

LEADING THE RACE: EUGENICS  
IN CALIFORNIA,  
1896-1945

by

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A thesis submitted to the Graduate Council of  
Texas State University in partial fulfillment  
of the requirements for the degree of  
Master of Arts  
with a Major in History  
December 2013

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## ACKNOWLEDGEMENTS

I owe a tremendous debt of gratitude to everyone in the Department of History at Texas State University-San Marcos for all of their support and guidance throughout my entire graduate career. To all of my professors, thank you for your constant inspiration. First and foremost, I would like to thank Dr. Rebecca Montgomery for her guidance and advice throughout the writing process. To Dr. Montgomery, Dr. Mary Brennan, Dr. James McWilliams, Dr. Jeff Helgeson, Dr. Ana Romo, Dr. Paul Hart, Dr. Angela Murphy, and Dr. Jesús Francisco de la Teja—you are the best group of educators out there and have deepened my appreciation and love for history, a task that I did not believe possible just a few years ago. Also, I would like to give a special thank you to Dr. Deborah Cunningham in the Department of Anthropology for welcoming me into her classroom and letting me wax poetic about eugenic theory and its modern implications. To my colleagues, thanks for helping me rise to a higher standard of learning and for the numerous conversations, historical and otherwise. Thanks to the librarians, archivists, and staff at Alkek Library at Texas State University-San Marcos and the Perry-Castañeda Library at the University of Texas at Austin. Without your direction and expertise, this essay would have never lifted off the ground.

To all of my family and friends, thank you for checking in on my sanity and for offering your love and support throughout this process. To my mother, Barbara, thank you for inspiring me with your own budding interests in historical writing and preservation. To my father, Joe, thank you for your ceaseless support and devotion, and

for always taking the time to listen and relate. To Harris, your generosity and good-natured spirit help keep me anchored at times of panic. Gary, Charles, Todd, and Aaron—thanks for your encouragement and companionship. To everyone in Hard Proof—stay hard. Lastly, thanks to all of my Khabele colleagues for tolerating and showing interest in my dual life as a scholar and for giving me the opportunity to teach part-time while pursuing another degree.

Lastly, I would like to thank everyone that stopped to chat with me about the bizarre topic of this paper over the last year. Our numerous sidewalk and barroom discussions over the past year have greatly informed the content of this essay. I never imagined so many rich opportunities for conversation imbedded in this topic, and I am eternally grateful.

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## CHAPTER 1

### Introduction

In July of 2013, national headlines revealed that between 2006 and 2010, physicians in California prisons sterilized 148 female prisoners without state approval. Doctors contracted by the California Department of Corrections and Rehabilitation—funded by the state of California—performed the surgeries on women pregnant upon their admittance to prison. Many of the inmates claimed that they were pressured into signing consent forms, often under the pain and duress of labor during childbirth. One accused physician, Dr. James Heinrich of the Valley State Prison for Women, claimed that pregnant women admitted to prisons were a burden on the state, as they often committed crimes in order to receive medical treatment. He justified the procedure, which cost an average of \$147,469, in financial terms and argued that, “Over a ten year period, that isn’t a huge amount of money compared to what you save in welfare paying for these unwanted children.” Since 1994 the state has authorized medical officials to determine the necessity of sterilization on a case-by-case basis. While the state did not directly grant permission for the operations, Dr. Heinrich and other physicians acted within their authority.<sup>1</sup>

The recent accusations are the only most recent chapter in California’s long record of state-sanctioned sterilizations. Although the state’s sterilization program was officially dismantled in 1979, California’s history of sterilization dates back to the early-

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<sup>1</sup> Additionally, interviews and state documents indicate that perhaps 100 more sterilizations were performed in the late 1990s. From Corey G. Johnson. “Female Inmates Sterilized in California Prisons Without Approval.” *The Center for Investigative Reporting*. July 7, 2013. <http://cironline.org/reports/female-inmates-sterilized-california-prisons-without-approval-4917>

twentieth century, when the state developed the most aggressive sterilization program in the nation. Between 1909 and 1979, with state authorization, physicians in California prisons and hospitals performed more than 20,000 sterilizations—one-third of the national total. Philanthropists and experts boasted of their success in pamphlets and convened with government officials around the globe, which helped the movement spread throughout the nation and the world. Over 95 percent of the operations occurred between 1909 until the Second World War, the peak years of California's sterilization program. During those years—and in the recent operations on California's female prisoners—medical personnel received complete authority to perform sterilizations and justified their cause in economic terms, arguing that future generations would become an unnecessary financial burden on the state.

This thesis explores three unique dimensions of California's eugenics program: the impact of progressive science and eugenic thought on state legislators, the role of physicians and medical superintendents in enactment of eugenic law and practice, and the efforts of eugenicists to preserve the state sterilization program long after the demise of eugenic practices elsewhere in the United States. Eugenic reformers in California were initially inspired by humanitarian ideals and placed great faith in promises of experimental science, but the rising size and cost of mental health services prompted state and medical officials to increasingly embrace eugenic forms of treatment, a pattern that resonated with California eugenicists well into the 1940s.

A close examination of the background of eugenics is imperative to an understanding of California's sterilization campaign. The so-called "science" of eugenics came to prominence in the U.S. at the turn of the twentieth century as part of an

international movement that became a “sort of secular religion” to its most ardent supporters. Historians of eugenics have identified four factors that contributed to the rise of the field, which first gained widespread acceptance in Britain and the U.S.<sup>2</sup> The first was the rediscovery in 1900 of Gregor Mendel’s nineteenth-century experiments on heredity and the hybridization of pea plants. He rejected the principle of inheritance of acquired characteristics and questioned long-accepted beliefs regarding inheritance. His studies led eugenicists to the conclusion that human offspring inherited the innate characteristics of their parents, including personality and behavioral traits.<sup>3</sup>

Another factor in the rise of eugenics was the development of pedigree studies that allegedly verified the prevalence of “feeble-mindedness” in criminals and mental patients in state institutions. In the late-nineteenth century sociologist Richard L. Dugdale argued that succeeding generations demonstrated a genetic predisposition toward low intelligence and he provided detailed graphs and charts to document the roles of poverty, criminality and disease in shaping mental inheritance.<sup>4</sup> The most famous of such studies were those of the Jukes and Kallikak families, which were widely cited throughout the

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<sup>2</sup> For more on the international context of eugenics and its spread after World War I, see Frank D. Dikötter, “Race Culture: Recent Perspectives on the History of Eugenics,” *The American Historical Review* 103, no. 2 (April 1998): 467-478.

<sup>3</sup> Modern geneticists acknowledge that Mendel’s work was flawed, as he failed to recognize the role of the environment in expressing hereditary traits. For a thorough account of the background of eugenics and its European origins, see Mark Haller, *Eugenics: Hereditarian Attitudes in American Thought* (New Brunswick, NJ: Rutgers University Press, 1963), 8-20, 59.

<sup>4</sup> The names Juke and Kallikak were pseudonyms used to protect the identity of the family members in the studies conducted by Dugdale and Goddard. See Richard L. Dugdale, *The Jukes: A Study in Crime, Pauperism, Disease and Heredity* (New York: G.P. Putnam’s Sons, 1877); and Henry H. Goddard, *The Kallikak Family: A Study in the Heredity of Feeble-Mindedness* (New York: MacMillan, 1912). For a republication and an updated interpretation of the eugenic family studies, see also Nicole Hahn Rafter, *White Trash: The Eugenic Family Studies, 1877-1919* (Boston, MA: Northeastern University Press, 1988).

genetic science community and shaped the views of many on the issue of heredity.<sup>5</sup> To many social scientists at the time, the hereditarian studies seemed to justify restriction of breeding practices among those deemed “genetically inferior.”

The third factor that contributed to eugenics’ prominence was the emergence of a generation that felt obligated to impose scientific order on an increasingly chaotic society. In 1909 a group of progressive reformers—disproportionately represented by the urban middle and upper classes—split the state’s Republican Party and seized control of the legislature. California progressives first turned their attention to securing power from the railroad machine—which had dominated politics in the West since the mid-nineteenth century—but then quickly shifted to the passage of exclusionary laws aimed at imposing moral order upon the state’s poor and working classes. For example, California’s 1909 state legislature passed a number of restrictive laws that included censorship and limitations on social behavior. Also among the new laws was a curious bill titled “An act to permit the asexualization of inmates.”<sup>6</sup>

The fourth and perhaps most elusive factor was the propaganda effort of the eugenicists themselves, which was stronger in California than the rest of the nation. The dissemination of eugenics is largely attributed to the efforts of Sir Francis Galton, a British statistician who coined the term “eugenics,” established the movement in

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<sup>5</sup> Hereditarian studies of a similar nature received controversial attention in 1994 with the publication of Richard J. Herrnstein and Charles Murray, *The Bell Curve: Intelligence and Class Structure in American Life* (New York: Simon & Schuster, 1994).

<sup>6</sup> “An Act to Permit Asexualization of Inmates of the State Hospitals and the Home for Feeble-Minded Children, and Convicts in State Prisons,” *The Statutes of California and Amendments to the Codes Passed at the Extra Session of the Thirty-Seventh Legislature* (Sacramento, 1909), 1093-1094. From *The Internet Archive*.  
[http://www.archive.org/stream/generallawsofsta00calirich/generallawsofsta00calirich\\_djvu.txt](http://www.archive.org/stream/generallawsofsta00calirich/generallawsofsta00calirich_djvu.txt) (accessed September 10, 2013).

England, and worked to spread word of hereditarian science. He demanded that eugenics “must be introduced into the national conscience, like a new religion,” and conducted careful studies of the pedigrees of wellborn families to demonstrate that mental abilities of humans were passed on to their offspring.<sup>7</sup> But Galton was far from alone, as eugenic ideals resonated with a generation of educated elites in the United States. More a social effort to enact policy laws than a scientific movement, eugenics shaped the thoughts of thousands of Americans during the early-twentieth century. Numerous social scientists and geneticists of the day interpreted scientific and sociological findings as evidence that an individual’s personality as well as physical and mental capacity were all the result of inherited traits.<sup>8</sup> These so-called Social-Darwinians, including Herbert Spencer, William Graham Sumner, and Herbert Croly, interpreted the new genetic discoveries as a pure science with severe consequences for social philosophy.<sup>9</sup> The application of hereditarian science to social policies became known as “eugenics,” which literally translates as “well-born.” Eugenicians envisioned a society in which the population might one day be rid of “degenerates” and the “unfit.” Eugenicians believed that society, by offering assistance to criminals and the mentally ill, had deviated from its natural tendencies. Because man was ultimately a savage animal, eugenicians believed, society needed to be reformed in order to “emulate nature for the future health of the race.”<sup>10</sup> In other words,

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<sup>7</sup> Francis Galton, “Eugenics: Its Definition, Scope, and Aims,” *American Journal of Sociology* 10, no. 1 (July 1904): 5.

<sup>8</sup> Haller, *Eugenics*, 4.

<sup>9</sup> Richard Hofstadter, *Social Darwinism in American Thought* (Boston, MA: The Beacon Press, 1955), 161.

<sup>10</sup> Donald K. Pickens, *Eugenics and the Progressives* (Nashville, TN: Vanderbilt University Press, 1968), 13.

natural evolutionary processes needed to be restored to “weed out” the weaker members of society.

During the early years of eugenics, from 1896 to 1909, eugenicists in California emphasized the use of sterilization for therapeutic purposes, but over time, they took eugenics in a new direction and increasingly touted eugenic motives. Their path shows a gradual ideological progression from practicalism to irrationalism.<sup>11</sup> At first, eugenicists attempted to solve tangible social problems through practical and scientific means. California experienced tremendous growth during the late nineteenth and early twentieth centuries, and the prevalence of inner-city slums, disease, criminality, and mental illness led to a rise in commitment rates at state prisons and mental hospitals. Struggling to provide appropriate care for their patients, California’s medical personnel at state hospitals advocated sterilization as a practical, benevolent means of treating and dismissing patients. Over time, physicians’ increasing faith in eugenics often led them to irrational conclusions about its merits, as California’s eugenicists refused to acknowledge challenges to their beliefs about heredity and social reform. As early as 1909 many eugenicists blatantly ignored developments in the science of genetics, focusing their efforts instead on the implementation of eugenics as a social policy. Their disregard for the scientific method caused many practicing geneticists to distance themselves from the movement and publicly denounce the validity of eugenics.<sup>12</sup> Eugenicists who ignored developments in genetic science often treated science as more of a hobby than a profession, making eugenics somewhat of a fringe movement among the professional

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<sup>11</sup> Ibid., 12.

<sup>12</sup> Kenneth M. Ludmerer, *Genetics and American Society* (Baltimore, MD: The Johns Hopkins University Press, 1972), 3.

scientific community.<sup>13</sup> Nonetheless, its most prominent supporters remained far more outspoken than its critics. Eugenics enjoyed its peak in popularity during these years, as the majority of the educated populace retained a staunchly deterministic interpretation of heredity.

Elimination of the unfit through sterilization became the most recognized eugenic practice in the state but represented only one dimension of the state's elaborate eugenic program. As the California eugenics movement continued to expand between 1909 and 1928, its practitioners advocated more "negative" applications of eugenic theory. "Negative" eugenic methods include sterilization and deportation programs—practices aimed at decreasing propagation among the less-desirable members of society. "Positive" eugenics typically promoted propagation among the more aristocratic elements of society to improve the quality of the gene pool. Eugenicists in California simultaneously promoted both practices, and in 1915 the *Los Angeles Times*—owned by renowned eugenicist Harry Chandler—ran a series of articles to promote the importance of better breeding habits. The articles referred to an exhibit on better breeding habits that resulted in the selection of two toddlers, one male and one female, that represented prime human specimens: "A perfect baby boy and a perfect baby girl were yesterday dedicated to each other by their fond mothers in the hope that in the coming years' love, gently guided by maternal hands, may lead, through eugenic marriage, to a new and superior physical type."<sup>14</sup> While some California eugenicists initially promoted both positive and negative

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<sup>13</sup> Scientific historian Kenneth Ludmerer estimates that "perhaps as many as half" of American geneticists became involved with the eugenics movement in the early-twentieth century. See Ludmerer, *Genetics and American Society*, 42.

<sup>14</sup> See "Perfect Babies to Mate for Good of the Race," *Los Angeles Times*, March 13, 1915. See also, "Entered in the Eugenic Baby Show: Over One Thousand Babies in Eugenic Congress," *Los Angeles Times*, March 7, 1915; "The Kind that We Raise in Los Angeles: Better Babies' Day's Dawning," *Los*

methods of eugenics, practitioners increasingly relied on sterilization as the preferred method. California also developed a deportation program that led to the forced removal of 5,500 immigrants from California between 1915 and 1932.<sup>15</sup> Nonetheless, the eugenics movement in California remained synonymous with sterilization until widespread condemnation of sterilization practices after World War II forced California's eugenicists to shift their rhetoric toward family planning and better breeding habits.<sup>16</sup>

California's eugenics program underwent three phases of development that roughly parallel the structure of this thesis. Chapter two lays the groundwork for a close examination of the state's eugenic policies and documents the first phase, which lasted from 1896 to 1909. Through an examination of existing historiography of eugenics, as well as studies of state and local progressivism, the chapter highlights how California's social and demographic development shaped an environment conducive to eugenic thought, particularly among governing elites. California had a long history of exclusionary legislation, and by the turn of the century the state's middle- and upper-class intelligentsia grew increasingly anxious about the arrival of working-class migrants from the eastern United States and immigrants from Asia, Europe, and Latin America. In 1907 a group of progressive reformers seized political power from the dominant business interests of the Standard-Pacific Railroad Company. The new political leaders—a "Progressive" faction of the dominant Republican Party—placed tremendous faith in

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*Angeles Times*, March 9, 1915; and "Eugenic Babies in the Movies Will Show Country How the Los Angeles Kind Are Brought Up," *Los Angeles Times*, March 10, 1915.

<sup>15</sup> For a thorough account of California's deportation program, see Robert W. Biller, "Defending the Frontier: Eugenic Thought and Action in the State of California, 1890-1941" (Master's Thesis, Simon Fraser University, 1993), 67, 76-78.

<sup>16</sup> Haller, *Eugenics*, 130.

science and professional expertise, and the influence of eugenics in California's medical and academic communities made them particularly susceptible to principles of eugenic thought. When superintendents at California's overflowing mental hospitals demanded the reform of the state's institution system, the progressives in the State Assembly responded in 1909 with a law permitting sterilization of patients to treat mental illness.

Chapter three addresses the role of state hospital superintendents in implementing eugenic sterilization and describes the transition from the first to the second phase of California's eugenics program (1896 to 1909 and 1909 to 1928). Beginning with the formation of the State Commission in Lunacy in 1896, medical officials obtained a direct mouthpiece with which to communicate with administrators at the state level. Superintendents of state hospitals successfully campaigned for the 1909 bill, which was initially based on progressive humanitarian ideals. Facing rising costs and commitment rates, and increasingly influenced by eugenic thought, superintendents then called for an amendment to remove the burden of liability faced by operating physicians. There existed a fundamental tension between the need to develop a cure and the desire to prevent the "unfit" from propagating, a dichotomy that pervaded the thought of state physicians during the early years of California's sterilization program. Two amendments to the 1909 law—in 1913 and 1917—eliminated requirements for physicians to obtain patient or family consent prior to sterilization, thus providing California's physicians and medical community with a safeguard against state prosecution and public criticism (see Appendices C and D). State department and institutional records indicate that superintendents not only greatly affected eugenic policy, but they also directly enforced

the practice of sterilization in state hospitals and prisons at a rate higher than any other state in the nation.

Chapter four documents the efforts of California eugenicists and philanthropists to preserve California's eugenics program during its third phase, from 1928 to 1945. Rising skepticism among the scientific community during the 1920s caused the national eugenics movement to decline, and most states abandoned their eugenics programs by 1930.<sup>17</sup> California, on the other hand, actually increased the rate of sterilizations during this time period, largely as a result of promotional efforts of a motivated group of eugenic "philanthropists." Evidence from medical journals, newspaper columns, textbooks, and pamphlets verifies that many prominent eugenicists and eugenic organizations campaigned on local, national, and global levels to preserve eugenics in California and across the world. California eugenicists also developed a close relationship with physicians in Germany and helped to inform Nazi sterilization laws and procedures in the Third Reich. Findings in this chapter challenge much of the existing historiography relating to eugenics in the United States and demonstrate the prevalence of eugenic thought and action in California well into the 1930s and 1940s, years during which California physicians actually accelerated the sterilization rate in state hospitals. The state was leading the race.

The scope of eugenics in California reveals that the individuals directing the sterilization program possessed a great deal of anxiety concerning their ability to preserve California's strapped institutions and about their own place in the world. The eugenic

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<sup>17</sup> Much of the existing eugenic historiography is in accord on this point, a discussion that takes place in Chapter V. See studies by Mark Haller, Donald K. Pickens, Kenneth M. Ludmerer, Charles E. Rosenberg, Daniel J. Kevles, Bentley Glass, Carl N. Degler, Elazar Barkan, and Michael Mezzano.

reformers of California brought a great deal of class, racial, ethnic, and gender bias to their profession and applied it directly to the patients to whose care they had been entrusted. The history of eugenics in California offers a glimpse into the uses and misuses of science in the past, but also informs today's policymakers and physicians of the consequences for inappropriate application of scientific laws. Physicians' emphasis on thrift and economy, coupled with their faith in unfounded scientific principles, inhibited the implementation of sound public policy decisions, and operating physicians in California between 2006 and 2010 might benefit from a look at their own state's sterilization record.

## CHAPTER 2

### Experts Lead the Way to Eugenic Practice

In 1909 the California legislature sanctioned the “asexualization,” or surgical sterilization, of inmates in state prisons and hospitals. California’s sterilization bill was the first legislative victory for the statewide eugenic movement, which itself was part of a broader pattern of reform in American society. By the turn of the century California already had an extensive record of restrictive practices, including immigrant exclusion and miscegenation laws, and the acceptance and eventual prevalence of eugenic thought further enabled California’s leaders to refashion a stratified society with themselves at the top. The eugenics crusade was but one component of a complex effort to guarantee white elites full access to the wealth and benefits of citizenship in California at the expense of “others,” so-called because of differences in race, class, and perceived intelligence.<sup>1</sup> Though no concrete record remains of the legislative debate surrounding the sterilization bill, the context of California’s social and political scenes indicates why the bill passed through the California Senate and Assembly bill with virtually no opposition. The 1909 sterilization bill succeeded in large part because an ambitious and biased group of progressive reformers won political power and placed a great deal of faith in scientific expertise at a time when eugenic thought gained widespread acceptance in California.

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<sup>1</sup> For further reading on the notions of class, race, and labor led to restriction of citizenship rights and stratification of American society, see Evelyn Nakano Glenn, *Unequal Freedom: How Race and Gender Shaped American Citizenship and Labor* (Cambridge, MA: Harvard University Press, 2002); Douglas S. Massey, *Categorically Unequal: The American Stratification System* (New York: Russell Sage Foundation, 2007); and Rogers M. Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven, CT: Yale University Press, 1997).

Eugenic principles resonated among this rising political elite in 1909, but the context for their embrace of eugenics developed in the nineteenth century.

