

**The Rediscovery of Carrie Buck: A Historiography of *Buck v. Bell* and the Injustice  
Wrought by Oliver Wendell Holmes, Jr.**

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History

In 1923, Carrie Elizabeth Buck was raped. The offender was a nephew of her adoptive family and to avoid public shame, the family institutionalized Carrie Buck for feeble-mindedness and promiscuity at the Virginia State Colony for Epileptics and the Feeble-minded.<sup>i</sup> Nine months later, Buck gave birth to a baby girl, Vivian, and was promptly sterilized against her will under advisement of Colony superintendent Dr. Alfred Priddy. Buck was to be the Colony's test case to determine whether the new state Eugenical Sterilization Law of 1924 would hold up under legal scrutiny; by 1927 however, Carrie Buck was in front of the United States Supreme Court (USSC), suing the sterilization surgeon John Bell. Ultimately Buck lost the case 8-1, with the venerable Associate Justice Oliver Wendell Holmes writing in the opinion "Three generations of imbeciles are enough."<sup>ii</sup> Despite later evidence that neither Carrie Buck, nor her mother Emma, nor Vivian were in any way "imbecilic," Holmes' comment would long be the only part of *Buck v. Bell* to which eugenics and legal scholars paid any attention.

This brief description of the landmark USSC case, *Buck v. Bell*, offers a quick assessment of the injustice done to Carrie Buck and her family by the Commonwealth of Virginia and the United States Supreme Court. Unfortunately, it took decades for historians to reach this analytic discussion of *Buck v. Bell* which was instead understood for much of the twentieth century in terms of its legal and scientific merit. From the American Eugenics Movement of the late-nineteenth century into the scholarship of the early-twenty-first century, I trace the related paths

of major interdisciplinary and value-driven understandings of eugenics and the role of *Buck v. Bell* in litigating eugenic programs. This study of a singular court case and the variable ways in which scholars use it allows for a deeper interrogation of how cultural beliefs affect representations of historical actors and justifications of the eugenic project in the United States. I argue that to reach current conversations about the injustice of American eugenic programs as exemplified by *Buck v. Bell*, historical scholarship followed trends in twentieth century historical theory and pulled from medical and legal studies simultaneously, creating complex syncretizations which reflect era-specific American cultural values.

Before delving into academic understandings of *Buck v. Bell*, it is worth discussing early definitions for eugenics, sterilization, and “defectives” since the temporal changes in how these terms are understood directly influence interpretations of *Buck v. Bell*. Eugenics, as defined by Francis Galton in 1883, means “well-born.”<sup>iii</sup> An English polymath and the cousin of Charles Darwin, Galton applied the Darwinian theory of natural selection to humans, proposing that undesirable traits could be, and ought to be, bred out of society. The American Eugenics Movement of the late-nineteenth century emerged directly from the Galtonian belief that eugenic practices were humanitarian tools of positive social action.<sup>iv</sup>

In 1910, the American Genetic Association established the *American Breeders' Magazine* which, along with reputable publications such as *Scientific American*, actively reinforced Galton's definition of eugenics and advocated for its application to American peoples outside eugenicists' ideal parameters—white, mentally-sound, well-behaved, upper-class, etc. Anyone outside these Progressive Era norms risked being labeled “defective.” According to Paul Lombardo, a person could be categorized as socially or mentally defective.<sup>v</sup> A social defective was exactly that, one who seemingly rejects social mores in favor of being a flawed individual

instead. American eugenicists applied this term to criminals, non-white persons, non-Christians, and the impoverished, anyone who could taint the image of homogenous American prosperity. Mental defectives, a common term in early American psychology, referred to anyone considered “feeble-minded”, or individuals now understood to possess mental health conditions. These definitions pulled directly from Galtonian perceptions of human society to which, as Johanna Schoen points out, hegemonic Americans applied their normalized values.<sup>vi</sup>

Social deviants, or “defectives,” were often imprisoned or institutionalized. The other option for addressing their perceived social imperfections was to sterilize these individuals. Generally, sterilization has three forms: elective sterilization requested by individuals who did not want to procreate, such as with many male vasectomies; therapeutic sterilization done for an individual’s health as with hysterectomies and salpingo-oophorectomies performed to remove ovarian cancer; and eugenic sterilization.<sup>vii</sup> Eugenic sterilization, as defined by legal scholar John B. Gest, is “the deprivation of a person, through surgery, of the procreative power, for the purpose of improving the race by the prevention of offspring who, through hereditary mental defect, would be regarded as socially unfit.”<sup>viii</sup> Here, the link between social Darwinism and Galtonian eugenics is apparent since eugenic sterilization is done purely to prevent specific traits from passing from parent to child. This was the argument used to justify the sterilization of Carrie Buck.

