

**STRANGE BEDFELLOWS- Eugenicists, White Supremacists, and
Marcus Garvey in Virginia, 1922-1927.**

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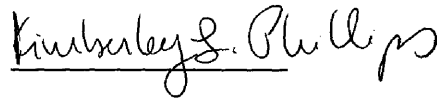
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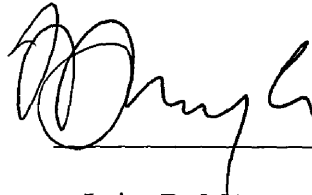


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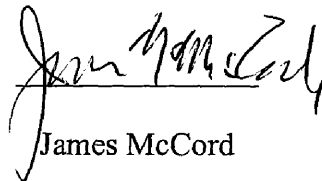
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ABSTRACT

This study examines the eugenics movement in Virginia in the 1920s. During this time period, eugenicists had some of their greatest legislative success in Virginia with the passage of the Racial Integrity Act and a voluntary sterilization law. Both of these statutes had considerable effect on poor and nonwhite Virginians and lasted well into the 1960s. Yet, Virginia was also the site of one of the great failures of the eugenics movement. The three leading Virginia eugenicists, John Powell, W.A. Plecker, and Earnest S. Cox, failed to ignite a national movement or to incite other states to pass similar legislation. Despite the implications and contemporary importance of Virginia's eugenics laws, historical scholarship has largely ignored the Virginia eugenics movement.

In addition to filling the gap in scholarship on the Virginia eugenics movement, this thesis will also interrogate the unlikely alliance the Virginia eugenicists formed with Marcus Garvey. As the importance of both the Virginia eugenics movement and Garvey's Back to Africa movement began to wane, Garvey, Powell, Plecker, and Cox found common ground in their strong belief in the primacy of racial essentialism.

**STRANGE BEDFELLOWS: EUGENICISTS, WHITE SUPREMACISTS,
AND MARCUS GARVEY IN VIRGINIA, 1922-1927**

INTRODUCTION

The Importance of the Virginia Eugenics Movement

1920s Virginia was enmeshed in debate over various legislative measures involving racial purity. In 1924, the Virginia General Assembly passed two nationally influential and pro-eugenic laws.¹ The controversial Racial Integrity Act was passed on March 8, 1924 and was signed by the governor twelve days later.² This Act strictly banned marriages between whites and any one with a “trace whatsoever of any blood other than Caucasians.”³ The same session of the General

¹ The historiography on eugenics is voluminous. For classic works on the history of eugenics in the United States, see Mark H. Haller, *Eugenics: Hereditarian Attitudes in American Thought* (New Brunswick, New Jersey, 1963); Daniel J. Kevles, *In the Name of Eugenics: Genetics and the Uses of Human Heredity* (Cambridge: Harvard University Press, 1995); and Donald K. Pickens *Eugenics and Progressives* (Nashville: Vanderbilt University Press, 1968). For works on Virginia in particular, see Gregory Michael Dorr, “Assuring America’s Place in the Sun: Ivey Foreman Lewis and the Teaching of Eugenics at the University of Virginia, 1915-1953” *Journal of Southern History* (May 2000): 257-296; Richard B. Sherman “ ‘The Last Stand’; The Fight for Racial Integrity in Virginia in the 1920s,” *Journal of Southern History* 54 (February 1988): 69-92; and David J. Smith, *The Eugenic Assault on America: Scenes in Red, White, and Black* (Fairfax, Va: George Mason University Press, 1993) For a revisionist view of eugenics, see Linda Gordon, *Woman’s Body, Woman’s Right: Birth Control in America* (Grossman publishers, 1976, New York: Penguin Group, 1990 rev and updated) and Edward J. Larson, *Sex, Race, and Science: Eugenics in the Deep South* (Baltimore: The Johns Hopkins University, 1995). For the most recent works on eugenics, see Adele Clarke, *Disciplining Reproduction: Modernity, American Life Sciences, and the Problems of Sex*. (Berkeley: University of California, 2000) and Steven Selden, *Inheriting Shame: The Story of Eugenics and Racism in America* (New York: Teachers College Press, 1999)

² Sherman, “ ‘The Last Stand,’ ” 78.

³ “An Act to Preserve Racial Integrity” in Virginia Bureau of Vital Statistics, *Eugenics in Relation to the New Family and the Law on Racial Integrity, including a paper read before the American Public Health Association* (Richmond: Davis Bottom, Supt. Public Printing, 1924), 31. See Appendix One for a full text of the Act. This argument challenges Edward Larson’s assertion that miscegenation laws were ideologically separate from other eugenic policies. Because of the close connections between Virginia proponents of the Racial Integrity Act and national eugenicists as well as the portrayal of the act as eugenic by both groups, I am convinced miscegenation laws are built on (or at least appropriated) a eugenic ideology. Edward J. Larson, *Sex, Race, and Science: Eugenics in the Deep South* (Baltimore: Johns Hopkins University Press, 1995), 22-23. Phillip R. Reilly and Gregory Michael Dorr both found a strong connection between eugenics and miscegenation legislation, particularly in Virginia. Reilly, *The Surgical Solution: A History of Involuntary Sterilization in the United States* (Baltimore: Johns Hopkins University Press, 1991), 25, 72-74 and Dorr, “Assuring America’s Place in the Sun,” 283.

Assembly passed another bill legalizing the sterilization of those classified as “feeble-minded” by the standards of the time.⁴ Prominent Virginians trumpeted both Virginia’s anti-miscegenation and sterilization laws as models that should be enacted by other states, particularly when the United States Supreme Court upheld the constitutionality of Virginia’s sterilization law. With the passage of these acts, by 1927 Virginia eugenicists could claim more legislative success than those of any other state. As a result, Virginia eugenicists hoped to come to national prominence. To the consternation of the Virginia eugenicists, cotemporary national leaders did not grant a great deal of attention to the Virginia acts. According to some historians, Virginia eugenics did have a great deal of impact internationally, particularly in the formation of eugenic policies in Nazi Germany.⁵

⁴ Sherman, “The Last Stand,” 79-80. For scholarship on the flawed nature of early twentieth century intelligence testing and the profoundly negative effect of see, Rutledge M. Dennis, “Social Darwinism, Scientific Racism, and the Metaphysics of Race,” *Journal of Negro Education*, 64 (Summer 1995): 246-247; Ian Robert Dowbiggin, *Keeping America Sane: Psychiatry and Eugenics in the United States and Canada, 1880-1940* (Ithaca: Cornell University Press, 1997), particularly chapter two, “A Confusing Wilderness of Recommendations: G. Alder Blume, Eugenics, and U.S. Psychiatry, 1880-1940;” Stephen Noll, *Feeble-Minded in Our Midst: Institutions for the Mentally Retarded in the South, 1900-1940* (Chapel Hill: University of North Carolina Press, 1995), esp. 28-35; James W. Trent, Jr., *Inventing the Feeble Mind: A History of Mental Retardation in the United States* (Berkeley: University of California Press, 1994); and Peter L. Tyor and Leland V. Bell, *Caring for the Retarded in America: A History*, Contributions in Medical History, 15 (Westport CT: Greenwood Press, 1984), esp. 107-108. For a discussion of African-American opposition to intelligence testing see Mia Bay, *The White Image in the Black Mind: African-American Ideas About White People, 1830-1925* (New York: Oxford University Press, 2000), 201. Ashley Montagu, *Race and IQ Expanded Edition* (New York: Oxford University Press, 1999) dealt with both historical issues of intelligence testing and the more current debate involving the publication of *The Bell Curve*.

⁵ J. David Smith, *The Eugenic Assault on America: Scenes in Red, White, and Black* (Fairfax, VA: George Mason University Press, 1993), chapter one. Stefan Kuhl, *The Nazi Connection: Eugenics, American Racism, and German National Socialism* (New York: Oxford University Press, 1994), chapter four. Stefan Kuhl has linked American eugenics with Nazi social control policies. Kuhl, however, does not explicitly target Virginia policy as an antecedent although he attributed German sterilization policy to the model sterilization law used by Virginia to formulate their sterilization law. (Please see Appendix Two for Laughlin’s Model Sterilization law) Johnpeter Horst Grill and Robert L. Jenkins argued that the 1930s African-American press made explicit connections between Nazi and southern racial policies. Grill and Jenkins, “The Nazis and the American South in the 1930s: A Mirror Image.” *Journal of Southern History* 63 (November 1992): 667-694.

Despite this seeming legislative success on the part of Virginia eugenicists, most historical studies of eugenics have related the story of Virginia eugenics as a side note to the national movement. Virginia is mentioned only as the state involved in the landmark *Buck v. Bell* case. In this Supreme Court test case, lawyers filed a suit on behalf of Carrie Buck, a young woman who was sterilized at the Lynchburg Colony in Virginia, questioning the constitutionality of Virginia's sterilization law. The Virginia state attorney's argued that Carrie was part of a line of "feeble-minded" people and if allowed to produce offspring would merely persist in adding more "feeble-minded" members to society.⁶ The Supreme Court upheld the Virginia sterilization law. Writing the assenting opinion, Oliver Wendell Holmes famously argued that "[i]t is better for all the world if instead of waiting to execute degenerate offspring for crime...society can prevent those who are manifestly unfit from continuing their kind," moreover, "three generations of imbeciles are enough."⁷ The Court's decision had national implications as it enabled other states to put into practice laws that were already on the books allowing sterilizations.⁸

⁶ Noll, *Feeble-Minded in Our Midst*, 30 and Tyor and Bell, *Caring for the Retarded*, 107. In the early twentieth century, feeble-mindedness was defined generally in terms of IQ. In this system, a "feeble-minded" person was someone with an IQ of 75 or below. At times, though, authorities would bypass the tests and claim that they could visually identify "feeble-minded" persons by their appearance or their behavior. For a discussion of instances of non-IQ related classifications, see Kevles, *In the Name of Eugenics*, 110 and Nicole Hahn Rafter, *White Trash: The Eugenic Family Studies 1877-1919* (Boston: Northeastern University Press), 14-17 Rafter noted that "the authors" of eugenics studies "were alarmed by the indifference of the rural poor to material possessions... In the late family studies disinterest in accumulation is a sure sign of feeble-mindedness." Rafter, *White Trash*, 17

⁷ Smith, *The Eugenic Assault*, 7 and Kevles, *In the Name of Eugenics*, 111.

⁸ For information regarding eugenical sterilizations, see Clarke, *Disciplining Reproduction*, 242, Linda Gordon, *Woman's Body, Woman's Right: Birth Control In America* (New York: Penguin Group, 1990); Kevles, *In the Name of Eugenics*, 110-112; Larson, *Sex, Race, and Science*, 27, 107-118; Philip R. Reilly, *The Surgical Solution. A History of Involuntary Sterilization in the United States* (Baltimore: The Johns Hopkins University Press, 1991); Steven Selden, *Inheriting Shame: The Story of Eugenics and Racism in America* (New York: Teachers College Press, 1999), 128-131; and Smith, *The Eugenic Assault on America*, 4-6. For contemporary surveys of sterilization mentioning *Buck v. Bell*, see J.H. Landman, *Human Sterilization: The History of the Sexual Sterilization*

The reason for the neglect of Virginia in the historiography is due in great part to the lack of nationally known Virginian scientists during this time. In general, trained and professional men of science led the national eugenics movement, yet the Virginia eugenicists came from other fields outside of the “pure” sciences. As a result, the majority of historians of eugenics (who are by and large historians of science) have focused on the scientists of the Northeast rather than the nonscientists of the South. Moreover, the American Eugenic Society (AES) and the Eugenics Record Office were both located in New York, which gave northern eugenicists more opportunities for inclusion in eugenic publications.

Although Virginians were quite removed geographically from the center of the eugenic movement, by and large they were susceptible to eugenic rhetoric, which fed into southern white fears about post-Reconstruction race relations. Moreover, Virginia, among all the states in the South, was positioned to be the most receptive environment for the ideas espoused by eugenics. 1920s Virginia, according to Ronald Heinemann, was run by political conservatives, “overseeing a Virginia that remained rural, racially divided, parsimonious in its services, suspicious of outsiders, and fiercely independent” and facing the “progressive currents sweeping the country in the early twentieth century [that] challenged the stability of the old order.”⁹ This progressive movement in Virginia brought along with its challenges, a reinforcement of the racist ideology embraced by Southerners

Movement (New York: The Macmillan Company, 1932), 84-85, and 97-99 and Abraham Myerson, et al., *Eugenical Sterilization: A Reorientation of the Problem* (New York: The Macmillan Company, 1932), 5-7. Rickie Solinger analyzed the role of race in proposed sterilization laws in the post World War II era in *Wake Up Little Susie: Single Pregnancy and Race Before Roe v. Wade* (New York: Routledge, 1992), 54-57.

in its alliance with eugenic policies.¹⁰ Moreover, of all the southern states, Virginia and North Carolina were the most academically equipped to respond enthusiastically to eugenics. Eugenics programs were particularly well received at the University of Virginia, which offered courses in eugenics from 1919-1953.¹¹ In essence, eugenics gained favor in early 1920s Virginia through the combination of a well-respected university, racially conservative political leaders, the forces of modernity and progressivism, and racial tensions.

In many ways, Virginia eugenicists put into practice the policy proposals of the national movement and altered the eugenic ideology to fit their own strain of racism and white supremacy. Virginia's experience in the 1920s with eugenics is emblematic not only of the growing power of scientific racism and state controlled reproductive policies nationwide, but it is also unique in its context within the Jim Crow South of the time.¹²

The most important aspect of the Virginia eugenics movement lies within what the movement failed to do. The Virginia eugenics movement and its leaders, John Powell, W.A. Plecker, and E. S. Cox did not succeed in igniting a national campaign to enact anti-miscegenation laws in all fifty states and failed to spread their organization, the Anglo-Saxon Clubs of America, to any location outside of Virginia. Their most significant failures, however, came in Virginia itself. Despite

⁹ Ronald L. Heinemann, *Harry Byrd of Virginia* (Charlottesville: University of Virginia Press, 1996), 11.

¹⁰ Dorr and Donald K. Pickens examined the interaction and cooperation between eugenics and progressivism in the early twentieth century, See Dorr, "Assuring America's Place in the Sun," 262-263, Pickens, *Eugenics and the Progressives*.

¹¹ Dorr, "Assuring America's Place in the Sun," 257-296.

¹² For a discussion of white supremacy and miscegenation policies in North Carolina in the early twentieth century, see Glenda Elizabeth Gilmore, *Gender and Jim Crow: Women and the Politics of*

incessant lobbying, Powell, Plecker, and Cox were unable to gain support for their bid to extend the reach of the Racial Integrity Act.¹³ Significantly, the 1924 act itself did not prove to be a foolproof method for ending miscegenation. Plecker and Powell's correspondence demonstrates that the very people targeted by Virginia eugenicists resisted the act's definition of races and employed alternate strategies.

This thesis will show both the importance and the limitations of the Virginia eugenics movement in the 1920s. It will explain the reasons why the Virginia eugenicists ultimately failed, despite their early "success" and why such a failed movement is important within the historiography of eugenics, social control, and race science. In addition, I will argue that the very unique situation of Virginia, which allowed eugenics to initially flourish, significantly contributed to a decline in the popularity of eugenics. This study of eugenics rhetoric will illustrate how racist ideology was combined with issues of gender and class, particularly in the South, in order to create an exclusive definition of "whiteness" that would exclude non-elite whites. Moreover, through a case study of the Virginia eugenicists involvement with the black separatist, Marcus Garvey, I will show how such unlikely allies found common ground in their desire for national prominence and practical results, as well as in their shared belief in the importance of controlling private activities (marriage and sexuality) in order to secure the future of their respective races and movements. Garvey and the Virginia eugenicists came out of contexts that fostered both their racial extremism and their willingness to work together with what each viewed as a different and inferior race. Most importantly, throughout this thesis, I

White Supremacy in North Carolina, 1896-1920. (Chapel Hill: The University of North Carolina Press, 1996), 61-89.

will argue that, despite its failures, the Virginia eugenics movement is an important historical subject. The experience of Virginia eugenics demonstrates the potential that existed for the implementation of invasive eugenics policies within the South in the early twentieth century as well as the boundaries of eugenic legislation once implemented. It also shows the precarious position of Virginia as a state, caught geographically between North and South and ideologically between conservatism and progressivism as it encountered modernity and the concurrent popularity of race science.

This study is centered on the correspondence of John Powell, W.A. Plecker, E.S. Cox, and Marcus Garvey in the 1920s that dealt with issues of race and miscegenation. The Virginia eugenicists and Garvey focused their public campaigns primarily on the importance of racial purity and the danger of miscegenation. Their views on these topics, at least rhetorically, are quite similar despite their differing objectives. Moreover, it is through their correspondence regarding miscegenation and racial purity that one can see the limits of anti-miscegenation legislation and the limits of the four men's influence. In addition to the correspondence, I will use various published documents and speeches on racial purity given by Powell, Plecker, Cox, and Garvey to argue for a contrast between the public rhetoric of racial purity and the private racial ideology behind it. Census records and secondary literature on the political environment in 1920s Virginia will provide a context for the Virginia eugenics movement.

