

### Cohen Review

“Three generations of imbeciles are enough.”<sup>1</sup> Adam Cohen deftly walks the reader through the case that led to those words being written by Supreme Court Justice Holmes. *Buck v Bell* is one of the most notorious cases in American History—one that has yet be overturned. This ruling was the basis for the forced sterilization of 60,000 to 70,000 United States citizens up until the 1980s in some cases, and some without their knowledge.<sup>2</sup> Another problematic issue that arises in Cohen’s introduction is that in the California women’s prison system between 2006 and 2010 had been sterilized and some without consent.

While some call *Buck v. Bell* an anomaly, it is important to look at the factors leading to how it happened. The science of eugenics and a fear of feeble-mindedness was sweeping the nation. Fears of how poverty, race, and other “undesirables” were rampant and having a place to blame it—the individual in question—made it easy for this case to be tried, basic evidence ignored, and the Supreme to rule in favor of sterilizing the “problem.” Then, the impact of this case and the resulting decisions gave Nazi Germany a model to base their eugenics program, Erbgesundeheitsgerichte on and Nazis at Nuremberg cited *Buck v. Bell* as a defense tactic.<sup>3</sup>

In 1927, although eugenics was sweeping the nation, there were still scientists, academics and religious leaders who fought against this case, yet a team of lawyers—including Carrie Buck’s lawyer worked to mislead, misinform, and sought out the “perfect” case to bring before a court with sympathies leaning towards eugenics or at the very least social Darwinism. This

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<sup>1</sup> Cohen, Adam. *Imbeciles: The Supreme Court, American Eugenics, and the Sterilization of Carrie Buck*. Penguin, 2016. Pg. 2.

<sup>2</sup> Cohen, 10.

<sup>3</sup> Cohen, pg. 11

simple U.S. case that would extend globally, begins with Carrie Buck, a young woman deemed an imbecile, actually a moron, by the state of Virginia.

It's interesting that the catalyst was her foster family, who had her committed to avoid condemnation of her being raped by the foster mother's nephew.<sup>4</sup> There was also the issue of embarrassment over an unwed mother, and in Carrie's case with her mother also being committed to the institution for feeble-mindedness and having a similar life story as Carrie, with no one to fight for her Carrie became just the perfect case for eugenics Albert Priddy could ask for and one for Strode to test his sterilization law.<sup>5</sup> Due to no understanding of law, probably due to her limited education and not her mental faculties, and a lawyer, Irving Whitehead, who colluded with Strode to ensure the case went before the Supreme Court.<sup>6</sup>

Strode is an interesting character in Cohen's narrative. While Cohen doesn't hold back in pointing out the leanings of Priddy, Dr. DeJarnette, Dr. Bell and Laughlin—who would provide the testimony as expert witnesses from the Eugenics Record Office, he does point out that Strode was different.<sup>7</sup> Framing Strode as someone who went along with the group, or in this case his clients who wanted sterilization and peppering in that he wrote the law narrower than eugenicists wanted seems to downplay his ardent defense in the Supreme Court. It's also an interesting contrast to his treatment of Holmes as pointed out by Molly Ladd-Taylor.<sup>8</sup>

Whitehead deserves his own chapter, however, considering his ties to Priddy and the colony it is not surprising that he gets wrapped into the narrative in such a way. He makes a suspicious lawyer for Buck but when looking at how he was hired by Shelton to handle the

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<sup>4</sup> Cohen, pg.24-30.

<sup>5</sup> Cohen, 35.

<sup>6</sup> Cohen, 254-255, Whitehead didn't outright collude with Strode but he gave lackluster legal arguments and downplayed the "outlandishness" of sterilization and made it seem commonplace in western civilization.

<sup>7</sup> Cohen, pg. 210.

<sup>8</sup> Ladd-Taylor, Molly. *The Journal of American History* 104, no. 2 (2017): 516–17.

<https://www.jstor.org/stable/48548700>.

appeal after being known and on the board colony it becomes downright nefarious.<sup>9</sup> The real hammer though was Holmes—in a surprising twist from his public facing persona of a bastion against loss of civil liberties and individual freedoms, he was full of contempt for normal citizens.<sup>10</sup> Holmes, as Cohen points out, did not live up to his legend, especially in this case. Holmes becomes the elitist in this case and even diminishes Carrie's intelligence further decrying her, her poor child, and her mother "imbeciles" even though Carrie was rated a "moron."<sup>11</sup>

Cohen does a wonderful job weaving together the various players, Priddy, Laughlin, Strode, Holmes, and bookends the narrative with Carrie Buck. Cohen also explains why the case was "troubling" and really an abuse of power built on faulty science and elitism.<sup>12</sup> However, he downplays the ordinary citizens that led to this case becoming as impact as it did—the Dobbses' and others like them that didn't look at their own prejudices or actions. Also, in echoing Ladd-Taylor, there really wasn't a deep look at gendered expectations in this case.<sup>13</sup> Another aspect of this case is the lack of how racism played a large part in eugenics laws—however in the south it was focused more on the right "kind of whites," that should be breeding.<sup>14</sup> While Carrie Buck was a white woman, the majority of women effected by eugenics laws were Native American, African American, and other women of color.

It's also interesting that while *Buck v. Bell* has never been overturned, *Skinner v. Oklahoma* (1942) upheld that forced sterilization, at least to male prisoners subject to the Criminal Sterilization Act of 1935, violated the Fourteenth Amendment's Equal Protection

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<sup>9</sup> Cohen, pg. 98.

<sup>10</sup> Cohen, pg. 214.

<sup>11</sup> Cohen, pg. 270.

<sup>12</sup> Cohen, pg. 13.

<sup>13</sup> Ladd-Taylor, pg. 517.

<sup>14</sup> Cohen, pg. 58.

Clause—which was something that Whitehead clumsily attempted in 1927.<sup>15</sup> In Cohen’s conclusion, he points out Douglas’s viewpoint that the court’s ruling would not overturn or limit *Buck v. Bell*: “I thought that this kind of legislation was permissible and constitutional, but that it had to be surrounded by very careful procedural safeguards lest it be used oppressively or arbitrarily.”<sup>16</sup>

Cohen points out that most states have reversed or overturned eugenics laws due to public outcry, but it’s never reached *Buck*. It also leads to the question: what happens when people believe that addicts, alcoholics, or “this group” needs to be sterilized for the public good? What about people with disabilities?<sup>17</sup> Ryan Kelty also postulates some excellent questions and views from a sociology perspective.<sup>18</sup> It’s terrifying to realize that the only thing stopping sterilization laws from popping up is public opinion. Even then in some cases, *Buck v. Bell* is still being used to uphold limited sterilization programs, like the California prison system, or cited in cases like *Vaughn v. Ruoff*—where “involuntary sterilization is not always unconstitutional.”<sup>19</sup> Which leads to an interesting quandary with Cohen’s book and the assessment of other scholars, legal minds, and historians—is *Buck v. Bell* really an anomaly?

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<sup>15</sup> Cohen, pg. 254.

<sup>16</sup> Cohen, pg. 318.

<sup>17</sup> Author’s note, I do have a prejudice with this case, my father was born without an arm. Had he been born prior to 1950, there was a good chance he would have been committed to a similar colony and possibly sterilized had he been in any other state besides Missouri which is ironic considering Vaughn’s case.

<sup>18</sup> Kelty, Ryan, and Adam Cohen. *Teaching Sociology* 46, no. 2 (2018): 178–80. Pg 178.

<https://www.jstor.org/stable/26589019>.

<sup>19</sup> Cohen, pg. 318.