Following the completion of the transcontinental railroad in 1869, California's economic promise and climate attracted millions of settlers from eastern states and immigrants from Asia, Mexico, and Europe. To many, California represented an idyllic vision of pristine landscapes, unspoiled wilderness, and limitless opportunity. California appealed to settlers seeking not only opportunity but also an idealized transformative climate. For decades, relocation to the West Coast—then also known as the “sanitarium belt”—was even prescribed by physicians as a treatment for depression and melancholia, as the region was believed to have the power to heal and revitalize.<sup>2</sup>

By the turn of the century California became a beacon for conservatism in the American West. Particularly in the Los Angeles area and southern portions of the state, California drew a vibrant white, Anglo-Saxon, Protestant population. Los Angeles in 1906 contained more churches per capita than any other American city and by the 1920s became a model city for affluent white America as countless country clubs, beach clubs, polo clubs, and yacht clubs sprang up during the progressive years.<sup>3</sup> In describing the search for an ideal climate in California, historian James Vance writes that “the romantic confrontation with nature, the quest for health, both physical and mental, and the turning

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<sup>2</sup> Historian and geographer James E. Vance, Jr. classifies California as an “Arcadian” settlement, because of belief in the state’s restorative power. Deriving its name from a Greek city-state of the same name, Arcadia came to represent the belief in an idealized place with bountiful splendor existing in harmony with nature. In contrast to a Utopian settlement, Arcadia is seen as unattainable—more akin to the biblical Garden of Eden. See James E. Vance, Jr., “California and the Search for the Ideal,” *Annals of the Association of American Geographers* 62, no. 2 (June 1972): 195-198.

<sup>3</sup> Kevin Starr, *Material Dreams: Southern California Through the 1920s* (New York: Oxford University Press, 1990), 120-135; George E. Mowry, *The California Progressives* (Berkeley: University of California Press, 1951), 38.

away from the American norm... result [in] a definite geographical pattern of detachment.”<sup>4</sup> Because they survived the ordeal of migration that victimized millions of less-fortunate immigrants to California’s cities, the prosperous white, upper-middle class, educated settlers came to see themselves as exceptional and worked hard to preserve the promised dream of California by separating themselves from the less desirable elements of society.<sup>5</sup>

Immediately upon admission to the union, California’s political leaders began to institutionalize inequality by establishing various exclusionary policies. As early as 1850, the first year of statehood, the state passed an anti-miscegenation statute prohibiting intermarriage of whites with blacks, which was expanded in 1880 to include “Mongolians,” a derogatory term referring either to persons of Asian descent or individuals born with Down’s Syndrome. Statewide legislation in 1875 refused entry of criminals with commuted sentences to California, a statute that was expanded in 1882 to include the disabled, insane, and foreign-born.<sup>6</sup> Demands from the nativist Workingmen’s Party resulted in an 1879 amendment to the state constitution, which prohibited the employment of Chinese in state jobs “for the protection of the State...from the burdens and evils arising from the presence of aliens.”<sup>7</sup> In the 1870s lobbyists from California pressured the federal government to pass a law restricting the entry of Chinese immigrants, resulting in the Chinese Exclusion Act of 1882. The state culture was rife

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<sup>4</sup> Vance, Jr., “California and the Search for the Ideal,” 209.

<sup>5</sup> Kevin Starr, *Americans and the California Dream, 1850-1915* (New York: Oxford University Press, 1973), 442.

<sup>6</sup> Biller, “Defending the Frontier,” 69.

<sup>7</sup> Joseph R. Grodin, Calvin R. Massey, and Richard B Cunningham, *The California State Constitution: A Reference Guide* (Westport, CT: Greenwood Press, 1993), 13.

with xenophobia and prejudice. Asian and Latin-American immigrants suffered discrimination and segregation, while the state forcibly relocated Native Americans out of California to territorial reservations. Segregation was a key component of Californian society, guaranteeing that the full rights to citizenship were bestowed only on elite white men.

California lawmakers were often willing to go farther in pursuit of exclusion than federal officials allowed, as evidenced by federal nullification of numerous California laws. In 1882 the California Workingmen's Party tried to push through a proposal to suspend Chinese immigration to California, but President Chester A. Arthur vetoed the law for violating the Burlingame Treaty of 1868. The trend continued after the Progressive Era, as in 1920 when the U.S. Supreme Court struck down as unconstitutional a \$10 poll tax imposed on all adult male aliens in California.<sup>8</sup> During the early years of the Great Depression, California established a new labor policy to manage the flood of migrant workers, but the program was abandoned in 1932 after it was revealed to involve forced labor camps.<sup>9</sup>

As California's population grew more complex at the turn of the century and its industrial cities grew, middle-class, native-born Californians felt increasingly threatened by newcomers, and progressive political leaders broadened their legislative agenda to combat the growing ills that plagued society. Though Los Angeles maintained its previous racial composition, with white Protestants of Anglo-American stock holding a strong majority, the population of the city tripled from 1900 to 1910 and "overwhelmed"

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<sup>8</sup> Biller, "Defending the Frontier," 69-70.

<sup>9</sup> Ibid., 79-80.

the native-born population in the region.<sup>10</sup> They encountered firsthand the phenomenon of urban life, bustling with overcrowded slums, crime, poverty, and destitution. Long-time middle-class residents of California perceived their cities to be under siege by foreigners and working-class vagrants. In response, Californians adapted progressive strategies that had already proven effective in both the North and the South.

Although progressive currents reached California and the West later than the rest of the nation, they were particularly strong in the Golden State. The progressives first entered the state political scene in 1909 and held power through 1924, and eugenicists in California exemplified the progressive cultural consciousness of their time.<sup>11</sup> Their rhetoric of reform, based on an ideal of betterment of society for all humanity, was typical of progressive reformers of the early-twentieth century. In many ways, California represented a microcosm of progressivism elsewhere in the nation.

To be sure, progressive currents in California were multidimensional. While upper-middle class interests eventually won control of the debate, numerous other factions shaped the rise of progressivism in the state. In one sense, progressivism was directed by a very small group of men who strove to mold the state into a model of the Protestant ethic, as the Progressive Party in California enjoyed the support of many very wealthy Californians, the lone exception being the wealthiest tycoons of the railroad industrial class.<sup>12</sup>

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<sup>10</sup> Ibid., 70.

<sup>11</sup> Michael Paul Rogin and John L. Shover, *Political Change in California: Critical Elections and Social Movements, 1890-1966* (Westport, CT: Greenwood Publishing Corporation, 1970), 108.

<sup>12</sup> Mowry, *The California Progressives*, 86, 96; and Kenneth Starr, *Inventing the Dream: California Through the Progressive Era* (New York: Oxford University Press, 1985), 246.

On the other hand, California's progressivism also emerged out of a real need to eliminate the influence of corrupt business interests from politics. Private railroad interests threatened the public interests of the state, and a group of reform-minded politicians established California's Progressive Party to combat the influence of the tycoons.<sup>13</sup> Additionally, grassroots struggles and desires to alleviate worsening urban conditions informed notions of reform.<sup>14</sup> Miners and agricultural workers developed a vibrant labor movement and prompted a broader need for reform, though the working classes did not maintain much control over the political process of reform in California. Also, at the turn of the century California's cities did not yet compare to urban metropolises along the eastern seaboard, rife with slums and tenements. Many, but certainly not all, foreign immigrants to California worked and settled in rural parts of the state.<sup>15</sup> As a result, California's version of progressivism drew influence from select elements of urban northern and rural southern progressive currents. As in the North, Californians embraced the need for elimination of corporate corruption and belief in the ability of government to reform society. As in the South, they embraced the preservation of a preexisting social order and hierarchy, often through the enactment of restrictive legislation.<sup>16</sup>

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<sup>13</sup> See Richard L. McCormick, "The Discovery that Business Corrupts Politics: A Reappraisal of the Origins of Progressivism," *The American Historical Review* 86, no. 2 (April 1981): 247-274.

<sup>14</sup> For a comparable study on the impact of labor movements on progressive politics, see Shelton Stromquist, "The Crucible of Class: Cleveland Politics and the Origins of Municipal Reform in the Progressive Era," *Journal of Urban History* 23 (January 1997): 192-220.

<sup>15</sup> Cletus E. Daniel, *Bitter Harvest: A History of California Farmworkers, 1870-1941* (Ithaca, NY: Cornell University Press, 1981); see also Melvyn Dubofsky, *We Shall Be All: A History of the Industrial Workers of the World* (Urbana: University of Illinois Press, 1969).

<sup>16</sup> William A. Link, *The Paradox of Southern Progressivism, 1880-1930* (Chapel Hill: University of North Carolina Press, 1992); see also Joel Williamson, *A Rage for Order: Black-White Relations in the American South Since Emancipation* (New York: Oxford University Press, 1986).

In California, the formal Progressive Party first emerged as a result of a split in the Republican Party, as many prominent Republicans sought to eliminate railroad corporations' stranglehold over California's economy and politics.<sup>17</sup> In 1907 several Republican congressmen formed what became known as the Lincoln-Roosevelt League to challenge the dominance of the Southern Pacific Railroad Company and to promote the election of free and honest legislators through a direct election process. The Lincoln-Roosevelt League effectively split the Republican majority and "placed many of the state's active Republican politicians in the embarrassing position of having to choose between the old and new politics."<sup>18</sup>

The Lincoln-Roosevelt League sent just as many representatives to the California State Assembly in 1908 as the railroad machine and they moved quickly to redefine the nature of California politics. State officials passed a direct primary law in 1909, effectively ending the ability of the Standard Pacific to manipulate party conventions to obtain favorable candidates.<sup>19</sup> After successfully restructuring the primary election process, the state's Progressive Party gradually turned its attention toward exclusionary legislation intended to preserve the moral values of well-to-do urbanites, a process that effectively excluded working classes and "degenerates" from full access to citizenship benefits. The 1909 legislature passed a number of morality laws, including restrictions on racing, gambling, slang, prostitution, liquor, social dancing, and censorship of literature

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<sup>17</sup> The Republican Party's grip on California was only moderately threatened by the progressives during the first half of the twentieth century. Republicans essentially dominated California politics until the Second World War, and maintained a supermajority over both the State Senate and Assembly. During these years, the Democratic Party never controlled more than 28 percent of the seats in either house.

<sup>18</sup> Mowry, *The California Progressives*, 62-72.

<sup>19</sup> Spencer C. Olin, Jr., *California's Prodigal Sons: Hiram Johnson and the Progressives* (Berkeley: University of California Press, 1968), 12; and Starr, *Inventing the Dream*, 252.

and drama.<sup>20</sup> In essence, the laws intended to purify California of its social ills, most of which the progressive leaders associated with foreigners and social corruption.<sup>21</sup>

One major concern of California Progressives was that political empowerment of capital and labor would exacerbate existing class conflicts.<sup>22</sup> Fear of labor radicalism was very real in California, and was exacerbated by several episodes of violence among workers and labor unions. In 1910, two members of the International Association of Bridge and Structural Iron Workers bombed the *Los Angeles Times* building, an explosion that resulted in 21 deaths and over 100 injuries. The *Los Angeles Times*, notorious for its anti-immigration and anti-union endorsements, assisted with a media campaign to rid the city of labor unions and became a prime target for frustrated labor activists. During the summer of 1913, agricultural workers from the International Workers of the World (IWW) took responsibility for instigating violent riots in Wheatland, north of Sacramento, which led the California Commission of Immigration and Housing to monitor and regulate IWW activity in California. Additionally, two radical labor activists were convicted of murder following a bombing at a San Francisco Preparedness Day parade in 1916, cementing anxieties and heightening middle-class resentment of workers. Through the regulation of labor activity and social morality, the California Progressives worked to restructure social classes to their own benefit and recreate society in their own likeness.<sup>23</sup>

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<sup>20</sup> Rogin, *Political Change in California*, xv.

<sup>21</sup> Mowry, *The California Progressives*, 99-100; Starr, *Inventing the Dream*, 244.

<sup>22</sup> See Dubofsky, *We Shall Be All*, 294-298; and Frank Van Nuys, *Americanizing the West: Race, Immigrants, and Citizenship* (Lawrence: University Press of Kansas, 2002), 67. See also Rogin, *Political Change in California*, 35.

Progressive reform also coincided with the increasing acceptance of scientific laws and their potential for social application. In lock step with the growing acceptance of science and the scientific method, California's progressives turned away from laws of faith and towards laws of science, which provided a rational model of explanation for the social ills affecting the state.<sup>24</sup> Throughout the United States, in fact, it became a standard of reform to enlist the aid of scientific experts in drafting public policy, and the rise of eugenics during the early-twentieth century indicates the concern of many progressive-minded thinkers with issues of heredity.<sup>25</sup> New social sciences provided evidence, in the eyes of eugenicists, of social injustices that could be remedied through sound application of moral laws. Informed by studies in sociology, a rather new academic discipline in universities at the turn of the century, eugenicists believed that the biologically strong members of society had an obligation to control society in a way that would reform the biologically inadequate.<sup>26</sup>

Eugenics experts, with growing influence throughout California universities and state hospitals, applied principles of naturalism to human society and argued that the modern industrial world had deviated from its intended natural path by eliminating the struggle for existence.<sup>27</sup> Naturalism is based on the premise that in nature, the strongest organisms possessed inherent abilities that allowed for the survival of the fittest, and

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<sup>23</sup> Mowry, *The California Progressives*, 102.

<sup>24</sup> Alexandra Minna Stern, *Eugenic Nation: Faults and Frontiers of Better Breeding in Modern America* (Berkeley: University of California Press, 2005), 13.

<sup>25</sup> Haller, *Eugenics*, 77.

<sup>26</sup> Pickens, *Eugenics and the Progressives*, 12-13.

<sup>27</sup> Pickens, *Eugenics and the Progressives*, 21; Daniel J. Kevles, *In the Name of Eugenics: Genetics and the Uses of Human Heredity* (Berkeley: University of California Press, 1985), 101.

eugenicists sought to recreate society based on a model of the natural world. Their pragmatic outlook on the malleability of the modern environment aimed at improving the destiny of humankind as a whole rather than securing success of the individual.<sup>28</sup> Californians' increasing anxiety facilitated the passage of restrictive legislation, limiting access to full benefits of citizenship. Informed by beliefs rooted in manifest destiny and white supremacy, eugenicists readily accepted scientific justifications for their stereotypes, a trend that set the stage for the eventual fusion of public policy with scientific racism.<sup>29</sup>

Eugenicists held strong class and racial biases which colored their perception of the less fortunate elements of society. The typical eugenicist—much like the typical progressive—came from an upper-middle class background and often brought to their profession the prejudices characteristic of their day. Early eugenicists worked toward class-based reform, as they “tacitly accepted the identification of the fit with the upper classes and the unfit with the lower.”<sup>30</sup> Eugenicists applied biases of many varieties, such as nativist perceptions of the deleterious effects of immigration and assumptions of the inferiority of non-European races. Notions of race also increasingly informed eugenic arguments, particularly as physical anthropologists Lothrop Stoddard and Madison Grant popularized pseudoscientific racial justifications for eugenics and coupled their arguments with thorough descriptions of the physical superiority of the Teutonic and Anglo-Saxon races.<sup>31</sup> It was an abomination to American eugenicists that in a nation

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<sup>28</sup> Hofstadter, *Social Darwinism*, 167.

<sup>29</sup> Stern, *Eugenic Nation*, 113.

<sup>30</sup> Hofstadter, *Social Darwinism*, 163

associated with democracy and humanitarian principles, the unfit had “unnecessarily burdened the superior class.”<sup>32</sup>

Many prominent California politicians incorporated racist arguments into their platforms. The president of the Lincoln-Roosevelt League, Chester Rowell, for example, brought a significant degree of racial bias to his leadership position. Rowell worried that the closing of the frontier, described by Frederick Jackson Turner, would eliminate the longstanding western border between races. Rowell argued that if the frontier no longer existed, then the white man needed to reconstruct it through legislation. He argued that “The frontier of the white man’s world must be established some day, somewhere... Unless it is maintained [on the West Coast], there is no other line at which it can be maintained without more effort than American government and American civilization are able to sustain.” Californians held an obligation to the civilized world, in Rowell’s opinion, to preserve that frontier. “Californians are vividly conscious of their position as the warders of the western mark,” he wrote. “They hold not merely a political and geographic, but a racial, frontier—the border between the white man’s world and the brown man’s world.”<sup>33</sup> The opinion of Rowell, as the founder and first leader of California’s Progressive Party, provides a general indication the early party’s

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<sup>31</sup> Such groups were alternately referred to as either Teutonic or Anglo-Saxon. Stoddard and Grant argued that characteristics of hair color, eye color, skull shape, cephalic index, were traits that were superior among Teutonic races. Such groups evolved due to proximity to rugged environments and geography, Grant argued, and miscegenation with inferior races would eventually result in “serious injury” to the Teutonic race. See Madison Grant, *The Passing of the Great Race, or The Racial Basis of European History* (New York: Charles Scribner’s Sons, 1916), 44; see also Lothrop Stoddard, *The Rising Tide of Color Against White Supremacy* (New York: Charles Scribner’s Sons, 1920).

<sup>32</sup> Pickens, *Eugenics and the Progressives*, 12-13.

<sup>33</sup> Quoted in Frank W. Van Nuys, “A Progressive Confronts the Race Question: Chester Rowell, the California Land Act of 1913, and the Contradictions of Early Twentieth-Century Racial Thought,” *California History* 73, no. 1 (Spring 1994): 10.

background, and social prejudices. Politicians grew bold in asserting racist claims throughout the 1910s. One United States Senator from California, James D. Phelan, was among the leaders of the state's movement to restrict foreign immigrants from entry to California, and he often framed his arguments around the preservation of "race purity." To Phelan, securing the future of California by purifying the state's racial composition was imperative to "safeguard national homogeneity." He argued that the end of the frontier in California was accompanied by a decline in native-born fertility and a rise in foreign immigration. In his 1920 reelection campaign, Phelan ran on a platform of racial exclusion and championed the slogan, "Keep California White."<sup>34</sup>

Fears and concerns about the rise of hereditary degeneracy influenced not only the politicians and government officials in California, but also members of elite society, as eugenics was exceptionally popular among the educated populace. Propagation of eugenic doctrine was largely the work of an influential group of individuals who held sway over a broad swath of the population. A number of doctors, university professors, scientists, philanthropists, and reformers awakened an entire generation of Californians to the potential impact of hereditary degeneracy on society. Pressure to pass sterilization laws came from several prominent social groups, including medical superintendents and physicians employed in state hospitals; scientists and professors employed in state universities; social scientists and professionals; and entrepreneurs and philanthropists who provided financial assistance to the burgeoning movement. All of these groups included individuals who strongly believed that eugenic legislation could solve the social problems facing the state, particularly as the state's population rapidly expanded at the turn of the century.

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<sup>34</sup> Van Nuys, *Americanizing the West*, 173.

Many leaders of the eugenics cause received their training in California's university system. Universities, perhaps more than any other social institution, played a leading role in the dissemination of eugenic thought in the nation, and researchers in California's institutions of learning were among the most vocal in their embrace of eugenics. They provided the tools and framework that informed the state's educated, professional class throughout the Progressive Era and beyond. Elsewhere in the nation, principles of eugenics entered the university curriculum through a variety of outside disciplines, including psychology, in which human intelligence testing offered scores of data on intelligence and heredity; sociology, which investigated the correlation between birthrates and social classes; and biology, which addressed "the applications of the principles of heredity to man."<sup>35</sup> California eugenics professors fused lessons of ethics and evolutionary thought for the application of hereditarian ideology in the real world.

California boasted some of the most prominent academic supporters of eugenics in the nation, including Samuel J. Holmes, Edward A. Ross, Lewis Terman, Joseph LeConte, and David Starr Jordan. Samuel J. Holmes, professor of zoology at the University of California at Berkeley, was a national publisher of eugenics textbooks and continued to publish books on the subject well into the 1930s. Edward Alsworth Ross was a sociologist and prominent criminologist at Stanford University and promoted the notion of "race suicide" through his hereditarian studies on criminals. Lewis Terman, most notorious for refining the Stanford-Binet IQ Test, an intelligence exam to classify the mental capacities and classification of children, worked in Stanford University's

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<sup>35</sup> Historian Dorothy Ross notes that, "Control was a central theme of the science-oriented social sciences that appeared in the late progressive in bloom during the 1920s. In the hands of this cohort the idea of social control took on greater insistence and harder consorts, stressing objective, quantitative methods and behaviorist psychology." See Dorothy Ross, *The Origins of American Social Science* (New York: Cambridge University Press, 1991), 311; and Haller, *Eugenics*, 7.

psychology department from 1910 to 1945. All of these men promoted eugenics in their classrooms and research, cumulatively influencing thousands of students in California universities.<sup>36</sup>

One of the earliest leaders in this area was Joseph LeConte, physician, conservationist, and professor at the University of California at Berkeley from 1869 through the 1890s. He believed that the principles of human evolution were more visible to Californians. Because they lived closer to the grandeur of nature than other Americans, they were more attuned to the process of evolution and to man's natural state in nature. He reasoned that Californian society should emulate the natural world and taught a course that blended elements of biology and ethics to persuade his students to apply the tenets of evolutionary science to their outside communities.<sup>37</sup>

In Palo Alto, David Starr Jordan, Chancellor of Stanford University, also believed that the application of science could solve the problems facing society.<sup>38</sup> His course on evolution was required of every graduate at Stanford University. Jordan was fascinated by what he perceived as the promise of the white race and published several articles and books on the application of statistical data collected from hereditarian experiments. He told his 1898 class at Stanford that, "In these times, it is well for us to remember that we come of hardy stock. The Anglo-Saxon race, with its strength and virtues, was born of hard times. It is not easily kept down; the victims of oppression must be of some other

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<sup>36</sup> See Kevles, *In the Name of Eugenics*, 79-82, 101. Ross was eventually fired from Stanford University for promoting anti-Chinese legislation, a position that Jane Lathrop Stanford found objectionable as many benefactors to the university received handsome incomes from railroad construction and the employment of Chinese laborers.