To understand the importance and limits of the Virginia eugenics movement, one must first understand the larger national eugenics movement that was popular in

¹³ See Sherman, entire.

the early twentieth century. Therefore, this thesis will first trace the history of eugenics in the United States from 1900 through the Virginia eugenics movement of the 1920s. The timing of the thesis is crucial, as the Virginia eugenicists began to organize and lobby for legislation as the national eugenics movement began to decline in importance and popularity. I will then briefly outline the various historiographies with which this thesis will engage, particularly the historiography regarding eugenics generally, social control, race science, and Marcus Garvey. It is at the intersection of these four areas that the story of Virginia eugenics resides and the context of this historiography will provide a foundation for the entire thesis. Chapter one will focus on 1920s Virginia, the Racial Integrity Act, and Virginia eugenics. As such, it will begin by establishing the context of 1920s Virginia and the ways in which the Virginia General Assembly was willing to accept pro-eugenic legislation. Within the context of 1920s Virginia, I will examine the Racial Integrity Act including its implementation and in the attempts to broaden the scope of the act. Finally, Chapter one will investigate the failure of the Virginia eugenics movement, especially in terms of its national influence. Chapter two will be a case study of the relationship between the Virginia eugenicists and Marcus Garvey and will argue that their unlikely alliance resulted from their common rhetoric and unique situation as natives of the Upper South and Jamaica, respectively.

The modern conception of eugenics came into being almost sixty years before Powell and his associates became involved in the eugenics movement. Francis Galton developed eugenics, “the study of the inborn transmissible qualities

of mankind and the application of the knowledge so obtained to the welfare of the human race,” in the 1860s.¹⁴ In England, Galton, while committed to the idea of social application of eugenics, had difficulty establishing a viable hereditary explanation for the transmission of traits compatible with their statistics.¹⁵ In the United States, however, scientists interested in heredity combined Galton’s theory of eugenics with the newly rediscovered work of Gregor Mendel, an Augustinian monk. Based on a foundational understanding of elemental transmission of hereditary traits, Mendel formulated the theories of segregation and independent assortment that introduced the concept of dominant and recessive characteristics.¹⁶

Charles Davenport, a biology professor at the University of Chicago, became the leader in the United States among scientists interested in eugenics. To the end of establishing a U.S. center “for the experimental study of evolution,” the Carnegie Institution of Washington provided a generous endowment for Davenport to set up a lab at Cold Springs Harbor.¹⁷ The lab’s scientists, under Davenport’s direction, devoted most of their time to collecting and studying family pedigrees in order to identify hereditary traits that could be targeted by eugenic programs.¹⁸

¹⁴ Sir William Cecil Dampier, *A History of Science: And its Relations with Philosophy and Religion*, 3ed, rev and enl. (Cambridge: The University Press New York: The Macmillan Company, 1942), 332.

¹⁵ Daniel Kevles, in particular, discussed the shortcomings of Galton and Pearson’s use of biometry as a means to explain hereditary trait transmission. *In the Name of Eugenics*, 13-40. See also, Pickens, *Eugenics and the Progressives*, 26-28, 37-54.

¹⁶ Virtually all histories of eugenics provide a brief summary of Mendel’s theories. See Haller, *Eugenics*, 61, Kevles, *In the Name of Eugenics*, 41-43, and Pickens, *Eugenics and the Progressives*, 46-48. Mendel’s work was initially published in 1866. However, it was not until 1900 that three European scientists rediscovered Mendel’s study simultaneously and independently. The three biologists who rediscovered Mendel’s work on heredity, Carol Correns (Germany), Erich Tschermak (Austria) and Hugo de Vries (Holland) were working on different aspects of hybridization. Haller, *Eugenics*, 61, Kevles, *In the Name of Eugenics*, 43.

¹⁷ Kevles, *In the Name of Eugenics*, 45.

¹⁸ *Ibid.*, 102.

Through the 1910s, eugenics theory became increasingly popular in the United States.¹⁹ A variety of factors led to the favorable reception of eugenics in the United States. Popular conceptions of race suicide, which had existed since the time of the Civil War, were reinforced by the rhetoric of Theodore Roosevelt, who identified the declining birthrate as a threat to the future success of the country.²⁰ Social conservatives, already having fears of race suicide, were attracted to a growing nativist ideology that assumed that immigrants were more likely than native born whites people to be feeble-minded, criminals, or insane.²¹ Remarkably, eugenics appealed not only to conservatives but also to socially liberal groups, including suffragists and free love advocates. Despite their differing views on how eugenics should be integrated into family and private life, liberal and conservative eugenicists agreed on the need for native born white racial progress and each believed that contemporary society was deteriorating due to hereditary problems.²² Furthermore, the growing professionalization and importance of science and

¹⁹ *Ibid.*, 55-69.

²⁰ Linda Gordon argued that “race suicide” itself was in fact a “backlash...a response to actual changes in the birth rate, family structure, and sexual practice.” Gordon also posited that this backlash targeted women in particular, as male elites criticized women for failing to stay within recognized gender norms. As a result, women were criticized for working outside the home and for attaining too much education. Gordon also posited that physicians in particular noticed and condemned a national demographic trend of disproportionate population growth, with lower classes growing in size at a much greater rate than the upper classes. Gordon, *Woman's Body, Woman's Right*, 137-139.

²¹ According to Mark Haller, early eugenicists and Roosevelt were cooperating by 1910- each emphasizing the individual responsibility of citizens of eugentially fit stock to produce a sufficient number of offspring. Haller, *Eugenics*, 79-81. Roosevelt suggested every fit American couple should have four children. Kevles, *In the Name of Eugenics*, 88.

²² Donald K. Pickens made a different argument regarding the popularity of eugenics in the United States. Pickens argued that progressivism, as “the political outgrowth of naturalism” and nationalism, created a favorable environment for the eugenics movement. For Pickens, progressivism was a moral reform movement that combined “racism” and “irrational patriotism which, on occasion found expression as ideological censorship and at other times as a wish to keep America racially pure.” This explanation is limited though, only accounting for the eugenic involvement of “professional,” “self-made,” “middle class,” white men with “Ivy League education[s].” Pickens, *Eugenics and the Progressives*, 16-19.

medicine strengthened the belief by the middle and upper classes that science could provide solutions for social and racial problems.²³

The popularity of eugenics led to the institutionalization of eugenics as a legitimate science and social cause. The Eugenics Record Office employed large numbers of college age students (both male and female) to collect pedigrees in the field and growing numbers of colleges and universities began to include eugenics among their course offerings in the sciences.²⁴ Simultaneously, “local eugenics groups sprouted across the United States” in states such as Michigan, New York, Illinois, Missouri, Wisconsin, Minnesota, Utah, and California.²⁵ As a result, in 1923, the American Eugenics Society was formed.²⁶ The members of the national society were, for the most part, Northern males who were “middle to upper class, white, Anglo-Saxon, predominately Protestant, and educated. The leaders tended to be well-to do rather than rich, and many were professionals- physicians, social workers, clerical writers, and numerous professors.”²⁷ These men (and a few women) and their organization began to develop a practical eugenics program that could be implemented in the United States through legislation.²⁸

Connecting eugenic knowledge of heredity with the concerns of race suicide that were popular at the turn of the century, eugenicists began to lobby for bills that

²³ See Adele E. Clarke, *Disciplining Reproduction: Modernity, American Life Sciences, and The Problems of Sex* (Berkeley: University of California Press, 1998), esp. 3-120 and 163-206.

²⁴ Kevles, *In the Name of Eugenics*, 56, 57-63, 69.

²⁵ Ibid., 59.

²⁶ Ibid., 59.

²⁷ Ibid., 64 and Haller, *Eugenics*, 124-143.

²⁸ Women did take part in the eugenics movement, but they were usually more involved in local and state organizations rather than the national society. See Larson, *Sex, Race, and Science*, 72-77. One notable exception was Mrs. E.H. Harriman who established the Eugenics Record Office.

would legalize dysgenic and eugenic ideals.²⁹ Dysgenic measures focused on the elimination of the “unfit” in society. For eugenicists, it was easier to create legislation based on dysgenic policies as they could be written as punitive laws. In contrast, it was generally difficult to create legislation that mandated an increase in the number of eugenically “fit” people in society. The most popular dysgenic proposals involved the sterilization of the “unfit” and feeble-minded, the strengthening of immigration laws to exclude many nationalities (and in some cases, it was suggested that immigration officials should require an examination of a potential immigrant’s family pedigree prior to his or her entrance into the country), and the establishment of regulations intended to prevent potentially dysgenic marriages, which might lead to “unfit” offspring.³⁰ Eugenicists were successful in the first two of the three dysgenic aims. In 1924, Congress passed an immigration act that severely restricted the allowable number of immigrants from southern and eastern Europe, the two European regions thought to be responsible for the greatest number of unfavorable candidates for “Americanization.” In 1927, the Supreme Court upheld a 1924 Virginia state law allowing the voluntary sterilization of the feebleminded in *Buck v. Bell*.³¹

In Virginia, Powell, Plecker, and Cox came into public view with the passage of the Racial Integrity Act of 1924. 1924, however, represented one of the last peak years of the national eugenics movement. Virginia had not been an active area for eugenic activities in the 1910s, when many Northeastern states were

²⁹ Kevles, *In the Name of Eugenics*, 88-95 and Pickens, *Eugenics and the Progressives*, 21-22 and 55-68.

³⁰ *Ibid.*, 93-95 and Larson, *Sex, Race, and Science*, 22-30.

³¹ Kevles, *In the Name of Eugenics*, 96-97, 110-112.

passing legislation legalizing eugenic sterilizations. As a result, after their victory on the Racial Integrity Act, Powell, Plecker, and Cox faced an increasingly small audience willing to accept and further their eugenic goals. Additionally, the Virginia eugenicists faced growing scientific evidence that called into question the very foundation of their belief in eugenics. Despite the odds against them, Powell and his associates continued to push for legislation that would strengthen state registration of race.

Although the Virginia eugenicists were preoccupied with increasing legislation, nationally eugenics leaders tried to implement other eugenic measures that were difficult to regulate through legislation. Yet, eugenicists and eugenic societies did their best to publicize their belief that certain families should have a large number of children in order to counteract the fecundity of others, usually immigrant and poor working families. Dr. William J. Robinson noted, in a book on female sex and love, “[w]e emphatically believe that couples who are in excellent health, who are of untainted heredity, who are fit to bring up children, and have the means to do so, should have at least half a dozen children. If they should have one dozen, they would deserve the thanks of the community.”³² Other popular books on public health and race, such as Madison Grant’s *The Passing of the Great Race*, espoused similar views about the number of children eugenically fit people should have in order to maintain the Anglo Saxon race.³³

Throughout the 1910s and the first half of the 1920s, many Americans accepted eugenics as part of mainstream scientific understanding and as a

³² William Robinson, *Woman: Her Sex and Love Life*, 23ed. (New York: Eugenics Publishing Company, 1931), 245.

foundation for responsible social planning. For various reasons, in the late 1920s and 1930s, the popularity of eugenics dwindled and the majority of the scientific community dismissed eugenics as pseudo-science.³⁴ Yet, even as eugenics was dismissed as a functional science, Virginia eugenicists continued to push for the expansion of the Racial Integrity Act.³⁵

Historians have struggled to understand the dynamics of the eugenics movement since shortly after its final decline in the 1930s and 1940s. The historiography of eugenics has generally ignored regionality, focusing instead on the national movement, and therefore the Northeast exclusively. Until the 1970s, historians of eugenics neglected gender and class as categories of analysis in their works. The context of eugenics in Virginia necessitates an examination of regional context as well as gender, class, and social control. The few histories concentrated on Virginia eugenics have not provided a contextual understanding of the motivation of the main actors. Therefore this thesis will fill in the gaps left by the national approach to eugenics history and will build on previous historical work on the gender, class, and social control issues inherent in race science.

³³ Kevles, *In the Name of Eugenics*, 73-75; Larson, *Sex, Race, and Science*, 32.

³⁴ Historians have greatly debated the reason for the end of eugenics as a credible science. Many early historians of eugenics pointed to both the infamy of Nazi racial policies in the United States and the improvement of scientific knowledge. Haller, *Eugenics*, 5; Kevles. Other historians have focused on the Great Depression as the seminal event in the downfall of eugenics, noting that the class-based prejudices of eugenics were unable to survive the devastating and far-reaching economic implications of the Depression. Clarke, *Disciplining Reproduction*, 172-173; Gordon, *Woman's Body, Woman's Right*, 301-303; and Pickens, *Eugenics and the Progressives*, 214.

³⁵ For a discussion of the legislative battle over the Racial Integrity Act, see Sherman, "The Last Stand," 69-92.

Historians of science have tended to apply a broad geographic approach and to ignore issues of class and gender in their analysis. Mark Haller's study of eugenics was the first to be published in 1963, during a time in which eugenics was experiencing slight revival in interest.³⁶ In order to demonstrate the dangers of eugenics, Haller examined eugenics from its emergence in the United States at the turn of the century until its decline in the 1930s and questioned the motivations and ideology of leading eugenicists in relation to the actions taken by eugenics organizations. Writing in 1968, Donald Pickens built on Haller's foundational study. As a historians of science, Pickens interrogated eugenic ideologies and actions in order to create a broad framework that would explain the popularity of eugenics in the United States. Although the Pickens arrived at different conclusions and present different frameworks for understanding eugenics than Haller, he and Haller both focused almost solely on the public writings and statements of Northeastern scientists advocating eugenics as well as legislative acts involving eugenics measures.³⁷ Moreover, these two historians devoted a large proportion of time to refuting the science practice by eugenicists by presenting later scientific repudiations of eugenics.³⁸

³⁶ Haller, *Eugenics*, 188.

³⁷ Pickens attributed the popularity of eugenics to the Progressive bent of scientists and professional men. Pickens, *Eugenics and the Progressives*, chapter one .

³⁸ Reflecting his roots in the history of science, Kevles gave a great deal of attention to the correction of eugenic scientific reasoning, refuting many of eugenic conclusions about heredity on scientific grounds. Nicole H. Rafter has critiqued this historical approach to eugenics in regards to her own study of eugenic family studies conducted by the same scientists/eugenicists studied by Kevles and others. Rafter asserted that "to criticize their techniques is, ultimately, to take their claims to expertise too seriously and to ignore the fact that --despite the authors' intentions--their works were less successful as science than as myth." Nicole Hahn Rafter, *White Trash: The Eugenic Family Studies 1877-1919* (Boston: Northeastern University Press, 1988), 26.

Some historians have devoted attention to the importance of region in the study of eugenics. Edward Larson and Phillip Reilly have shifted the geographic perspective on the history of eugenics in order to examine southern eugenics. Before Larson's and Reilly's works in the 1990s, the South had largely been ignored by historians of eugenics, despite the prevalence of successful sterilization programs and the passage of state laws outlawing miscegenation. Larson, in particular, presented a complete history of eugenics in the Deep South. Larson strove to expand both the geographical breadth of eugenics history and the traditional approach to include those historical agents previously ignored by historians.³⁹ Larson not only examined a different region than previous eugenics scholars, he also took a different historical approach. Instead of tracing the development of the "scientific theories" of eugenics, Larson focused on "the impact of those broad intellectual developments on the people and events of one particular research."⁴⁰

Writing in 1995, Larson added a consideration of gender and class to his regional study. Larson noted, "controlling the sexual activity of the mentally retarded became the primary goal of many southern eugenicists." Moreover, often both "the speaker and her primary target were females."⁴¹ In these situations, the "target's" race and economic situation could greatly influence how much control

³⁹The states Larson included in his "Deep South" are Alabama, Florida, Georgia, Louisiana, Mississippi, and South Carolina. For eugenics, the importance of this region according to Larson is that "African Americans then comprised a higher percentage of the population of these six states than of any other state- more than 30 percent in each cases" and "the regional analysis fills a gap in the existing historical scholarship, which mainly looked at eugenics as a national phenomenon, or at pioneering programs in the North and the West." Larson, *Sex, Race, and Science*, 3.

⁴⁰ Larson argued that those Southern eugenicists who were connected with the scientific community were at a distinct disadvantage due to their position "apart" from most southerners. As a result of Larson's approach, he was able to include people and organizations that fell outside the borders of the scientific community, such as southern women's groups. Larson, *Sex, Race, and Science*, 3, 17.

⁴¹ *Ibid.*, 2.

eugenicists desired over her sexuality. This fixation on the purity of “whiteness” coupled with what seemed to many upper and middle class southerners as “an explanation for the mental backwardness that seemed to plague poor southern whites” provided a foundation for the laying of “eugenic seeds.”⁴²

Scholars studying the history of women have dealt with the subject of eugenics and larger issues of social control. Influenced by the political debate over abortion and feminism, these historians have explicitly linked reproductive and sexual control with scientific and governmental policies that have attempted to control reproductive rights, particularly the rights of women. By asking broader questions about reproductive rights, women’s historians have expanded the regional scope of their work as well as the number of agents included in reproductive history. Moreover, through their expansive nature, these studies have been able to interrogate cultural assumptions about gender, race, class, and sexuality that greatly shape societal opinions and political and scientific understanding.⁴³

Linda Gordon, in *Woman’s Body, Woman’s Right*, analyzes the history of the birth control movement in the United States. Gordon’s work is a critique of traditional historical approaches to the study of social control. Previous history has detailed the legislation and prescriptive morality that attempted to mandate a certain morality or govern private lives and sexuality. Gordon, on the other hand, has

⁴² *Ibid.*, 57.