Early proponents of the American Eugenics Movement presented their ideas as beneficial to society, asserting that eugenically minded endeavors, be they privately or federally funded, were best for both recipients of sterilization and the general public from which such degenerates would be removed. Legal historian Paul Lombardo is often cited as the foremost expert on Carrie Buck and *Buck v. Bell*. Lombardo argues in his 2008 book *Three Generations, No Imbeciles*:

*Eugenics, the Supreme Court, and Buck v. Bell*, that Progressive and Depression Era pro-eugenics scholarship (c. 1920-1942) was situated into two camps: the control of sexual deviancy and the economic progress resulting from fewer monies going toward care of “defectives.”<sup>ix</sup> Subsequent scholarship by legal historians generally agrees with Lombardo’s assessment, as do some feminist scholars before him, however the road to understanding *Buck v. Bell* as a landmark case for American sexual politics and capitalist gains is forked and winding.

Initial academic works on *Buck v. Bell* came out in the 1930s studies of state-sponsored sterilization. Following the Great Depression, Americans were keenly aware of personal and national economics and, with the New Deal offering federally funded work opportunities and stimulus packages, there was an increased focus on public welfare.<sup>x</sup> In 1938, Paul Popenoe and E.S. Gosney published a study of sterilization in California.<sup>xi</sup> Popenoe and Gosney were the head researcher and founder respectively of the Human Betterment Foundation (HBF), a eugenics institute with the primary purpose of using Popenoe’s findings to support state-sponsored eugenics and sterilization outside California.<sup>xii</sup> Although the Virginian case *Buck v. Bell* was the first case to challenge sterilization laws in the United States Supreme Court, it was Indiana in 1907 and California in 1909 that pioneered public monies going toward sterilization projects. The Popenoe and Gosney study is a continuation of their prior arguments regarding the benefits of forced or coerced sterilization for the wellbeing of the American people.

In their work, Popenoe and Gosney echo their East Coast contemporaries, Charles Davenport and Harry H. Laughlin at the Eugenics Record Office (ERO) in New York. Davenport and Laughlin claimed that sterilization of poor women was a necessity since these women and their children would stay reliant on public funds for their entire lives.<sup>xiii</sup> Popenoe and Gosney argue that the United States would be improved if these women could not have children because

there would be less of a burden on the American public. In 1929, Laughlin was the first professional eugenicist to write on the social welfare implications of *Buck v. Bell*, extending the above rationalization to institutionalized individuals because they were understood to be incapable of caring for themselves let alone children.<sup>xiv</sup> Popenoe, Gosney, and Laughlin's work following *Buck v. Bell* made use of the court's ruling as federal justification for their hypotheses on social order and economic development, a justification that was only reinforced by the Great Depression. Using these studies, Lombardo's assessment that the American Eugenics Movement was motivated by privileging specific social and perceived genetic attributes as well as public wealth proves correct.<sup>xv</sup> These early eugenics studies viewed *Buck v. Bell* as setting the precedent for a large-scale culling of the herd, of those "defectives" who could not, or should not, be allowed to reproduce for fear it would diminish the success of all Americans.

Early scholars of eugenics and *Buck v. Bell* were not trained historians. Rather, they were either passionate eugenics philanthropists who, like E.S. Gosney, used their money and status to fund sterilization projects and research, or they were Mendelian geneticists and biologists like Harry H. Laughlin. The lack of historical training means that the foundational works which discuss *Buck v. Bell* were situated within scientific disciplines and used scientific terms. They can be understood as miniature intellectual histories, vignettes of the actual star of *Buck v. Bell*, Oliver Wendell Holmes, Jr.<sup>xvi</sup> Holmes was an Associate Justice for the USSC during *Buck v. Bell* and wrote the notoriously laconic judicial opinion on the case. He was also a devout eugenicist. In their 1938 study, Popenoe and Gosney take a moment to praise Holmes in relation to *Buck v. Bell*, emphasizing his judicial legacy and blunt manner.<sup>xvii</sup> Holmes' concise opinions and involvement in landmark cases became the focus of many intellectual and political histories of *Buck v. Bell*. This framework, as defined by social-cultural historian William Sewell, focuses on

biographies of significant historical figures and the political, economic, and educational milieu in which they operated.<sup>xviii</sup> Like Holmes, these figures are often wealthy white men.