<sup>37</sup> Starr, *Inventing the Dream*, 225-226.

<sup>38</sup> During his time at Stanford, Jordan shaped the views of many students, including future eugenicists Paul Popenoe and Jack London. Pickens, *Eugenics and the Progressives*, 61-63.

stock.”<sup>39</sup> Just as LeConte envisioned a pure and pristine social landscape for California, Jordan believed that the rugged environment of the West invigorated natural selection, but conceded that men needed to enact policies to accelerate the process. He advocated the strengthening of restrictive immigration laws, and demanded the denial at port of entry of “those whose descendants are likely through incompetence and vice to be a permanent burden on our social or political order.” His 1901 collection of essays, *Blood of the Nation: A Study in the Decay of Races by the Survival of the Unfit*, was published in *Popular Science Monthly* with the intention of bringing the eugenics movement to a mainstream audience.<sup>40</sup>

As the influence of eugenics spread throughout California in the 1920s and 1930s, a number of fraternal eugenic organizations emerged. In the words of historian Alexandra Minna Stern, “California possessed a dense and multilayered matrix of educational organizations, civic groups, business associations, medical societies, and philanthropies that subscribed to eugenic philosophies.”<sup>41</sup> These groups include the eugenics section of the Commonwealth Club of California (CCC), the Human Betterment Foundation (HBF), the California Division of the American Eugenics Society (AES), the American Institute of Family Relations (AIFR), and the Eugenics Society of Northern California.<sup>42</sup> Members of these groups in California included men employed in positions with influence over the state body politic. Their coalescence when eugenic thought was widely criticized by the scientific community allowed eugenics to prosper in California long after its demise in

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<sup>39</sup> From the course notes of 1898 Stanford graduate Jack London, a former student of David Starr Jordan. Quoted in Starr, *Americans and the California Dream*, 309.

<sup>40</sup> *Ibid.*, 310.

<sup>41</sup> Stern, *Eugenic Nation*, 86.

<sup>42</sup> *Ibid.*, 85.

other parts of the nation. California possessed more believers in the cause of eugenics than perhaps any other state, and its followers intensely lobbied the state legislature.<sup>43</sup> Early laws passed not because of popular pressure but because of expert testimony before legislative panels.<sup>44</sup>

California was not alone, however, in its attempt to push eugenic legislation. A national campaign to enact sterilization laws began in 1897 when eugenicists in Michigan introduced a bill calling for the asexualization of criminals and the feeble-minded. Although but the law was defeated in the state congress, the campaign gathered more attention after 1905, and by 1937 thirty-two states had passed laws enforcing involuntary sterilization.<sup>45</sup> California was the third state to pass such legislation, after Indiana and Washington. Changes in the popularity and acceptance of eugenics prompted California's medical superintendents and physicians to pressure the state to pass the 1909 bill. The California progressives' exclusionary agenda conveniently coincided with national acceptance of hereditary science at the highest levels of California society and politics, paving the way for the 1909 sterilization bill.

Complete authority was granted to the resident physicians of the institutions to determine whether such an operation would be "conducive to the benefit of the physical, mental, or moral condition of the inmate" (See Appendix B).<sup>46</sup> The first version of the bill—which was amended twice during the succeeding decade, in 1913 and 1917—

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<sup>43</sup> Philip R. Reilly, *The Surgical Solution: A History of Involuntary Sterilization in the United States* (Baltimore, MD: The Johns Hopkins University Press, 1991), 42.

<sup>44</sup> Haller, *Eugenics*, 124.

<sup>45</sup> Ludmerer, *Genetics and American Society*, 91.

<sup>46</sup> "An Act to Permit Asexualization of Inmates," (Sacramento 1909).

directed sterilization efforts toward convicted sex offenders and sexual deviants, but succeeding revisions to the law allowed for broader enforcement, including patients “afflicted with hereditary insanity, or incurable chronic mania or dementia.”<sup>47</sup> The bill passed through the state congress with virtually no opposition, with only one dissenting vote in the Senate.<sup>48</sup>

Although California’s 1909 law authorized physicians to operate on wards of the state, many physicians were hesitant to do so out of fear of legal repercussions. This was a pattern that characterized early drafts of sterilization statutes throughout the country. Many early laws were too vague to be effective, as they aimed to penalize or cure all sexual deviants, criminals, and victims of mental illness.<sup>49</sup> Doctors in California state hospitals often hesitated to perform operations out of fear of legal action, but nonetheless, the state’s physicians still stood alone in their efforts to enforce the early sterilization law.<sup>50</sup> California’s sterilization law passed largely due to the efforts of F. W. Hatch, who served as both General Superintendent of California State Hospitals and Secretary of the

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<sup>47</sup> “An act to provide for the asexualization of inmates of state hospitals for the insane, the Sonoma State Home, of convicts in the state prisons, and of idiots, and repealing an act entitled ‘An act to permit asexualization of inmates of the state hospitals and the California Home for the Care and Training of Feeble-Minded Children and of convicts in the state prisons,’ approved April 26, 1909.” From James H. Deering, *Supplement to the Codes and General Laws of the State of California of 1915* (San Francisco: Bancroft-Whitney Company, 1917), 558.

<sup>48</sup> Reilly, *The Surgical Solution*, 46.

<sup>49</sup> Ludmerer, *Genetics and American Society*, 94. Few states were able to successfully implement their laws until the laws were modified in the late-1910s to alleviate the liability of physicians performing operations, particularly in the years following the First World War and after the Supreme Court gave tacit approval to eugenic sterilization in the 1927 *Buck v. Bell* case. *Buck v. Bell*, 274 U.S. 200 (1927).

<sup>50</sup> Ludmerer, *Genetics and American Society*, 95.

California State Commission in Lunacy. He drafted the initial legislation and lobbied his colleagues in the state department to urge the bill's passage.<sup>51</sup>

California's exclusionary legislative history, coupled with the transfer of power to progressive reformers and the acceptance of eugenic thought, set the stage for the application of eugenic practices in state institutions. But the efforts of F.W. Hatch and the medical personnel of California's state hospitals played perhaps the greatest role in both the enactment and implementation of sterilization laws. Given authority to regulate the practice in the state, medical superintendents and physicians transformed California into a laboratory of "best practices" for treating mental illness and advocated the use of sterilization as a means of eugenic social control. California progressives placed tremendous faith in the expertise of its medical professionals, whose experience and know-how placed them in the greatest position of influence regarding conditions in state hospitals.

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<sup>51</sup> Paul Popenoe, "The Progress of Eugenic Sterilization," *The Journal of Heredity* 25, no. 1 (January 1934): 20. See also Reilly, *The Surgical Solution*, 39, 50; and Stern, *Eugenic Nation*, 99-100.

## CHAPTER 3

### Sterilization in California State Hospitals

“Everything possible, within reason, that can be done must be done to promote the recovery of those recoverable, and to make as comfortable and as nearly contented as possible those whose destiny it is to remain wards of the state... While on one side is the advanced humanitarian idea, there is on the other side the practical and financial view.”

-Frederick W. Hatch, California General Superintendent of State Hospitals, 1904

California’s sterilization crusade began as part of a broader pattern of progressive reform that pervaded the mental health profession at the turn of the century. Influenced by institutional reformers across the nation, officials at the highest levels of California’s state government worked to eliminate the rampant abuses that characterized state institutions. A major facet of this process was the demand for a cure for mental disease, and ambitious physicians across the nation raced to experiment with radical new treatments. Influenced by eugenic thought, medical superintendents and physicians in California promoted sterilization as a therapeutic means of treating mental illness. California’s mental health reform movement was deeply rooted in progressive humanitarian principles, but the influence of eugenic thought on career-minded medical professionals, coupled with a health care system burdened by overcrowding and budget constraints, prompted health care professionals to embrace sterilization practices which did more harm than good to their patients.<sup>1</sup>

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<sup>1</sup> Richard W. Fox, *So Far Disordered in Mind: Insanity in California, 1870-1930* (Berkeley: University of California Press, 1978), 15; Gerald N. Grob, *The Mad Among Us: A History of the Care of America’s Mentally Ill* (New York: The Free Press, 1994), 141, 235; Gerald N. Grob, *Mental Illness and American Society, 1875-1940* (Princeton, NJ: Princeton University Press, 1983), 109; and David J.

By the late 1800s mental hospitals across the nation stood in dire need of reform. Though mental institutions were initially established to provide restorative therapy, by the late-nineteenth century they were regarded as outdated institutions. Indefinite commitment was standard practice and hospitals managed large populations of patients who did not demonstrate any improvement in their condition during long-term commitments.<sup>2</sup> According to one historian, “brutality and corruption were endemic to the institutions,” and practices of neglect, inhumane custodial care, and staff abuses were common in the nineteenth-century asylums.<sup>3</sup> Historically assigned the role of a custodial holding ground for the mentally ill, institutions increasingly appeared deficient in addressing the long-term goal of curing mental illness. By the 1890s medical professionals exhibited a sense of urgency in addressing the needs of mental patients and a new generation of psychiatrists worked to eliminate the abuses associated with asylums by establishing a standard code for mental health institutions to follow.<sup>4</sup>

The need for reform was compounded by the overcrowded condition of California’s mental hospitals. California had the highest rate of institutional commitments in the nation, as 1 in 345 people in the state was confined in a mental institution in 1880, and the rate continued to increase over the next several decades.<sup>5</sup> While the general population of California increased 2.6 times from 1880 to 1940, the population of

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Rothman, *Conscience and Convenience: The Asylum and its Alternatives in Progressive America* (Boston, MA: Little, Brown and Company, 1980), 5, 356, 360.

<sup>2</sup> Grob, *Mental Illness*, 4; and Fox, *So Far Disordered*, 15.

<sup>3</sup> Rothman, *Conscience and Convenience*, 17.

<sup>4</sup> *Ibid.*, 17, 316-17.

<sup>5</sup> Fox, *So Far Disordered*, 18.

California's mental hospitals increased 12.6 times to a ratio of 1 in 270.<sup>6</sup> Furthermore, the ratio of physicians to patients in California's state hospitals was merely 1 to 340, the highest in the nation by far. Such a disproportionate ratio allowed one meeting between physician and patient every five or six weeks.<sup>7</sup> The rise in population of the mentally ill had "reached a crisis" by the turn of the century, as institutions were unable to make room for new patients or to keep up with the increasing responsibilities associated with restorative health care.<sup>8</sup>

The first major step toward restructuring the state's mental healthcare system was the creation of a mental health bureaucracy run by university-trained professionals. The grotesque conditions that characterized California's nineteenth-century mental hospitals left little room for treatment, as asylums functioned more as storage facilities to house the mentally ill and keep them out of public view. In the 1890s the California legislature created the Commission in Lunacy to oversee the management of all state mental hospitals, and in 1904 required the State Board of Charities and Corrections (SBCC) to include reports from state prison wardens. The two organizations were combined in 1922 to create the Department of Institutions.<sup>9</sup> To operate the state's mental institutions, the

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<sup>6</sup> *Second Biennial Report of the State Board of Charities and Corrections of the State of California From July 1, 1904, to June 30, 1906*, (Sacramento, CA: W.W. Shannon, Superintendent State Printing, 1906), 64.

<sup>7</sup> The national average ratio of doctors to patients was 1 in 248. Rothman, *Conscience and Convenience*, 353.

<sup>8</sup> Fox, *So Far Disordered*, 26.

<sup>9</sup> Every two years, each organization published a report to the governor that included the conditions, budget, and operations of each California institution. Throughout the pages of these reports—written by hospital superintendents—are frequent references to sterilization practices, including demands for an increase in the practice. See California State Board of Charities and Corrections, *Biennial Reports* (Sacramento: California State Printing Office, 1903-1922); California State Commission in Lunacy, *Biennial Reports* (Sacramento: California State Printing Office, 1896-1920); California State Department of Institutions, *Biennial Reports* (Sacramento: California State Printing Office, 1920-1945); and California

state employed doctors and managers, most of whom had attended California universities that required enrollment in eugenics courses. Most of these men came from upper-middle class backgrounds and brought strong racial, gender, and class biases that shaped their outlook on the patients they served. The physicians and superintendents running the hospitals were accorded tremendous authority in the day-to-day operations of their institutions, and these men welcomed the increase in prestige and authority afforded them by the new state bureaucracy. Nonetheless, they were still held accountable by government officials who demanded regular status updates. Initial responsibility for enacting reform did not rest solely with each state hospital, but rather encompassed the highest officials in the state of California, including the legislature and the governor's office. State officials exerted political pressure on each medical superintendent to develop a cost-effective, therapeutic means of treating insanity that fit into the progressive model of mental health reform.

A major reason for such political pressure was the rising rate of commitments, as all California state hospitals were severely overcrowded by the 1890s. Medical superintendents regularly complained of overcrowding in their biennial reports to the governor. The first report of the Commission in Lunacy in 1898 mentioned that "California is obliged to care for more causes of insanity than should justly be charged against it."<sup>10</sup> Superintendents argued that the hospitals were "greatly overcrowded" and

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State Department of Institutions, *Statistical Reports* (Sacramento: California State Printing Office, 1920-1945).

<sup>10</sup> *First Biennial Report of the State Board of Charities and Corrections of the State of California From July 1, 1903, to June 30, 1904* (Sacramento, CA: W.W. Shannon, Superintendent State Printing, 1905), 27.

were “too much houses of detention and not enough houses for treatment.”<sup>11</sup> Officials frequently mentioned the ever-increasing inmate populations of the institutions, and by 1912, it was needless to say that state hospitals were bursting at the seams.<sup>12</sup> The institutions could not discharge patients at the rate that they were being committed, and hospital construction could not keep pace with the burgeoning patient population.<sup>13</sup>

The overcrowding of California’s state hospitals was in large part the result of the state’s liberal commitment policy. Though most commitments to state hospitals were made by family members, California allowed doctors and judges to order the commitment of an individual they regarded as mentally unstable. The policy was drafted to increase the scope of care, but it also drastically increased the population of the state hospitals.<sup>14</sup> As a result, California promoted an inflation of the ranks of the mentally ill in state hospitals and further exacerbated the problem of overcrowding.<sup>15</sup> Though the result of the new commitment policy appears counterproductive, California ultimately sought to increase their prestige as a progressive state in the arena of mental health reform. By offering the opportunity for treatment to a higher percentage of individuals, as California psychologist John W. Robertson wrote in 1903, the “liberal provisions for the insane

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<sup>11</sup> *Second BR of Charities and Corrections to 1906*, 65.

<sup>12</sup> *Eighth BR of the Commission in Lunacy to 1912*, 11.

<sup>13</sup> Rothman, *Conscience and Convenience*, 351.

<sup>14</sup> Fox, *So Far Disordered*, 22.

<sup>15</sup> *Ibid.*

demonstrated that California was not only ‘civilized, but, to the highest degree, humanized.’<sup>16</sup>

Not only did mental health officials identify the rising number of committed patients as a major concern, but the demographic representation of the patients also alarmed many superintendents.<sup>17</sup> Most of the committed patients came from the lowest rungs of the social ladder, as mental health officials described first hand. J.A. Crane, Medical Superintendent of Agnews State Hospital, wrote in 1900 that the state’s asylums were becoming little more than “receptacles for all forms of human wreckage.” He continued, “It is this excess of population, improperly committed and (strictly speaking) illegally detained, which fills to overflowing the wards of these institutions.” The preponderance of the impoverished in the institutions was “rendering it impossible to maintain proper sanitary and other regulations, menacing the lives and health of all.”<sup>18</sup>

Further compounding the problem of overcrowding was the rising number of settlers pouring into California from both the eastern United States and from abroad. A great number of patients arrived from eastern states but the foreign born outnumbered the native population in state hospitals by 1900, a trend which the Commission in Lunacy attributed to a number of factors. Many working-class migrants came to work in California’s growing seasonal economy, which involved extended periods of mobility

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<sup>16</sup> John W. Robertson, “Prevalence of Insanity in California,” *American Journal of Psychiatry* 60, no. 1 (July 1903): 75-77; quoted in Fox, *So Far Disordered*, 25.

<sup>17</sup> Describing the population of the mentally ill at state hospitals presents an enormous challenge to historians. For one thing, most private patient records remain closely sealed. Additionally, statistical data was published at irregular intervals and there was a lack of consistency concerning categories of classification. The diseases of committed patients were often based on symptoms rather than etiology, further complicating the identification process. All that remains for historians is demographic data.

<sup>18</sup> *Second BR of the Commission in Lunacy to 1900*, 60-1.

and unemployment.<sup>19</sup> Furthermore, the stress of relocating away from friends and family increased immigrants' susceptibility to mental illness. Such conditions placed a great strain upon migrants' personal well being and increased the risk of mental instability. Some medical authorities went so far as to argue that the California environment provoked insanity, particularly among migrants into the state.<sup>20</sup> In 1900 the foreign-born comprised 24.9 percent of the total state population, but made up 55.7 percent of the state hospital population.<sup>21</sup> These figures exclude the millions of native migrants moving to California from eastern states. State authorities viewed the increasing populations of the foreign and native-born migrants as an overextended financial burden on both the state budget and the taxpayers of California. The SBCC complained that many patients arrived in California already afflicted with mental illness in hopes that the healthy climate of the state would serve a therapeutic purpose.<sup>22</sup> The allocation of state funds for immigrants, mental health officials argued, prevented the state from offering appropriate care to the native-born citizens of the state.<sup>23</sup>

Though California's mental health policies appear conservative at first glance, they were actually quite progressive and liberal in comparison with the rest of the nation. The state developed a strong central bureaucracy that appeared to provide high standards

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<sup>19</sup> Biller, "Defending the Frontier," 62, 72.

<sup>20</sup> Fox, *So Far Disordered*, 20.

<sup>21</sup> *First BR of the Commission in Lunacy to 1898*, 30.

<sup>22</sup> *Ibid.*, 31-32; *First BR of Charities and Corrections to 1904*, 36.

<sup>23</sup> One additional response to the rising tide of immigrants into state hospitals was the creation of the State Deportation Agency, which was responsible for returning inmates to their home states or countries. Despite the agency's deportation activities, immigrants comprised 39 percent of male and 31 percent of female compulsory sterilizations performed in California. See Biller, *Defending the Frontier*; see also Paul Popenoe and E.S. Gosney, *Twenty-Eight Years of Sterilization in California* (Pasadena, CA: The Human Betterment Foundation, 1938), 9.

for mental health care.<sup>24</sup> At the same time that state officials sought to reduce expenditures in hospital operations, California officials committed a significant amount of their budget towards maintenance of an effective, efficient mental health program. California's Progressive government actually increased the budgets of mental hospitals, arguing that, "Money liberally spent in curing the insane, if effective, will, in the end, prove an economy to the state."<sup>25</sup> California's commitment policy was largely inspired by a desire to stand out as a leader in the nation in progressive reform.<sup>26</sup>

Nonetheless, the comparatively generous budgets of the hospitals could not keep up with the rate of commitment, and the Commission in Lunacy pressured hospitals to practice thrift. The Commission wrote to California medical superintendents in 1904 that "Governor [George] Pardee's administration[']s idea of economy in our State institutions is not penuriousness. Our aim is to get value received for the State for every dollar spent. Make every dollar count. Stop waste... This is economy."<sup>27</sup> Facing a rising population in its state hospitals, California lacked the necessary funds to effectively address the needs of mental patients. State hospitals were filled to the brim with patients, yet the state legislature neither financed the construction of new asylums nor provided ample funds for the expansion of existing hospitals. New hope came from a new generation of professionals that were intent on finding cost-effective methods to treat and release patient populations.

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<sup>24</sup> Grob, *The Mad Among Us*, 174.

<sup>25</sup> *Second BR of Charities and Corrections to 1906*, 65.

<sup>26</sup> Fox, *So Far Disordered*, 23.

<sup>27</sup> *Fourth BR of the Commission in Lunacy to 1904*, 16.

As the mental health profession grew more specialized near the turn of the century, medical superintendents enlisted the assistance of psychologists, statisticians, laboratory scientists, and social workers in their quest for a cure. Lucrative jobs in state institutions offered prestigious employment to a new generation of professionals. The new recruits often came from prestigious university programs that taught the sciences of eugenics and hereditarian ideology, and physicians applied higher standards of mental health care to add legitimacy to the profession. The physicians and managers of California's institutions worked to increase their own prestige and to climb the bureaucratic ladder. Because their success hinged upon following the chain of command, many physicians had to develop creative ways to manage tight budgetary restraints, including the possibility of curing mental illness.<sup>28</sup>

Psychiatrists and doctors employed in state institutions increasingly envisioned a future in which new progressive therapies might eliminate the prevalence of mental disease, and the restructuring of mental health institutions attracted a number of professionals intent on seeking a cure in order to increase their own prestige and legitimacy.<sup>29</sup> Mental hospitals became the prime location for such scientists to experiment with new treatments, as they were filled with mental patients. Financial restrictions prevented hospitals from providing individualized psychiatric treatment, which furthered interest in experimental alternatives to traditional care.<sup>30</sup> Administrators in California welcomed the introduction of experimental methods, as political pressure

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<sup>28</sup> Biller, "Defending the Frontier," 27-8.