⁴³ For works on reproductive rights and social control, see Adele Clarke, *Disciplining Reproduction*; Linda Gordon, *Woman’s Body, Woman’s Right*; Rosalind Pollack Petchesky, *Abortion and Woman’s Choice: The State, Sexuality, and Reproductive Freedom* (New York: Longman Press, 1984); Leslie J. Reagan, *When Abortion Was a Crime: Women, Medicine, and Law in the United States, 1867–1973* (Berkeley: University of California Press, 1997); Rickie Solinger, *Wake Up Little Susie: Single Pregnancy and Race Before Roe v. Wade*, (New York: Routledge, 1992); and Martha C. Ward, *Poor Women, Powerful Men: America’s Great Experiment in Family Planning* (Boulder: Westview Press, 1986).

argued that resistance and accommodation have always met social control. In Gordon's study, for example, "[t]he suppression of birth control in class society was partly a means of enforcing male supremacy, but partly, too, a self-protection for women, a means for enforcing men's responsibility for their sexual behavior."⁴⁴ Gordon refused to treat women and the poor as mere victims and viewed them as agents instead. This added layer provides an arena for examining not only eugenicists but also the people who the eugenicists targeted, a crucial and previously absent aspect of eugenics histories.

Other historians have looked beyond the scientists involved in eugenics to the broader topic of race science. Inherently, the issue of scientific racism is an important theme of any examination of the eugenics movement. Peggy Pascoe, Nancy Stepan, and Sander Gilman centered their studies on scientific racism and examined its significance in the formation of local and national social policies. The two articles addressed different chronological periods but share a common perspective. Stepan and Gilman traced the development of scientific racism from 1870-1920 and evaluated the "the relationship between language and resistance" in the literature of African Americans and Jews.⁴⁵ By examining the writings of the "targets" of scientific racism, Stepan and Gilman fill a gap in the history of science

⁴⁴ Gordon, *Woman's Body, Woman's Right*, xvii. Gordon's emphasis on simultaneous resistance and accommodation has influenced a great number of subsequent scholars, including Leslie J. Reagan. Reagan addressed women's actions within the silent or semipublic realm regarding abortion and contraception. Reagan also argued that abortion was most accepted when it was linked to economic concerns and family welfare, while it was least tolerated when connected with female independence. This conclusion seems to hold true for the eugenics movement as well. See Leslie J. Reagan, *When Abortion Was a Crime: Women, Medicine, and the Law in the United States, 1867-1973* (Berkeley: University of California Press, 1997).

⁴⁵ Nancy Leys Stepan and Sander L. Gilman "Appropriating the Idioms of Science: The Rejection of Scientific Racism" in Dominick LaCapra, ed. *The Bounds of Race: Perspectives on Hegemony and Resistance* (Ithaca: Cornell University Press, 1991), 72.

and expand their scope to include the voices of people who have generally been ignored in considerations of scientific racism. Much like Clarke, the authors argued for a critique of science and for greater weight to be given to pseudo-sciences. “[C]alling scientific racism a pseudoscience also allows scientists to refuse to confront the issue of the inherently political nature of much of the biological and human sciences, and to ignore the problem of the persistence of racial metaphors of inferiority in the sciences of today.”⁴⁶

Similarly to Stepan and Gilman, Peggy Pascoe placed scientific racism at the center of her work on miscegenation laws. Pascoe, however, studied a slightly later time in the history of scientific racism, after the demise of eugenics at the point that cultural anthropology was gaining popularity.⁴⁷ Methodologically, Pascoe examined court cases in order to evaluate “the relation between modern social science, miscegenation law, and twentieth-century American racial ideologies.”⁴⁸ Examining court cases and the law, Pascoe posited that “the legal system does more

⁴⁶ According to Stepan and Gilman, one of the only effective ways to resist scientific racism was to “use...science to dismantle the claims of science.” The nature of scientific literature placed restrictions on the type of response that a minority could generate and make public. Ultimately, the authors concluded that it would have been almost impossible for a minority in their time period to move fully outside scientific racism. However, the presence of protest letters highlights the existence of active historical agents. *Ibid.*, 76, 85. 92.

⁴⁷ Pascoe challenged the traditional notion of historians that links “the demise of scientific racism to the rise of a vanguard of social scientists led by the cultural anthropologist, Franz Boas: when modern social science emerges, racism runs out of intellectual steam.” Instead, Pascoe argued that during this time period there is an “emergence of new racial ideologies.” Peggy Pascoe, “Miscegenation Law, Court Cases, and Ideologies of “Race” in Twentieth-Century America,” in Martha Hodes, ed. *Sex, Love, and Race: Crossing Boundaries in North American History* (New York: New York University Press, 1999), 466.

⁴⁸ *Ibid.*, 466.

than just reflect social or scientific ideas about race; it also produces and reproduces them.”⁴⁹

Additionally, Pascoe’s concentration on widely-held ideas about race broadened the scope of the study to include regions and people outside of the Northeast and the scientific community. At the same time, Pascoe asserted that the legal system and government are inherently linked to the dissemination of racial ideals and to the attempt to exert racial and sexual control over “others.” This contention reinforced other historian’s arguments of women’s that political and legal authorities implicitly strive to maintain sexual control over bodies based on gender, class, and race biases. Pascoe’s evidence demonstrated that people resisted mandated racial categories and miscegenation laws.⁵⁰

Previous local studies of the Virginia eugenics movement in the 1920s have rarely considered to any extent the context and motivations of Virginia eugenicists. Instead, historians like J. David Smith have explained Virginia eugenicists as anomalous “zealots” suffering from “prejudice,” which Smith defines as “a form of mental illness.”⁵¹ Smith and other historians, such as Richard Sherman, conceptualized the actions of these eugenicists as the maintenance of an unnuanced

⁴⁹ Additionally, Pascoe’s concentration on “mainstream” ideas about race broadens the scope of the study to include regions and people outside of the Northeast and the scientific community. *Ibid.*, 466.

⁵⁰ For another perspective on scientific racism, see Rutledge M. Dennis, “Social Darwinism, Scientific Racism, and the Metaphysics of Race” *Journal of Negro Education* 64 (Summer 1995), 250.

⁵¹ Smith, *The Eugenic Assault*, 13, xiii. Dorr has recently argued that the reason that Virginia eugenicists held on to their ideas of eugenics even as evidence repudiated eugenics as a science was that “scientists and their students believed that what they observed—stratification of society by class, gender, and most importantly, race—developed from the unmediated operation of natural law.” This argument builds on Thomas Kuhn’s contention that scientific revolutions occur slowly, as the new community of scientists slowly replace and refute their predecessors on the basis on an anomaly. Dorr, “Assuring America’s Place in the Sun,” 295. For further information on scientific revolutions and a critique of the notion of the upward progression of science, see Thomas S. Kuhn, *The Structure of Scientific Revolutions*, (Chicago: The University of Chicago Press, 1962).

understanding of “white dominance” through scientific racism.⁵² Yet, Virginia eugenicists were concerned with the maintenance of a particular “white dominance”-- white, professional, male dominance. Any one who fell outside of that category was a potential threat.

In addition to the above areas of historiography, this thesis will also engage with previous historical works regarding Marcus Garvey in order to better understand Garvey and his connections with white supremacists like Powell, Plecker, and Cox. The history of Marcus Garvey has been quite contentious and has differed greatly in offering explanations for Garvey’s preoccupation with racial purity and his connections with white supremacists, like the Virginia eugenicists and the Ku Klux Klan.⁵³ In 1973, E. David Cronon posited that “Garvey’s later stress upon racial purity probably was derived from pride in his Maroon heritage as from his humiliating experience as a full-blooded black man in the Jamaican three-color caste system, in which the small mulatto group was accorded special privilege and influence by the tiny white ruling class.”⁵⁴ Writing later, Winston James challenged aspects of Cronon’s argument. James argued that Garvey’s concern with racial purity and his radical ideology were a result of his Caribbean background.

Moreover, according to James, Garvey’s Caribbean upbringing also contributed to

⁵² Sherman, “The Last Stand,” 91. For a recent exception, see Dorr, “Assuring America’s Place in the Sun,” 295.

⁵³ The historiography on Garvey is voluminous. See, for example, E. David Cronon, *Marcus Garvey* (Englewood Cliffs, NJ: Prentice-Hall, Inc., 1973), Winston James, *Holding Aloft the Banner of Ethiopia: Caribbean Radicalism in Early Twentieth-Century America* (London: Verso, 1998), David Levering Lewis, *W.E.B. Du Bois: The Fight for Equality and the American Century, 1919-1963* (New York: Henry Holt and Company, 2000), Tony Martin *Race First: The Ideological and Organizational Struggles of Marcus Garvey and the Universal Negro Improvement Association* (Westport, CT: Greenwood Press, 1976), and Judith Stein, *The World of Marcus Garvey* (Baton Rouge: Louisiana State University Press, 1986). For a review of early works on Garvey, see Elliott Rudwick, “Marcus Garvey’s Revenge,” *Reviews in American History* 5 (1977), 92-99.

⁵⁴ Cronon, *Marcus Garvey*, 1.

Garvey's willingness to work with white organizations. James posited that "the relatively low level of race consciousness combined with a comparatively high level of education attainment and class consciousness, made it easier for Caribbeans...to work with white people in racial organizations," particularly the "Socialist and Communist Parties in the United States."⁵⁵ In general, James contended that "African Caribbeans in general...were, clearly, not as prone to view white people with the degree of distrust and suspicion than their African American brothers and sisters."⁵⁶

Regardless of the foundational reasons for Garvey's cooperation with white supremacist organizations, historians have generally agreed that Garvey's outreach to such groups in 1923-1924 was an attempt to gain supporters at a time when the mainstream black establishment was speaking out against him. David Levering Lewis explained that "[i]f it took an understanding with the Klan to help make it possible for black people to survive and thrive separately...then Garvey was up to the challenge."⁵⁷ Writing twenty years earlier, Tony Martin portrayed an even closer relationship between Garvey and white supremacists, arguing that Garvey's dealings with white supremacists represented more than just pragmatism but instead a "symbiotic relationship."⁵⁸ Garvey's belief in race purity and black repatriation corresponded with white supremacists' fears of miscegenation and desegregation in

⁵⁵ James, *Holding Aloft the Banner of Ethiopia*, 185.

⁵⁶ *Ibid.*, 185.

⁵⁷ Lewis, *W.E.B. Du Bois*, 80.

⁵⁸ Martin, *Race First*, 344.

the United States, creating a sometimes mutually beneficial relationship, though not an “all-embracing alliance.”⁵⁹

The Virginia eugenicists had allusions of national importance in the 1920s. Yet, they came onto the scene just as the national eugenics movement was beginning to decline. As a result, the legislation they lobbied for and the organization they founded failed to have any great influence outside of Virginia. Yet, within Virginia, the Racial Integrity Law and the racist ideology they helped legitimize had implications for many poor and non white people. In order to understand the actions and ramifications of the Virginia eugenics movement, it is also necessary to understand the precarious position of the Powell, Plecker, and Cox, caught between south and north, science and pseudoscience.

⁵⁹ Martin, *Race First*, 344-355, 351.

CHAPTER ONE

Dealing with “Mongrel Virginians”

On February 1, 1924, Madison Grant, a New York attorney and author of *The Passing of the Great Race*, wrote to John Powell, a Virginia concert pianist and composer, regarding the proposed “Racial Integrity Act.”¹ Grant gave the legislation his “unqualified endorsement.”²

It would be living up to Virginia’s great traditions if she took the lead in legislation of this character and set, once and for all, the stamp of her approval upon the importance of maintaining race purity. These race problems are thoroughly understood in the Southland and up to now have been maintained at great cost of blood and treasure. It would, of course, be a frightful calamity, not only to the South but to the whole nation- in fact to civilization itself- if the struggle for the supremacy of the white race were in any degree diminished. It is the insidious increase of mixed breeds in the lower strata of society which has heretofore undermined and ruined many white civilizations.³

With the help of Grant and others, Powell was able to successfully persuade the Virginia legislature to pass the Racial Integrity Act of 1924, which prohibited any

¹ Mark H. Haller, *Eugenics: Hereditarian Attitudes in American Thought*. (New Brunswick, New Jersey: Rutgers University Press, 1963), 149-151 and Daniel J. Kevles, *In the Name of Eugenics: Genetics and the Use of Human Heredity* (Cambridge: Harvard University Press, 1995), 75 and n. For information on Grant’s influence on Virginia Eugenics, see Gregory Michael Dorr, “Assuring America’s Place in the Sun: Ivey Foreman Lewis and the Teaching of Eugenics at the University of Virginia, 1915-1953” *Journal of Southern History* 66 (May 2000), 273-274. For a critique of eugenicists as propagandists, see in particular Haller, *Eugenics*, 146-151. Nicole Hahn Rafter provides a more nuanced interpretation of eugenics literature as myth in *White Trash: The Eugenic Family Studies 1877-1919* (Boston: Northeastern University Press, 1988), introduction. Madison Grant was a prominent eugenicist and “Park Avenue Socialite” in the 1920s. *The Passing of the Great Race*, published in 1916, was frequently cited by eugenicists as evidence of the necessity of passing strict immigration laws and eugenic legislation. Grant argued that intermarriage between high order whites (i.e. Nordics) and low order whites (Mediterraneans) would result in “mongrelization.” John Powell, E.A. Cox, and W.A. Plecker cited Grant’s work as influential. Historians of eugenics have used Grant’s work as an example of the eugenic production of racist propaganda.

interracial marriages or interracial sexual relationships. Moreover, in conjunction with the Bureau of Vital Statistics, the act provided for confirmation of race for anyone applying for a marriage or birth certificate. W.A. Plecker, the State Registrar of Vital Statistics, took great pains to enforce the act, capitalizing on the provisions of the bill that allowed local registrars to deny marriage certificates on the basis of questionable and unclear racial background. Plecker's letters to those he suspected were passing as white reveal the extent of his crusade to ensure "racial purity." Shortly after the law was enacted, Plecker wrote to Mrs. Robert H. Cheatham regarding her newly born child.

Dear Madam:

We have a report of the birth of your child, July 30th 1923, signed by Mary Gildon, midwife.

She says that you are white and that the father of the child is white.

We have a correction to this certificate sent to us from the City Health Department at Lynchburg, in which they say that the father of this child is a negro [sic].

This is to give you warning that this is a mulatto child and you cannot pass it off as white.

A new law passed by the last Legislature says that if a child has one drop of negro [sic] blood in it, it cannot be counted as a white.

You will have to do something about this matter and see that this child is not allowed to mix with white children. It cannot go to white schools and can never marry a white person in Virginia.

It is an awful thing.⁴

² Letter from Madison Grant to John Powell, February 1, 1924, John Powell Papers no. 7284-A, Box 56 (hereafter cited as JPP) Special Collections, Alderman Library, University of Virginia, Charlottesville.

³ Ibid.

⁴ Ibid., no. 7284-A, Box 56.

Plecker then proceeded to write to the midwife, Mary Gildon, and inform her that “it is a penitentiary offense to wilfully [sic] state that a child is white when it is colored.” According to Plecker, Gildon had “made” herself “liable to very serious trouble by doing this thing.”⁵

Plecker’s letter illustrates many of the contentious issues surrounding eugenics in 1920s Virginia. Whenever possible, Powell, Plecker, and their friend Earnest S. Cox eagerly spoke for the organization they founded, the Anglo-Saxon Clubs of America (ASCOA), and the national eugenic agenda. These three men hoped to ensure what they called “White America” by using legislation that would monitor and punish the sexuality of women of lower social class and different races. The eugenic rhetoric espoused by ASCOA reflected a racialist and class-oriented worldview as well as a fear of those who occupied or potentially occupied a liminal space in society, through their status as part of an indeterminate race.⁶ As a result of this fear, Virginia eugenicists and others fought to strictly and legally define “whiteness” and consequently, attempt to create a bifurcated society (white v. nonwhite).⁷ Through an examination of the correspondence and the backgrounds of

⁵ *Ibid.*, no. 7284-A, Box 56.

⁶ Mary Douglas’s theoretical conception of culture explains this societal fear of those in liminal spaces. According to Douglas, if we “consider beliefs about persons in a marginal state. These are people who are somehow left out in the patterning of society, who are placeless. They may be doing nothing morally wrong, but their status is indefinable.” “Its present position is ambiguous, its future equally....It is often treated as both vulnerable and dangerous.” Mary Douglas, *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo* (London: Routledge, 1966), 96. According to Grace Elizabeth Hale, this fear of those in liminal spaces, also extended to physical space. Hale argued that “[f]ocusing on the visible, they attempted to control both the geographical and representational mobility of nonwhites....African Americans were clearly inferior in the South because they occupied inferior spaces.” Grace Elizabeth Hale, *Making Whiteness: The Culture of Segregation in the South, 1890-1940* (New York: Vintage Books, 1998), 8.

⁷ Louise Michele Newman offered an analysis of a similar issue in a slightly earlier time period. Newman interrogated the use of “universalizing language to make generalizations about the “race,” “woman,” or “man,” while intending these generalizations to apply only to people of Anglo-Saxon (or

these Virginians, the ways in which dominant ideas about class, gender, and race shaped the eugenics movement become evident. In particular, Virginia's eugenics movement attempted to create and enforce a social barrier that would protect a gender- and class-based understanding of "whiteness."⁸ Race was a crucial factor in Virginia eugenics, yet for Powell, Plecker, and Cox only one "race," the Anglo-Saxon race, mattered.