Academic works involving *Buck v. Bell* shift from touting the scientific glory of eugenics to being an amalgamation of intellectual histories on Holmes and legal histories on procedure and precedent. In 1943, lawyer Thomas Reed Powell outlined a legal history of coerced sterilization in the United States, encouraging his audience to pay attention to the personal and social influence which affect a Supreme Court decision.<sup>xix</sup> Powell alters the traditional intellectual history of Holmes by focusing on the latter's role in the courtroom rather than his affinity for eugenics. This hints at the social history Marxist scholars in Europe were beginning to employ. Social historians write about the everyday person and, to some extent, the roles which larger social constructs—race, socioeconomic status, gender, etc.—play in their lives. Powell begins to move beyond the strictly political and biographical foci of intellectual histories by weaving into his work the contextual narratives and social situations surrounding Buck and Holmes, later applying said context to the court case which united them. Yet Powell's piece remains an intellectual history at its heart, one which ignores Carrie Buck's agency and her role in the trial while maintaining the falsehood that she is "feebleminded."

This piece can further be viewed as representative of continued legal and medical debates over suppression of patients' autonomy. Judges and medical professionals, positions overwhelmingly dominated by white men even today, possess the social capital and power to determine the levels of bodily control allowed to citizens outside their ranks. The validity of these tools of social control was reinforced in both *Buck v. Bell* and its predecessor *Jacobson v. Massachusetts* (1905).<sup>xx</sup> In 1905, a Swedish immigrant and pastor, Henning Jacobson sued the Commonwealth of Massachusetts for infringing on his ability to decide for himself and his

family whether to receive the smallpox vaccine, citing the 14<sup>th</sup> Amendment protection of liberty. Massachusetts had a compulsory vaccination law, enacted following an outbreak of smallpox in 1902 and intended to protect their residents from another epidemic. Jacobson lost the case. The legal-medical authorities succeeded in their effort to “sanitize bodies that were viewed as a threat to the security of privileged classes,” a statement easily applied to *Buck v. Bell* and sterilization as well.<sup>xxi</sup> In fact, *Jacobson v. Massachusetts* is the only precedent ruling cited in *Buck v. Bell*, cementing their connection and their greater position in American eugenics history.

The *Buck v. Bell* ruling did not remain a tool solely for eugenics in the United States but globally, especially within the eugenic programs of Nazi Germany (1933-1945). Both the 1938 Popenoe-Gosney propaganda piece and a 1950 legal review by John B. Gest remark upon the capacity for *Buck v. Bell* to influence other nations. Popenoe and Gosney, as supporters of eugenic sterilization, maintain their positive view of the practice despite waning public support.<sup>xxii</sup> In 1934, Adolf Hitler in his role as Chancellor of Germany successfully enacted the Law for the Prevention of Genetically Diseased Offspring, a piece of eugenic legislation which legalized state-sponsored sterilization in Germany.<sup>xxiii</sup> The law was directly based upon Harry H. Laughlin’s model sterilization law which ordered the sterilization of anyone deemed mentally unfit. This broad definition provided the basis for what would become the Holocaust, the mass murder of innocents under the Third Reich in pursuit of a pure race. During the subsequent Nuremberg trials, defense attorneys for former Nazi officials referenced American laws and *Buck v. Bell* specifically as international legal precedent for the German eugenic programs post-1934.<sup>xxiv</sup>

As the atrocities of Nazism were revealed to the American public, eugenics quickly fell out of favor due to its associations with mass forced sterilizations and an enemy of war. Few

scholars continued to focus on American sterilization programs other than sociologist J.E. Coogan. Coogan was the first academic to publicly challenge the intelligence tests which the Virginia Colony said indicated the Buck women's imbecility, determining "'the three were morons at worst.'"<sup>xxv</sup>

