***Buck v. Bell***

***Buck v. Bell***, 274 [U.S.](http://en.wikipedia.org/wiki/United_States_Reports) [200](http://supreme.justia.com/us/274/200/case.html) (1927), was the [United States Supreme Court](http://en.wikipedia.org/wiki/Supreme_Court_of_the_United_States) ruling that upheld a statute instituting [compulsory sterilization](http://en.wikipedia.org/wiki/Compulsory_sterilization) of the unfit, including the [mentally retarded](http://en.wikipedia.org/wiki/Mental_retardation), "for the protection and health of the state." It was largely seen as an endorsement of [negative eugenics](http://en.wikipedia.org/wiki/Eugenics)—the attempt to improve the human race by eliminating "defectives" from the [gene pool](http://en.wikipedia.org/wiki/Gene_pool).

The concept of [*eugenics*](http://en.wikipedia.org/wiki/Eugenics) had been put forward in 1883 by [Francis Galton](http://en.wikipedia.org/wiki/Francis_Galton), who also coined the name.[[1]](http://en.wikipedia.org/wiki/Buck_v._Bell#cite_note-0) The trend first became popular in Europe, but also found proponents in the [United States](http://en.wikipedia.org/wiki/United_States) by the start of the twentieth century. [Indiana](http://en.wikipedia.org/wiki/Indiana) passed the first eugenic sterilization statute (1907), but it was legally flawed. To remedy this situation, [Harry Laughlin](http://en.wikipedia.org/wiki/Harry_Laughlin) of the Eugenics Record Office (ERO) at the [Cold Spring Harbor Laboratory](http://en.wikipedia.org/wiki/Cold_Spring_Harbor_Laboratory), designed a model eugenic law that was reviewed by legal experts. In 1924 the Commonwealth of [Virginia](http://en.wikipedia.org/wiki/Virginia) adopted a statute authorizing the [compulsory sterilization](http://en.wikipedia.org/wiki/Compulsory_sterilization) of the [mentally retarded](http://en.wikipedia.org/wiki/Mentally_retarded) for the purpose of eugenics. This 1924 statute was closely based on Laughlin's model.[[2]](http://en.wikipedia.org/wiki/Buck_v._Bell#cite_note-1)

[](http://en.wikipedia.org/wiki/File:Carrie_Buck.jpg)Looking to determine if the new law would pass a legal challenge, on Sept 10, 1924 Dr. Albert Sidney Priddy, superintendent[[3]](http://en.wikipedia.org/wiki/Buck_v._Bell#cite_note-2) of the [Virginia State Colony for Epileptics and Feebleminded](http://en.wikipedia.org/wiki/Virginia_State_Colony_for_Epileptics_and_Feebleminded), filed a petition to his Board of Directors to sterilize [Carrie Buck](http://en.wikipedia.org/wiki/Carrie_Buck), an 18-year-old patient at his institution who he claimed had a mental age of 9. Priddy maintained that Buck represented a genetic threat to society. According to Priddy, Buck's 52-year-old mother possessed a mental age of 8 and had a record of [prostitution](http://en.wikipedia.org/wiki/Prostitution) and [immorality](http://en.wikipedia.org/wiki/Immorality). She had three children without good knowledge of their parentage. Carrie, one of these children, had been adopted and attended school for five years, reaching the level of sixth grade. However, according to Priddy, she had eventually proved to be "incorrigible" and eventually gave birth to an illegitimate child. Her adopted family had committed her to the State Colony as "[feeble-minded](http://en.wikipedia.org/wiki/Feeble-minded)" (a catch-all term used at the time for not only the mentally disabled but also anyone considered abnormal), as her family no longer felt capable of caring for her. It was later discovered that Carrie's pregnancy was not caused by any "immorality" on her own part. In the summer of 1923, while her adoptive mother was away "on account of some illness," her adoptive mother's nephew raped Carrie, and Carrie's later commitment has been seen as an attempt by the family to save their reputation.