During its highpoint, the Virginia eugenics movement successfully lobbied for and ensured the passage of anti-miscegenation legislation. Yet, as Powell, Plecker, and Cox monitored the racial situation in Virginia, it became evident that other Virginians resisted the mandated racial classifications and registration. Further, in the years following the act's passage in 1924, the three men repeatedly tried to convince the Virginia assembly to strengthen and expand the act, but were rebuffed.⁹ The Virginia eugenicists also failed to ignite a national movement through ASCOA. As a result, the story of the Virginia eugenics movement is as much a story of failure and resistance as it is a story of momentary and fleeting success.

Virginia's situation was rather unusual in comparison to other states in the 1920s. The national eugenics movement generally focused on the perceived threat from recent immigrants, particularly southern and eastern European immigrants. Proposed eugenic marriage policies and sterilization policies, in particular, and greater restrictions on immigration, in general, all targeted recent immigrants.

Euro-Protestant) descent." *White Women's Rights: The Racial Origins of Feminism in the United States* (New York: Oxford University Press, 1999), 11.

⁸ On historical constructions of whiteness, see Ruth Frankenberg, *White Women, Race Matters: The Social Construction of Whiteness* (Minneapolis: University of Minnesota Press, 1993), Hale, *Making Whiteness*, and David R. Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (London: Verso, 1999).

Scientists' reliance on culturally biased intelligence testing fed into the notion, popular in the Northeast that immigrants were more likely to be criminal or feebleminded. Eugenics literature published by the American Eugenics Society rarely mentioned African Americans in comparison to its repeated discussions of the foreign born.

In contrast, Virginia eugenics focused most heavily on African Americans and Native Americans, though not exclusively. Despite the small numbers of foreign born in 1920s Virginia, the Racial Integrity Act forbade marriages between whites and foreign born non whites.¹⁰ The Act singled out as races "Caucasian, negro [sic], Mongolian, American Indian, Asiatic Indian, Malay ...or any other non-Caucasic strains."¹¹ Although the antimiscegenation statute provided for these other races, African Americans remained the biggest concern for Virginia eugenicists.

Virginia eugenicists advocated policies designed to exert control over African Americans. Their simultaneous targeting of poor whites and Native Americans reflected their fear of interracial relationships, which according to eugenic beliefs would result in a deterioration of racial purity among whites. As a result, Virginia's eugenic policies did not make distinctions among racial groups although the provisions often implicitly defined the targets. Virginia's sterilization law, for example, did not single out specific races, but flawed intelligence tests and mental competency standards that focused on morality just as much as mentality singled out

⁹ See Richard B. Sherman, "'The Last Stand': The Fight for Racial Integrity in Virginia in the 1920s." *Journal of Southern History* 54 (1988), 69-92.

¹⁰ For population numbers, see Department of Commerce, Bureau of the Census, *Fourteenth Census of the United States: State Compendium, Virginia...* (Washington: Government Printing Office, 1925), 2. For works on persecution and population, see MacLean, *Behind the Mask*, xiv and R.I. Moore, *The*

the rural lower economic classes of Virginians. Both in the Racial Integrity Act and the sterilization law, Virginian eugenic legislation implicitly allowed for social control over groups that potentially threatened the white race.¹²

Three men led the charge for racial purity in Virginia and continued to push for even stronger legislation after the Racial Integrity Act of 1924 was passed. John Powell, Dr. W.A. Plecker, and Major Earnest Cox were associates and friends who lobbied and wrote on behalf of racial purity in the 1920s, particularly between 1922-1927. Each man played a distinct role yet each remained inherently connected to and worked in concert with the other two. Powell, a concert pianist, helped found the Anglo-Saxon Clubs of America; considered the most respected within the elite circles of Virginian society. Powell served as the link between the other two men. W.A. Plecker, the State Registrar of Vital Statistics, published pamphlets through the State office advocating eugenic measures and decrying interracial marriages. Plecker was the group's contact within the state's bureaucracy and served as a facilitator, referring interested parties to Powell and Cox, and distributing literature in support of their racial ideals. Cox founded the White America Society and published various books and pamphlets on the importance of the purity of the white race. Of the three, Cox held the most extremist ideas, fervently insisting that repatriation of blacks back to Africa was the only solution to what he saw as a precarious situation for the white race in the United States. Cox went as far as to publicly denounce African Americans

Formation of a Persecuting Society: Power and Deviance in Western Europe, 950-1250 (Oxford: Blackwell Publishers, 1987).

¹¹ Appendix One.

¹² Although the eugenicists never used the term "social control" and instead used rhetoric that emphasized race purity and race progress, the legislation they championed provided for de facto social control, by regulating the sexuality of certain people, based on race, class, and gender towards the end of controlling the racial makeup of the state's population.

as “ ‘insanely’ desirous of marrying white people in order to break the color line...and produce ‘whiter’ descendants.”¹³ Cox’s views, while not incongruous with his associates, tended to be more vitriolic and less tempered for public consumption. In contrast to Powell, Cox was the least connected to the power structure within Virginian society and politics, having been born in Tennessee.¹⁴

Powell, well-known as a pianist and composer both in Virginia and nationally by 1922, traveled extensively to perform at various venues. At the same time as he was receiving professional recognition, Powell became increasingly noted for his very public support of initiatives aimed at maintaining white supremacy.¹⁵ Along with his lobbying efforts for the Racial Integrity Act, Powell served as an enthusiastic supporter for legislators from other states that were attempting to pass similar laws. From the national perspective, Powell was the driving force behind Virginia’s Racial Integrity Act. *The Baltimore Evening Sun* in a 1926 editorial applauding the softening of the Act noted that “the so-called racial integrity bill” was “devised in the brain of John Powell, pianist.”¹⁶

Ironically, Powell’s musical acclaim arose from his composition of “Rhapsodie Negre,” which utilized African American musical motifs. Powell would later explain the contradiction between his racial views that black culture was inferior

¹³ Smith, *The Eugenic Assault*, 13-14.

¹⁴ Sherman, “The Last Stand,” 73.

¹⁵ Pocahontas Wright Edmunds, an associate of Powell’s, thoroughly details his musical career and achievements, but only briefly mentioned Powell’s involvement with racial purity legislation in *Virginians Out Front* (Richmond: Whittet and Shepperson, 1972), 337-380, the brief aside about Powell’s involvement in ASCOA is found on p. 361. For information on Powell’s public involvement in lobbying for the Racial Integrity Act, see Dorr, “Assuring America’s Place in the Sun,” 265 n.23, Ronald L. Heinemann, *Harry Byrd of Virginia* (Charlottesville: University Press of Virginia, 1996), 62-63, and Sherman, “The Last Stand,” 73-75.

¹⁶ Excerpt cited in a letter to “Editor, *Baltimore Evening Sun*” from John Powell, March 6, 1926 (JPP, no. 7284-a, Box 5A).

and his reliance on African American musical motifs by claiming that all African-American music was at its roots based on European or Anglo-American traditions and innovation.¹⁷ Modern historians of music and African American culture have dismissed claims such as Powell's by demonstrating the ways in which African and African-American musical traditions have played an integral part in shaping American music.¹⁸

Powell's frequent touring facilitated his networking among prominent Virginians and national concertgoers. He attempted to capitalize on these connections in his quest to establish a national movement. In September 1922, Powell founded the Anglo-Saxon Clubs of America; other chapters in Virginia quickly followed.¹⁹ The purpose of the Anglo-Saxon Clubs of America was "to prevent amalgamation of the races, and" therefore to support "having all of the states adopt adequate laws for the prevention of the intermarriage, and illegitimate mixture of the races."²⁰ Anglo-Saxon Clubs emerged as community organizations of white

¹⁷ Powell's contemporaries argued for African roots to American music. See Lawrence Levine, *Black Culture and Black Consciousness: Afro-American Thought from Slavery to Freedom* (New York: Oxford University Press, 1975). David L. Smith discussed *Rhapsodie Negre* and quoted Powell's remarks about his use of African American musical traditions. Despite Powell's assertion of the Anglo-Saxon roots of his compositions, his friend and biographer Pocahontas Wright Edmunds directly connected Powell's composition with African American influences if somewhat simplistically. Edmunds, in her explanation of Powell's composition, attributed "his first movement" in *Rhapsodie Negre* to his recollection of "the wail of a Negro huckster from Hanover County yelling 'Wat-er-mel-lion,'" and his second movement to his "use of an old tune upon which 'Swing Low Sweet Chariot' seemed based." Powell's contradictory belief in white supremacy and use of African American musical traditions is quite similar to the contradictions of Percy Grainger, an Australian pianist and composer who held similar racist and musical views. Grainger spent time at the University of Virginia in the 1920s. It would be quite interesting to find that Grainger and Powell knew each other. Smith, *The Eugenic Assault*, 16-21 and Edmunds, *Virginians out Front*, 354-355.

¹⁸ See, for example, Portia K. Maultsby "Africanisms in African-American Music" in Joseph E. Holloway, ed. *Africanisms in American Culture* (Bloomington: Indiana University Press, 1990), 185-210 and Sterling Stuckey, *Slave Culture: Nationalist Theory and the Foundations of Black America* (New York: Oxford University Press, 1987), 82-83.

¹⁹ Letter to The Honorable Stone Deavours, from John Powell, April 20, 1925 (JPP, Box 56).

²⁰ Letter to The Louisiana Club for Segregation, from Dr. W.A. Plecker, December 19, 1924 (JPP, Box 56).

southern men and women and as university-based associations at white Virginian colleges.²¹ All posts pledged to uphold certain general requirements to guard against fraternalism. “We do not believe in injecting sectarianism into the Declaration of Principles and into the qualifications for membership...as far as possible all tendency toward ritualism and traditionalism should be kept out of the organization.”²²

The anti-fraternalism assertions seem to have been a way by which ASCOA could distance itself from the Ku Klux Klan, to which Powell’s opponents and the news media frequently compared it. Powell vehemently defended his group against such criticisms. Powell typically responded to such claims in sharp rhetoric. In one such instance, Powell wrote to Dr. McGuire, an opponent of Powell and his associates, who felt that Powell was too radical and threatening in his rhetoric.

I am not a leader, nor even a member of the Ku Klux Klan. The Anglo-Saxon Clubs are in no way connected with the Klan. In fact the men who originated the Clubs were so strongly opposed to the Klan that they took it into the Courts and stopped its activities in the state for more than a year.²³

Powell also defended ASCOA in a response to a negative editorial in Garvey’s newspaper, *The Negro World*. “The Anglo-Saxon Clubs of America is a non-secret, nonfraternal, non-sectarian organization, it has no connection whatsoever with the Ku

²¹ By 1925, most Virginian Universities and three out of state universities (Columbia University, Staten Island University, and the University of Pennsylvania) had established college posts of ASCOA. William and Mary also established a post. G. Walter Mapp, William and Mary’s vice-rector and Board of Visitors member, initiated correspondence with Powell regarding plans to start a ASCOA branch at the Eastern Shore of Virginia. Powell and his associates frequently used the term, “race amalgamation,” to describe in “scientific” terms their greatest fear- that people of two distinct “races” would produce offspring, offspring that would then be of mixed heritage. However, in the minds of Powell, Cox, Plecker, and other white Virginians any person of mixed heritage was not “white” and instead was “colored.” Letter to The Honorable Stone Deavours, Mississippi State Bar Association, from John Powell, April 20, 1925 and Letter to John Powell from G. Walter Mapp, January 5, 1925 (JPP, Box 56).

²² Letter to John Powell from M.H. Bittinger, Secretary of Hampden Sidney Post of the Anglo-Saxon Clubs of America, undated (JPP, Box 56).

²³ Letter to John Powell from Dr. McGuire, January 1, 1925 (JPP, Box 56).

Klux Klan nor with the White America Society.”²⁴ Powell offered no reason for disassociating himself and ASCOA from the Klan, and he never are never condemned the Klan or any Klan activities in his spirited denials of involvement. It is possible that Powell and ASCOA’s focus on social control through legislation as well as their concern with attracting national (primarily northern) support contributed to Powell’s decision to maintain a public and possibly private separation with the Klan.²⁵

Despite Powell’s hopes for ASCOA and his belief in his “success...in spreading the movement,” he was more influential and well known as an individual activist than as the leader of a powerful organization. Powell, as mentioned previously, was most famous for his role in the passage of the Racial Integrity Law of 1924 by the Virginia legislature. During the debate on the bill, Powell published opinion pieces in the *Richmond Times-Dispatch* in favor of the legislation, secured letters of endorsement from prominent eugenicists such as Franklin Giddings, Madison Grant, and Lothrop Stoddard; he addressed the legislature on behalf of the act.²⁶ Informally, Powell corresponded with acquaintances to secure their support;

²⁴ Letter to Editor, *The Negro World*, from John Powell, undated handwritten draft (JPP, Box 56). Powell’s claim to not be connected with the White American Society is technically true, the White American Society was a means by which Earnest S. Cox published his books and pamphlets and was never a viable organization. However, Powell and Cox were close friends and Powell publicly praised and supported Cox’s publications.

²⁵ Powell’s papers do not reveal any evidence of Klan involvement. However, Walter S. Copeland’s (an associate of Powell and editor of the *Daily Press*) papers point towards a possible Klan connection, although Copeland also publicly denied a connection. Walter Scott Copeland Papers- Anglo-Saxon Clubs of America (Box 5497A, Alderman Library).

²⁶ Letter to John Powell, from Franklin Giddings, February 5, 1924; Letter to John Powell, from Madison Grant, February 1, 1924 and Letter to John Powell from Lothrop Stoddard, February 1, 1924 (JPP, Box 56). Franklin Giddings was the head of the Philosophy Department at Columbia University and member of the advisory council for the American Eugenics Society’s *Eugenical News*. Madison Grant was the author of *The Passing of the Great Race*, one of the most popular books on race and eugenics and a New York attorney. Additionally, Grant held powerful positions within the American Eugenics Society and the International Congresses on Eugenics. Lothrop Stoddard was an ethnologist and, like Giddings, a member of the *Eugenical News* advisory council. Stoddard also wrote a highly regarded book on the race problem, *The Rising Tide of Color Against White World-Supremacy* (New York, 1920). Dorr, “Assuring America’s Place in the Sun,” 273.

his future wife, Louise Burleigh, too, wrote to both friends and prominent eugenicists on behalf of the racial integrity legislation.²⁷ Powell's actions were successful in generating favorable public opinion for the bill. One admirer, Hobert Hall, wrote to congratulate Powell on his "masterpiece" in the *Times-Dispatch*, commending the "fearless manner" with which he "told the story of the terrible menace, which threatens not only our Southland, but the entire Anglo-Saxon race in America."²⁸ In addition to other favorable public opinion, once the bill passed with minor alterations in the legislature, Cox heralded Powell as "chiefly responsible for the new Virginia Race Integrity Law, 'the most perfect expression of the white ideal.'"²⁹

Turning to an examination of the rhetoric in the correspondence from Powell, Cox, and Plecker's, the ways in which whiteness was portrayed as a function of class and gender in addition to race and the manner by which science is used as a tool of a racist agenda are clear.³⁰ For instance, Plecker's vitriolic letter to the new mother regarding the race of her child (quoted above) referred to the child repeatedly as "it" and eventually the child, the situation, or the effort to pass as white is named "an awful thing." Nicole H. Rafter, in her introduction to a collection of family studies by eugenicists, notes that many eugenic writings attempted to portray their targets as something "less than human" and therefore requiring the implementation of eugenic

²⁷ The John Powell collection contains replies that Louise Burleigh received and her correspondence with Powell regarding her activities on behalf of Race Integrity. See JPP, Boxes 3,4,5, and 56. Louise Burleigh was very involved in the activities of ASCOA and her husband's racial theories. A 1912 graduate of Radcliffe University, Burleigh was a director and writer of theater productions and a film about tuberculosis. She was included in *Principal Women of America* "used as a guide by practically every hostess in the English speaking lands." Letter to Louise Burleigh, from Mrs. W.S. Copeland, date illegible (Box 28, John Powell Papers, Alderman Library) and Letter to Leon Adler, from W.A. Plecker (JPP, Box 56). For a discussion of eugenics as "women's work," see Rafter, *White Trash*, 21.

²⁸ Letter to John Powell, from Hobert Hall, July 24, 1923 (JPP, Box 56).

²⁹ "White America" advertising pamphlet, published by The White American Society, Richmond, VA.

policies.³¹ Plecker was not only trying to impose a racial identification and restrictions on the newborn, he was also passing judgment and attempting to intimidate the mother and midwife. Not surprisingly, Plecker wrote to the child's mother with his concerns and not the father.

This letter also demonstrates that women targeted by Plecker's implementation of the Racial Integrity Act did not merely accept the miscegenation law and mandated racial classifications. From the letter, one can tell that women and their midwives were employing strategies of resistance to the law, choosing the race of their children by their own standards as opposed to that of the state.

In the mind of Plecker, and many other eugenicists, women were usually held responsible for violating eugenic norms. Eugenicists frequently described non-white women generally, and non-white poor women in particular as "dangerous" and a threat to the "race." Plecker, in a letter to the editor of *Survey Graphic*, placed a small share of the blame for interracial relationships on white men, but nonwhite females are portrayed as being weak for accepting white men's advances. "The fact that many negro[sic] females and particularly the near-white members of the race, willingly yield to the disgraceful proposals of lustful white men, is a stigma which on its face mark their illegitimate off-spring as undesirable additions to the white race."³² For Plecker, women (generally poor white women or nonwhite women) ultimately bore the responsibility for interracial marriages and offspring and therefore, women posed

³⁰ For a discussion of the role of gender in constructions of whiteness, see Frankenberg, *White Women, Race Matters* and Gilmore, *Gender and Jim Crow*.