<sup>29</sup> Grob, *Mental Illness*, 179.

<sup>30</sup> *Ibid.*, 290.

from the state to develop therapeutic treatments prompted medical superintendents to reorient the nature of mental health treatment towards curing mental illness.<sup>31</sup> In response to demands from the Commission in Lunacy and the SBCC, California mental health professionals began to experiment with new treatments for mental illness as a means of reducing state hospital populations. State mental hospitals were transformed into laboratories and research facilities where doctors and scientists could experiment with new techniques in the search for a cure.<sup>32</sup>

The erosion of the quality of life in mental hospitals coincided with the introduction of new radical therapies that offered hope to many doctors and chronically ill patients.<sup>33</sup> Psychiatrists from Europe developed many new experimental treatments that appeared compatible with scientific, progressive psychiatry in the United States during the early-twentieth century.<sup>34</sup> Therapeutic motives fit into broader national trends of progressive mental health reform, mental hygiene, and experimental medicine. A thorough examination of every treatment practiced is outside the scope of this study, but some of the new techniques included malaria inoculation, insulin “shock” treatment, injections of mercury, bismuth, or iodides, metrazol shock therapy, prefrontal lobotomy, and electroshock treatment.<sup>35</sup> Such practices gave patients and their families the possibility of leaving the mental hospital to return to the community.<sup>36</sup>

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<sup>31</sup> Grob, *The Mad Among Us*, 183.

<sup>32</sup> Biller, “Defending the Frontier,” 50.

<sup>33</sup> Grob, *The Mad Among Us*, 181.

<sup>34</sup> Grob, *Mental Illness*, 288-290.

<sup>35</sup> *Ibid.*, 299.

<sup>36</sup> Grob, *The Mad Among Us*, 183.

Experimentation became a vital element of California's mental health treatment agenda, and officials advocated treatment of mental illnesses by any means necessary. As early as 1898, the Commission in Lunacy called for the introduction of "surgery and radical measures" as treatments in state hospitals, a policy that accelerated in scope through the first half of the twentieth century.<sup>37</sup> In 1904, General Superintendent Hatch demanded that, "everything possible, within reason, that can be done must be done to promote the recovery of those recoverable, and to make as comfortable and as nearly contented as possible those whose destiny it is to remain wards of the State." He also called for "more radical work in the way of surgery" in order to alleviate the populations of the burdens of reproduction.<sup>38</sup>

The new approaches presented many physicians with a dilemma. In most instances, the experimental methods did not offer the promise of a cure and "lacked any theoretical foundation."<sup>39</sup> Nonetheless, if there was even a remote possibility of rehabilitation for the patient, psychiatrists urged patients and their families to consent to therapy, as no other alternatives had yet presented themselves.<sup>40</sup> Ultimately, the hope of finding a cure prompted the use of experimental techniques throughout the first half of the twentieth century. The new therapies offered hope to patients whose future appeared bleak, and doctors increasingly resorted to experimental therapies.<sup>41</sup>

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<sup>37</sup> *First BR of the Commission in Lunacy to 1898*, 38.

<sup>38</sup> *Fourth BR of the Commission in Lunacy to 1904*, 44.

<sup>39</sup> *Ibid.*, 184.

<sup>40</sup> *Ibid.*, 181; Grob, *Mental Illness*, 297-8, 300.

<sup>41</sup> Grob, *Mental Illness*, 297-8, 306.

The progressive-minded administrators of the Commission in Lunacy, the State Board of Charities and Corrections, and the Department of Institutions, all urged medical superintendents to develop a therapeutic method for curing insanity and feeble-mindedness. Within the biennial reports of each state board, medical superintendents reported that sterilizations were beneficial to the health of the patients and could thus satisfy the demands of their superiors. In many cases, the SBCC argued in 1916, “there is a distinct benefit to the patient... The net experience of this state is that far more are helped than injured.”<sup>42</sup>

California medical superintendents regularly reported the results of experimental therapies to satisfy demands imposed by state officials. The Director of State Institutions, E.G. Twogood, requested information about experimental research conducted in state hospitals, and medical superintendents provided explicit details of their research results.<sup>43</sup> In his statement to the Department of Institutions, Dr. Leonard Stocking of Agnews State Hospital outlined the intention of experimental research at his hospital on electroshock therapy, immunization experiments, and spinal fluid examinations.<sup>44</sup> He claimed that “the object is to make the patient conscious of a new life and mental viewpoint by whatever

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<sup>42</sup> *Seventh BR of Charities and Corrections to 1916*, 39.

<sup>43</sup> *Second BR of Department Institutions to 1924, Third BR of Department Institutions to 1926*.

<sup>44</sup> Throughout their biennial reports to California Department of Institutions, medical superintendents detail the variety of experimental treatments practiced in California’s state hospitals. Among the methods practiced are “bromide treatment,” “malarial treatment,” encephalography, diathermy (quartz, ultraviolet, and infrared light treatments), arsenical injections, mercury injections, Morse waves, sinusoidal currents, sodium iodobismuthite to treat syphilis, sodium iodoarsenite to treat “trench mouth,” and sodium rhosanate to treat drug addictions. See *Second Biennial Report of the Department of Institutions of the State of California for the Two Years Ending June 30, 1924*, 60; *Fifth BR of Department Institutions to 1930*, 35, 43-44, 55; *Sixth BR of Department Institutions to 1932*, 36-37, 68-69. See also Thaddeus E. Weckowicz and Helen P. Liebel-Weckowicz, *A History of Great Ideas in Abnormal Psychology* (Amsterdam: North-Holland Publishing Company, 1990).

means best serves, whether it be reeducation of will and reason—or electricity.”<sup>45</sup> He believed that state institutions had a great responsibility to the scientific field as laboratories for research, and argued “physicians look to us, with our opportunity and facilities, to furnish them with the science they can obtain in no other way.”<sup>46</sup>

Sterilization became part of the broader program of experimentation, as California medical superintendents regularly published the results of sterilizations alongside conclusions from other alternative medical procedures. In many instances their accounts of sterilization were published in the same paragraphs as other experimental methods, implying that sterilization was just one among several therapies that physicians attempted. C.F. Applegate of Norwalk State Hospital addressed “the use of arseno-benzol and mercury salicylate in the treatment of cases of paresis and syphilitic affections,” and in the next sentence mentioned that “the sterilization of patients has been resumed.” Fred P. Clark of Stockton, in a list of therapeutic cures for mental illness, mentioned both hydrotherapy and sterilization in successive sentences.<sup>47</sup>

Despite the rhetoric of physicians and superintendents, sterilization had roots in eugenic thought and was about much more than curing mental health. As early as 1898, mental health officials in California viewed hereditarian ideology as compatible with the reformist impulse to root out the sources of unwanted traits.<sup>48</sup> However, physicians in California often concealed eugenic motives until eugenic legislation was passed in 1909. Following passage of the 1909 asexualization law, California mental health officials and

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<sup>45</sup> *Second BR of Department Institutions to 1924*, 73-4.

<sup>46</sup> *Ibid.*, 75.

<sup>47</sup> *Twelfth BR of the Commission in Lunacy to 1920*, 48-9.

<sup>48</sup> Fox, *So Far Disordered*, 29.

administrators promoted sterilization as the most practical cure for insanity because it offered more direct benefits of any experimental treatment.<sup>49</sup> Not only could they provide therapy for current patients, but they also reduced future hospital populations. Short-term and long-term benefits alleviated crowding and budgetary constraints faced by mental hospitals across the state.

New advances in surgical medicine also furthered the cause for sterilization. Techniques of vasectomy in men, oophorectomy (removal of an ovary) and salpingectomy (removal of a Fallopian tube) in women were greatly improved during the 1890s and provided physicians with a safer technology than previous methods. Physicians argued that sterilizations were simple, inexpensive, safe, and irreversible. Visiting physician George H. Kirby, medical superintendent of Manhattan State Hospital, complimented the sterilization procedures performed in California state hospitals, claiming that “Excellent surgical work is done in some of the hospitals and valuable results are likely to be obtained from the practice of sterilization on certain groups of patients.”<sup>50</sup> Medical superintendents argued that a vasectomy was almost entirely painless and “leaves the patient almost unchanged in feeling and functions.”<sup>51</sup> California doctors had little to say regarding the safety of salpingectomies, however, calling into question the objectivity of the operating physicians. In comparison to a vasectomy, a salpingectomy is a far more invasive procedure and led to more complications and

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<sup>49</sup> “An Act to Permit Asexualization of Inmates,” (Sacramento 1909).

<sup>50</sup> *Seventh BR of Charities and Corrections to 1916*, 44.

<sup>51</sup> *Ibid.*, 39.

deaths. Even more intrusive still is the oophorectomy, which was the preferred surgical method of California physicians.<sup>52</sup>

General Superintendent F.W. Hatch was a leading advocate of sterilization as a therapeutic treatment for mental illness, and is probably the individual most responsible for its implementation in California state hospitals. He argued that California's sterilization program stood out from that of other states that sterilized mental patients. Hatch claimed that while other states performed sterilizations for "purely eugenic" motives, California performed such operations "for the physical, mental, or moral benefit" of the inmate.<sup>53</sup> It was clear to Hatch that the intention of other states was "cutting off inheritance lines," which was not at all therapeutic and thus of little immediate benefit to the patients themselves. He argued that many patients "have expressed satisfaction that the operation has been done," particularly men who "have found benefit" from vasectomies.<sup>54</sup> In some cases there has "been little effect on the mental health condition," but in all cases there has been "generally some improvement in the general health."<sup>55</sup>

Medical superintendents from California's state hospitals followed Hatch's lead by pronouncing the successes of their own hospitals' sterilizations. Fred P. Clark of Stockton State Hospital reported in 1912 that "it is gratifying to know that many of the

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<sup>52</sup> Dr. Suren H. Babington provides a detailed description of the sterilization processes and how to perform them in a 1928 edition of *California and Western Medicine*. See Suren H. Babington, "Human Sexual Sterilization: A Contribution to the Study of the Problem," *California and Western Medicine* 24, no. 6 (December 1928): 369-373.

<sup>53</sup> *Eighth BR of the Commission in Lunacy to 1912*, 18-21.

<sup>54</sup> *Ibid.*, 23; *Ninth BR of the Commission in Lunacy to 1914*, 14.

<sup>55</sup> *Eighth BR of the Commission in Lunacy to 1912*, 21.

patients have been benefited by these operations [of vasectomy and oophorectomy],” and declared that the law authorizing sterilization “is the most important law...that has ever been passed in this state.”<sup>56</sup> He later noted in 1922 that “in many of the men, we have noticed very marked improvement in their mental condition after they have been sterilized... We feel that this operation should be performed on all cases where there is a prospect of their recovery or of their leaving the hospital on parole.”<sup>57</sup> Clark considered sterilization a fundamental part of his job and felt that he was providing a service not only to humanity, but also to his patients.<sup>58</sup> He reported that “those who have been benefited by the operation state that they have noticed an improvement in their mental and physical condition in about four weeks’ time.”<sup>59</sup> Fred O. Butler of the Sonoma Home for the Feeble-Minded listed “physical and mental improvement” as among the “chief reasons why sterilization of both sexes should be the common practice, not only in every state in the Union, but the entire universe.”<sup>60</sup> It appears likely that claims regarding the benefits of sterilization were merely fabricated to appease superiors and to make current practices appear legitimate, but it is also possible that physicians really did believe in their logic.

Despite Hatch’s insistence on the purely medical purposes of sterilization, the superintendents’ observations of the therapeutic benefits must be called into question. Though medical superintendents operated with a great deal of autonomy, they were still held accountable by the state boards to which they reported, and it seems likely that they

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<sup>56</sup> *Ninth BR of the Commission in Lunacy to 1914*, 46.

<sup>57</sup> *First BR of Department Institutions to 1922*, 88.

<sup>58</sup> *Ninth BR of the Commission in Lunacy to 1914*, 49.

<sup>59</sup> *Ibid.*

<sup>60</sup> *Third BR of Department Institutions to 1926*, 96.

overstated their results in order to satisfy their superiors and justify a continuation of the procedure. Most experimental treatments—including sterilization—lacked any theoretical foundation, and in most cases physicians who administered the treatments were also the individuals who evaluated the outcomes. In their studies of experimental procedures, physicians were likely to inflate the results in order to increase their own prestige and legitimacy as professionals.<sup>61</sup> Thus, the reports of medical superintendents that patients benefited from sterilization cannot always be considered accurate. In all likelihood, no such cure was ever developed. Hatch's reputation as a medical professional depended on obtaining a cure, so it is likely that he altered the outcomes of his results to appear more favorable. Additionally, patients had much at stake in proclaiming health benefits. It was perhaps beyond Dr. Hatch's line of reasoning that patients might claim to feel better when their release depended upon the success of their recent operation.

Although physicians in California state hospitals never fully abandoned the therapeutic cause, by the second decade of the twentieth century they increasingly cited eugenic motives for their sterilization programs, particularly as the mental hygiene movement gained wider acceptance among mental health professionals throughout the United States. The rise of the eugenics movement paralleled that of the mental hygiene movement, as both aimed to prevent the propagation of the unfit through administrative and legislative measures.<sup>62</sup> Mental hygienists combined scientific knowledge with administrative action in an effort to eradicate mental illness from the human race, and they often based their arguments on the assumption that it was easier to prevent mental

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<sup>61</sup> Grob, *The Mad Among Us*, 184-5.

<sup>62</sup> Albert Deutsch, *The Mentally Ill in America: A History of Their Care and Treatment from Colonial Times* (Garden City, NY: Doubleday, Doran & Company, Inc., 1937), 300-1.

disorders than cure them.<sup>63</sup> Though mental hygienists held differing visions for how to prevent mental illness, one important branch of the mental hygiene movement promoted the idea that so-called “degenerates” threatened the biological purity of the human race. Eugenic arguments for sterilization furthered California superintendents’ quest to purify the human race through the elimination of “the unfit.” Widespread acceptance of eugenic ideas allowed medical superintendents to modify their rhetoric and abandon their arguments regarding sterilization as a means of therapy.<sup>64</sup>

The new trends in progressive psychiatry and mental health were exemplified by the creation of the National Committee for Mental Hygiene (NCMH), an organization founded in 1909 to combat problems associated with “mental hygiene” in the United States. Psychiatrists and mental health officials were particularly receptive to the application of administrative solutions to the problems of mental illness and the increasing burden that they placed on the state.<sup>65</sup> Inspired by eugenic and hereditarian ideals spreading throughout the medical and scientific community, California mental health officials sought to examine the cause of mental illness to alleviate the financial and social burden that the growing mentally ill population placed on the state. In many ways the NCMH directly informed California physicians. Though the movement split and the NCMH eventually distanced itself from eugenic practices, the desires to prevent further outcropping of mental illness overlapped with the campaign for mental hygiene.

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<sup>63</sup> Grob, *Mental Illness*, 144. For more information on the establishment of the National Committee for Mental Hygiene and its founders Clifford W. Beers and Adolf Meyer, see Deutsch, *The Mentally Ill in America*, 300-309; Rothman, *Conscience and Convenience*, 307-320; and Grob, *The Mad Among Us*, 151.

<sup>64</sup> Fox, *So Far Disordered*, 15.

<sup>65</sup> Grob, *Mental Illness*, 145.

To provide a scientific justification for their realignment with eugenic motives, in 1914 the Commission in Lunacy brought in a specialized professional from the Eugenics Record Office in New York. According to one Medical Superintendent, “A study of family histories . . . is being undertaken by a field worker sent out from the Eugenics Record Office . . . who is working under the direction of the Lunacy Commission of California.”<sup>66</sup> The worker’s name is not mentioned in official records, but he or she was likely trained in biometrics and constructed hereditarian family studies of California’s feeble-minded patients. The field worker traced patient family records “as far back as possible,” and superintendents agreed that “some very interesting data are being compiled” in the “careful and scientific study of the hereditary aspects of mental defect.”<sup>67</sup> To General Superintendent Hatch, the data confirmed what he already believed, as he argued that, “we all recognize that inheritance or heredity is of the greatest importance in the transmission of human traits and California is fortunate in being able to have the services of a field worker.”<sup>68</sup> The results of the 1914 family studies supported what many mental health officials already assumed—that hospital populations would continue rising if mentally ill patients continued having children.

In fact, hereditarian viewpoints appeared in publications of the Commission in Lunacy as early as 1898, when they listed heredity as one of the “most prolific causes of insanity.”<sup>69</sup> The Commission proclaimed that “the feeble and desultory efforts which

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<sup>66</sup> *Sixth BR of Charities and Corrections to 1914*, 116.

<sup>67</sup> *Ninth BR of the Commission in Lunacy to 1914*, 8; *Sixth BR of Charities and Corrections to 1914*, 116.

<sup>68</sup> *Ninth BR of the Commission in Lunacy to 1914*, 9.

<sup>69</sup> *First BR of the Commission in Lunacy to 1898*, 26.

have been put forth to correct these deplorable conditions have, as yet, proved unavailing.”<sup>70</sup> Four years later the Commission in Lunacy wrote that mental illness “exists in the descendants as an inheritance or as an engrafted weakness.”<sup>71</sup> California officials were quite familiar with such arguments by the 1910s, well after the state’s sterilization program had begun in earnest.

Over time, California state officials increasingly cited hereditarian arguments as the primary source for the growing problem of mental illness in California. The SBCC claimed that data on heredity “reveals the fact that it is a determining factor with regard to feeble-mindedness” and “confirms the accepted theory of the relation between feeble-mindedness and heredity.”<sup>72</sup> Although physicians and officials from across the state were already quite familiar with such arguments, records indicate that officials became much more comfortable discussing eugenics as the mental hygiene movement picked up momentum during the 1910s. Superintendents across the state took a strong stance on hereditary science, and the belief that genetic defects were the primary cause for the overflow of California’s institutions.

Even General Superintendent Hatch, the leading proponent for progressive mental-health reform, argued the case for hereditarian ideology, indicating that he was not fully convinced of the curability of mental illness. Over the course of his tenure as General Superintendent, Hatch’s opinion on the efficacy of therapeutic sterilization evolved from humanitarian reform to eugenic necessity. By 1912 he was beginning to

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<sup>70</sup> *Second BR of the Commission in Lunacy to 1900*, 74.

<sup>71</sup> *Seventh BR of the Commission in Lunacy to 1910*, 21.

<sup>72</sup> *Eighth BR of Charities and Corrections to 1918*, 52.

have doubts about the use of sterilization for therapeutic means, and reported that “the question of asexualization is becoming more and generally discussed by those who look deeply into the influence of heredity.”<sup>73</sup> In the same article he admitted that “heredity plays an essential part in the causation of certain neuropathic conditions” and “there is nothing more certain in inheritance than the statement that feeble-minded will bring forth feeble-minded.”<sup>74</sup> General Superintendent Hatch believed that mental defectiveness was the cause for “much of our crime and delinquency, much of the retrogression from sober, law-abiding citizens into shiftless ne’er-do-wells, into inebriety and dependency.”<sup>75</sup> The state required drastic measures to address the perceived threat to society. The most practical solution was the expansion of California’s comprehensive program of sterilization of the feeble-minded and mentally ill, Hatch believed, so they may be “protected and prevented from bringing forth their kind.”<sup>76</sup>

In 1916, the SBCC recommended that California take aggressive action and advocated the strengthening of California’s sterilization program. A more aggressive stance on eugenic sterilization, the board argued, would protect society “against the burden of additional defectives.”<sup>77</sup> Hospital superintendents called for “a nation-wide awakening to the menace of the feeble-minded,” which they considered “one of the most

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<sup>73</sup> *Eighth BR of the Commission in Lunacy to 1912*, 21.

<sup>74</sup> *Eighth BR of the Commission in Lunacy to 1912*, 21; *Ninth BR of the Commission in Lunacy to 1914*, 18.

<sup>75</sup> *Ninth BR of the Commission in Lunacy to 1914*, 14.

<sup>76</sup> *Ibid.*, 18.

<sup>77</sup> *Seventh BR of Charities and Corrections to 1916*, 39.

noteworthy movements of public thought.”<sup>78</sup> Dissatisfied with the progress of experimental treatments, California officials called for specific improvements to the existing 1909 sterilization law, including the permitted sterilization of the feeble-minded, increased enforcement of sterilization in accordance with existing laws, and protection for physicians from legal liability.<sup>79</sup> Because “the offspring of insane persons are almost sure to be weak in some regard,” the SBCC encouraged the state to adapt measures to permit increased sterilization of the unfit.<sup>80</sup> One year later, as a result of pressure from board superintendents, California legislators amended the 1909 law to allow physicians to sterilize patients without fear of legal repercussions. The new 1917 law permitted sterilizations to be conducted “with or without the consent of the patient,” and stated that the state “shall not render...any person participating in the operation liable either civilly or criminally” (See Appendix D).<sup>81</sup>

After the law was amended to their liking, medical superintendents heightened their eugenic rhetoric in advocating sterilizations. Indeed, eugenic and hereditarian motives pervade the opinions of medical superintendents published in their biennial reports to state agencies. Sterilization measures were absolutely necessary, the SBCC argued in 1920, so that “defectives should leave behind them no progeny to carry on the

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<sup>78</sup> *Ibid.*, 29.