The legal review from Gest also opposes the previous tones of Popenoe and Gosney, Laughlin, and Powell when discussing *Buck v. Bell* and Holmes. Gest presents the ruling in *Buck v. Bell* as a wholly negative and preposterous one, asserting that Holmes' opinion was the "product of a juristic philosophy in complete discord with that on which our principles of law and government are founded."<sup>xxvi</sup> The perceived discord results from what Gest understands to be a contradiction between the personal freedoms and individual bodily integrity provided to each American by the Constitution and the clear refusal by Holmes to allow for that in his opinion. The United States Supreme Court is viewed as an arm of a totalitarian government or an "absolute state."<sup>xxvii</sup> For Gest, *Buck v. Bell* is a tool to analyze the overextension of federal power over its citizens. In a remarkably progressive moment, Gest offers one of the first academically published concerns that *Buck v. Bell* could be used to target "many kinds of people...whose hereditary traits might be considered a hindrance to racial perfection."<sup>xxviii</sup> Again, though Gest is not a historian, he is presenting concerns similar to those of contemporary social historians who were beginning to look at marginalized populations. Like his predecessors, Gest still focuses on Holmes' role in the trial, only mentioning Carrie Buck twice by name and perpetuating the false belief that she was correctly institutionalized due to a mental health condition.

While Gest interrogates the legal veracity of the *Buck v. Bell* ruling, medical scholars and psychiatric professionals continued to justify sterilization of mental defectives, revamping their efforts under the guise of sterilization as a treatment for psychosis. Physician Clarence J. Gamble



was a prolific midcentury author and philanthropist. In an article for the *American Journal of Psychiatry*, he reaffirms the argument that sterilization of social and mental defectives is beneficial for the United States because it will prevent future incidents of hereditary psychosis:

For the patient it prevents the psychic overload that parenthood often involves and lessens the economic strain on families in which the psychosis usually exhausts financial resources. As no sexual change is involved, this is accomplished without sacrifice on the part of the patient or spouse. For the community the operation is fully justified because the cost of institutionalizing one inherited psychosis will greatly exceed that of many operations.<sup>xxix</sup>

Gamble presents sterilization as mutually beneficial to institutionalized patients and the American public, couching it in both sexual and economic terms. Economically, sterilization of one person would ideally prevent the birth and inevitable institutionalizing of future mental health patients. Though Gamble only explicitly mentions Carrie Buck and *Buck v. Bell* in his brief history of legal precedent for continued involuntary sterilization as treatment, his greater argument relating to heredity and the reduction of public burden mirrors those made twenty years earlier during the trial. Since Buck's mother was perceived as psychotic, Buck's own young pregnancy and perceived promiscuity had to result from a similar mental health condition that the prosecution then claimed she passed to her child.<sup>xxx</sup> It was in the public's best interest that Buck be sterilized to prevent any more children for which, the Commonwealth of Virginia argued, the people would be responsible. Gamble's article, while in line with midcentury psychiatric practice, directly contradicts the building animosity toward eugenics practices in American legal-political reviews and histories as well as concern from members of the targeted patient groups. This trend in addressing the varying patient groups reflects the broader theoretical shift in historical research and writing; turning away from the intellectual and political histories which focused on Oliver Wendell Holmes and the scientific merit of eugenics and moving toward emerging social histories which allow for new lines of inquiry and the interrogation of past intellectual assumptions.<sup>xxxi</sup>

During the Civil Rights Movement of the 1960s, along with the Women's, Gay Rights, and American Indian Movements which followed into the 1970s, criticism of *Buck v. Bell* grew as representatives of target groups for mass sterilization and institutionalization organized large-scale efforts to combat white, patriarchal, heteronormative hegemony in the United States. A manuscript by Julius Paul aligns with the increased questioning of sterilization's morality and legality using *Buck v. Bell* and its successor to the eugenics debate, *Skinner v. Oklahoma*, as case studies. From the outset, Paul establishes his work as "a combination of American social and intellectual history," and it is one of the first comprehensive academic works from a historian in consideration of *Buck v. Bell*.<sup>xxxii</sup> Paul's research was inspired by the American Medical Association and the American Bar Association's efforts in the mid-1950s to reappraise sterilization as a valid treatment for mental health, with both finding it questionable at best. Using the data collected by Popenoe and Gosney and Laughlin, as well as these later medical and legal studies, Paul presents a nuanced argument to view *Buck v. Bell* as the bellwether for American eugenics, the understanding and interpretation of which indicates greater social values and change.<sup>xxxiii</sup>