While the litigation was making its way through the court system, Priddy died and his successor, Dr. [James Hendren Bell](http://en.wikipedia.org/w/index.php?title=James_Hendren_Bell&action=edit&redlink=1), took up the case. The Board of Directors issued an order for the sterilization of Buck, and her guardian appealed the case to the [Circuit Court](http://en.wikipedia.org/wiki/Circuit_Court) of Amherst County, which sustained the decision of the Board. The case then moved to the [Supreme Court of Appeals](http://en.wikipedia.org/wiki/Supreme_Court_of_Appeals) of Virginia.

The appellate court sustained the sterilization law as compliant with both the state and federal constitutions, and it then went to the [United States Supreme Court](http://en.wikipedia.org/wiki/United_States_Supreme_Court). The plaintiff's lawyers argued that this procedure ran counter to the protections of the [14th Amendment](http://en.wikipedia.org/wiki/Fourteenth_Amendment_to_the_United_States_Constitution) and [5th Amendment](http://en.wikipedia.org/wiki/Fifth_Amendment_to_the_United_States_Constitution). They contended that the due process clause guarantees all adults the right to procreate which was being violated. They also made the argument that the equal protection clause in the 14th Amendment was being violated since not all similarly situated people were being treated the same. The sterilization law was only for the "feeble-minded" at certain state institutions and made no mention of other state institutions or those who were not in an institution.

On 2 May 1927, in an 8-1 decision, the Court accepted that she, her mother and her daughter were "feeble-minded" and "promiscuous,"[[4]](http://en.wikipedia.org/wiki/Buck_v._Bell#cite_note-3) and that it was in the state's interest to have her sterilized. The ruling legitimized Virginia's sterilization procedures until they were repealed in 1974.

The ruling was written by Justice [Oliver Wendell Holmes, Jr.](http://en.wikipedia.org/wiki/Oliver_Wendell_Holmes,_Jr.) In support of his argument that the interest of the states in a "pure" gene pool outweighed the interest of individuals in their bodily integrity, he argued:

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| **“** | 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, often not felt to be such by those concerned, to prevent our being swamped with incompetence. 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 *[a method of sterilization].* | **”** |

Holmes concluded his argument by declaring that "Three generations of imbeciles are enough".[[5]](http://en.wikipedia.org/wiki/Buck_v._Bell#cite_note-4) The sole dissenter in the court, Justice [Pierce Butler](http://en.wikipedia.org/wiki/Pierce_Butler_(justice)), declined to write a minority opinion.

Carrie Buck was operated upon and sterilized. She was later paroled from the institution as a domestic worker to a family in Bland, Virginia. She was an avid reader until her death in 1983. Her daughter Vivian had been pronounced "feeble minded" after a cursory [*short*] examination by ERO field worker Dr. Arthur Estabrook,[[6]](http://en.wikipedia.org/wiki/Buck_v._Bell#cite_note-5) thus the "three generations" of the majority opinion. It is worthy of noting that the child did very well in school for the two years that she attended (she died of complications from [measles](http://en.wikipedia.org/wiki/Measles) in 1932), even being listed on her school's honor roll in April 1931.[[7]](http://en.wikipedia.org/wiki/Buck_v._Bell#cite_note-6)

Historian [Paul A. Lombardo](http://en.wikipedia.org/wiki/Paul_A._Lombardo) argued in 1985 that Buck was not "feeble-minded" at all, but that she had been put away to hide her rape, perpetrated by the nephew of her adoptive mother.[[8]](http://en.wikipedia.org/wiki/Buck_v._Bell#cite_note-7) He also asserted that Buck's lawyer, Irving Whitehead, poorly argued her case, failed to call important witnesses, and was remarked by commentators to often not know what side he was on. It is now thought that this was not because of incompetence, but it was done deliberately[[9]](http://en.wikipedia.org/wiki/Buck_v._Bell#cite_note-8). Whitehead had close connections to the counsel for the institution and to Priddy. Whitehead was a member of the governing board of the state institution in which Buck resided, and had personally authorized Priddy's sterilization requests and was a strong supporter of eugenic sterilization.