³¹ Rafter, *White Trash*, 26.

³² Letter to Editor, *Survey Graphic* from W.A. Plecker, March 3, 1925 (JPP, Box 56) Rafter also found that eugenic family studies largely condemned female family members for allowing racial mixture and the inheritance of cacogenic traits. Rafter, *White Trash*, prefaces to reprinted studies.

the greatest threat to a “pure” Anglo-Saxon society. White men, in Plecker’s opinion, would therefore have to be “educate[d] as to the crime against the State and both the white and colored races when they mix their blood with that of another opposite race.” African Americans, on the other hand, would have to learn what Plecker assumed was commonly accepted knowledge, that “the birth of a mulatto child is a standing disgrace.”³³

Maintaining, and therefore marking strict lines of “whiteness” was the primary concern of the Virginia Eugenics movement. Although at times the eugenicists would add a caveat stating their concern with preserving the integrity of the “Negro” race as well, their letters and backgrounds indicate that they felt that the nonwhite races, particularly Native Americans and African Americans, were already significantly racially “mixed.”³⁴

Powell’s priority on maintaining the purity of the white race and his racist views on African Americans are evident in his correspondence. In a letter from Powell to an Ohio State Representative eager to pass a Racial Integrity Law in Ohio, Powell criticized the proposed title of the bill, “Relative to the prevention of the amalgamation of the white race with any other race,” and argued that “[i]t might be

³³ *Ibid.* Plecker’s condemnation of the “birth of a mulatto child” probably indicates his support for eugenic sterilization policies in addition to the Racial Integrity Act, though he made little mention of the measure in his writings. See Martin S. Pernick for a thorough study of the role of eugenics in promoting popular support for infanticide and state-mandated reproductive control. *The Black Stork: Eugenics and the Death of ‘Defective Babies’ in American Medicine and Motion Pictures Since 1915* (New York: Oxford University Press, 1996). Elsewhere, Powell and Plecker both decried all interracial relationships, pushing for an addition to the Racial Integrity Act that would outlaw “any carnal knowledge” between members of “distinct races.” The men were convinced that after the implementation of the Act, nonmarital relations posed the greatest threat to the Anglo-Saxon race. Letter from Plecker to the Hon. George H. Roberts, February 25, 1925 and Powell to Roberts, February 25, 1925. (JPP, Box 56)

³⁴ Smith details Plecker’s obsession with the racial background of Native Americans. Plecker was convinced that there were few if any racially “pure” Native Americans in Virginia. As a result, Plecker

advisable to consider some slight change in the title to avoid the charge of class legislation. It is as necessary for the protection of the white race to preserve the integrity of the black as that of the white. This point of view is clearly set forth in your bill and could well be embodied in its title.”³⁵ Yet, within the same letter, Powell characterized the issue of miscegenation as “the negro problem” - a “problem” that “laws against intermarriage cannot solve... in any of its aspects, - industrial, economic, political, social, biological, or eugenical.”³⁶ Instead, acts such as the Racial Integrity Act should help “delay the evil day and give time for the evolvement of an effective solution. Above all, they can call attention to existing conditions and arouse the public to a sense of the necessity for a real and final solution.”³⁷ Repeatedly, Powell, Plecker, and Cox asserted their fears of racial mixture in terms of its potential damage to the “white race.”

Eugenicists’ inability to clearly identify a person’s racial background on “outward appearances” alone fed into their fears regarding racial integrity.³⁸ Powell explained what he saw as the danger of strict reliance on physical characteristics as a sign of racial background in a 1925 letter. “Many individuals strongly admixed with colored blood show no visible physical traces of it, although mentally and psychologically they may be dominated by the inferior strain and their offspring may, indeed often do, revert physically to the lower type.”³⁹ Likewise, in a *Detroit Free Press* article about his speech to the American Public Health Association, Plecker

pushed for the classification of Native Americans from “questionable” areas as “colored.” Smith, *The Eugenic Assault*, 59-108.

³⁵ Letter from Powell to Roberts, Feb. 25, 1925 (JPP, Box 56).

³⁶ Ibid.

³⁷ Ibid., Powell’s comment about the need for a “final solution” is particularly chilling in light of the probable connections between Virginia eugenics and Nazi social policy.

³⁸ Letter from Powell to Roberts, (JPP, Box 56)

stated that “near whites” were the “chief trouble” in eugenic campaigns against miscegenation, as they are difficult to define and therefore regulate through social control.⁴⁰

In other instances, Plecker referred to those he had previously termed “near whites” as “white negroes,” once again illustrating his attempts to regulate African American sexuality and reproduction in particular and his intent to create and enforce a strict color line. Plecker claimed that “thousands” of African Americans were now considered white due to a lack of political vigilance. “While we slumbered this illegitimate mating went on and on until we have now in Virginia may thousands of white negroes[sic] who until less than a year ago were quietly and persistently passing over the line.”⁴¹

The concern over visible and definable racial categories was not unique to Virginia. An examination of relevant census reports from 1900-1930 demonstrates that the racial classification of “mulatto” shifted greatly throughout the time period.⁴² In 1900, the census did not allow for the classification as citizens as mulatto and only provided for five racial categories: white, black (“negro [sic] or of negro [sic]

³⁹ Ibid.

⁴⁰ Plecker’s speech is included in Virginia Bureau of Vital Statistics, *Eugenics in Relation to the New Family and the Law on Racial Integrity, including a paper read before the American Public Health Association* (Richmond: D. Bottom, supt. public printing, 1924), 12-28. Plecker’s quote is found in “Race Mixture Deemed Peril” *Detroit Free Press*, October 24, 1924.

⁴¹ Letter from Plecker to Editor, *Graphic Survey* March 13, 1925 (JPP, Box 56). Note Plecker’s use of “mating” to describe previous interracial relationships, which fits with other eugenic rhetoric that used “animalistic” terminology to describe nonwhite peoples. Moreover, Plecker’s conception of African American and white relations obviously ignores the significance of slavery in producing interracial offspring due to the white rape of slave women. Instead, Plecker portrayed the actions of all those who passed for white as planned and purposeful.

⁴² For a discussion of more current issues regarding classifications of interracial people, see Vania Penha-Lopes, “What Next? On Race and Assimilation in the United States and Brazil,” *Journal of Black Studies*, 26 (July 1996), 809-826.

descent”), Chinese, Japanese, and Indian.⁴³ The next census in 1910, reinstated the category of mulatto, which had been used in 1890. In 1910, seven codes were established for the classification of race: white, black, mulatto, Chinese, Japanese, and Indian. Instructions for enumerators required that they “enter black (“B”) for all persons who were ‘evidently full-blooded negroes [sic],’ and mulatto (“Mu”) for all persons having some proportion or perceptible trace of negro [sic] blood.”⁴⁴ Despite the admonition that the census workers were supposed to visibly determine race, the enumerators were not given any specific guidelines for the task or any instructions regarding the wishes of the person being classified.

The results of the 1920 Census further complicated the issue of the “mulatto” population. In comparison to 1920 calculations, the 1910 census revealed a relatively large proportion of mulattos in the population. A special section in the population report of the 1920 census addressed this disparity by attributing it to the lack of unchanging guidelines and to the race and accuracy of the enumerators. The report’s explanation for the anomalous count of 1910 was that a larger proportion of the enumerators in 1910 were African American. As such, the 1920 census administrators contended they were more likely to return “as black those mulattoes who had but a small admixture of white blood.”⁴⁵ In contrast, the 1920 census

⁴³ Samuel H. Preston, *Census of Population, 1910* [United States]: *Public Use Sample* [Computer file]. Philadelphia, PA: University of Pennsylvania. Population Studies Center, 1989 [producer]. Ann Arbor, MI: Inter-University Consortium for Political and Social Research, 1989 [distributor], 18.

⁴⁴ Samuel H. Preston and Robert L. Higgs. *United States Census Data, 1900: Public Use Sample* [Computer file]. Seattle, WA: University of Washington, Center for Studies in Demography and Ecology [producer], 1980. Ann Arbor, MI: Inter-university consortium for Political and Social Research [distributor], 1992, 56.

⁴⁵ Department of Commerce, Bureau of the Census, *Fourteenth Census of the United States Take in the Year 1920: Population*, vol 2 (Washington: Government Printing Office, 1922), 17. For further information of the 1910 census and the classification of “mulatto,” see also Department of Commerce,

required that “all Negroes having some proportion of white blood” be classified as mulatto.⁴⁶ Much like the Virginia eugenicists, the national census had difficulty with people of a visibly indeterminate race, and also like the eugenicists, the national census attempted to place “mulattos” under the larger heading of “Negroes,” regardless of their proportional racial background.

The Virginia eugenicists and especially Plecker dealt with these issues often as they attempted to control racial designations under auspices of the Racial Integrity Act. In a concerted effort to separate “near whites” from the rest of the “white” population, Plecker personally investigated what he deemed “questionable” registrations of race. Both national and Virginian eugenicists believed rural populations to be cacogenic and of mixed racial heritages.⁴⁷ As a result, Plecker contended that certain rural Virginia counties (particularly in southwest Virginia) were devoid of any “pure” white population, or for that matter any “pure” race at all. In letters to Powell and other associates, Plecker frequently complained of the difficulties in “properly” classifying these rural populations.

I am getting some very interesting correspondence these days from our near white friends. The Amherst crowd are all trying to register as white and

Bureau of the Census, *Negro Population 1790-1915* (Washington: Government Printing Office, 1918), 23.

⁴⁶ *Ibid.*, 16.

⁴⁷ Rafter examined the reasons behind the eugenic concentration on rural populations in her introduction to *White Trash*. Rafter noted that “the new class of professional social controllers had not yet established ways of monitoring rural areas...Thus the countryside seemed fertile territory to social controllers ambitious to identify new “clients.” Additionally, “[u]nlike the urban poor, few of the rural poor were members of the industrial workforce, which had its own methods for watching and disciplining laborers. Moreover, although poor, the country folk of the family studies were independent; hence the authors’ extraordinary indignation over the means by which members of the bad families supported themselves....Finally, the authors were alarmed by the indifference of the rural poor to material possessions... In the late family studies disinterest in accumulation is a sure sign of feeble-mindedness.” Rafter, *White Trash*, 16-17.

we have written to the local registrars that they must give their money back rather than accept them as such.

I struck quite an interesting family in Norfolk County yesterday with ten children, seven of whom are registered with us, three as white, three as colored and one doubtful. Think of the benefit of preventing those ten mixed children from going as white.

That is going on constantly. The more we go into it, the more I am impressed with the immensity and importance of the job which the legislature has given me to do.⁴⁸

The above letter demonstrates once again the importance Virginia eugenicists placed on controlling the definition of “white.” Plecker did not specify the family’s racial background other than to classify it as nonwhite.

Once again, Plecker’s letters and concerns, provide evidence that Virginians actively resisted the Racial Integrity Act. Just as Plecker noted “the benefit of preventing those ten mixed children from going as white,” there also must have been benefits for the Norfolk County family in registering their children under different racial classifications. Moreover, the variety within the family illustrates that Virginians possessed alternate criteria for determining race.

Powell, Plecker, and Cox used the rhetoric and power of scientific racism to justify their support of eugenic policies. In many cases, these men portrayed themselves as merely obeying “objective” scientific reasoning and natural law. Hence, they were able to make science and nature the propelling force, while they are merely assisting in the application of scientific principles. The use of science “as a justification to propose, project, and enact racist social policies” was not new or

⁴⁸ Letter from Plecker to Powell, July 30, 1924 (JPP, Box 56)

revolutionary in the 1920s and American eugenicists as a whole participated in acts of scientific racism.⁴⁹

For Virginia eugenicists, science (as they chose to understand it) was the ultimate law through which virtually all debates could be resolved. From this perspective, laws passed in accordance with the prevailing scientific knowledge demanded unquestioning compliance. Therefore, since the Racial Integrity Act was based upon the science of eugenics, Powell, Plecker, and Cox portrayed the act as a forceful mandate or an almost religious commandment.⁵⁰ Plecker, at least publicly, described the Racial Integrity Act as having been “thrust upon it by the last legislature,” along with “the duty of determining the part of the State’s population which contains any portions of the blood of African descendants.”⁵¹ Powell presented eugenic policies as unusually authoritative, applauding the potential passage of a racial integrity law in Ohio as a means by which science would positively influence political action.

The news of this event coming from the centre of population- the nursery of presidents- would deeply affect opinion in all the other states, and serve notice to the world that the negro problem had been removed from the field of sectional and partisan politics, and was to be solved, in consequence in a spirit not the less humanitarian although uncompromisingly scientific.⁵²

Virginia eugenicists believed strongly in their own definition of “whiteness” and “purity.” As a result, they attempted to classify people who did not meet their racial, class, and gender norms as “nonwhite” and subsequently, to enforce a rigid

⁴⁹ Dennis, “Social Darwinism, Scientific Racism, and the Metaphysics of Race,” 243.

⁵⁰ For the religious fervor of eugenicists, see Daniel Kevles, *In the Name of Eugenics*. On Powell’s particular religious ambivalence, see Wright, *Virginians out Front*, 352-353.

⁵¹ Letter from Plecker to the Richmond Times Dispatch, April 28, 1925.

⁵² Letter from Powell to Roberts (JPP, Box 56)

color line. Using scientific racism and legislative policy as a tool, they attempted to force their racial classifications on Virginians, particularly the rural poor.

Yet, despite Powell, Plecker, and Cox's seeming power over their fellow Virginians, the Virginia eugenics movement was ultimately unsuccessful in the state and lacked the national prominence the three men greatly desired. The Virginia General Assembly refused to extend the Racial Integrity Act in the years following its passage. Although extremely socially conservative (the same assembly maintained poll taxes and supported segregation measures), Virginia delegates were unwilling to further codify legislation that they saw as unnecessary or of inappropriate discussion for government. In fact, the governor Harry Byrd, who favored racial separation, "publicly applauded defeat of a revised racial integrity bill that would have more strictly defined race by ancestry."⁵³ Byrd's political power was legend and his objection to the law may have influenced members of the General Assembly.⁵⁴

Additionally, as shown in the letters Plecker composed regarding cases of questionable racial classification, Virginians rejected and resisted attempts by the state to mandate their racial designation. The three eugenicists, Powell, Plecker, and Cox, frequently exchanged correspondence regarding women who were thought to be incorrectly registering their children's race, such as the Norfolk County family Plecker suspected of claiming "mixed children...as white."⁵⁵ This lack of compliance to the Racial Integrity Act rankled Powell, Plecker, and Cox and provided a means by

⁵³ Ronald L. Heinemann, *Harry Byrd of Virginia* (Charlottesville: University of Virginia Press, 1996), 63.

⁵⁴ On Byrd's political power, see Heinemann, *Harry Byrd of Virginia*.

⁵⁵ Letter from Plecker to Powell, July 30, 1924 (JPP, Box 56).

which Virginians of lesser power could shape their own racial criteria and develop their own strategies against racial classification.

Powell and ASCOA did have a brief opportunity to gain further support in the Virginia political system, but that opportunity failed to come to fruition. Byrd's opponent in the 1924 gubernatorial, Walter Mapp made brief overtures to Powell and ASCOA, asking to set up a branch of ASCOA on Virginia's Eastern Shore.⁵⁶ Yet shortly after requesting permission to start a new branch and in the midst of planning his next campaign for governor after losing to Byrd, Mapp wrote another letter to Powell. In this later letter, Mapp ignored his own previous enthusiasm, claiming "I do not believe this a favorable time to organize the AngloSaxon chapter particularly as we haven't time to advertise in papers."⁵⁷ Mapp does not explain his change of heart regarding ASCOA, but it seems logical that after the failure of the eugenicists to expand the Racial Integrity Act, Mapp felt that ASCOA represented a political liability. At this point, the prospects for ASCOA were slipping within Virginia, weakening what Powell hoped would be a strong foundation for nationwide expansion of ASOCA.

Nationally, despite claims to the contrary by Powell, Plecker, and Cox and later historians, the influence of the Virginia eugenics movement was limited. ASCOA never established a national membership and the Virginia eugenicists were unwilling or unable to establish a presence in other national eugenics organizations. A survey of the membership rolls of major eugenic and population control

⁵⁶ Letter to John Powell from G. Walter Mapp, January 5, 1925 (JPP, Box 56). For a discussion of Mapp's political campaigns, see Heinemann, *Harry Byrd of Virginia*, 49-56, 97-98.

⁵⁷ Letter to John Powell from G. Walter Mapp, April 15, 1925 (JPP, Box 56)

organizations reveals that none of the three men held memberships in any of the groups.⁵⁸ Moreover, the Virginia eugenicists were unable to aid the few interested officials from other states in securing the passage of similar acts elsewhere.

1920s Virginia initially proved to be a receptive ground for the eugenic program of Powell, Plecker, and Cox. Yet, even though the eugenicists had brief legislative success, they were unable to expand the law as far as they desired. The law never produced the results the eugenicists had hoped for, instead Virginians targeted by the Racial Integrity Act implemented and practiced strategies of resistance. Probably most disappointing though, for Powell, Plecker, and Cox, was that the Act was not used by other states as a model.