<sup>79</sup> *Eighth BR of Charities and Corrections to 1918*, 49; *Fifth BR of the Commission in Lunacy to 1906*, 25-27, report by John W. Stetson, Attorney for the State Commission in Lunacy.

<sup>80</sup> *Seventh BR of Charities and Corrections to 1916*, 39.

<sup>81</sup> “ACT 346 – Asexualization of Inmates of Certain Institutions.” *The Internet Archive*. [http://www.archive.org/stream/henningsgeneral01cali/henningsgeneral01cali\\_djvu.txt](http://www.archive.org/stream/henningsgeneral01cali/henningsgeneral01cali_djvu.txt) (accessed September 12, 2013).

tainted and unhappy stream of heredity.”<sup>82</sup> Based on the increased understanding of heredity and the appeals of medical superintendents, in 1918 the SBCC recommended “the more general adoption of the practice of sterilization.”<sup>83</sup> Board superintendents appealed to their colleagues across the state:

We must make it our business to awaken the people to a realization of the fact that it is as foolish to permit human defectives to reproduce themselves as to permit defective domestic animals to beget offspring. The whole stream of human life is being constantly polluted by the admixture of the tainted blood of the extremely defective. If this source of contamination could be cut off, the beneficial effects would begin to show in a single generation.<sup>84</sup>

Officials believed that if insanity was genetically transmitted, then seeking out a treatment would be a futile attempt to stave off the problem.<sup>85</sup> The only logical solution, based on their knowledge and experience, was an accelerated program of sterilization for eugenic means.

California’s mental health officials placed great faith in their belief in eugenics, and continued to promote sterilization for eugenic means even after many geneticists disputed eugenics as a faulty science. Though the science of eugenics was rising in popularity among educated elites during the 1910s, it never gained universal acceptance from the scientific community. Even some members of the SBCC doubted the validity of eugenics. In 1916 the board acknowledged the growing rift among hereditary scientists, admitting that “[w]hile insanity itself is probably not hereditary, the offspring of insane

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<sup>82</sup> *Ninth BR of Charities and Corrections to 1920*, 34.

<sup>83</sup> *Eighth BR of Charities and Corrections to 1918*, 59.

<sup>84</sup> *Ibid.*, 62.

<sup>85</sup> Grob, *The Mad Among Us*, 160.

persons are almost sure to be weak in some regard.”<sup>86</sup> In the follow-up report two years later the board stated that although insanity “is not necessarily transmitted, the offspring of insane persons are very likely to be afflicted with some nervous or mental defect.” Despite what skeptics believed, the SBCC urged physicians to continue prescribing sterilization as the most effective measure to stem the tide of degenerates in California.<sup>87</sup> The allocation of large funds to provide care and treatment of the mentally ill was a hopeless cause, mental health administrators believed, and the only rational policy to prevent the further rise of mental illness was to sterilize defective individuals to prevent them from passing mental illness to successive generations.<sup>88</sup>

F.O. Butler, Superintendent of the Sonoma State Home for the Feeble-Minded, took the program a step further and called for a policy requiring that all patients must “first be sterilized” before they could be discharged from Sonoma.<sup>89</sup> He felt that release of inmates after sterilization relieved the state and county of an enormous expense and boasted that his hospital was responsible for 220 sterilizations in the biennial period of 1919 to 1920.<sup>90</sup> He took great pride in the achievements of his hospital and proclaimed that the law permitting sterilization is “one of the best things that has been done to prevent the unfit from reproducing their kind and adding to the state’s burden of caring”

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<sup>86</sup> *Seventh BR of Charities and Corrections to 1916*, 39.

<sup>87</sup> *Eighth BR of Charities and Corrections to 1918*, 59.

<sup>88</sup> Grob, *The Mad Among Us*, 160-1.

<sup>89</sup> *First BR of Department Institutions to 1922*, 80.

<sup>90</sup> *Twelfth BR of the Commission in Lunacy to 1920*, 59.

for the insane. “It is only to be regretted that we cannot reach out further,” he concluded.<sup>91</sup>

The new impulse of sterilization for eugenic purposes marked a significant transition from the stated intentions of initial mental health reformers in California. An earlier generation of progressives, including Frederick W. Hatch, once supported sterilization as a cure for mental illness, but following the rise of the mental hygiene movement, mental health officials shifted their focus from cure to prevention. As they viewed the problem, the only way to prevent the propagation of future generations of degenerates was to sever genetic bloodlines through invasive surgical techniques. The logistical concerns of managing overcrowded state hospitals on such tight budgets caused officials to abandon their earlier humanitarian visions for more practical concerns. Hospital superintendents thereby encouraged the eugenic sterilization of the unfit, as failure to do so allowed for “the unchecked flow of new defectives which crowd our hospitals and render it difficult to give these unfortunates proper conditions of existence.”<sup>92</sup>

California’s mental health officials never faced a significant threat from the rising numbers of patients crowding their institutions. Such problems were purely logistical. From the perspective of the state boards, the only real danger posed by insane persons was their ability to “carry onward the tainted and unhappy stream of heredity.”<sup>93</sup> The concern was not one of safety but of practicality. It had become clear that California’s

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<sup>91</sup> *Third BR of Department Institutions to 1926*, 97.

<sup>92</sup> *Eighth BR of Charities and Corrections to 1918*, 64.

<sup>93</sup> *Ibid.*

hospitals were not capable of managing the large numbers of individuals committed to the state's hospitals and institutions, and medical superintendents increasingly called for eugenic sterilization as a means of reducing the strain that the mentally ill placed on state facilities.<sup>94</sup>

Ideological perceptions of mental health care in the early-twentieth century blinded physicians and officials from considering alternative solutions. Professionals in the field regarded mental illness as beyond the control of those afflicted—a departure from the common nineteenth century belief that mental illness was the “product of a morally irresponsible existence.”<sup>95</sup> Ultimately, no one was to blame for the increasing psychological disturbance that plagued millions of Californians. Nonetheless, the state could not ethically refuse treatment to those in need, nor could it modify its commitment policy to reduce overcrowding. Patients needed treatment, and mental health officials tried to work within a debilitated system to provide adequate care.

After the implementation of sterilization in state hospitals, mental health care in California once again resembled the nineteenth-century model that progressive reformers worked so hard to destroy. The reformist impulse that aimed to eliminate the abuses of asylums and state institutions never forged a unified consensus on how to cure the mentally ill. There remained a variety of assumptions and beliefs about the nature and appropriate treatments for mental disease, and mental health professionals reinforced the

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<sup>94</sup> Historian David J. Rothman accurately summarizes the frustrations and responses of mental health professionals, and argues that “The failure to ‘carry on the work satisfactorily,’ as directors and superintendents were painfully aware, occasioned not only the institution’s inability to do good, to care for its patients, but a propensity to do harm, to injure its patients.” Rothman, *Conscience and Convenience*, 356.

<sup>95</sup> Fox, *So Far Disordered*, xiii.

tendency to overlook the needs of institutionalized patients.<sup>96</sup> Medical superintendents in California were so confined by the needs of their institutions that they could not appropriately heed the demands of progressive reformers at the state level.<sup>97</sup>

In shifting their concern to the needs of the institution as a whole, psychiatrists and mental health professionals also abandoned the caring function that formed the foundation of early nineteenth-century asylums.<sup>98</sup> Ultimately, according to one historian, many psychiatrists “ignored or lost sight of their institutionalized patients and the realities of the world.”<sup>99</sup> The ambitions and demands of progressive mental health reformers did not lead to improvements for the lives of thousands of mentally ill patients.<sup>100</sup> In fact, quite the opposite occurred. Medical superintendents’ failure to meet the demands of progressive mental health reform prompted them to attempt new experimental treatments that did more harm than good for the well being of patients.<sup>101</sup> The new experimental treatments offered no therapies that seemed truly effective, but, in the words of historian David Rothman, psychiatrists opted to “Do more of the same so that the promise of these innovations would be realized.”<sup>102</sup> California’s sterilization program continued to gain momentum through the 1920s and 1930s, as physicians at California’s state hospitals

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<sup>96</sup> Grob, *Mental Illness*, 71, 110.

<sup>97</sup> Rothman, *Conscience and Convenience*, 371.

<sup>98</sup> Grob, *The Mad Among Us*, 130.

<sup>99</sup> Grob, *Mental Illness*, 179.

<sup>100</sup> *Ibid.*, 142.

<sup>101</sup> Rothman, *Conscience and Convenience*, 356.

<sup>102</sup> *Ibid.*, 9.

inflicted further harm on the patients who could rely on no one else for treatment and care.

## CHAPTER 4

### The Human Betterment Foundation and the Preservation of Eugenics in California

By the late 1920s, the so-called “mainline” eugenics movement was under attack.<sup>1</sup> Many prominent biologists in the United States and Europe, including scientists who formerly supported eugenic principles, turned against the movement after experiments proved that environmental factors could alter the mental and physical development of humans.<sup>2</sup> Such evidence threatened the central principles of eugenics, which emphasized that an offspring’s mental abilities came entirely from the genes of his or her parents. Eugenics gained a strong following in the United States in the 1910s and 1920s, but amid rising opposition the movement failed to attract new followers and many prominent leaders abandoned the cause in the 1930s.

In spite of rising opposition against eugenics in most parts of the U.S., eugenicists in California launched an international education campaign in the late 1920s and 1930s to garner public support for eugenic laws and practices. Eugenicists from the Human Betterment Foundation (HBF) in Pasadena published books, pamphlets, and journals, and maintained close contacts with leading physicians, publishers, and scientists who clung to

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<sup>1</sup> The term “mainline” eugenics was first introduced by Daniel J. Kevles, who used the term to distinguish between what he considered the “old” and “new” phases of eugenics. The old guard of the movement clung to nineteenth century principles of heredity through the 1920s, while many other eugenicists modified their position to include new scientific arguments concerning environmental factors and heredity. See Kevles, *In the Name of Eugenics*.

<sup>2</sup> Scientists who challenged the eugenics movement in the 1920s and 1930s include Herbert S. Jennings, Raymond Pearl, Lionel Penrose, T.H. Morgan, William E. Castle, Edwin G. Conklin, J.B.S. Haldane, Lancelot Hogben, and Julian Huxley. Many of these men were formerly prominent supporters of eugenics. For more information on the nature-nurture debate in the early-twentieth century, see Hamilton Cravens, *The Triumph of Evolution: American Scientists and the Heredity-Environment Controversy, 1900-1941* (Philadelphia: University of Pennsylvania Press, 1978); Kevles, *In the Name of Eugenics*; and Ludmerer, *Genetics and American Society*.

old laws governing heredity. The HBF disseminated information on sterilizations throughout the state, nation, and the world, and made California among the last remaining champions of the movement. Numerous countries developed eugenics programs during the 1930s, including Denmark, Finland, Norway, Brazil, and India, among others. Many international eugenics movements took hold during a time of increased emphasis on national collectivity and a rejection of individual rights, and international eugenicists turned to the California model to guide their own sterilization programs.<sup>3</sup> The efforts and influence of eugenicists in California, led by Ezra S. Gosney and the HBF, enabled California to maintain its status as pioneer of the domestic and international eugenics movement until America's entry into World War II.

The social problems created by the Great Depression prompted California's eugenicists to press for increased sterilization of mental patients, and at the end of the decade the Golden State remained a leader in eugenic sterilization.<sup>4</sup> Between 1931 and 1934 over 300,000 people moved into California, most forced from their homes amid the turmoil of the Great Depression. The populations of many state hospitals grew beyond capacity, and state agencies scrambled to accommodate the arrival of migrants from eastern states. By June of 1934 some 1,225,000 Californians received some form of

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<sup>3</sup> In many Scandinavian nations eugenics programs were implemented in the interest of collective improvement of the national body and were seen as a key to national survival, particularly during the rising threat of the Third Reich. Brazil as well developed a eugenic program as a means of national revival. Eugenics in these nations encountered little resistance from medical experts, government officials, and the general public. Dikötter, "Race Culture: Recent Perspectives on the History of Eugenics," 470-472. See also Alison Bashford and Philippa Levine, eds., *The Oxford Handbook of the History of Eugenics* (New York: Oxford University Press, 2012).

<sup>4</sup> Alexandra Minna Stern, "From Legislation to Lived Experience: Eugenic Sterilization in California and Indiana, 1907-79," in *A Century of Eugenics in America: From the Indiana Experiment to the Human Genome Era*, ed. Paul Lombardo (Bloomington: Indiana University Press, 2011), 110.

public assistance.<sup>5</sup> A major case for the initial enactment of sterilization laws was to save state funds, and the argument gained influence in the 1930s as California faced severe budgetary limits.<sup>6</sup> Physicians managing the institutions increased the rate of procedures and often made patient sterilization a requirement for dismissal.<sup>7</sup> Between 1929 and 1941 the total number of procedures completed rose from 6,255 to 14,995—an increase in the annual sterilization rate from 312 to 728.<sup>8</sup>

During the Depression, California’s political climate was highly accommodating to eugenicists and created few obstacles to physicians in state hospitals that carried out sterilizations. A suburban, conservative, white-Protestant elite was on the rise, “whose paragon and political champion,” according to historian Kevin Starr, “was the brilliant mining engineer from suburban Palo Alto, Herbert Hoover.”<sup>9</sup> While members of Franklin D. Roosevelt’s New Deal coalition occupied political seats in much of the country, state and federal officials in California overwhelmingly hailed from the G.O.P. The Republican Party maintained a “supermajority” in the California State Senate and never

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<sup>5</sup> Kevin Starr, *Endangered Dreams: The Great Depression in California* (New York: Oxford University Press, 1996), 227.

<sup>6</sup> Sterilization laws targeted the mentally disabled and the “feeble-minded,” or individuals that scored particularly low on intelligence tests. Proponents of eugenics pressed for extension of sterilization laws to include criminals, epileptics, and sexual deviants.

<sup>7</sup> Patton State Hospital in southern California was more than 50 percent over capacity by 1932, and Stockton State Hospital also had a long waiting list. See Stern, “From Legislation to Lived Experience,” 110.

<sup>8</sup> E.S. Gosney and Paul Popenoe, *Sterilization for Human Betterment: A Summary of Results of 6,000 Operations in California, 1909-1929* (New York: MacMillan, 1929), ix; and Alexandra Minna Stern, “Sterilized in the Name of Public Health: Race, Immigration, and Reproductive Control in Modern California,” *American Journal of Public Health* 95, no. 7 (July 2005): 1131.

<sup>9</sup> Starr, *Endangered Dreams*, 197-198.

occupied fewer than 80 percent of the senatorial seats from 1921 to 1937.<sup>10</sup> Additionally, the California State Board of Equalization, responsible for collecting and administering taxes, maintained a 100 percent Republican majority from 1927 to 1939. The overwhelming dominance of the Republican Party in California state politics ensured that hospital budgets remained constricted and prevented the establishment of the taxes and bureaucracies required to manage the influx of migrants to the state. The increasing strain that new migrants placed on state budgets prompted state mental institutions to increase sterilization programs in an attempt to alleviate costs and make room for new patients.

The continuation of eugenics in California into the 1930s complicates the existing historiographical periodization for the decline of the movement. Historians of eugenics fall into three distinct schools of thought regarding the condition of the movement in the 1930s. The first group of historians argues that eugenics fell into decline and disrepute in the 1930s due to increased opposition by geneticists and negative publicity surrounding the ethics of compulsory sterilization.<sup>11</sup> Such historians claim that “old” eugenic ideals based on racial superiority lost respectability and that eugenics suffered a decline in prestige as a result.<sup>12</sup> Contemporary geneticists, most notably Herbert S. Jennings, also

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<sup>10</sup> A “supermajority” refers to a situation in which one group, especially a political party, controls a sufficient percentage of a legislative body to override any potential legislative opposition. From 1907 until 1937 the Republican Party maintained at least a 75 percent majority in the California State Senate, effectively neutralizing the voting power of their Democratic counterparts. Democrats needed to exceed one-third of the votes in order to override legislative veto of the Republicans. Not until 1937 did Democrats, while still a minority, win enough seats to average one-third of the vote. State Legislative Assembly of California, “Sessions of the California Legislature from 1849 – 2008,” California State Assembly Archives. <http://www.assembly.ca.gov/clerk/archive> (accessed December 9, 2012).

<sup>11</sup> The first group of historians includes Mark Haller, Donald K. Pickens, Kenneth M. Ludmerer, Charles E. Rosenberg, Daniel J. Kevles, Bentley Glass, Carl N. Degler, Elazar Barkan, and Michael Mezzano.

<sup>12</sup> Specifically, “old” eugenics refers to an earlier phase of the eugenics movement popular through the 1920s in which proponents advocated eugenic-based reforms based on notions of Nordic superiority and sought to purify the human race through sterilization of individuals considered “inferior.”

contributed to the fall of eugenics, as their studies on the science of heredity left no doubt that environmental factors significantly shaped mental development.<sup>13</sup> The old eugenics movement, historians argue, collapsed under social and scientific pressure, leading philanthropists from the Carnegie Institution to the Rockefeller Foundation to withdraw financial support from the Eugenics Record Office and the American Eugenics Society.<sup>14</sup> Additionally, such historians argue that the excesses of Nazi eugenics programs undermined the appeal of the American eugenics movement in the late 1920s and 1930s.<sup>15</sup>

A second group of historians claim that eugenicists in the 1930s altered their rhetoric out of a necessity to keep the field alive amid rising opposition.<sup>16</sup> These historians claim that sterilization advocates acknowledged the impact of environmental factors on mental development in order to distance themselves from the blatantly racist

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See Grant, *The Passing of the Great Race*; Stoddard, *The Rising Tide of Color Against White World-Supremacy*; and Haller, *Eugenics*, 179-182.

<sup>13</sup> Bentley Glass and Curt Stern, "Geneticists Embattled: Their Stand Against Rampant Eugenics and Racism in America During the 1920s and 1930s," *Proceedings of the American Philosophical Society* 130, no. 1 (March 1986): 147-152; and Elazar Barkan, "Reevaluating Progressive Eugenics: Herbert Spencer Jennings and the 1924 Immigration Legislation," *Journal of the History of Biology* 24, no. 1 (Spring 1991): 106. See also Herbert S. Jennings, *The Biological Basis of Human Nature* (New York: W.W. Norton & Company, 1930); and Herbert S. Jennings, *Prometheus, or Biology and the Advancement of Man* (New York: E.P. Dutton & Company, 1925).

<sup>14</sup> Carl N. Degler, *In Search of Human Nature: The Decline and Revival of Darwinism in American Social Thought* (New York: Oxford University Press, 1991), 151; Kevles, *In the Name of Eugenics*, 169-170; Ludmerer, *Genetics and American Society*, 174; and Charles E. Rosenberg, *No Other Gods: On Science and American Social Thought* (Baltimore, MD: The Johns Hopkins University Press, 1976), 96.

<sup>15</sup> Michael Mezzano, "The Progressive Origins of Eugenics Critics: Raymond Pearl, Herbert S. Jennings, and the Defense of Scientific Inquiry," *The Journal of the Gilded Age and Progressive Era* 4, no. 1 (January 2005): 96.

<sup>16</sup> The second group of historians includes Philip R. Reilly, Wendy Kline, and Alexandra Minna Stern.

rhetoric associated with eugenics in previous decades.<sup>17</sup> Such eugenicists began to emphasize “positive” forms of eugenics, including family planning and voluntary birth control as a means of regulating parenting rights for families considered unfit for raising children, a concern that became increasingly charged in the context of the Great Depression.<sup>18</sup>

Both of these historical perspectives are accurate to a degree. In the United States as a whole the mainline eugenics movement was in precipitous decline in the 1930s. Many leading eugenics organizations lost members and failed to attract younger generations to their cause. Additionally, many eugenicists did accept new genetic arguments regarding the impact of environment on development, a strategy that leads many historians to claim the defeat of the eugenic movement as it was then defined. The existing historical arguments cannot be dismissed as invalid, but historians fail to account for the continued references to old hereditarian arguments that persisted in many parts of the United States—particularly in California.

In more recent years, a third historical perspective has shown that many eugenicists did not fall into obscurity, but rather gained momentum in the 1930s.<sup>19</sup> Historian Philip Reilly argues that in many parts of the United States sterilization programs increased and that American advocates pointed to Germany as an example of

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<sup>17</sup> Wendy Kline, “A New Deal for the Child: Ann Cooper Hewitt and Sterilization in the 1930s,” in *Popular Eugenics: National Efficiency and American Mass Culture in the 1930s*, ed. Susan Currell and Christina Cogdell (Athens: Ohio University Press, 2006), 19-23; and Stern, *Eugenic Nation*, 111.

<sup>18</sup> “Negative” eugenics, in contrast, includes restrictive marriage laws and compulsory sterilization. See Reilly, *The Surgical Solution*, 93-94.