Though *Buck* and *Skinner* were both widely accepted in their time, Paul argues that "three generations of imbeciles are *not* enough and that Justice Holmes' oft-quoted aphorism is neither a monument to the wit nor the wisdom of a great jurist or a great judicial institution, but is rather another sad example of human ignorance and superstition."<sup>xxxiv</sup> For Paul, the Holmes Supreme Court could not be a proper arbiter of science and scientific treatment because all justices, save for Pierce Butler, were active proponents of eugenics. Paul also argued that the seemingly oxymoronic push for sterilization and social purification in the Progressive Era was possible because both eugenicists and progressivists supported a "collectivist view of the power

and purpose of the State.”<sup>xxxv</sup> This point supports the earlier work done by Gest which warned of the totalitarian approach federal and state governments took to eugenics. Paul underscores the importance of the *Buck v. Bell* ruling in achieving this legal-scientific goal saying, “*Buck v. Bell* not only gave eugenicists the legal vindication they had sought for so long, but scientific respectability as well.”<sup>xxxvi</sup>

The new connotation Julius Paul applies to *Buck v. Bell*, that it is a hallmark of an era’s beliefs and actions relating to eugenics, can be extended to the aforementioned trends in historical theory. Popenoe and Gosney provided the scientific statistics for early sterilization efforts while also giving credence to the magnanimous figure of Oliver Wendell Holmes during and after the trial. This intellectual and biographical means of writing history was subsumed by social histories, such as those given by Gest and Paul, which delve into new considerations for *Buck v. Bell* as exemplifying anti-laissez-faire government and having implications for individual liberties and bodily autonomy of mental health patients. From this focus on the patients as individuals capable of personal decision-making, social history makes room for feminist scholars who interrogate the relationship between *Buck v. Bell*, *Roe v. Wade*, and the sexual revolution.<sup>xxxvii</sup>

In the 1970s, new discussions of bodily autonomy emerged surrounding the Women’s Rights Movement and United States Supreme Court case *Roe v. Wade*. The 1973 landmark ruling allowed for women to seek abortions until the third trimester of pregnancy, effectively extending the rights of a woman to control her own body rather than being forced to give birth whenever pregnant. Suzanne Tessler, a professor in Women’s Studies, draws a comparison between *Roe v. Wade* and *Buck v. Bell*, emphasizing the lack of “bodily integrity” Carrie Buck felt she had when her trial decision was passed down.<sup>xxxviii</sup> Tessler references Coogan’s critique

of the imbecility of Buck, her mother, and her daughter, again challenging the belief that the three were incapable of making reasonable decisions and questioning the intelligence tests they were given.<sup>xxxix</sup> *Buck v. Bell* is once more considered as legal precedent for sterilization, particularly, Tessler suggests, the sterilization of women and more narrowly women perceived to be “mentally deficient.” Tessler, like Gest and Paul, concludes that “the affirmation of the constitutionality of the Virginia statute also set a precedent for abusing sterilization statutes in other states.”<sup>xli</sup> *Buck v. Bell* made it permissible to ignore a woman’s right to control her sexual habits and bodily autonomy without significant government interference, something which *Roe v. Wade* established a new precedent protecting against.

An important point Tessler makes is that despite continued pushback against eugenic and forced sterilization, “it is obvious that poor and minority women are the targets of compulsory sterilization and that the operations have generally been done in programs funded by the government.”<sup>xlii</sup> Tessler offers examples of women who go in for basic medical procedures such as birth control shots only to leave sterilized and incapable of having children. Similar narratives of eugenic control directly compare Carrie Buck’s sterilization to those of contemporary black and indigenous women, still considered by predominately white male government officials to be lesser-than. *Roe v. Wade* allowed for national exposure of the issues with *Buck v. Bell* while concurrent social movements provided increased access to narratives being explored by social historians.