Paradoxically, the Virginia eugenicists formed a very public alliance with Marcus Garvey, which seemed antithetical for both the Virginians and Garvey. The men found common ground in their respective preoccupation with racial purity and racial superiority as well as their opposition to integrative policies. Moreover, the men all desired national prominence and the unqualified success and implementation of their racial programs. Yet, Garvey's ideology was distinct from that of the Virginia eugenicists. Garvey was not shaped by white northern eugenics ideals and did not employ the rhetoric of scientific racism in his assertions of racial superiority.

⁵⁸ Sarah L. Hughes, "Almost Allies: Margaret Sanger and the Eugenics Movement, 1910-1938," honors thesis, Durham: Duke University, 1999, 91-102.

CHAPTER TWO

An Unlikely Alliance

In 1925, *The Negro World* sparked a controversy when an editorial linked John Powell and the Anglo-Saxon Clubs of American with Marcus Garvey, founder of the Universal Negro Improvement Association (UNIA). The official weekly publication of the UNIA, *The Negro World* was first published in 1918.¹ Garvey was the first editor of *Negro World* and even as others took over the editorial staff, he continued to write front-page editorials for each issue, entitled, “Fellowmen of the Negro Race.”² *The Negro World*, much like Garvey himself, was quite controversial for its time and was even banned by most of the British West Indies.³ By 1925, however, Garvey, who at the time was incarcerated at a correctional facility in Georgia, could not control the content of the weekly. Therefore, as a result of the *The Negro World* editorial, both Powell and Garvey wrote letters of protest to the paper. These men did not refute their personal connection and reciprocal admiration but challenged instead the editorial’s assertion that Garvey and Powell through ASCOA had conspired in an “attack on Hampton Institute.”⁴ Powell’s letter denied the

¹ Tony Martin, *Race First: The Ideological and Organizational Struggle of Marcus Garvey and the Universal Negro Improvement Association* (Westport, CT: Greenwood Press, 1976), 8.

² E. David Cronon, ed. *Marcus Garvey* (Englewood Cliffs, NJ: Prentice Hall, 1973).

³ W. F. Elkins, “Marcus Garvey, *The Negro World*, and The British West Indies: 1919-1920” in Rupert Lewis and Maureen Warner-Lewis, eds., *Garvey Africa, Europe, the Americas* (Kingston, Jamaica: Institute of Social and Economic Research, 1986), 36-49.

⁴ Richard B. Sherman, “‘The Last Stand’: The Fight for Racial Integrity in Virginia in the 1920s” *Journal of Southern History* 54 (February 1988), 82-83. In 1925, W.S. Copeland led a campaign against the lack of segregation policies at Hampton Institute. Copeland’s wife had attended a concert at the Institute at which seating was racially integrated and complained greatly about the potential for racial “mixing.” Copeland’s editorial began a campaign for a bill to regulate racially segregated seating at public events. Powell and ASCOA did embark on a private letter-writing campaign in order to cripple the Institute’s fundraising until segregation was enforced.

allegations of leading a charge on the Institute while expressing support for Garvey's "Back to Africa" movement.

I [Powell] told him [Marcus Garvey] that in his Appeal to the Soul of White America he had profoundly touched and moved at least one white American. In return, he assured me that he and the UNIA were unalterably opposed to racial amalgamation.... It has been charged that I have involved Marcus Garvey in an attack on Hampton Institute. This charge is false... In a letter I wrote him, which was carried by the Richmond Papers, I stated that Garvey and the U.N. I.A. would approve all efforts towards the preservation of racial integrity. Garvey's name was mentioned in no other connection... I trust it [this letter] has made two points clear. First, that Marcus Garvey has been guilty of no betrayal of his race or his cause. Second, that there are in Richmond and, I believe, throughout the South, many sincere white friends of the Negro race who resent the injustice done to Marcus Garvey and who wish him godspeed in his great work to build for his people a nation and a culture of its own.⁵

Garvey's letter, while more inflammatory, echoed Powell's sentiments. Moreover, Garvey's response illustrates his discontent with his lack of control over *The Negro World* and his desire to maintain authority within the UNIA and its publications.

I am surprised at [the] editorial in Negro World of today's date under caption of Marcus Garvey and "White American Society," in which I am mentioned as making statements in regard to Messrs. Cox and Powell of Richmond, Va., and their respective societies. I know nothing of the spirit of the editorial, which I regard as mischevius. I repudiate the attack upon these two friends, who have given no cause to be thus insulted. I further object to my name being used in editorial of that nature attacking an organization of persons without my knowledge [sic] and approval. You will please reproduce this in its entirety. The policy of the organization has been defined by me more than a thousand times, and there has been absolutely no change on my part.⁶

Garvey's cooperation and public support of John Powell and E.S. Cox can be understood only through an examination of Garvey's background as well as the similarities and differences between Garvey's black separatism and the Virginia

⁵ Letter from Powell to Editor, *Negro World*, draft copy, August 22, 1925 (JPP, Box 56).

eugenicists' white supremacy. Garvey and the Virginia eugenicists desired national recognition, practical success, and the ability to control private choices regarding sex and marriage when they involved issues of race. At the center of all of their goals was their complete devotion to what they believed was the betterment of their respective races. These similarities allowed them, as Tony Martin has noted, to form not an "all-embracing alliance" but instead a practical working relationship.⁷

By the early 1920s, Marcus Garvey had entered both the climax and the start of the decline in his leadership of one of the most controversial African American movements. Having established the UNIA, Garvey began raising funds and purchasing ships for his Black Star Line, which he hoped would eventually provide the transportation for his "Back to Africa" movement.⁸ Garvey's actions and separatist ideology created a chasm with other African-American activists groups, particularly the NAACP.

Garvey and W. E. B. Du Bois espoused radically different strategies for the African American community in the 1920s. Mia Bay has explained the differences in tactics of the two men as a factor of competing traditions in black thought. According to Bay, black intellectuals did not share Garvey's "messianic black" nationalism and instead turned to "liberal environmentalism" to combat increasing scientific racism

⁶ Letter from Marcus Garvey to Norton G. Thomas, Atlanta, Georgia, August 14, 1925 reprinted in Robert A. Hill, ed., *The Marcus Garvey and Universal Negro Improvement Association Papers: Volume VI, September 1924-December 1927* (Berkeley: University of California Press, 1989), 227.

⁷ Martin, *Race First*, 351.

⁸ His involvement in the Black Star Line would lead to his arrest and conviction for mail fraud. For further information, see E. David Cronon, *Marcus Garvey*, introduction. Garvey was not the first to advocate an African colonization movement but his differed in that it did not come out of the context of a slave society, but instead out of a transnational anti-imperialism movement. For information on previous colonization efforts and historical opposition to colonization movements, see Mia Bay, *The White Image in the Black Mind: African-American Ideas about White People, 1830-1925* (New York: Oxford University Press, 2000), 22-31; Ira Berlin, *Slaves Without Masters: The Free Negro in the*

within the social sciences.⁹ Du Bois and other black intellectual's "liberal environmentalism" directly challenged both Garvey's and eugenicist's conviction on the primacy of biological race. "Liberal environmentalism" emphasized the importance of the environment rather than biological factors "in determining human capacity."¹⁰ In other words, these black intellectuals concentrated on improving environmental conditions rather than promoting a race as inherently superior or inferior.

Garvey had other critics outside of the NAACP. Tony Martin posited that "[t]he United States was against him because they considered all black radicals subversive; European governments were against him because he was a threat to the stability of their colonies; the communists were against him because he successfully kept black workers out of their grasp."¹¹ Among all this dissension, Garvey declared friendships with both ASCOA and the Ku Klux Klan.

Even before his association with ASCOA, African American community leaders had already criticized Garvey regarding his relationship with other white supremacists. Previously, they had been criticized Garvey for attending a meeting with one of the Ku Klux Klan leaders, Edward Clarke. Garvey engineered the meeting to win over southern supporters and to discuss their similar views on Jim Crow laws, which both Garvey and Clarke favored.¹² Garvey's anti-integrationist stance contributed to the animosity with Du Bois. Both Garvey and Clarke would

Antebellum South (New York: New Press, 1974); and Sterling Stuckey, *Slave Culture: Nationalist Theory and the Foundations of Black America* (New York: Oxford University Press, 1987), 180-190.

⁹ Bay, *The White Image*, 201.

¹⁰ *Ibid.*, 201.

¹¹ Martin, *Race First*, 13.

¹² Judith Stein, *The World of Marcus Garvey: Race and Class in Modern Society* (Baton Rouge, Louisiana State University Press, 1986), 154-155.

face great criticism for the meeting from the members of their separate organizations and as a result the association between the two would end. Clarke was expelled from the Klan while the NAACP attacked Garvey; A. Phillip Randolph and Chandler Owen named him a “race baiter and race traitor.”¹³ Garvey’s interactions with Powell and ASCOA would be more successful for all concerned yet still resulted in negative publicity, such as the *The Negro World* editorial. Nevertheless, Garvey maintained a friendly and reciprocal relationship with Powell and ASCOA.

On a trip to New York, Powell gave a speech to the UNIA on racial purity. To ensure his acceptance, Garvey penned a “Letter of Introduction for John Powell by Marcus Garvey,” which highlighted Garvey’s appraisal of Powell and ASCOA.

[M]embers of the Anglo-Saxon Clubs...are honest and honorable in their desire to purify and preserve the white race even as we are determined to purify and standardize our race...

[W]e, the two organizations, should work together for the purpose of bringing about the ideal sought-- the purification of the races, their autonomous separation and the unbridled freedom of self-development and self-expression. Those who are against this are enemies of both races and rebels against morality, nature and God...

I unhesitatingly endorse the race purity idea of Mr. Powell and his organization, and I have pledged my moral support to their program in that direction, expecting of the honorable and honest of his race the same regard and support for ours.¹⁴

Garvey’s sentiments were reciprocated in Powell’s speech, which greatly praised Garvey’s leadership. Calling Garvey “that great leader who has sought to do for his race what the greatest of white Americans sought to do for that race and to

¹³ *Ibid.*, 158-159, 161. Quote is from Chandler Owen, *New York Times*, August 28, 1922 cited in Stein, *The World of Marcus Garvey*, 161.

¹⁴ Marcus Garvey, “Letter of Introduction for John Powell,” Atlanta Ga., October 28, 1925, originally published in *Negro World* November 7, 1925, reprinted in Hill, ed., *The Marcus Garvey and Universal Negro Improvement Association Papers: Volume VI*, 251-252.

encourage that race to do for itself-none other than Abraham Lincoln,” Powell pledged the support of “the white people in the South of this country” who realized Garvey’s importance.¹⁵

Powell was convinced of the value of Garvey’s colonization movement before the two of them became publicly aligned. In fact, it was once again his wife-to-be, Louise Burleigh, who helped him convince friends such as Earnest S. Cox, that Garveyism, if successful, would benefit white Americans as much as it would black Americans.¹⁶ Garvey, at the same time, spoke publicly about white America’s efforts to mandate segregation in favorable terms. Instead of stressing the inclusion of blacks in white society, he spoke about the need for both races to maintain their purity. It was this idea of the benefits of race purity and their advocacy of similar policies that allowed Garvey and Powell to find a common ground, even if their support for racial purity differed.

Originally from Jamaica, Garvey was of “unmixed Negro stock” and according to E. David Cronon, his upbringing in a three-caste system, shaped his preoccupation with racial purity.¹⁷ Within this system of social hierarchy based on racial background, Garvey developed a racial chauvinism that would shape his ideological convictions. Mia Bay has posited that “black chauvinism emerges in a dialectical relationship with white supremacy,” therefore, “black chauvinism in

¹⁵ “Speech by John Powell,” Liberty Hall, New York: October 28, 1925 in Hill ed., *The Marcus Garvey...Papers*, 253 and 256. Virginia eugenicists were quite fond of allusions to Lincoln. See also Earnest S. Cox., *White America*, front material.

¹⁶ Letter to John Powell, from Louise Burleigh, August 1922 (Box 3, John Powell Papers, Alderman Library). The same folder that contained Louise Burleigh’s letter about her discussion with Earnest Cox also contained newspaper clippings about Garvey, his dealings with the Klan, and his disputes with the NAACP. Burleigh played quite an active role in Powell’s dealings with Garvey and with Cox. She seems to have fully supported and shared Powell’s commitment to eugenics and racial purity and seemed to function as a liaison between Powell and his associates as well as a recruiter of sorts.

nineteenth-century black racial thought always went hand in hand with arguments emphasizing the unity of the races.”¹⁸ Garvey’s chauvinism, although it is of a later period, can also be seen as arising in concert with the more integrationist ideals of the NAACP within a white supremacist society.

Garvey’s conception of racial purity and objection to race amalgamation was in a sense the reverse of Powell and ASCOA’s stance on racial purity. Although both Garvey and the Virginian eugenicists thought that race amalgamation was detrimental to the success of their respective races, Garvey saw racial mixture as fostering color-based discrimination that favored lighter-skinned African Americans at the expense of “pure” African Americans. Based on this understanding and his background in the Jamaican three-caste system, Garvey implicitly advocated radical systemic change in order to combat the color-based “classes” within the race. Moreover, racial mixture impeded the creation of “a race type and standard.”¹⁹ According to Garvey, the creation of this “true race type” would lead to African Americans achieving “the highest human standard” from which they will “be in a position to stop begging and praying, and demand a place that no individual, race or nation will be able to deny.”²⁰ In order to achieve this “race type,” Garvey urged African Americans who were “off-colored” to “combine to re-establish the purity of their own race, rather than seek to perpetuate the abuse of both races.” In other words, “all elements of the Negro race should be encouraged to get together and form themselves into a healthy whole, rather than seeking to lose their identities through miscegenation and social

¹⁷ Cronon, *Marcus Garvey*, 1.

¹⁸ Bay, *The White Image*, 225.

¹⁹ Cronon, *Marcus Garvey*, 40.

²⁰ *Ibid.*, 41.

intercourse with the white race.”²¹ Garvey thought racial purity could be achieved once miscegenation ceased and the “Negro race” became a unified race, without intraracial distinctions.

Virginia eugenicists, on the other hand, saw any racial mixture as an insurmountable obstacle to whiteness. Their emphasis on the “one drop of blood” provision in the Racial Integrity Act demonstrated that their commitment to racial definitions was based on further strengthening the color line and on greatly limiting the definition of “whiteness.” Additionally, despite their assertions to the contrary, one can see in their rhetoric and preoccupation with “deterioration,” their view that African Americans were an inferior race. The eugenicists’ often tried to emphasize the “good qualities” they saw in African Americans in order to hide their adherence to a white supremacist ideology. However, their letters illustrate their underlying racist biases. Plecker, in a letter he intended to demonstrate his racial tolerance, wrote that “[a]s much as we held in esteem individual negroes[sic] this esteem was not of a character that would tolerate marriage with them, though as we know now to our sorrow much illegitimate mixture occurred.” The letter continued in a similar manner to assert that interracial children “may inherit from the father forceful qualities which combined possibly with good ones found in many negroes[sic], enable them to attain positions of prominence in various spheres of life.”²² In his speech before the American Public Health Association, Plecker explicitly stated his

²¹ *Ibid.*, 56.

²² Letter from Plecker to *Survey Graphic*, March 13, 1925.

belief in “negro[sic] inferiority” and constructed a racial hierarchy with whites as “higher” and African Americans as “lower.”²³

Another fundamental difference existed between Garvey and the Virginian eugenicists. As mentioned previously, Garvey differed from other African American leaders by espousing a “nationalism” infused “with a religious imagery that spoke directly to the traditionally voiced hopes of the black masses” rather than the “liberal environmentalism” utilizing “scientific training” practiced by Du Bois and others.²⁴ Similarly, Garvey also differed from the eugenicists in tactics. The Virginia eugenicists emphasized the role of science in determining matters of race and employed the terminology and reasoning of scientific racism. Religion had little place within eugenic ideology, despite the religious-like zeal of the eugenicists. The eugenicists themselves seemed ignorant of the inherent contradiction in their religious devotion to race science.²⁵

Yet, Garvey and the Virginian eugenicists did not dwell on these fundamental differences. Instead, they focused on their common goals and at times, common language. Both Garvey and the Virginian eugenicists advocated colonization, opposed social equality, and condemned miscegenation. Powell asserted his adherence to Garvey’s “Back to Africa Movement” in a letter to Thomas Dabney, noting that he believed “geographical separation is the only possible means of

²³ Plecker, “Virginia’s Attempt to Adjust the Color Problem” in Virginia Bureau of Vital Statistics, *Eugenics in Relation to the New Family and the Law on Racial Integrity Including a Paper Read Before the American Public Health Association*. (Richmond, D. Bottoms, supt. Public Printing, 1924), 15 and 14.