<sup>19</sup> The third group of historians includes Philip R. Reilly, Susan Currell, Christina Cogdell, and Gregory Michael Dorr.

how an accelerated sterilization program could rapidly improve American society.<sup>20</sup> Additionally, in 2008 Gregory Michael Dorr published a state-based study of eugenics in which he argues that the rise and fall of eugenics in Virginia did not parallel the rest of the nation. Dorr challenges the existing periodization of eugenics and writes: “while historians have claimed that the Great Depression [weakened U.S.] eugenic programs, evidence from Virginia refutes this conclusion.”<sup>21</sup> Sterilization procedures in Virginia increased during the 1930s, and leading eugenicists from the state developed a close appreciation of Nazi racial doctrine. More sterilization procedures were performed in Virginia than in any other state except California, and Dorr challenges to the current historical assumption that eugenics declined in tandem with the rise of the Third Reich and the onset of the Great Depression.

A closer examination of eugenics in California reveals that the Golden State paralleled the path of Virginia in the 1930s. Not only did California’s political structure allow eugenic programs to flourish, but California’s eugenicists also worked at a grassroots level to promote their cause and gained tremendous momentum during the 1930s. Eugenicists in California did not silently turn inward as eugenicists did elsewhere, and instead actually increased their attacks against opponents.<sup>22</sup> Eugenicists continued to champion permanent eugenic legislation and preserved the rhetoric of the “old” mainline eugenic movement by emphasizing the need to increase sterilizations and restrictive

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<sup>20</sup> Reilly, *The Surgical Solution*, 94-95.

<sup>21</sup> Gregory Michael Dorr, *Segregation’s Science: Eugenics and Society in Virginia* (New York: Oxford University Press, 2008), 168.

<sup>22</sup> Though Kenneth Ludmerer argues that eugenics went into decline in the 1930s, he acknowledges that, “The devotion of most eugenicists to the moral crusade of eugenics was limitless,” and “the eugenics movement throughout its entire existence did not modify its basic goals or programs.” See Ludmerer, *Genetics and American Society*, 18-19.

marriage laws.<sup>23</sup> Even as the totalitarian Nazi regime in Germany adopted sterilization practices in the name of eugenics, activists in California touted German policies as a major stride for humanity and passionately argued for Californians to follow Germany's lead. Evidence reveals that California's old guard of the eugenics movement led a campaign to educate the American public, medical community, and students on the potential benefits of permanent eugenic reform. Eugenicists in California used a wide range of media to transmit ideas to the public, including biology textbooks, medical journals, newspapers, and pamphlets. The mouthpieces and applications of eugenic methods verify the continued prevalence of eugenic thought in California throughout the 1930s, and an analysis of these channels proves that eugenic ideals reached a wide audience.<sup>24</sup>

California's eugenicists remained firm in their convictions well into the 1940s, long after geneticists had invalidated the principles of eugenics. In the 1930s leaders such as E.S. Gosney, Paul Popenoe, and other members of California's Human Betterment Foundation clung to nineteenth-century hereditary science long after it was proven obsolete. Eugenicists' refusal to acknowledge the scientific validity of genetic discoveries

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<sup>23</sup> Historian Wendy Kline argues that eugenicists in California changed their position to incorporate "positive" forms of eugenic reform. While she is partially correct, she downplays the fact that leaders in California did not abandon the movement to champion restrictive eugenic policies. She often misinterprets the stated goals of leaders of the Human Betterment Foundation, especially within the articles of Fred Hogue published in the *Los Angeles Times* from 1935 to 1941. See Wendy Kline, *Building a Better Race: Gender, Sexuality, and Eugenics from the Turn of the Century to the Baby Boom* (Berkeley: University of California Press, 2001), 100-106.

<sup>24</sup> What will not be discussed here is the degree to which society accepted eugenics as a mainstream social thought. Proving the degree to which eugenics ideals were accepted and appreciated in society is beyond the scope of this examination; such a quest would be a fool's errand and nearly impossible to accomplish. The challenge of demonstrating the popular acceptance of eugenics in the 1930s has been undertaken by a group of historians to mixed degrees of success. See Susan Currell and Christina Cogdell, eds., *Popular Eugenics: National Efficiency and American Mass Culture in the 1930s* (Athens: Ohio University Press, 2006).

did not stem from malice. Mainline eugenicists' stubbornness stemmed in part from a lack of common understanding of the changing nature of experimental science. The role of experimentation in the fields of medicine and genetic understanding was new to the scientific world and not yet part of mainline eugenicists' social vocabulary. They lumped social and physical evolution into one category and assumed that challenges to hereditary science were ultimately doomed to fail. Eugenicists were thus reluctant to accept challenges to what they perceived as hard science. In most cases eugenicists disputed—and sometimes ignored—challenges to their accepted beliefs about heredity.<sup>25</sup>

The organization most responsible for the perpetuation of eugenics in California during the 1930s was the Human Betterment Foundation, based out of Pasadena. Active from 1928 to 1941, the HBF drew members from the upper tiers of California social circles, and a surface glimpse of the HBF roster reveals that eugenics was far more than just a fringe movement in California. Members of the organization included agricultural and industrial magnates, media tycoons, university presidents, professors, physicians, attorneys, bankers, philanthropists, politicians, federal government officials, and religious leaders (see Appendix E). Until its demise in 1942, the HBF served as a nonprofit eugenic educational corporation and promoted eugenic methods domestically and internationally. The stated goal of the HBF was to “foster and aid constructive and educational efforts for the advancement and betterment of the human family in body,

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<sup>25</sup> The nature-nurture debate in the field of genetics during the 1920s represents a significant break between what eugenicists and experimental scientists considered “progressive.” Historian Michael Mezzano contends that geneticists of the 1920s were progressive in their belief that existing scientific principles of science could be proven or disproven through rigorous experimentation. Conversely, many mainline eugenicists clung to nineteenth-century scientific dogma in order to promote a progressive ideal of their own—that the human race could be improved through restrictive legislation. See Mezzano, “The Progressive Origins of Eugenics Critics,” 83-86.

mind, character, and citizenship.”<sup>26</sup> The group pressed for compulsory state sterilization laws, promoted voluntary birth control practices, and disseminated information concerning eugenic methods to renowned doctors and attorneys.

Ezra S. Gosney, a wealthy philanthropist and agriculture tycoon, played the leading role in organizing the Human Betterment Foundation. Born in Kentucky in 1855, Gosney grew up an orphan on a small farm. After moving to California he involved himself in banking and invested in California’s growing citrus industry, which proved highly profitable for him. Through correspondence with Charles Davenport, founder of the Eugenics Record Office and unofficial leader of eugenics in the United States, Gosney became involved in a cause that would dominate his interests for the remainder of his life.<sup>27</sup>

As early as 1926 Gosney recognized the threat facing the eugenics movement and wrote to Harry Laughlin of the Eugenic Record Office: “The whole project of sterilization is continually under attack, and is certain to be attacked still more vehemently if we proceed with an educational campaign on its behalf.”<sup>28</sup> Gosney saw an imperative need to preserve the movement and to anticipate any potential responses from the public. Gosney wanted to see mankind fulfill its utmost potential and perceived the rising challenges from geneticists as a hindrance to the improvement of humanity.

Another major impetus for the origination of the HBF was the landmark 1927 decision *Buck v. Bell*, in which the Supreme Court upheld the legitimacy of state

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<sup>26</sup> Gosney and Popenoe, *Sterilization for Human Betterment*, 192.

<sup>27</sup> Pickens, *Eugenics and the Progressives*, 94.

<sup>28</sup> Reilly, *The Surgical Solution*, 80.

compulsory sterilization laws. Responding to persistent challenges by the scientific community, eugenicists on the east coast—including Harry Laughlin and Charles Davenport—recognized the need for a judicial victory to uphold sterilization practices and launched a campaign to obtain a court ruling at the federal level. The case involved Carrie Buck, a seventeen-year-old woman, and her mother and newborn daughter. Plaintiffs successfully proved to the Supreme Court that all three family members were “feeble-minded” and won the case, resulting in Carrie Buck’s sterilization. In an oft-cited passage Justice Oliver Wendell Holmes provided the majority opinion of the court: “Three generations of imbeciles is enough.”<sup>29</sup> The case upheld sterilization laws across the nation and breathed new life into the eugenics movement in California.<sup>30</sup>

Emboldened by the judicial victory of *Buck v. Bell*, Gosney organized a council of advisors in Pasadena in 1927 to help undertake an extensive study of California’s sterilization program. This group formed the backbone of the HBF and included David Starr Jordan, chancellor of Stanford University, Lewis Terman, Stanford professor and internationally-renowned psychometrician, real estate mogul Charles M. Goethe, and University of California, Berkeley, scientists Samuel J. Holmes and Herbert M. Evans. Together, the HBF consultants represented an elite group of financiers and professionals among southern California socialites. Gosney served as leader of the organization and underwrote a series of annual surveys on sterilization in California.<sup>31</sup>

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<sup>29</sup> *Buck v. Bell*, 274 U.S. 200 (1927).

<sup>30</sup> Paul A. Lombardo, *Three Generations, No Imbeciles: Eugenics, the Supreme Court, and Buck v. Bell* (Baltimore, MD: The Johns Hopkins University Press, 2008), 190.

<sup>31</sup> Gosney and Popenoe, *Sterilization for Human Betterment*, 193-194; and Reilly, *The Surgical Solution*, 94.

For the first such survey, Gosney recruited Paul Popenoe, a “recognized authority in the field of eugenics.”<sup>32</sup> Popenoe developed a fascination with eugenics after taking a course at Stanford University with future-HBF colleague David Starr Jordan in 1907. Popenoe later served as editor of *The Journal of Heredity*, a leading voice for eugenic science, but in 1917 he gave up his position to join the war effort as a lieutenant and surgeon general in the army. After returning from the war in 1918, he published *Applied Eugenics*, a thick volume that became a major textbook in the field of eugenics and earned Popenoe national recognition in the hereditarian community.<sup>33</sup>

In 1926 Popenoe attracted the attention of E.S. Gosney, who commissioned Popenoe to lead an investigation into the successes and failures of California’s sterilization program. The end result of Gosney’s and Popenoe’s labor was the 1929 book *Sterilization for Human Betterment: A Summary of 6,000 Operations in California, 1909-1929*. Gosney funded the project to document that sterilizations were not only safe, but also beneficial to patients’ health. According to the authors sterilized patients lived healthier lives, and patients’ families provided “unanimous testimony” that sterilization kept families together.<sup>34</sup> Written in layman’s terms for the average reader, *Sterilization* was distributed to libraries across the country and around the world. Gosney and Popenoe sought to prove to the world that sterilizations were harmless in order to garner

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<sup>32</sup> Otis H. Castle, “The Law and Human Sterilization,” *Proceedings of the fifty-first annual meeting of the American Bar Association* (1928), repr., in E.S. Gosney, ed., *Collected Papers on Eugenic Sterilization in California: A Critical Study of Results in 6,000 Cases* (Pasadena, CA: Human Betterment Foundation, 1930), 568.

<sup>33</sup> *Applied Eugenics* outlines the eugenic principles of racial superiority, methods of restrictive sterilization, and the need for immigration reform. Paul Popenoe and Roswell Hill Johnson, *Applied Eugenics* (1918; repr., New York: The MacMillan Company, 1927); for more information on the connection between eugenics, physical anthropology, and racial doctrine, see Grant, *The Passing of the Great Race*, 42-51.

<sup>34</sup> Gosney and Popenoe. *Sterilization for Human Betterment*, 43.

support for sterilization laws and to make such operations mandatory for patients' release from state mental institutions.<sup>35</sup>

In *Sterilization*, Gosney and Popenoe rejected the relevance of any scientific objections to the hereditary tenets of nineteenth-century eugenics. Far more important than getting the science correct, they believed, was devoting faith and attention to the social effects of eugenics, a campaign that could be quantitatively measured by hard data and proven statistics. "It is certainly not necessary to wait until science says the last word, in order to begin a eugenic movement," the authors wrote. "Science will never say the last word. Action must always be based on the current state of progress."<sup>36</sup> Whereas earlier eugenicists lauded the scientific proof that their doctrine was indisputable, Gosney and Popenoe dismissed science as irrelevant to the progress of eugenics.

A year later Gosney compiled *Collected Papers on Eugenic Sterilization in California: A Critical Study of 6,000 Cases*, a collection that also received widespread international distribution. Most of the contributions were written by Popenoe between 1927 and 1930 and had previously appeared in eugenic journals such as the *Journal of Heredity*, the *Journal of Social Hygiene*, and *Eugenics*. His articles included extensive compilations of data on patients who underwent sterilization operations and documented patients' lives before and after the procedures. Popenoe included details on marriage rates, criminality, sexual life, nativity, and successes of parole before and after patients underwent sterilization procedures. He endorsed and encouraged compulsory

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<sup>35</sup> Distribution statistics on *Sterilization for Human Betterment* are unknown, but the Human Betterment Foundation later claimed to have distributed one of their pamphlets, "Human Sterilization Today," to nearly 500,000 academic institutions, governments, and physicians throughout the world. In 1935, the HBF mailed 40,000 pamphlets to professors at 436 colleges. Many of these pamphlets still inhabit the shelves of the nation's collegiate libraries.

<sup>36</sup> Gosney and Popenoe, *Sterilization for Human Betterment*, 119.

sterilization, preferring to entrust reproductive decisions to the expertise of professionals rather than the general goodwill of democratic society.<sup>37</sup>

Also included in *Collected Papers* are several articles written by attorneys of the HBF to address liability concerns of physicians in private practice. One such article was written by HBF trustee Justin Miller and was initially published in the *American Bar Association Journal*. Miller, then a professor and dean of the University of Southern California Law School, was later nominated by Franklin D. Roosevelt to serve as judge of the United States Court of Appeals for the District of Columbia Circuit, a position he held until 1945. In the article Miller warned practicing physicians of the liability concerns that doctors should be aware of, particularly regarding parental consent when operating upon institutionalized patients.<sup>38</sup> Another legal article included in *Collected Papers* was written by Otis H. Castle, also an initial trustee of the HBF. He outlined the various state eugenic laws piece by piece to assure the legal community that the laws are “properly within the police power.”<sup>39</sup>

The articles by Castle and Miller demonstrate that the HBF displayed a concern for legal repercussions for physicians throughout the United States, and sought to inform practicing attorneys of all legal aspects of eugenic laws. Emergency surgeries based on medical imperative—amputations or appendectomies, for example—did not require the same sort of legal assurances but were instead based on the competence of the physician.

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<sup>37</sup> Pickens, *Eugenics and the Progressives*, 95-96; and Gosney and Popenoe, *Sterilization for Human Betterment*, xi.

<sup>38</sup> Justin Miller and Gordon Dean, “Civil and Criminal Liability of Physicians for Sterilization Operations,” *American Bar Association Journal* 16, no. 3 (March 1930), repr. in E.S. Gosney, ed., *Collected Papers on Eugenic Sterilization in California: A Critical Study of Results in 6,000 Cases* (Pasadena, CA: Human Betterment Foundation, 1930), 3-12.

<sup>39</sup> Castle, “The Law and Human Sterilization,” 567.

Sterilizations were considered “elective” surgeries in that they were non-life-threatening and required patient or family approval. The attorneys’ concern for liability issues implies that sterilizations were controversial and fell outside of standard ethical medical practice. The HBF thus foresaw a need to inform physicians of the liability risks associated with performing nonessential operations without patient consent.

Medical professionals in California also played a key role in disseminating information about sterilizations. Leading physicians at mental hospitals and state institutions wrote articles for publication in California medical journals, particularly the state medical journal *California and Western Medicine (CWM)*. The *CWM* was a reputable medical journal read by prominent physicians across California, yet the journal regularly included information promoting eugenic sterilizations. When viewed as a whole, the journal did not merely serve as a mouthpiece for eugenic propaganda but represented the best in current medical practices and procedures, often publishing state-of-the-art medical information for distribution to California’s top medical professionals. In the 1930s, however, numerous articles appeared within the pages of the *CWM* that together reveal the scope and influence of eugenics upon California’s medical community. Within the journal’s pages many physicians expressed disregard for existing challenges to hereditary science and dismissed such claims as irrelevant to the perpetuation of superior stocks. Most of the articles contained practical information on the benefits of sterilizations and in-depth instructions on operative procedures, but the journal also gave medical writers a voice to channel their own opinions on society and eugenics.

Throughout the eugenic-based articles published in esteemed medical journals during the 1930s, the Human Betterment Foundation either received mention or was granted the final word on the matter at hand. This trend suggests that the Human Betterment Foundation strongly influenced the articles' publication or at the very least funded the studies. The HBF's board of trustees included numerous medical professionals who had access to an extensive network of physicians, which enabled the HBF to spread eugenic principles to doctors and nurses throughout the 1930s and 1940s (see Appendix E). In fact, Gosney and Popenoe made it a primary goal of the HBF to direct their efforts toward doctors and to extend its influence upon the medical community.<sup>40</sup>

Among the earliest of articles to appear in medical journals was one written by Suren Babington, a licensed physician and instructor at the University of California, Berkeley. In the article, published in a 1928 issue of *CWM*, Babington detailed the intricacies of sterilization procedures for both male and female patients, complete with step-by-step checklists and diagrams that showed where and how to make incisions and sutures. He described the surgical methods as "simple and safe," and a far cry from more primitive sterilization procedures practiced in earlier decades. Sterilization, in Babington's view, was justifiable for the welfare of the human race and was a means of improving not only society, but patients as well. He also encouraged physicians to veer from perceiving mental defectives as "harmless" and assured doctors that the insane were "a menace to race betterment, because they [went] on propagating their own kind in large

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<sup>40</sup> Gosney and Popenoe, *Sterilization for Human Betterment*, 193-194; Popenoe and Gosney, *Twenty-Eight Years of Sterilization*, 39-40.

numbers.”<sup>41</sup> In terms of benefit for the human race, he perceived an increase in sterilizations as wholly necessary “for curtailing the number of unhappy unfortunates being born into the world.”<sup>42</sup>

Another medical professional who championed sterilizations in California was Fred O. Butler, who ran the Sonoma Home for the Care and Training of Feebleminded Children from 1918 to 1949. Butler performed over 4,000 surgeries, more than any other doctor in the United States, and in the 1930s Butler mandated sterilization as a requirement for patient dismissal. Noting the increasing strain of overpopulated institutions, Butler went to great lengths to ensure that teenage girls from across the state identified as promiscuous were temporarily sent to Sonoma for sterilization.<sup>43</sup> Although the operations technically slowed the departure process, physicians justified the new policy by arguing that discharged patients could no longer produce offspring and would thereby reduce successive generations of mental defectives.<sup>44</sup>

Butler also contributed several articles on sterilization methods to *California and Western Medicine*. In a 1933 article titled “Bedside Medicine for Bedside Doctors” Butler provided charts and data to demonstrate that sterilized patients had little difficulty adjusting to life outside of the institution. He praised the work of Gosney and Popenoe in spreading the message of eugenics to states and countries without compulsory sterilization laws and encouraged the further education of principles “for the protection of

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<sup>41</sup> Suren H. Babington, “Human Sexual Sterilization: A Contribution to the Study of the Problem,” *California and Western Medicine* 29, no. 6 (December 1928): 370.

<sup>42</sup> *Ibid.*, 372.

<sup>43</sup> Stern, “From Legislation to Lived Experience,” 110.

<sup>44</sup> *Ibid.*, 108-109.

society and the furtherance of human betterment.”<sup>45</sup> Published beside Butler’s column was a reprint of a pamphlet distributed by the Human Betterment Foundation, followed by a segment from the *Journal of the American Medical Association* that outlined the promises of the upcoming sterilization law in Germany. In the segment the writer praised Germany’s efforts to enact such a law as “no other way is left than the elimination of [incompetents’] procreative power.”<sup>46</sup>

Butler published a follow-up article in *CWM* two years later in which he repeated his earlier claims that sterilization was a benign operation that mutually benefited patients and society. However, by 1935 Butler admitted that sterilization could not serve as a “panacea” for the problem of overcrowding of institutions, but he believed that with increased education and proactive birth control methods, results could become visible “sooner or later.” Again, the article included a follow-up discussion by Gosney and Popenoe in which they refuted challenges to eugenic science. Gosney and Popenoe emphasized that operations were safe, legal, and necessary for society, and lauded the impact that they were making within the medical community as evidence of their success in getting the word out.<sup>47</sup>

In 1937 Gosney published an article of his own in the *CWM*, which reveals the depth of the relationship and collaboration between the HBF and the *CWM*. While most contributors to *CWM* possessed advanced medical degrees, Gosney was not a licensed medical professional. He had no credentials to qualify him for writing for a medical

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<sup>45</sup> F.O. Butler, “Human Sterilization,” *California and Western Medicine* 39, no. 3 (September 1933): 200.

<sup>46</sup> “Berlin News Letter,” *Journal of the American Medical Association* 100, no. 13 (August 1932), repr. in *California and Western Medicine* 39, no. 3 (September 1933): 203.

<sup>47</sup> Butler, “Sterilization,” 26.

journal, and the article's curious publication suggests that a partnership existed between the HBF and the *CWM*. Historian David Valone writes, "While neither Gosney nor Popenoe had any medical training, the efforts of the Human Betterment Foundation were especially directed toward doctors."<sup>48</sup> In his article, titled "Human Sterilization Today," Gosney boasted of the HBF's influence on sterilization laws and listed the states and countries that had adopted eugenic legislation.<sup>49</sup> Gosney offered no medical insight but instead provided statistical information on the successes of California's sterilization program to encourage physicians to continue operations.