As Suzanne Tessler and her feminist compatriots renewed efforts to view *Buck v. Bell* in terms of Carrie Buck and the personal rights of women rather than as a vessel for Oliver Wendell Holmes’ pithy legalese, historians Paul Lombardo and Stephen Jay Gould worked separately to rediscover Carrie Buck “the person” rather than Carrie Buck “the plaintiff”. In 1979, an aging

Carrie Buck was located in Charlottesville, Virginia and in a new series of interviews was introduced as a willing narrator of the long-term effects of forced sterilization and the legacy of the American Eugenics Movement beyond its influence on Nazism.<sup>xlii</sup> Lombardo, intrigued by Buck's story ever since learning of *Buck v. Bell*, reached out to her, engaging in what would be known as cultural history, the successor to social history. Inspired by the methodologies of anthropology which privilege emic experiences and research outside of the institution, cultural history provides the framework for Lombardo to establish a relationship with Carrie and her sister Doris. In this way, Lombardo would go on to conduct decades of participant observation with Buck and her extended family while continuing the archival research necessary to the historical project.

Both Gould and Lombardo developed comparative life histories of Buck with elements of traditional biographic histories and twists unique to the social and emergent cultural history in which they operated. Stephen Jay Gould was first to publish his cultural history biography of Buck in *Natural History* in 1984. He engaged with the Popenoe and Gosney, Laughlin, and Coogan texts as well as the Holmes opinion; by then, each was understood to be integral for studying American eugenics and, by extension, *Buck v. Bell*. "Their deviancy was social and sexual," Gould claims, "the charge of imbecility was a cover-up."<sup>xliii</sup> Gould, familiar with the questionable results of the Buck family's intelligence tests, blatantly argues that had it not been for Carrie's poverty and sex out of wedlock—that it was rape was of no concern to the court—her adoptive family would never have institutionalized her, disguising their shame by stigmatizing Carrie with a "feeble-mindedness" and a voracious sexual appetite which did not exist. The Commonwealth of Virginia and American eugenicists knew *Buck v. Bell* was their chance to establish legal precedent for forced sterilization and the resulting social control they hoped

would occur. As Gould notes, unfortunately for Carrie Buck and thousands of other “defectives,” the eugenicists were successful.<sup>xliv</sup>

Through Gould and Lombardo’s work with Carrie Buck, a new narrative surrounding *Buck v. Bell* took shape; the case was no longer a landmark in scientific progress and positive social control. Instead, *Buck v. Bell* became a way for studying tools of American oppression, with Carrie Buck and her resulting lifestyle used as a case study for the failure of a purportedly great nation to protect the freedoms of its people. Paul Lombardo’s publications, ranging from the early 1980s into modern day, are the gold standard for researching *Buck v. Bell*. They present the complicated history of the Buck family alongside the development of American eugenics and their subsequent involvement with one another. Lombardo continues the work started by Coogan, referring to the sociologist as “among the first to question Holmes’ reference to ‘imbeciles’.”<sup>xlv</sup> In his 2008 book, *Three Generations, No Imbeciles: Eugenics, the Supreme Court, and Buck v. Bell*, Lombardo presents *Buck v. Bell* as a living history, one which cannot be solely considered in the past. As stated previously, Lombardo also distilled eugenic rationale into two camps: sexual and socioeconomic.<sup>xlvi</sup> These two general reasons for the forced sterilization of Carrie Buck and thousands more is supported when looking at the works of Laughlin, Popenoe, Gosney, Holmes, and Charles Davenport, and is alluded to or discussed less concretely in Gest, Powell, Paul, and Tessler, though the beginnings of such conclusions are present. Lombardo effectively coalesces all prior research of *Buck v. Bell* and the American Eugenics Movement into a collection of books and articles dedicated to the historical complexities and intersections of the trial and prescient topics such as eugenics, sterilization, social welfare, legal precedent for autonomy, and mental health.<sup>xlvii</sup>