²⁴ Bay, *The White Image*, 209 and 201

²⁵ In fact, Daniel Kevles has argued that eugenics replaced religion for many of the leaders of the eugenics movement. According to Kevles, men like Charles Davenport and Harry Laughlin held eugenic principles as sacred and worthy of religious devotion. Kevles, *In the Name of Eugenics*, entire.

preserving racial integrity.”²⁶ Plecker and Cox shared this sentiment. According to Plecker, “There is only one absolute solution to the problem, advocated by Lincoln, and more recently by Major Earnest S. Cox....., in his splendid work, *White America*. This solution is the gradual deportation of the negroes.”²⁷

Garvey decried the attempt by the NAACP to fight for social equality and claimed the social equality campaign would “lead, ultimately, to further disturbances in riots, lynching and mob role.”²⁸ Therefore, “the agitation of the mulatto leader, Dr. W. E. B. Du Bois and the National Association for the Advancement of Colored People” in regards to social equality “is dangerous to both races.”²⁹ Garvey did make clear that he was not arguing against racial advancement but instead for African American access to “opportunities and environments of his own,” which will “point him to the fullness of his ambition.”³⁰ Virginia eugenicists, not surprisingly, also objected to any type of social equality, but for different reasons. In addition to their objections to the “dangerous” racial equality of the Hampton Institute, Plecker indicated his approval and belief in the sentiments expressed by the “Committee for the Repeal of the Fourteenth Amendment.”

White girls and women of our beloved Southland are at present compelled to work under negro [sic] officials. Walter Cohen is just one of the negro [sic] officials under whom white girls and women and also men have to earn their daily bread. Our government is honeycombed with these negro [sic] office holders.

How would you feel were this your sister or daughter?

The negro [sic] does not belong in politics- he has no rightful or legal claim therein and is a menace thereto-- as negro [sic] suffrage was obtained by FRAUD.

²⁶ Letter to Dabney from Powell (Box 28, John Powell Papers, Alderman Library).

²⁷ Letter from Plecker to the Honorable Stone Deavours, April 25, 1925 (JPP, Box 56)

²⁸ Cronon, *Marcus Garvey*, 54.

²⁹ *Ibid.*, 55.

³⁰ *Ibid.*, 54.

Know when Judge Bolte succeeds in the annulment of the Fourteenth Amendment these conditions will be automatically eliminated- the negro will be thrown out of politics-- the negro will be required to abide by the segregation laws and WHITE PEOPLE will not have to work under NEGRO OFFICIALS.³¹

Bolte's sentiments reflect the type of opposition that Marcus Garvey expected from whites in regards to social equality. Garvey predicted that if social equality were to be pursued "the white masses" would "never stand by the ascendancy of an opposite minority group to the favored positions in a government, society and industry that exist by the will of the majority."³² Garvey saw this obstacle of white resistance to be insurmountable in the United States.

Garvey and the eugenicists utilized similar dire rhetoric when discussing the eventual outcome for the two races under the system of the 1920s. In 1925, Garvey wrote an essay on racial purity and stated that "black and white races are now facing the crucial time of their existence." "The whites are rightfully and properly crying out for a pure white race, and the proud and self-respecting blacks are crying out for a morally pure and healthy Negro race." Garvey went on to criticize his opponents by deriding them as "near white" and "colored" advocates of "racial amalgamation or general miscegenation with the hope of creating a new type of colored race by wiping out both black and white."³³ On the other hand, "the Klan, the Anglo-Saxon Clubs

³¹ Pamphlet, "The League to Annul the Fourteenth Amendment." Plecker's response is found in Plecker to Judge Holt, December 12, 1924. (JPP, Box 56)

³² Cronon, *Marcus Garvey*, 54.

³³ Marcus Garvey, "The Internal Prejudice of Negroes: Those Who Want to be White and Those Who Want to Remain Black," in Hill ed., *The Marcus Garvey and Universal Negro Improvement Association*, 217. Garvey particularly despised the NAACP, believing its principles detrimental to the future of black Americans. Adding to his dislike and distrust of NAACP, the judge that presided over his hearing and conviction of male fraud was a white member of the NAACP. Letter to Earnest S. Cox, from Marcus Garvey, July 25, 1925, *Papers*, 212n.

and White America Societies, as far as the Negro is concerned” are “better friends of the race than all other groups of a hypocritical whites put together.”³⁴

Similarly, Powell likened race amalgamation to poison. “Just as in chemistry, two harmless, or even beneficent, substances, when mixed may form a deadly poison.... Interbreeding between the African and the Caucasian has invariably, in the past, resulted in cultural decay.”³⁵ Powell, Plecker, and Cox also used terms such as “near white” as discussed previously and constantly reinforced the “danger” and “detrimental” consequences of miscegenation and social equality.

Mia Bay pointed out another fundamental similarity in the rhetorical and ideological constructions of race by Garvey and other “religious racialists” as well as scientific racists in general. According to Bay, Garvey’s “attacks on white supremacy challenged neither its racial essentialism nor its masculine race ideals.”³⁶ Likewise, eugenicists constructions of racial ideology were informed by gender ideals, in which masculine traits were implicit in definitions of whiteness. Eugenicists also firmly believed in the essential nature of racial characteristics, much like Garvey.

Both Garvey and the Virginian eugenicists recognized the similarities between their tactics and goals. Equally important, they all needed support for their organizations due to a lack of support from sectors they had hoped would form their base. Garvey, at the point at which he became involved with Powell, Plecker, and Cox, was facing increasing criticism and doubts from black leaders and the black

³⁴ Marcus Garvey, “The Negro, Communism, Trade Unionism and His(?) Friend: Beware of Greeks Bearing Gifts,” *Papers*, 216.

³⁵ Letter to Thomas L. Dabney, from John Powell, undated (Box 5a, John Powell Papers, Alderman Library). Dabney was a young black man who wrote to Powell for information regarding ASCOA and Powell’s views on Garveyism.

community.³⁷ E. David Cronon argued that Garvey's appeals to white Americans were a result of "opposition from black intellectuals and publicists" and intended to persuade white Americans "of the importance of his [Garvey's] movement in resolving the longstanding race issue in America."³⁸ The Virginia eugenicists were also beginning to decline in importance in their home state when they established their connection with Garvey. By 1925, when most of their correspondence with Garvey occurred, the Virginia eugenicists had suffered political setbacks, in the defeat of their expanded Racial Integrity Act and in the accompanying negative statements by the government, organizational setbacks, in the lack of new charters and Mapp's decision to not start a new chapter of ASCOA, and practical setbacks in the implementation of the 1924 act, in the resistance to the act by Virginians and the limitations of their ability to monitor private sexuality.

It is much less clear if they also recognized the fundamental differences in their understandings of racial purity and their real sentiments toward the "other" race. Regardless, they did find something beneficial in their mutual relationship and the connection that they made complicates our understanding of how racial separatism functioned in practice. Garvey and the Virginia eugenicists corresponded publicly and privately until Garvey's release from prison in 1927 and subsequent deportation to Jamaica, at which point his influence on white eugenicist thought in America greatly decreased.³⁹ Despite the far-reaching plans of each, Garvey's relationship with the eugenicists did not progress much beyond correspondence and the occasional

³⁶ Bay, *The White Image*, 214. See also Beryl Satter, "Marcus Garvey, Father Divine and the Gender Politics of Race Difference and Race Neutrality." *American Quarterly* 48 (1996) 43-76.

³⁷ See Lewis, *W. E. B. Du Bois*, 80-81 and Martin, *Race First*, 344-355.

³⁸ Cronon, *Marcus Garvey*, 51.

public statements of support. Had the eugenicists known Garvey earlier in his U.S. career, their great belief in repatriation may have led them to contribute to his Black Star Line. Instead, just as they had with the national eugenics movement, Powell, Plecker, and Cox connected with a movement and a man on the decline.

³⁹ David Levering Lewis, *When Harlem Was In Vogue* (New York: Vintage, 1982), 214.

CONCLUSION

The Consequences of the Virginian Eugenics Movement

During the 1920s, John Powell campaigned extensively for national support of racial integrity laws through ASCOA. In 1925, Powell explained his goals in a letter to an Ohio State Representative.

Of course our group here realizes that Virginia's attempt to preserve the white race in America cannot be effective without the active collaboration of the other states of the Union. For this reason Governor Trinkle sent copies of our law to all the other governors with a personal letter to each, requesting them to propose similar legislation to their respective legislatures. He received thirty-one replies. Nineteen of these, most of them from southern governors, were non-committal; eleven, the majority from the north and west, strongly approved; the only disapproval came from the governor of Minnesota. He said the problem, fortunately, did not exist in his state, and he did not propose to have this apple of discord dangled before his people. It seems incredible that he should be ignorant of the existence of the Manassas Club in his own capital to which only negroes who have married white wives are eligible. This club has a membership of about three hundred, and the marriages are not even recorded as mixed marriages.¹

Powell had great hopes for the enactment of racial anti-miscegenation measures outside of the South. His quest was more successful in creating awareness than in increasing the number of states with such laws. Yet, the Racial Integrity Act did have if not a geographically broad acceptance, a chronologically extensive acceptance.²

The Racial Integrity Act was maintained as a law in Virginia (although not always as strictly enforced as it was under Plecker) until 1967, when the U.S. Supreme Court overturned the law in the *Loving v. Virginia* case.³

¹ Letter from Powell to Roberts (JPP, Box 56).

² Anti-miscegenation laws were also prevalent in the Southwest and West. Although this thesis deals primarily with tensions between the Northeast and Southeast, the Western states also were involved in eugenics. For more information, see Peggy Pascoe "Miscegenation Law, Court Cases, and Ideologies of "Race" in Twentieth-century America. Martha Hodes, ed. *Sex, Love, and Race: Crossing Boundaries in North American History*. (New York: New York University Press, 1999), 464-490.

³ Peggy Pascoe, "Miscegenation Law, Court Cases, and Ideologies of "Race," 464-490.

Virginia's sterilization law, on the other hand, had a generally broad effect nationally and internationally for decades. It was widely used in the Deep South as a model for eugenic sterilization measures, many of which did pass, especially in the 1930s.⁴ According to some historians, Nazi Germany used Virginia's eugenic sterilization law as a model for their extensive sterilization program. Virginia continued to sterilize patients at the Lynchburg Colony (where the majority of Virginian sterilizations occurred) until 1972.⁵

Yet, in some ways, one of the most long lasting consequences was more subtle. Nicole Rafter has persuasively argued that the popularity of eugenics informed the burgeoning professionalization of several disciplines.

Some dismiss eugenics as a pseudo-scientific fad....Eugenics had enormous impact on the direction taken by the newly developing disciplines and professions of criminology and criminal justice, psychology and psychometry, sociology and social work, and statistics. Through legislation it shaped social policy governing crime control, education, mental retardation, poor relief, and sterilization.⁶

Rafter's assertion is provocative and especially relevant in terms of understanding how "pseudo-sciences" are important not as anomalies but as formative forces created by and working in concert with contemporary social factors.

The Virginia eugenics movement still needs further analysis in order for historians to fully understand how this particular blend of scientific racism and white supremacy functioned and was able to be successful in passing legislation.

Significant holes remain in the story of Virginia eugenics. ASCOA's public disassociation with the KKK is widely known yet the actual connection between the

⁴ Larson, *Sex, Race, and Science*, chapters five and six.

⁵ Smith, *Eugenic Assault*, 7.

two groups and the reasons for the disavowal of the KKK are not known. Moreover, historical accounts of the Virginia eugenics movement are generally centered on the leaders of the eugenics movement, leaving out the people actually affected by movement's legislation.⁷ How did these men and women react in regards to this legislation? What types of resistance strategies did they employ? The opposition to the Virginia eugenics movement also needs further study. *The Norfolk Journal and Guide* was active in opposing the actions of ASCOA according to Powell's papers. An examination of the African American press's response to the Racial Integrity Act would add complexity to our understanding of eugenics.

⁶ Rafter, *White Trash*, 30.

⁷ Smith's discussion of Plecker and the Indians is the one exception, yet it is not well-documented. Smith, *Eugenic Assault*.

APPENDIX ONE: AN ACT TO PRESERVE RACIAL INTEGRITY¹

These slaves have disappeared, not by transportation, but by assimilation.

Today families of the old type are rare, and these peoples are scarcely thought of in the councils of nations.

Today the eyes of the world are turned with envy upon us, and millions crave the privilege of landing upon our shores.

We are now engaged in a struggle more titanic, and of far more importance than that with the Central Powers, from which we have recently emerged.

Many scarcely know that the struggle which means the life or death of our civilization is now in progress, and are giving it no thought.

What odds will it make in the year 2500 or 3000 to the few Caucasian remnants of our present day Americans, when they look around upon the half billion brown skinned descendants of the races now occupying our land, whether the typhoid death rate of 1924 was one, or one hundred, per 100,000?

What they find in that day will depend upon how we of today think and act. The very existence of our race in that time is dependent upon the thought and action of us today. Let us then accept our responsibility and meet its demands with wisdom and courage.

Let us turn a deaf ear to those who would interpret Christian brotherhood to mean racial equality.

28

AN ACT TO PRESERVE RACIAL INTEGRITY

1. Be it enacted by the General Assembly of Virginia, That the State Registrar of Vital Statistics may as soon as practicable after the taking effect of this act, prepare a form whereon the racial composition of any individual, as Caucasian, negro, Mongolian, American Indian, Asiatic Indian, Malay, or any mixture thereof, or any other non-Caucasic strains, and if there be any mixture, then the racial composition of the parents, and other ancestors, in so far as ascertainable, so as to show in what generation such mixture occurred, may be certified by such individual, which form shall be known as a registration certificate. The State Registrar may supply to each local registrar a sufficient number of such forms for the purposes of this act; each local registrar may personally or by deputy, as soon as possible after receiving said forms, have made thereon in duplicate a certificate of the racial composition as aforesaid, of each person resident in his district, who so desires, born before June fourteenth, nineteen hundred and twelve, which certificate shall be made over the signature of said person, or in the case of children under fourteen years of age, over the signature of a parent, guardian, or other person

29

¹ Bureau of Vital Statistics State Board of Health, "Eugenics in Relation to The New Family and the law on Racial Integrity Including a Paper read before the American Public Health Association" (Richmond: Davis Bottom, Superintendent Public Printing, 1924), 29-32.

standing in *loco parentis*. One of said certificates for each person thus registering in every district shall be forwarded to the State Registrar for his files; the other shall be kept on file by the local registrar.

Every local registrar may, as soon as practicable, have such registration certificate made by or for each person in his district who so desires, born before June fourteen, nineteen hundred and twelve, for whom he has not on file a registration certificate, or a birth certificate.

2. It shall be a felony for any person wilfully or knowingly to make a registration certificate false as to color or race. The wilful making of a false registration or birth certificate shall be punished by confinement in the penitentiary for one year.

3. For each registration certificate properly made and returned to the State Registrar, the local registrar returning the same shall be entitled to a fee of twenty-five cents, to be paid by the registrant. Application for registration and for transcript may be made direct to the State Registrar, who may retain the fee for expenses of his office.

4. No marriage license shall be granted until the clerk or deputy clerk has reasonable assurance that the statements as to color of both man and woman are correct.

If there is reasonable cause to disbelieve that applicants are of pure white race, when that fact is stated, the clerk or deputy clerk

shall withhold the granting of the license until satisfactory proof is produced that both applicants are "white persons" as provided for in this act.

The clerk or deputy clerk shall use the same care to assure himself that both applicants are colored, when that fact is claimed.

5. It shall hereafter be unlawful for any white person in this State to marry any save a white person, or a person with no other admixture of blood than white and American Indian. For the purpose of this act, the term "white person" shall apply only to the person who has no trace whatsoever of any blood other than Caucasian; but persons who have one-sixteenth or less of the blood of the American Indian and have no other non-Caucasic blood shall be deemed to be white persons. All laws heretofore passed and now in effect regarding the intermarriage of white and colored persons shall apply to marriages prohibited by this act.

6. For carrying out the purposes of this act and to provide the necessary clerical assistance, postage and other expenses of the State Registrar of Vital Statistics, twenty per cent of the fees received by local registrars under this act shall be paid to the State Bureau of Vital Statistics, which may be expended by the said bureau for the purposes of this act.

7. All acts or parts of acts inconsistent with this act are, to the extent of such inconsistency, hereby repealed.

APPENDIX

Howe, in his history of Virginia, written in 1845, says: "There is the remnant of the Mattaponi tribe of Indians, now dwindled down to only fifteen or twenty souls. Further up on the Pamunkey, at what is called Indian Town, are about 100 descendants of the Pamunkeys. Their Indian character is nearly extinct by intermixing with the whites and negroes." (Pages 349-350.)

The new history of Virginia, by Philip Alexander Bruce, LL. B., LL. D., of the University of Virginia, makes the same statement: "By this date, 1736, war, disease, and intemperance, had reduced the Indian tribes to very thin ranks. The Pamunkeys on York River could only show a roll of ten families. This was the remnant of Powhatan's powerful kingdom. (Vol. I, page 334.)

Alexander Francis Chamberlain, A. M., Ph. D., Assistant Professor of Anthropology, Clark University, Worcester, Massachusetts, in his article, Indians, North American, in the Encyclopaedia Britannica, Eleventh Edition, Vol. 14, pages 460, 464, says of the Chickahominy Indians: "No pure bloods left. Considerable negro admixture," and of the Pamunkeys: "All mixed-bloods; some negro mixture."

Page 468, he says: "In some regions considerable intermixture between negroes and Indians (Science, New York, Vol. XVII, 1891, pp. 85-90), has occurred, e. g., among the

APPENDIX TWO: MODEL EUGENICAL STERILIZATION LAW¹

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MODEL EUGENICAL STERILIZATION LAW

H. Laughlin

[Editor's Note: The text of Chapters 15 and 16 is reprinted here in full.]