The influence of eugenics extended deeply into the upper echelons of California's medical community, as evidenced by a lengthy diatribe by Edward M. Palette, published upon his retirement as president of the California Medical Association in 1937. As a final farewell to the medical profession in 1937, Palette penned an article titled, "Human Betterment," for publication in *CWM*. In the article Palette pressed for continued study and enforcement of eugenic practices, including marriage laws, sterilization of defectives, and intelligence tests as a means to restrict voting rights and immigration quotas. He feared for the fate of civilization, as he perceived the increased breeding of degenerate classes as a threat to the improvement of the human race. In order to combat the trend of racial degradation Palette demanded that "all permanent elements of religion must rest

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<sup>48</sup> David A. Valone, "Foundations, Eugenic Sterilizations, and the Emergence of the World Population Control Movement," *Rockefeller Archive Center* (November 2003), under "Philanthropic Foundations and the Globalization of Scientific Medicine and Public Health," <http://www.rockarch.org/publications/conferences/valone.pdf> (accessed November 19, 2012).

<sup>49</sup> E.S. Gosney, "Human Sterilization Today," *California and Western Medicine* 46, no. 6 (June 1937): 396.

upon” race betterment, and he called for a realignment of ethical standards toward acceptance of eugenic merits.<sup>50</sup>

HBF member Samuel J. Holmes achieved recognition among the scientific community in 1939 when his article, “The Opposition to Eugenics,” was published in the national journal *Science*. Holmes, a professor of zoology at the University of California, Berkeley, seized the opportunity to address a national audience and to refute existing challenges to eugenic principles, including those from biologists, civil rights advocates, and religious leaders. Scientific opposition, Holmes insisted, came from “self-appointed inquisitors obsessed by the dubious theories of an infant science.”<sup>51</sup> He attacked “widespread prejudice in favor of egalitarianism” as based purely on emotion, and described challenges to eugenics as “based on misunderstanding or ill-grounded fears, and some of it is simply silly.”<sup>52</sup> Holmes and the HBF not only shaped medical opinions in California, but also successfully reached out to the national scientific community in the late 1930s. Publication of eugenic articles continued well into the decade as the medical community spread eugenic ideals to licensed physicians throughout California and beyond. The belief in eugenics ran deep in California’s medical professional network well into the 1930s..

The Human Betterment Foundation’s reach extended well beyond California to strongly influence governments and physicians on an international level (see Appendix F).<sup>53</sup> The HBF played a leading role in educating the international medical community

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<sup>50</sup> Edward M. Pallette, “Human Betterment,” *California and Western Medicine* 46, no. 5 (May 1937): 300.

<sup>51</sup> S.J. Holmes, “The Opposition to Eugenics,” *Science* 89, no. 2312 (April 21, 1939): 354.

<sup>52</sup> *Ibid.*, 352.

<sup>53</sup> The Human Betterment Foundation distributed information to academic institutions and governments throughout the world to promote the ideals and benefits of eugenic sterilization methods. In a

about the benefits of sterilization by touting results from California's own program, as Gosney and the HBF distributed pamphlets about California sterilizations to nations throughout all six inhabited continents. International medical journals, including the *Canadian Medical Association Journal* and the *British Medical Journal*, published information provided by the HBF. As late as 1939, H.E. MacDermot of the *Canadian Medical Association Journal* acknowledged the importance of sterilization practices for improving society and argued that "sterilization must be included as indispensable in the struggle against mental disease, deficiency, and dependency."<sup>54</sup> German scientists and doctors frequently corresponded with eugenicists in California to guarantee that the German sterilization programs followed the right track. California's eugenicists offered scientific evidence for the efficacy of sterilization programs, particularly through the publications of the HBF.

Sacramento real estate tycoon and HBF member Charles M. Goethe was among the most active members in spreading eugenics internationally. Goethe possessed impressive credentials as president of the Eugenics Research Association, trustee of the Human Betterment Foundation in Pasadena, and founder of the Eugenics Society of Northern California. He funded eugenics organizations throughout the United States and extended his work to Latin American and Europe in the 1920s and 1930s. As a leader of eugenics in California and an anti-immigration activist, Goethe urged the establishment

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forthcoming book, historian Philippa Levine addresses the influence of California and the United States on international sterilization laws. Eugenics shaped state policies in China, Japan, India, Iran, Kenya, South Africa, and numerous European nations. From Philippa Levine. "Improving the Human Race One Gene at a Time: The Curious History of Eugenics in the Twentieth Century" (lecture, AT&T Executive Education and Conference Center, University of Texas at Austin, November 1, 2012). See also Bashford and Levine, eds., *The Oxford Handbook of the History of Eugenics*.

<sup>54</sup> H.E. MacDermot. "Sterilization in California," *Canadian Medical Association Journal* 40, no. 3 (March 1939): 279.

of racial eugenic policies abroad and eventually worked closely with the Nazi regime. He visited Germany on several occasions, and played an instrumental role in the enactment of German sterilization laws.<sup>55</sup>

The Nazi regime enacted a number of restrictive laws in the early 1930s, two of which have direct links to the Californian eugenics program and the HBF. One act, titled “The Law on Preventing Hereditarily Ill Progeny,” was passed on July 14, 1933, less than six months after Hitler rose to power. The law mandated sterilization of persons displaying mental and physical handicaps and prompted the sterilization of more than 400,000 persons. The second act, “The Law Against Dangerous Habitual Criminals,” was passed on November 24, 1933 and allowed the sterilization and castration of criminals.<sup>56</sup> After a visit to Germany in 1934, Goethe wrote to Gosney in Pasadena to congratulate him for the role he played in shaping sterilization laws in the Third Reich:

You will be interested to know that your work has played a powerful part in shaping the opinions of the group of intellectuals who are behind Hitler in this epoch-making program. Everywhere I sensed that their opinions have been tremendously stimulated by American thought, and particularly by the work of the Human Betterment Foundation. I want you, my dear friend, to carry this thought with you for the rest of your life, that you have really jolted into action a great government of 60 million people.<sup>57</sup>

To prove the legitimacy of Germany’s sterilization laws, German scientists often cited developments from the California eugenics movement. California’s extensive sterilization program, as evidenced in the patient histories published by the HBF, stood to German scientists as doctrinal proof of the potential success and benign nature of

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<sup>55</sup> Stefan Kühl, *The Nazi Connection: Eugenics, American Racism, and German National Socialism* (New York: Oxford University Press, 1994).

<sup>56</sup>Ibid., 29.

<sup>57</sup> Ibid., 58.

sterilization procedures. They frequently portrayed Popenoe as a “eugenicist of international stature” and the Human Betterment Foundation as highly influential in the United States.<sup>58</sup> An American woman working for the American Committee on Maternal Health conducted a study of the 1933 German sterilization law and concluded that Gosney and Popenoe were highly influential in Germany, especially after *Sterilization for Human Betterment* was translated into German in 1930. She wrote in 1936, “The leaders in the sterilization movement in Germany tell one over and over again that their sterilization legislation was formulated after careful study of the California experiment under Mr. Gosney and Dr. Popenoe’s leadership.”<sup>59</sup> Popenoe himself noted the quality of the German sterilization law and commented that Germany was “proceeding toward a policy that will accord with the best thought of eugenicists in all civilized countries.”<sup>60</sup>

A traveling eugenics exhibit from Germany further reveals the relationship between Nazi Germany and California. In 1934 Pasadena, home of the Human Betterment Foundation headquarters, hosted a traveling Nazi exhibit titled “Eugenics in New Germany.” The exhibit was brought to California based on a desire among some public officials to implement an economic alternative to the social welfare programs of Franklin D. Roosevelt. Harold Doolittle of Southern California Edison and Ernest Carroll Moore, formerly of UCLA, told an audience in 1936 that California needed a

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<sup>58</sup> Ibid., 44.

<sup>59</sup> Reilly, *The Surgical Solution*, 106

<sup>60</sup> Paul Popenoe, “The German Sterilization Law,” *The Journal of Heredity* 25, no. 7 (July 1934): 260.

“Republican New Deal” that should include “forcible expulsion of unemployed from relief roles, sterilization of the unfit, and war on radicals.”<sup>61</sup>

The exhibit was brought to California in an attempt to popularize eugenics in the United States by demonstrating the success of Nazi health and hygiene programs. Funding for the exhibit came almost entirely from the Oberlaender Trust, which offered travel funding for Americans interested in German eugenics and promoted cultural exchanges between the United States and Germany in the 1930s. The Oberlaender Trust provided an initial stipend of \$25,000 for Eben Carey, an exhibition curator at the American Medical Association exhibit at Chicago’s Century-of-Progress Exposition of 1933 and 1934, to travel to Dresden and meet with creators of the Nazi exhibit. The Oberlaender Trust later provided funds to the American Public Health Association to bring the exhibit to the United States.<sup>62</sup> The exhibit opened in Pasadena in 1934 to widespread interest by Pasadena residents. Presence of the exhibit in California, according to historians Rydell, Cogdell, and Largent, “gave *de facto* approval to mainline hereditarian views of eugenics.”<sup>63</sup>

Of particular note is the difficulty that the exhibit sponsors had in finding host cities on the East Coast. Few cities outside of California agreed to welcome the exhibit, so California and Oregon were the only stops on the tour. The exhibit moved from Pasadena to Stockton, to the Los Angeles County Museum, and then to Sacramento before moving on to Salem, Oregon, in February 1935. Later that year, exhibit curator

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<sup>61</sup> Robert Rydell, Christina Cogdell, and Mark Largent, “The Nazi Eugenics Exhibit in the United States,” in *Popular Eugenics*, 361.

<sup>62</sup> Officials from the APHA included Homer Calver, William W. Peter, Haven Emerson, and Louis Dublin. See Rydell, Cogdell, and Largent, “The Nazi Eugenics Exhibit in the United States,” 361.

<sup>63</sup> Rydell, Cogdell, and Largent, “The Nazi Eugenics Exhibit in the United States,” 359.

Bruno Gebhard sought to make a permanent home for the exhibit in the New York Academy of Medicine, but the academy's directors declined after reading unfavorable reviews of the exhibit's merit. The exhibit eventually found a permanent home at the Buffalo Museum of Science until 1942, when America's involvement in the war against Germany caused curators to consider the exhibit a liability. The exhibit was destroyed in 1943 and most of its associated records were incinerated.<sup>64</sup>

The international and domestic reach of the HBF continued to grow in the 1930s and won its greatest influence in the pages of the most prominent daily newspaper in the state, the *Los Angeles Times*. Throughout the decade the *LA Times* informed readers of the benefits of eugenic practices through published references to the HBF efforts to affect sterilization policies around the world. Much of this work was a result of HBF collaboration with *LA Times* publisher Harry Chandler, "the man most responsible for molding the distinctive character of Los Angeles."<sup>65</sup> Chandler was a member of the HBF and a highly successful investor who turned the *LA Times* into an outlet for his own values. According to historian Robert Gottlieb, "Political or social objectives were either extensions of, or subservient to, Chandler's goals of creating an economic empire."<sup>66</sup> From the time he joined the *LA Times* staff as a clerk in the 1880s, Chandler established a reputation as an ambitious and ruthless business investor and he eventually became a dominant economic force in southern California real estate. By the 1930s, Chandler was

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<sup>64</sup> Ibid., 359-384.

<sup>65</sup> Robert Gottlieb and Irene Wolt, *Thinking Big: The Story of the Los Angeles Times and Their Influence on Southern California* (New York: G.P. Putnam's Sons, 1977), 126.

<sup>66</sup> Ibid., 124.

estimated to be the eleventh richest man in the world, and, according to Senator Hiram Johnson, “probably the richest man in Southern California, perhaps in all the West.”<sup>67</sup>

In 1935 Chandler asked veteran *Times* reporter Fred S. Hogue to write a weekly column on eugenics, and for six years Hogue discussed the major points of eugenic thought in his weekly column, “Social Eugenics.” A thorough examination of all 283 of his articles reveals that the *Los Angeles Times* blatantly promoted mainline eugenics throughout the late 1930s and early 1940s. Additionally, the influence of the HBF on Hogue’s writing is immediately apparent; Hogue referenced the HBF on average once every two months and frequently cited material written by Popenoe and Gosney. In numerous articles he attacked current genetic research that contradicted the basic tenets of eugenics. He also challenged opponents of eugenic practices, including critics from the Catholic Church and others associated with the highly publicized case of Ann Cooper Hewitt.<sup>68</sup>

The Hewitt case illustrates the declining influence of eugenics in California, and Hogue fought the negative attention with a publicity campaign of his own. The famous 1936 trial involved a woman from San Francisco named Ann Cooper Hewitt, age 21, who sued her mother for consenting to a sterilization operation while receiving an appendectomy. She accused her mother of ordering the operation in order to prevent Hewitt from receiving an inheritance, as a stipulation of her mother’s will dictated that Hewitt did not qualify for the inheritance if she did not produce any children. Her mother

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<sup>67</sup> Ibid., 94-120.

<sup>68</sup> Fred S. Hogue, “Social Eugenics,” *Los Angeles Times*, September 1, 1935; Hogue, “Social Eugenics,” *Los Angeles Times*, September 6, 1936; Hogue, “Social Eugenics,” *Los Angeles Times*, June 19, 1938. Hogue, “Social Eugenics,” July 21, 1935; and Hogue, “Social Eugenics,” February 2, 1936.

also disapproved of Hewitt's current suitor. Hewitt was not considered "feeble-minded." Her upper-class social status brought intense media attention, from the *New York Times* in particular. The case attracted national attention and very negative publicity for the eugenics movement in California, and Hogue used his weekly column to challenge the validity of the case.<sup>69</sup>

Hogue also touted the German sterilization law as a successful model for American eugenic reform and maintained his support for accelerated German sterilization practices.<sup>70</sup> While the atrocities committed by Hitler were unfortunate, Hogue admitted, "the movement he has inaugurated for human betterment will live when all his follies are forgotten."<sup>71</sup> As late as 1940 Hogue called for increased sterilizations in order to compete with Germany: "Shall we coddle our physical and mental defectives and permit them to continue to breed until Germany shall be able to face us with armed forces that are physically our superiors?"<sup>72</sup> Hogue in effect used the threat posed by Germany to call for increased eugenic reforms for nationalistic purposes.

As an employee of the *LA Times*, Hogue could not have stated his extreme views without the approval of Chandler, nor would Chandler have approved the column if he did not support its content. It is possible that Hogue did in fact believe everything that he wrote in the weekly column, but more than likely he served as a pawn in a grander

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<sup>69</sup> For more information on the trial, see Wendy Kline, "A New Deal for the Child: Ann Cooper Hewitt and Sterilization in the 1930s," in *Popular Eugenics*, 17-43.

<sup>70</sup> Estimates indicate that the number of persons sterilized under the German eugenic law exceeded 250,000 between January 1, 1934, and January 1, 1937. See Hogue, "Social Eugenics," July 11, 1937.

<sup>71</sup> Hogue, "Social Eugenics," February 9, 1936.

<sup>71</sup> Hogue, "Social Eugenics," July 14, 1940.

scheme conceived by his boss. Chandler was very secretive about his personal life, but throughout his career as publisher of the *LA Times* he used his newspaper to improve the public perception of Los Angeles, a tactic known as “boosterism.” Eugenics fit neatly into his agenda to heighten the character of the population. Chandler’s involvement in the HBF was merely an extension of his own dream of a pristine southern California.<sup>73</sup> Hogue worked to promote that dream until the column was discontinued in 1941. Reasons for the termination of the “Social Eugenics” column remain unclear, but the acceptance of eugenic thought in America was in substantial decline by 1941. What is impressive is the fact that the column existed in the late 1930s, as many other leading eugenic organizations had fallen into obscurity.

While adults in southern California read “Social Eugenics” in the *LA Times*, students in California learned about eugenics in the public school setting. Leading American eugenic organizations such as the HBF listed education as an explicit goal in their mission statements and ensured that eugenics was included in the high school curriculum. In a quantitative analysis of 41 high school biology textbooks used in classrooms from 1914 to 1948, historian Steven Selden reports that over 87 percent of textbooks included information on eugenics and more than 70 percent of them recommended eugenics as a legitimate science.<sup>74</sup> These textbooks became the guiding source of curriculum development for educators throughout the United States, and classrooms in California were no exception. Teachers relied on texts to structure their courses, and the prevalence of eugenics in the classroom attested that students learned the

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<sup>73</sup> Starr, *Material Dreams*, 102-103.

<sup>74</sup> Steven Selden, *Inheriting Shame: The Story of Eugenics and Racism in America* (New York: Teachers College Press, Columbia University, 1999), 64.

guiding tenets of eugenic thought.<sup>75</sup> The California high school curriculum during the 1930s reinforced the eugenics idea that lower-class whites were degenerates who could transmit inferior genes to successive generations. In textbooks for biology, sociology, and home management, students learned that mental defectives passed on defects to their children and that the best methods to prevent such breeding habits were sterilization and proper marriage practices. Classroom discussions on family, crime, and poverty often involved mention of heredity and eugenics.<sup>76</sup>

Eugenicists also pushed forward measures to increase the segregation of California public schools based on principles of intellectual superiority. The leading developer of the Stanford-Binet IQ test, Lewis Terman, was a prominent psychometrician at Stanford University and a founding member of the Human Betterment Foundation. He and his disciples at Stanford University began to test students at California public schools in the early 1920s, a process that led to the establishment of vocational schools for migrant students.<sup>77</sup> Most affected by the intelligence tests were Mexican immigrants, whom California officials channeled into alternative schools based on intelligence test results. IQ tests verified to school board officials in a scientific manner that Mexicans were intellectually inferior.<sup>78</sup> Segregation of perceived inferiors was another goal of

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<sup>75</sup> Prior to the establishment of textbook adoption measures in the 1970s, most school districts purchased textbooks based on popularity or affordability. Though California would eventually become the standard in textbook selection and would guide curriculum standards throughout the nation, textbooks in the 1930s remained highly diverse.

<sup>76</sup> Peter LaChapelle, *Proud to Be an Okie: Cultural Politics, Country Music, and Migration to Southern California* (Berkeley: University of California Press, 2007), 34; on the relegation of poor whites to “white trash” status, see Goddard, *The Kallikak Family*; and Rafter, *White Trash*.

<sup>77</sup> For more on Terman and the foundations of IQ testing, see Henry L. Minton, *Lewis M. Terman: Pioneer in Psychological Testing* (New York: New York University Press, 1988), 38-126.

<sup>78</sup> Stern, *Eugenic Nation*, 95-97.

eugenicists, and the efforts of Lewis Terman demonstrate the effectiveness of the HBF in implementing policies at the educational level.

Many college and university students in California also received thorough instruction on the principles of eugenics. Professors of biology and sociology often incorporated eugenics textbooks into their curriculum.<sup>79</sup> This comes as little surprise, considering that the membership of the Human Betterment Foundation included professors, deans, and presidents of most major California universities. Institutions represented by HBF members included the University of California, Los Angeles, the University of California, Berkeley, Stanford University, the University of Southern California, the California Institute of Technology (CalTech), as well as Harvard University.<sup>80</sup> HBF member Samuel J. Holmes taught courses with eugenic content at the University of California, Berkeley from 1919 well into the 1930s, and even authored a textbook entitled *The Trend of the Race*. Paul Popenoe published a revised edition of *Applied Eugenics* in 1933 to stay current with the times. Lewis Terman conducted extensive research on the genetics of genius at Stanford. Nobel prize-winning physicist Robert Millikan, also a member of the HBF, joined the faculty of CalTech in Pasadena and served as president of the university from 1921 to 1945. Presidents of these major institutions lured prominent hereditarians to their facilities during the early decades of the

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<sup>79</sup> Examples of textbooks used in California universities include F.G. Crookshank, *A Mongol in Our Midst: The Study of Man and His Three Faces* (New York: E.P. Dutton & Company, 1924); Major Leonard Darwin, *What Is Eugenics?* (London: Watts & Co., 1928); Michael F. Guyer, *Being Well-Born: An Introduction to Heredity and Eugenics* (Indianapolis, IN: The Bobbs-Merrill Company, 1916); Samuel J. Holmes, *The Trend of the Race: A Study of Present Tendencies in the Biological Development of Civilized Humankind* (New York: Harcourt and Brace, 1921); Samuel J. Holmes, *The Eugenic Predicament* (New York: Harcourt and Brace, 1933); Thomas Hunt Morgan, *The Physical Basis of Heredity* (Philadelphia, PA: J.B. Lippincott Co., 1919); Thomas Hunt Morgan, *Evolution and Genetics* (Princeton, NJ: Princeton University Press, 1925); and Popenoe and Johnson, *Applied Eugenics*.