The historical and anthropological research Paul Lombardo conducted is now cited in all

twenty-first century scholarship related to eugenics and *Buck v. Bell*, particularly those seeking to enhance the cultural history framework via intersectional, decolonization, and postmodern studies. Each of these newer theoretical structures requires varying degrees of reflexivity on the part of the author, be it personal reflection on their own preconceptions of the past or those of the field in which they function. For example, Johanna Schoen studies *Buck v. Bell* as a means for understanding twentieth century American society.<sup>xlviii</sup> Schoen views the case and the USSC ruling as a distillation of hegemonic American values regarding race, socioeconomic status, gender, and sexual activity. The focus of her book, *Choice and Coercion: Birth Control, Sterilization, and Abortion in Public Health and Welfare*, is the study of eugenics in North Carolina, paying great attention to Clarence J. Gamble's role in development and sale of contraception and promotion of eugenic sterilization. Schoen emphasizes the role of "medical and social scientists" and "leading health and welfare professionals as well as financial sponsors [who] shaped public policy and influenced the nature of reproductive services."<sup>xlix</sup> Schoen and like-minded historians such as Katherine Castles and Adam Cohen, use Lombardo's work to foment their own eugenics histories, moving beyond the Carrie Buck biographies to hold responsible the historical figures who supported sterilization efforts.

Carrie Buck is reemerging in current academic works which acknowledge her as a victim of circumstance, circumstances determined by oppressive state and federal eugenic programs. Buck is a symbol for American twentieth century norms, and historical understandings of her and her case against the Virginia State Colony for Epileptics and the Feebleminded shifted along with the sociocultural context in which they were created. The intellectual and political histories of early eugenicists touted the value of Justice Oliver Wendell Holmes and the decision to uphold state sterilization laws as legislation that would benefit American morality.

As historians introduced Marxist conceptions of labor and economics to their work and the horrors wrought in Nazi eugenics programs were revealed to the American public, the history of *Buck v. Bell* became more complicated, and debates over government suppression of autonomy were commonplace. The era of social history, born of Marxist scholarship and various sociopolitical movements in the United States, encouraged the continued study of government power, contrasting the *Buck v. Bell* decision with the laissez-faire capitalism of the Progressive era. From social history came the subfield of feminist history and women's studies, and for the first time *Buck v. Bell* was examined in terms of female bodily autonomy and sexual activity while still discussed as important legal precedent. Cultural history blends anthropological methodology with historical subject matter and introduced *Buck v. Bell* to a new generation of historians interested in Buck's story and experience as well as the context in which the trial occurred. Using cultural history techniques, Paul Lombardo went beyond the traditional job of a historian, becoming a friend to Buck and setting himself up as the modern expert on *Buck v. Bell*.

The frameworks through which historians study the past are changing as we speak, and with them, the application of *Buck v. Bell* to twentieth century American history and modernity is expanding. Carrie Buck's bravery in suing the institution responsible for depriving her of her natural right to bear children lives on in studies of eugenics, of course, but it is also being reworked by historians determined to use her story to shed new light on the legacy and effects of American sterilization practices on all its victims. For Carrie Buck, there will always be a seat at the table of history.



