committee on Immigration and Naturalization for the US Congress in Washington, DC, appointed Laughlin as the committee's expert eugenics agent after Laughlin testified three times between 1920 and 1924 about the data collected for his forthcoming Eugenical Sterilization in the United States. Laughlin's congressional testimonies helped contribute to the passage of the US Immigration Restriction Act of 1924, which restricted immigration into the United States to one-fifth of what it was before the passage of the bill, with particularly severe restrictions applying to immigrants from southern and eastern Europe.

Eugenical Sterilization in the United States, begins with a table of empirical data about past government approaches to sterilization. Laughlin writes that he intended the book to serve as an accessible tool for policy makers, court judges, state administrative officers, and US citizens. The research referenced in the text began in 1911, and it took Laughlin greater than ten years to compile and publish his results.

Eugenical Sterilization in the United States is 502 pages long and has seventeen chapters. Harry Olson, the Chief Justice of Chicago's Municipal Court, introduces the book, followed by a preface written by Laughlin. Chapters one through seven address sterilization statutes and practices per state. Chapter eight describes the family histories of people subject to sterilization. Laughlin classifies the subjects into the following non-exclusive categories: moral perverts, felons, epileptics, and the feeble-minded, or mentally disabled. Chapter nine
provides legal opinions from scholars, including Olson, and several attorneys general and lawyers. Chapter ten discusses moral implications when a state limits reproduction in the name of eugenics [6]. While chapter eleven describes how a eugenic diagnosis is administered, chapter twelve describes sterilization [5] procedures in males and females. A collection of anatomical illustrations and human pedigrees, which are genealogical trees of different peoples and families, are dispersed throughout the work.


Chapter five, "Analysis of the Sterilization Laws by Subject," argues that states should pass sterilization [5] statutes. The chapter includes the subsection titled "The Biological Criteria for Determining the Applicability of the Law to a Particular Individual." In that subsection, Laughlin claims that pedigree analysis is the most effective way to determine whether sterilization [5] is required for an individual. According to Laughlin, if someone is a parent of degenerate children, the parent must be sterilized so as not to produce additional degenerate children. Despite Laughlin’s support of pedigree analysis for justifying sterilization [5], he claims that executive agents should have the final decision about sterilization [5], and that consent of the patient or parent or guardian of the patient at risk for sterilization [5] is not required in most state statutes cited. Rather than giving the option of informed consent [11], some scenarios depict the patient or parent or guardian as being informed of his or her impending sterilization [5]. A Wisconsin law of 1913 mandated that at least thirty days’ notice should be given to the spouse, parent, or guardian of the candidate for sterilization [5] prior to the procedure. If none of those relationships were known, the candidate’s most recent room mate should be notified.

"The Physiological and Mental Effects of Sexual Sterilization" is the title of chapter thirteen, in which Laughlin discusses how the physical process of sterilization [5] impacts the mental wellbeing of those sterilized. The chapter begins with a social and biological overview of normal sexual function. Laughlin discusses research on the apparent quicker sexual maturity and higher levels of sexual desire of people of the tropics compared with people living in colder areas. He claims that the different sexual behaviors of the native peoples of the tropics and of colder regions easily translate to contemporary city and country lifestyles, with city dwellers having increased levels of promiscuity. Laughlin details the functions of the testes, ovaries, aside from reproductive actions, and he claims that there is no evidence that removing the testes, ovaries, results in physical or mental side effects. Laughlin also says that eunuchs, men who have had their testes removed, have risen to high social, economic, and political power, despite their sterilizations.
In chapter fourteen, titled “The Legal Biological and Practical Requirements for an Effective Eugenical Sterilization Law,” Laughlin addresses objections to compulsory sterilization laws. The first criticism is that sterilization laws are flawed because they are only in the interest of the public, and therefore can compromise individuals' beliefs and morals. Laughlin rejects the objection that compulsory sterilization violates the protections to individuals provided by the Fourteenth Amendment of the US Constitution. He argues that the people who would be subject to sterilization under compulsory sterilization laws would be socially inadequate and a threat to the population as a whole.

Laughlin’s Model Eugenical Sterilization Law is published in chapter fifteen, with further comments mentioned in chapter sixteen. Laughlin says that he intends his model law to prevent those people considered to be defective or degenerate, and possessing the potential to produce offspring that carry their parents' unfavorable attributes, from doing so through sterilization. Socially inadequate populations, according to Laughlin, include persons who are mentally handicapped, mentally insane, criminal, epileptic, addicted to alcohol or drugs, infected with diseases such as tuberculosis, syphilitic, leprosy, or other chronic infectious diseases; or those who are blind, deaf, physically handicapped, or homeless. Laughlin provides a model for a state and federal law, outlining details about how a state eugenicist and juries should serve throughout the full duration of proposed compulsory sterilization cases. According to Laughlin, state legislators should pass the measure into law in their own states.

Eugenical Sterilization in the United States inspired many state-level laws and court cases after its publication. Such laws included the Virginia Sterilization Act of 1924, which upheld the compulsory sterilization of the mentally disabled in Virginia. When that law was challenged in 1927 in the US Supreme Court case of Buck v. Bell, Laughlin served as an expert witness on behalf of the state of Virginia. The Supreme Court's decision upheld the notion that compulsory sterilization did not violate the due process clause of the Fourteenth Amendment, and that it could be conducted by the states. The 1942 US Supreme Court case of Skinner v. State of Oklahoma overturned much of the precedent set by Buck v. Bell, ruling that involuntary sterilization violated the Fourteenth Amendment. However, compulsory sterilization continued throughout the twentieth and twenty-first centuries.

Sources

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