<sup>80</sup> See Appendix E.

twentieth century and helped to make California major academic institutions a bastion of hereditarian thought and eugenics.<sup>81</sup>

In 1938 the Human Betterment Foundation had not diminished in size, as east coast eugenic organizations had during the 1930s, and it continued to champion the cause of compulsory sterilization of the insane and feeble-minded. Despite the national decline in scientific and popular support for eugenics, Gosney and Popenoe in California believed that sterilization and segregation methods were the most potent public policy to prevent the increased propagation of the mentally and physically unfit. As listed in the mission statement of the HBF, the “first major problem is to investigate the possibilities for race betterment by eugenic sterilization, and to publish the results.”<sup>82</sup> Such was the stated purpose of the final major publication of the organization, titled *Twenty-Eight Years of Sterilization in California*. In the pamphlet Popenoe called for the continuation of existing operations, but also extended the scope of the HBF’s agenda by calling for extension of sterilization laws to include epileptics, criminals, and the handicapped.<sup>83</sup> He also argued for the increased application of intelligence tests to determine individuals who should be sterilized. Rather than silencing their rhetoric in the face of increased opposition, the HBF turned up the volume. Popenoe concluded *28 Years* with a call to service: “all evidence justifies sterilization as one of the indispensable measures that must be included in any fundamental and humanitarian program.”<sup>84</sup>

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<sup>81</sup> Biller, “Defending the Frontier,” 35-40.

<sup>82</sup> Popenoe and Gosney, *Twenty-Eight Years of Sterilization in California*, 40.

<sup>83</sup> *Ibid.*, 14-25.

<sup>84</sup> *Ibid.*, 37-38.

Throughout the 1930s leading eugenicists in California continued to spread the word of the potential benefits of a nationwide eugenic program. Far from backing down or adapting their rhetoric to align with contemporary genetic thought, the Human Betterment Foundation, medical professionals, and state officials perpetuated the language of mainline eugenic thought. They emphasized the need for increased sterilization laws and encouraged doctors in state hospitals, as well as private physicians, to proceed with the eugenic campaign. To eugenicists in California the potential importance of restrictive eugenic practices trumped any potential risks and transcended any challenges from the scientific community.

## CHAPTER 5

### Conclusion

After Gosney's death in 1942, the Human Betterment Foundation closed its doors and Gosney's family reallocated the organization's funds toward the Gosney research fund at CalTech. Involvement in the war against Germany resulted in the decline of eugenic sterilizations in California, although the practice continued through the 1970s.<sup>1</sup> While the rest of the nation witnessed the gradual decline in the momentum of eugenics, California's leaders of the eugenics movement remained convinced that they were on the right side of history. As early as 1915 Paul Popenoe wrote, "We eugenists have a stronger faith, because it is based on things that can be seen, and that can even be measured. We think that we can prove that it is man who makes the environment, not the environment which makes man."<sup>2</sup>

The movement in California slowed down after the Second World War and eugenicists in the state shifted their rhetoric towards family planning and "positive" eugenic practices of better breeding. Ultimately, California's program of sterilization resulted in the restriction of the fundamental right of reproduction of more than 20,000 men and women caught up in the institutional system. It is highly likely that the official number of sterilizations is far lower than the actual total, as historian Alexandra Minna Stern emphasizes. She argues that there are five reasons to suspect inaccurate record keeping: first, regulations surrounding the confidentiality of patients may have led to the loss or destruction of documents; second, the number of operations reported by state

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<sup>1</sup> Reilly, *The Surgical Solution*, 101; and Stern, "Sterilized in the Name of Public Health," 1128.

<sup>2</sup> Paul Popenoe, "Nature or Nurture?," *Journal of Heredity* 6 (May 1915): 227.

prisons is extremely low, suggesting that surgeries conducted illegally in state prisons may have gone unreported; third, there exist many cases of female delinquents sent to institutions “for sterilization only;” fourth, Paul Popenoe himself stated that physicians in county facilities and in private practice performed salpingectomies in numbers comparable to the Department of Institutions; and fifth, the distinction between choice and coercion is typically vague, particularly because patients and their families were often convinced that sterilization possessed therapeutic benefits and was mandatory for dismissal.<sup>3</sup>

Eugenics remains part of American society even in the twenty-first century, and many of the socioeconomic factors that shaped the eugenics movement in the early-nineteenth century still affect Americans today. Taxpayers worry about the improper allocation of their hard-earned dollars towards welfare to support the poor, disabled, and mentally ill. The ongoing debate regarding immigration reform raises concerns about immigrants penetrating America’s border to the south. In 1994 the controversial best-selling publication of Herrnstein and Murray, *The Bell Curve: Intelligence and Class Structure in American Life*, reintroduced arguments concerning the inherent limitations of the abilities of minority groups in American society. Reminiscent of similar sociological methods among early eugenicists, the authors provided statistical charts and graphs to demonstrate the intelligence capacity of various demographic groups and the relationship of IQ to crime, poverty, race, welfare, and unemployment.<sup>4</sup>

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<sup>3</sup> Stern, *Eugenic Nation*, 109-110.

<sup>4</sup> Herrnstein and Murray, *The Bell Curve*.

Principles of eugenics are often subtly concealed in modern birthing practices. Examinations seemingly as benign as genetic counseling and prenatal screening reflect notions of “positive” eugenics, in which families seek to produce a genetically sound offspring. Modern practices of selective reproduction are now associated with the conceptual terms of “newgenics,” “designer babies,” and “procreative beneficence.” The rise of new technologies makes eugenics more accessible for couples who want to provide themselves and their offspring with the most convenient life possible. Many such technologies have been commercialized for widespread public access—such as pre-implantation genetic diagnosis and in-vitro fertilization—that allow parents to screen each other’s DNA for predisposition to certain genetic conditions. The state of California now offers state funding for prenatal screening and works to ensure the screens are available to all pregnant women in the state.<sup>5</sup> Additionally, the Human Genome Project reignites feelings of genetic predestination by prompting individuals to question their ability to shape their own future. Linda and Edward McCabe argue that “the Human Genome Project often contain[s] genetic deterministic meanings, implying a reduction of an individual’s identity, future, and fate to that person’s genes.”<sup>6</sup>

Eugenic campaigns continue to emerge in isolated pockets in California, of which the 148 documented cases of sterilizations from 2006 to 2010 are only the most recent chapter. Another particularly alarming public eugenic campaign comes from a family planning organization called Project Prevention (formerly known as CRACK, or Children

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<sup>5</sup> California Department of Public Health. “California Prenatal Screening Program.” State of California, 2013. <http://www.cdph.ca.gov/programs/pns/Pages/default.aspx>

<sup>6</sup> Linda L. McCabe and Edward R.B. McCabe. “Are We Entering a ‘Perfect Storm’ for a Resurgence of Eugenics? Science, Medicine, and Their Social Context.” From Lombardo, ed. *A Century of Eugenics in America*. 193-218.

Requiring a Caring Community), which was founded by Barbara Harris in California in 1997. The non-profit organization, now based in North Carolina, offers \$300 to drug addicts for sterilizations or access to long-term birth control. As of December 2012, the organization claimed to have provided 4,348 addicts and alcoholics with financial aid.<sup>7</sup> Under the guise of humanitarian assistance, Project Prevention has advertised their program with billboards in low-income neighborhoods using eugenic slogans such as “She has her Daddy’s eyes and her Mommy’s heroin addiction.”<sup>8</sup> The group remains active in the United States and the United Kingdom, as no federal or state laws prohibit their activity.<sup>9</sup>

An examination of the history of eugenics provides insight into the uses and misuses of genetics in society today.<sup>10</sup> The historical efforts to deprive individuals of full rights to citizenship informs the debate surrounding ethical practices of modern eugenic campaigns. Much of the evidence used today to support eugenic claims remains highly contested. Even in situations associated with modern “newgenics,” men and women are entitled to reproductive freedom, privacy, and autonomy. It is imperative that physicians learn of the historical and dystopian implications of eugenics and appropriately educate their patients. Failure to do so could result in further stratification of society, or at the most extreme, a community reminiscent of *Brave New World*, Aldous Huxley’s

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<sup>7</sup> Project Prevention. <http://www.ProjectPrevention.org>

<sup>8</sup> Jon Swaine. “Drug Addict Sterilized for Cash – But Can Barbara Harris Save Our Babies?” *The Telegraph UK*. 19 October 2010.

<sup>9</sup> Linda L. McCabe and Edward R.B. McCabe. “Are We Entering a ‘Perfect Storm’ for a Resurgence of Eugenics? Science, Medicine, and Their Social Context.” From Lombardo, ed. *A Century of Eugenics in America*, 224.

<sup>10</sup> For more on the modern effects of eugenics, see Garland E. Allen, “Is a New Eugenics Afoot?” *Science* 294, no. 5540 (5 October 2001): 59-61.

dystopian novel on the potential misuses of genetic engineering. Additionally, a system of checks and balances ought to be in place to prevent operating physicians from attaining too much authority over patients' reproductive rights, particularly in state and federal institutions. Sterilization is a practice that inherently violates the freedom of patients, as women and men alike deserve the right to make their own reproductive decisions. Adequate education on the ramifications of such procedures must be provided to patients when they are fully lucid and sober—not under the coercive duress of childbirth or as a prerequisite for readmission to society.

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APPENDIX A: U.S. STERILIZATION LAWS BY STATE <sup>1</sup>

<i>State</i>	<i>Adopted</i>	<i>Repealed</i>	<i>Number of Operations</i>
Indiana	1907	1974	2,424
Washington	1909	--	685
California	1909	1979	20,108
Connecticut	1909	1986	557
Nevada	1911	1961	0
Iowa	1911	1977	1,910
New Jersey	1911	1920	0
New York	1912	1920	42
Oregon	1917	1983	2,341
North Dakota	1913	1965	1,049
Kansas	1913	1965	3,032
Michigan	1913	1974	3,786
Wisconsin	1913	1977	1,823
Nebraska	1915	1969	902
South Dakota	1918	1974	789
New Hampshire	1918	1975	679
North Carolina	1919	2003	6,851
Alabama	1919	1974	224
Montana	1923	1981	256
Delaware	1923	1985	945
Virginia	1924	1979	8,300
Idaho	1925	1971	38
Utah	1925	1988	772
Minnesota	1925	1974	2,350
Maine	1925	1981	326
Mississippi	1928	2008	683
West Virginia	1929	2013	98
Arizona	1929	1974	30
Vermont	1931	1967	253
Oklahoma	1931	1983	556
South Carolina	1935	1985	277
Georgia	1937	1970	3,284

<sup>1</sup> Lombardo, *Three Generations*, 294.

APPENDIX B: CALIFORNIA STATE ASSEMBLY,  
1909 ASEXUALIZATION LAW <sup>2</sup>

ASEXUALIZATION.  
ACT 247.

*An act to permit asexualization of inmates of the state hospitals and the California Home for the Care and Training of Feeble-minded Children, and of convicts in the state prisons.*

[Approved April 26, 1909. Stats. 1909, p. 1093.]

SECTION 1. Whenever in the opinion of the medical superintendent of any state hospital, or the superintendent of the California Home for the Care and Training of Feeble-minded Children, or of the resident physician in any state prison, it would be beneficial and conducive to the benefit of the physical, mental or moral condition of any inmate of said state hospital, home, or state prison, to be asexualized, then such superintendent or resident physician shall call in consultation the general superintendent of state hospitals and the secretary of the state board of health, and they shall jointly examine into all the particulars of the case with the said superintendent or resident physician, and if in their opinion, or in the opinion of any two of them, asexualization will be beneficial to such inmate, patient or convict, they may perform the same; provided, that in the case of an inmate or convict confined in any of the state prisons of this state, such operation shall not be performed unless the said inmate or convict has been committed to a state prison in this or in some other state or country at least two times for some sexual offense, or at least three times for any other crime, and shall have given evidence while an inmate in a state prison in this state that he is a moral and sexual pervert; and provided further, that in the case of convicts sentenced to state prison for life who exhibit continued evidence of moral and sexual depravity, the right to asexualize them, as provided in this act, shall apply, whether they have been inmates of a state prison either in this or any other state or country more than one time.

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<sup>2</sup> “An Act to Permit Asexualization of Inmates of the State Hospitals and the Home for Feeble-Minded Children, and Convicts in State Prisons,” *The Statutes of California and Amendments to the Codes Passed at the Extra Session of the Thirty-Seventh Legislature* (Sacramento, 1909), 1093-1094. From *The Internet Archive*.  
[http://www.archive.org/stream/generallawsofsta00calirich/generallawsofsta00calirich\\_djvu.txt](http://www.archive.org/stream/generallawsofsta00calirich/generallawsofsta00calirich_djvu.txt) (accessed September 10, 2013).

APPENDIX C: 1913 AMENDMENT TO  
ASEXUALIZATION LAW<sup>3</sup>

*Asexualization of Idiots and Inmates of Certain State Institutions — When Authorized.*

[Chap. 363, Act June 13, 1913.]

SECTION 1. Before any person who has been lawfully committed to any State hospital for the insane, or who has been an inmate of the Sonoma State Home, and who is afflicted with hereditary insanity or incurable chronic mania or dementia shall be released or discharged therefrom, the State Commission in Lunacy may, in its discretion, after a careful investigation of all the circumstances of the case, cause such person to be asexualized, and such asexualization whether with or without the consent of the patient shall be lawful and shall not render the said commission, its members, or any person participating in the operation, liable either civilly or criminally.

SECTION 2. Whenever, in the opinion of the resident physician of any state prison, it will be beneficial and conducive to the benefit of the physical, mental, or moral condition of any recidivist lawfully confined in such state prison, to be asexualized, then such physician shall call in consultation the general superintendent of state hospitals and the secretary of the state board of health, and they shall jointly examine into the particulars of the case with the said resident physician, and if, in their opinion, or the opinion of any two of them, asexualization will be beneficial to such recidivist, they may perform the same; provided, that such operation shall not be performed unless the said recidivist has been committed to a state prison in this or some other state or country at least two times for rape, assault with intent to commit rape, or seduction, or at least three times for any other crime or crimes, and shall have given evidence while an inmate of a state prison in this state that he is a moral or sexual degenerate or pervert; And provided, further, That in the case of convicts sentenced to state prison for life, who exhibit continued evidence of moral and sexual depravity, the right to asexualize them, as provided in this section, shall apply whether they shall have been inmates of a state prison in this or any other country or state more than one time or not; provided, further, that nothing in this act shall apply to or refer to any voluntary patient confined or kept in any state hospital of this state.

SECTION 3. Any idiot, if a minor, may be asexualized by or under the direction of the medical superintendent of any State hospital, with the written consent of his or her parent or guardian, and if an adult, then with the written consent of his or her lawfully appointed guardian, and upon the written request of the parent or guardian of any such

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<sup>3</sup> “An act to provide for the asexualization of inmates of state hospitals for the insane, the Sonoma State Home, of convicts in the state prisons, and of idiots, and repealing an act entitled ‘An act to permit asexualization of inmates of the state hospitals and the California Home for the Care and Training of Feeble-Minded Children and of convicts in the state prisons,’ approved April 26, 1909.” From James H. Deering, *Supplement to the Codes and General Laws of the State of California of 1915* (San Francisco: Bancroft-Whitney Company, 1917), 558.

idiot or fool, the superintendent of any State hospital shall perform such operation or cause the same to be performed without charge therefor.

SECTION 4. An act entitled "An act to permit asexualization of inmates of the State hospitals and the California Home for the Care and Training of Feeble Minded Children, and of convicts in the State prison," approved April 26, 1909, is hereby repealed.

APPENDIX D: 1917 AMENDMENT TO  
ASEXUALIZATION LAW <sup>4</sup>

CHAPTER 489

*An act to amend section one of an act entitled “An act to provide for the asexualization of inmates of state hospitals for the insane, the Sonoma State Home, of convicts in the state prisons, and of idiots, and repealing an act entitled ‘An act to permit asexualization of inmates of the state hospitals and the California Home for the Care and Training of Feeble-minded Children, and of convicts in the state prisons,’ approved April 26, 1909,” approved June 13, 1913.*

[Approved May 17, 1917. In effect July 27, 1917.]

*The People of the State of California do enact as follows:*

SECTION 1. Section one of the act entitled “An act to provide for the asexualization of inmates of state hospitals for the insane, the Sonoma State Home, of convicts in the state prisons, and of idiots, and repealing an act entitled ‘An act to permit asexualization of inmates of the state hospitals and the California Home for the Care and Training of Feeble-minded Children, and of convicts in the state prisons,’ approved April 26, 1909,” approved June 13, 1913, is hereby to read as follows:

SECTION 1. Before any person who has been lawfully committed to any state hospital for the insane, or who has been an inmate of the Sonoma State Home, and who is afflicted with mental disease which may have been inherited and is likely to be transmitted to descendants, the various grades of feeble-mindedness, those suffering from perversion or marked departures from normal mentality or from disease of a syphilitic nature, shall be released or discharged therefrom, the state commission in lunacy may in its discretion, after a careful investigation of all the circumstances of the case, cause such person to be asexualized, and such asexualization whether with or without the consent of the patient shall be lawful and shall not render the said commission, its members or any person participating in the operation liable either civilly or criminally.

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<sup>4</sup> “ACT 346 – Asexualization of Inmates of Certain Institutions.” *The Internet Archive*. [http://www.archive.org/stream/henningsgeneral01cali/henningsgeneral01cali\\_djvu.txt](http://www.archive.org/stream/henningsgeneral01cali/henningsgeneral01cali_djvu.txt) (accessed September 12, 2013).

APPENDIX E: HUMAN BETTERMENT FOUNDATION  
MEMBERSHIP ROSTER, 1929-1938<sup>5</sup>

Board of Trustees

- E.S. Gosney  
Philanthropist, Pasadena
- Henry M. Robinson  
Banker, Los Angeles
- George Dock, M.D.  
Pasadena
- David Starr Jordan  
Chancellor of Stanford University
- Charles M. Goethe  
Philanthropist, Sacramento
- Otis H. Castle  
Attorney, Pasadena and Los Angeles
- Joe G. Crick  
Horticulturist, Pasadena
- \*Rev. Robert R Freeman  
Pastor, First Presbyterian Church, Pasadena
- \*A.B. Ruddock  
Philanthropist, Pasadena
- \*William B. Munro  
Professor of science and government, California Institute of Technology (at  
Harvard by 1938), Pasadena
- \*\*Justin Miller  
Justice, United States Court of Appeals for the District of Columbia Circuit  
(former dean of University of Southern California Law School, 1928 – 1930, dean  
of Duke University School of Law, 1930 – 1935)
- \*\*\*Herbert L. Hahn  
Attorney, Pasadena
- \*\*\*Robert Millikan  
President and Chair of the Executive Council, California Institute of Technology  
Awarded Nobel Prize in Physics, 1923

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<sup>5</sup> Gosney and Popenoe, *Sterilization for Human Betterment*, 193-194; and Popenoe and Gosney, *Twenty-Eight Years of Sterilization in California*, 39-40.

Additional Members

Harry Chandler

President, *Los Angeles Times* Corp.

R.B. Von Klein Smid

President, University of Southern California, Los Angeles

Charles H Prisk

Publisher of Pasadena *The Star News* and *Post*

Oscar Ford

Former mayor of Riverside CA

Herbert M. Evans

Professor of Anatomy, University of California, Berkeley

Samuel J. Holmes

Professor of Zoology, University of California, Berkeley

Lewis M. Terman

Professor of Psychology, Stanford University

AD Shamel

U.S. Department of Agriculture, Bureau of Plant Industry, Physiologist,  
Riverside, CA

Paul McBride Perigord

Professor of French Civilization, University of California at Los Angeles

Jonh Vruwink, M.D.

Los Angeles

Paul Popenoe

Biologist, Pasadena

Rabbi Rudolph I Coffee

Oakland

Rev. Robert R. Freeman

Pastor, First Presbyterian Church, Pasadena

Rev. Merle N. Smith

Pastor, First Methodist Church, Pasadena

Mrs. E.S. Gosney

Pasadena

Mrs. Otis H. Castle

Mrs. Joe G. Crick

\* Member of Foundation in 1929, added to Board of Trustees by 1938

\*\* - Still member of Foundation in 1938, but no longer on Board of Trustees in 1938

\*\*\* Joined Foundation between 1929 and 1938

APPENDIX F: INTERNATIONAL CONTACTS OF THE  
HUMAN BETTERMENT FOUNDATION, 1928-1942 <sup>6</sup>

Africa (countries unknown)	Hungary
Asia (countries unknown)	Iceland
Austria	Italy
Australia	Japan
Belgium	Korea
Brazil	Mexico
Canada	New Zealand
Central America (countries unknown)	Norway
China	Philippines
Cuba	Poland
Denmark	Puerto Rico
England	Russia
Estonia	South America (countries unknown)
Finland	Sweden
France	Switzerland
Germany	Turkey
Holland	Yugoslavia

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<sup>6</sup> Container List, "Register of the E.S. Gosney Papers and Records Of The Human Betterment Foundation, 1880-1945," Online Archive of California.  
[http://www.oac.cdlib.org/findaid/ark:/13030/tf2h4n98gb/entire\\_text/](http://www.oac.cdlib.org/findaid/ark:/13030/tf2h4n98gb/entire_text/) (accessed November 19, 2012).

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*The British Medical Journal*

*California and Western Medicine*

*The Canadian Medical Association Journal*

*Center for Investigative Reporting*

*Eugenics*

*Journal of Abnormal and Social Psychology*

*Journal of the American Medical Association*

*Journal of Applied Psychology*

*Journal of Genetic Psychology*

*Journal of Heredity*

*Journal of Nervous and Mental Diseases*

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