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- <sup>i</sup> Paul Lombardo, "Three generations, no imbeciles: new light on Buck v. Bell," *New York University Law Review* 60, no. 1 (1985): 103-104.
- <sup>ii</sup> Paul Lombardo, *Three Generations, No Imbeciles: Eugenics, the Supreme Court, and Buck V. Bell* (Baltimore: Johns Hopkins University Press, 2008), x.
- <sup>iii</sup> Julius Paul, "...*Three Generations of Imbeciles are Enough...*": *State Eugenic Sterilization in American Thought and Practice*, Washington, D.C.: Walter Reed Army Institute of Research, 1965, 31.
- <sup>iv</sup> Lombardo, *Eugenics, the Supreme Court, and Buck V. Bell*, 31.
- <sup>v</sup> Lombardo, *Eugenics, the Supreme Court, and Buck V. Bell*, 15-16.
- <sup>vi</sup> Johanna Schoen, *Choice and Coercion: Birth Control, Sterilization, and Abortion in Public Health and Welfare* (Chapel Hill: The University of North Carolina Press, 2005), 7.
- <sup>vii</sup> Schoen, *Choice and Coercion*, 121.
- <sup>viii</sup> John Gest, "Eugenic Sterilization: Justice Holmes vs. Natural Law," *Temple Law Quarterly* 23, no. 4 (1950): 306.
- <sup>ix</sup> Lombardo, *Eugenics, the Supreme Court, and Buck V. Bell*, xiv.
- <sup>x</sup> Schoen, *Choice and Coercion*, 63.
- <sup>xi</sup> Paul Popenoe and E.S. Gosney, *Twenty-eight years of sterilization in California*, (Pasadena, CA: Human Betterment Foundation, 1938), 1.
- <sup>xii</sup> Lombardo, *Eugenics, the Supreme Court, and Buck V. Bell*, 190.
- <sup>xiii</sup> Popenoe and Gosney, *Sterilization in California*, xix.
- <sup>xiv</sup> Harry H. Laughlin, *The Legal Status of Eugenic Sterilization* (1929), 8.
- <sup>xv</sup> Lombardo, *Eugenics, the Supreme Court, and Buck V. Bell*, xiv.
- <sup>xvi</sup> Laughlin, *Legal Status of Eugenic Sterilization*, 10.
- <sup>xvii</sup> Popenoe and Gosney, *Sterilization in California*, 104.
- <sup>xviii</sup> William H. Sewell, *Logics of History* (Chicago: University of Chicago, 2005), 32.
- <sup>xix</sup> Thomas Reed Powell, "Compulsory Vaccination and Sterilization: Constitutional Aspects," *North Carolina Law Review* 21, no. 3 (1943): 257.
- <sup>xx</sup> Emily A. Harrison and Julia W. Wu, "Vaccine confidence in the time of COVID-19," *European Journal of Epidemiology* 35 (2020): 327-328.
- <sup>xxi</sup> Harrison and Wu, "Vaccine confidence," 327.
- <sup>xxii</sup> Popenoe and Gosney, *Sterilization in California*, 4.
- <sup>xxiii</sup> Lombardo, *Eugenics, the Supreme Court, and Buck V. Bell*, 202.
- <sup>xxiv</sup> Lombardo, *Eugenics, the Supreme Court, and Buck V. Bell*, 239.
- <sup>xxv</sup> Lombardo, *Eugenics, the Supreme Court, and Buck V. Bell*, 62.
- <sup>xxvi</sup> Gest, "Eugenic Sterilization," 312.
- <sup>xxvii</sup> Gest, "Eugenic Sterilization," 309.
- <sup>xxviii</sup> Gest, "Eugenic Sterilization," 309.
- <sup>xxix</sup> Clarence J. Gamble, "Sterilization in Preventative Psychiatry," *The American Journal of Psychiatry* 107, no. 12 (1951): 932.
- <sup>xxx</sup> Lombardo, "New light on Buck v. Bell," 32.
- <sup>xxxi</sup> Sewell, *Logics of History*, 39.
- <sup>xxxii</sup> Paul, *State Eugenic Sterilization*, 14.
- <sup>xxxiii</sup> Paul, *State Eugenic Sterilization*, 74.
- <sup>xxxiv</sup> Paul, *State Eugenic Sterilization*, 18.
- <sup>xxxv</sup> Paul, *State Eugenic Sterilization*, 47.
- <sup>xxxvi</sup> Paul, *State Eugenic Sterilization*, 43.
- <sup>xxxvii</sup> Sewell, *Logics of History*, 17.
- <sup>xxxviii</sup> Suzanne Tessler, "Compulsory Sterilization Practices," *Frontiers: A Journal of Women's Studies* 1, no. 2 (1976): 53.
- <sup>xxxix</sup> Tessler, "Compulsory Sterilization Practices," 54.
- <sup>xl</sup> Tessler, "Compulsory Sterilization Practices," 58.
- <sup>xli</sup> Tessler, "Compulsory Sterilization Practices," 59.

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- <sup>xlii</sup> Lombardo, *Eugenics, the Supreme Court, and Buck V. Bell*, 250.
- <sup>xliii</sup> Stephen Jay Gould, "Carrie Buck's Daughter," *Natural History* 93 (1984): 338.
- <sup>xliv</sup> Gould, "Carrie Buck's Daughter," 339.
- <sup>xliv</sup> Lombardo, *Eugenics, the Supreme Court, and Buck V. Bell*, 241.
- <sup>xlvi</sup> Lombardo, *Eugenics, the Supreme Court, and Buck V. Bell*, xiv.
- <sup>xlvii</sup> Lombardo, *Eugenics, the Supreme Court, and Buck V. Bell*, xiii.
- <sup>xlviii</sup> Schoen, *Choice and Coercion*, 62
- <sup>xlix</sup> Schoen, *Choice and Coercion*, 4.

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