A. PRINCIPLES SUGGESTED FOR A STANDARD STATE LAW.

It may be safely stated that the experimental period for eugenical sterilization legislation has been passed so that it is now possible to enact a just and eugenically effective statute on this subject. The following outline sets forth the underlying principles which should guide such a law.

Persons Subject. All persons in the State who, because of degenerate or defective hereditary qualities are potential parents of socially inadequate offspring, regardless of whether such persons be in the population at large or inmates of custodial institutions, regardless also of the personality, sex, age, marital condition, race, or possessions of such person. Standards established and terms defined by the statute.

Executive Agencies Provided. State Eugenicist who shall devote his entire time and attention to his office, aided by an ample corps of assistants, selected by appointment or civil service according to the customs of the particular state.

Basis of Selection: Procedure. 1. Investigation by State Eugenicist upon his own initiative or upon complaints lodged or information given by an official, an organization or a citizen. 2. Opinion concerning a particular individual in reference to "potential parenthood of socially inadequate offspring" rendered after scientific investigation, by State Eugenicist to Court of Record. 3. Early date set by court for hearing case. 4. Court to notify and summon interested parties. 5. Due provision for legal counsel for the defendant and for trial by jury. 6. Judgment: Order for eugenical sterilization if the contention of the State Eugenicist is upheld. 7. Execution of the order under the supervision and responsibility of the State Eugen-

icist. 8. In case of inmates of institutions, execution of order may be suspended until inmate is about to be released, allowing ample time for convalescence. 9. Provision for the study of mental, moral, physiological, social and economic effects of different types of sterilization.

Type of Operation Authorized. 1. "Surgical operation upon or medical treatment of the reproductive organs of the human male or female in consequence of which the power to procreate offspring is permanently nullified." 2. Specific type of operation or treatment in each case to be determined by the State Eugenicist upon the advice of duly qualified physicians and surgeons. 3. Due provision for safe, skillful and humane operation and treatment.

State's Motive. Purely eugenic, that is, to prevent certain degenerate human stock from reproducing its kind. Absolutely no punitive element.

Appropriations Available for Enforcing the Act. Ample appropriations for the maintenance of the activities of the State Eugenicist as a permanent and effective institution.

B. FULL TEXT FOR A MODEL STATE LAW.

AN ACT to prevent the procreation of persons socially inadequate from defective inheritance, by authorizing and providing for the eugenical sterilization of certain potential parents carrying degenerate hereditary qualities.

Be It Enacted By The People Of The State of that:

Section 1. Short Title. This Act shall be known as the "Eugenical Sterilization Law."

Section 2. Definitions. For the purpose of this Act, the terms (a) socially inadequate

¹ H. Laughlin, "Model Eugneical Sterilization Law," in *Eugenical Sterilization in the United States, A Report of the Psychopathic Laboratory of the Municipal Court of Chicago* (Chicago: Municipal Court of Chicago, 1922) reprinted in Carl Jay Bajema, ed., *Eugenics Then and Now* (Stroudsburg, Pennsylvania: Dowden, Hutchinson, and Ross, Inc, 1976), 138-144.

person, (b) socially inadequate classes, (c) heredity, (d) potential parent, (e) to procreate, (f) potential parent of socially inadequate offspring, (g) cacogenic person, (h) custodial institution, (i) inmate, and (j) eugenical sterilization, are hereby defined as follows:

(a) A socially inadequate person is one who by his or her own effort, regardless of etiology or prognosis, fails chronically in comparison with normal persons, to maintain himself or herself as a useful member of the organized social life of the state; provided that the term socially inadequate shall not be applied to any person whose individual or social ineffectiveness is due to the normally expected exigencies of youth, old age, curable injuries, or temporary physical or mental illness, in case such ineffectiveness is adequately taken care of by the particular family in which it occurs.

(b) The socially inadequate classes, regardless of etiology or prognosis, are the following: (1) Feeble-minded; (2) Insane, (including the psychopathic); (3) Criminalistic (including the delinquent and wayward); (4) Epileptic; (5) Inebriate (including drug-habitues); (6) Diseased (including the tuberculous, the syphilitic, the leprous, and others with chronic, infectious and legally segregable diseases); (7) Blind (including those with seriously impaired vision); (8) Draf (including those with seriously impaired hearing); (9) Deformed (including the crippled); and (10) Dependent (including orphans, ne'er-do-wells, the homeless, tramps and paupers).

(c) Heredity in the human species is the transmission, through spermatozoön and ovum, of physical, physiological and psychological qualities, from parents to offspring; by extension it shall be interpreted in this Act to include also the transmission post-conceptionally and ante-natally of physiological weakness, poisons or infections from parent or parents to offspring.

(d) A potential parent is a person who now, or in the future course of development, may reasonably be expected to be able to procreate offspring.

(e) To procreate means to beget or to conceive offspring, and applies equally to males and females.

(f) A potential parent of socially inadequate offspring is a person who, regardless of his or her own physical, physiological or psychological personality, and of the nature

of the germ-plasm of such person's co-parent, is a potential parent at least one-fourth of whose possible offspring, because of the certain inheritance from said parent of one or more inferior or degenerate physical, physiological or psychological qualities would, on the average, according to the demonstrated laws of heredity, most probably function as socially inadequate persons; or at least one-half of whose possible offspring would receive from said parent, and would carry in the germ-plasm but would not necessarily show in the personality, the genes or genes-complex for one or more inferior or degenerate physical, physiological or psychological qualities, the appearance of which quality or qualities in the personality would cause the possessor thereof to function as a socially inadequate person, under the normal environment of the state.

(g) The term cacogenic person, as herein used, is a purely legal expression, and shall be applied only to persons declared, under the legal procedure provided by this Act, to be potential parents of socially inadequate offspring.

(h) A custodial institution is a habitation which, regardless of whether its authority or support be public or private, provides (1) food and lodging, and (2) restraint, treatment, training, care or residence for one or more socially inadequate inmates; provided that the term custodial institution shall not apply to a private household in which the socially inadequate member or members are close blood-kin or marriage relations to, or legally adopted by, an immediate member of the care-taking family.

(i) An inmate is a socially inadequate person who is a prisoner, patient, pupil, or member of, or who is otherwise held, treated, trained, cared for, or resident within a custodial institution, regardless of whether the relation of such person to such institution be voluntary or involuntary, or that of pay or charity.

(j) Eugenical Sterilization is a surgical operation upon or the medical treatment of the reproductive organs of the human male or female, in consequence of which the power to procreate offspring is surely and permanently nullified; provided, that as used in this Act the term eugenical sterilization shall imply skillful, safe and humane medical and surgical treatment of the least radical nature necessary to achieve permanent sexual sterility and the highest possible therapeutic bene-

fits depending upon the exigencies of each particular case.

Section 3. Office of State Eugenicist. There is hereby established for the State of the office of State Eugenicist, the function of which shall be to protect the state against the procreation of persons socially inadequate from degenerate or defective physical, physiological or psychological inheritance.

Section 4. Qualifications of State Eugenicist. The State Eugenicist shall be a trained student of human heredity, and shall be skilled in the modern practice of securing and analyzing human pedigrees; and he shall be required to devote his entire time and attention to the duties of his office as herein contemplated.

Section 5. Term of Office, Appointment, and Responsibility. The State Eugenicist shall be appointed by the Governor, with the consent of the Senate, shall be responsible directly to the Governor, and shall hold office until removed by death, resignation, or until his successor shall have been duly appointed.

Section 6. Seal. The Governor of the State shall cause a seal to be fashioned and made for the Office of the State Eugenicist, which seal shall be duly entrusted to the State Eugenicist and shall constitute the evidence of authority under this Act.

Section 7. Duties of State Eugenicist. It shall be the duty of the State Eugenicist:

(a) To conduct field-surveys seeking first-hand data concerning the hereditary constitution of all persons in the State who are socially inadequate personally or who, although normal personally, carry degenerate or defective hereditary qualities of a socially inadequating nature, and to cooperate with, to hear the complaints of, and to seek information from individuals and public and private social-welfare, charitable and scientific organizations possessing special acquaintance with and knowledge of such persons, to the end that the State shall possess equally accurate data in reference to the personal and family histories of all persons existing in the State, who are potential parents of socially inadequate offspring, regardless of whether such potential parents be members of the population at large or inmates of custodial institutions, regardless also of the personality, sex, age, marital condition, race or possessions of such persons.

(b) To examine further into the natural

physical, physiological and psychological traits, the environment, the personal histories, and the family-pedigrees of all persons existing in the State, whether in the population at large or as inmates of custodial institutions, who reasonably appear to be potential parents of socially inadequate offspring, with the view to determining more definitely whether in each particular case the individual is a cacogenic person within the meaning of this Act.

(c) To maintain a roster of all public and private custodial institutions in the state, and to require from the responsible head of each such institution, a record by full names and addresses, social and medical diagnosis and other pertinent data in reference to all accessions and losses of inmates as such occur from time to time; the said State Eugenicist may require a copy of any record which the particular institution may possess in reference to the case, family or institutional histories of any inmate, which the State Eugenicist may name.

(d) To follow up, so far as possible, the case-histories of persons eugenically sterilized under this Act, with special reference to their social, economic, marital and health records, and to investigate the specific effects of eugenical sterilization.

(e) To preserve as property of the State complete records of all investigations and transactions of the office of State Eugenicist, and annually to render to the Governor in writing a true and complete report thereof.

(f) To perform such other duties as are enumerated elsewhere in this Act.

Section 8. Coöperation by Custodial Institutions. For the purpose of securing the facts essential to the determination required by this Act, the responsible head of any public or private custodial institution within the State shall, on demand, render promptly to the State Eugenicist all reports herein contemplated, and shall extend to said Officer and his duly appointed agents ready access to all records and inmates of the particular institution.

Section 9. Power to Administer Oaths and to Make Arrests. The State Eugenicist and his assistants appointed in writing by him for the purpose, shall have power to administer oaths, to subpoena and to examine witnesses under oath, and to make arrests.

Section 10. Opinion of State Eugenicist. If, after an investigation contemplated by this Act, the State Eugenicist is of the

opinion that a particular subject of such investigation, which such subject is hereinafter called the *propositus*, is a potential parent of socially inadequate offspring, it shall be the duty of said State Eugenicist to present such opinion in writing, to a court of record in the County wherein the particular *propositus* resides, sojourns, is held or is apprehended; provided that such opinion shall be accompanied by the historical and biological evidence upon which such opinion is based, and by a petition to said court praying for the legal determination of the question of fact, whether the particular *propositus* is, as held in the opinion, a potential parent of socially inadequate offspring; provided that in case of apparent oversight or dereliction by the State Eugenicist, any citizen of the state over twenty-one years of age, of sound mind and respected character, may institute proceedings for the legal determination of the question in fact, whether a particular named person is, as such complaining citizen may allege, a potential parent of socially inadequate offspring, by presenting to the court of record in the county in which the particular *propositus* lives or sojourns, a statement duly sworn to relating the evidence upon which the particular allegation is based, and praying for a legal determination of the above-stated question of fact, whereupon within thirty days of the filing of such petition, such court shall consider the adequacy of such evidence and, in its discretion, shall dismiss the case or shall command the State Eugenicist to make the eugenical investigation provided for by this Act in reference to the particular *propositus*, and to return his findings back to the court issuing such command, which findings shall be returned within ninety days of the issuing of such command and shall contain an opinion by the State Eugenicist as to whether the particular *propositus* is in fact a potential parent of socially inadequate offspring; provided that if such report presents the opinion that the particular *propositus* is a potential parent of socially inadequate offspring, the legal and eugenical processes in the case shall proceed as in other cases as provided by this Act; provided that if such report presents the opinion that the particular *propositus* is not a potential parent of socially inadequate offspring, the court may, in its discretion, dismiss the case or may order the legal and eugenical processes to proceed as in other cases provided by this Act.

Section 11. Appointment of Date for

Hearing. Within ten days after the presentation of the written opinion by the State Eugenicist holding a particular *propositus* to be a potential parent of socially inadequate offspring, or the presentation of a negative opinion by the State Eugenicist contrarily to which opinion the court determines to proceed, it shall be the duty of the court to which such opinion is presented to appoint a time for hearing the case, which appointed time shall be within thirty days of the appointing day if the court receiving the opinion is in continuous session, and not later than the next regular session, if said court is held periodically.

Section 12. Notification of Parties Concerned. It shall be the further duty of said court to notify the *propositus* or the legal guardian, custodian, or next friend of said *propositus*, the Attorney-General of the State, and the State Eugenicist, concerning the time, place and nature of the contemplated hearing; to summon the *propositus* to such hearing, or if said *propositus* be under legal guardianship, in custody, or if, in the opinion of said court, said *propositus* be incapable of understanding the nature of a summons, to command the legal guardian, or custodian of said *propositus*, or an executive officer of said court, to present the person of said *propositus* before said court at the appointed time and place; to subpoena witnesses; if need be, to appoint legal counsel at the expense of the State to represent the *propositus*; and to institute such other processes as may be necessary according to the statutes of the state and customs of the particular court, in order to insure a prompt, just and legal decision in the matter.

Section 13. The State's Legal Counsel. In all legal actions growing out of this Act, it shall be the duty of the Attorney-General of the State, assisted by the prosecuting attorney of the county in which the particular court is seated, to represent the State.

Section 14. Determination by Jury. On demand of either party to a hearing as herein contemplated, the question of fact shall be decided by a majority vote of a jury of six, summoned and conducted in accordance with the laws of the State governing trials by jury, but in case no such demand be made, the judge presiding over the court shall decide the case.

Section 15. Judgment. If, after the case has been duly heard and tried, it is the

opinion of the court or the jury, as the case may be, that the particular propositus is a potential parent of socially inadequate offspring within the meaning of this Act, it shall be the duty of said court to declare the particular propositus to be a cacogenic person, and to command the State Eugenicist to arrest, if need be, such particular cacogenic person, and to cause such person to be eugenically sterilized in a skillful, safe and humane manner, and with due regard to the possible therapeutical benefits of such treatment of operation; securing, if possible, the consent and cooperation of said cacogenic person, and, if such there be, of the legal guardian, custodian or next friend of said cacogenic person; and such court shall further command that the particular cacogenic person shall not be released from the custody of the State Eugenicist until said order has been duly executed, but that the said particular cacogenic person be not held in the custody of the State Eugenicist longer than is necessary for the consummation of the eugenical sterilization and convalescence therefrom; and said court shall further command the State Eugenicist to report back, immediately upon the release of the person sterilized, to the court issuing the said command, a sworn statement as to the identity of the person eugenically sterilized and the place, date, nature and outcome of the particular operation or treatment; provided that in case the said cacogenic person be an inmate of a custodial institution, the court shall issue a supplementary order commanding the responsible head of such particular custodial institution to provide access for the State Eugenicist and the physician and surgeon appointed by said State Eugenicist, to the person of the particular cacogenic person in the best-equipped hospital quarters which such custodial institution affords for the consummation of the particular eugenical sterilizing operation or treatment, and to aid and co-operate in such consummation; provided that in case the court is convinced that the conduct or security of said cacogenic person is such that said person will not become a parent, the court may in its discretion suspend the order for eugenical sterilization during the period of such conduct and security.

Section 16. Appeals. In litigation growing out of this Act, appeals from the decision of the court of first instance shall lie as in civil trials *de novo* at law, as provided by the statutes of the State.

Section 17. Type of Eugenic Sterilization. The particular type of surgical operation or medical treatment for effecting sterilization in each particular case legally ordered in consequence of this Act shall be determined upon by the State Eugenicist, after due consultation with competent medical and surgical advisors.

Section 18. Manner of Consummation. All cases of eugenical sterilization executed in consequence of this Act shall be consummated under the direct supervision and responsibility of the State Eugenicist, in a skillful, safe and humane manner, with due regard to the possible therapeutic benefits to be derived therefrom, and in strict accordance with modern sanitary, hospital, medical and surgical knowledge and practice; provided that the contracts for the hospital, medical and surgical services involved in such consummation shall be entered into for the State by the State Eugenicist, who shall determine the necessary and reasonable fees incident thereto, which fees shall be paid by the State from funds previously appropriated for said purpose; provided that in case the person ordered sterilized be an inmate of a custodial institution, and if in the opinion of the State Eugenicist, the hospital facilities of the particular institution are inadequate, or if time ample for eugenical sterilization and convalescence does not permit the particular operation or treatment to be consummated before the time previously set for the discharge, release or parole of the particular propositus, the order for eugenical sterilization shall not be consummated in the custodial institution, but that the responsible head of said particular custodial institution shall at the time previously set for the discharge, release or parole of the particular propositus, so discharge, release or parole said person into the custody of the State Eugenicist, who shall then proceed to execute the order for the eugenical sterilization as in cases originating in the population at large.

Section 19. Liability. Neither the State Eugenicist, nor any other person legally participating in the execution of the provisions of this Act, shall be liable either civilly or criminally on account of said participation.

Section 20. Illegal Destruction of Reproductive Functions. Nothing in this Act shall be construed so as to prevent the medical or surgical treatment for sound therapeutic reasons of any person in this State, by a

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physician or surgeon licensed by this State, which treatment may incidentally involve the nullification or destruction of the reproductive functions: provided that any person in this State, except as duly ordered by the courts of law as contemplated in this Act, who wilfully, and without the aforementioned therapeutical necessity, nullifies or destroys or assists in nullifying or destroying, the reproductive functions of any person, shall be guilty of a felony, and shall be punished by not less than—months' imprisonment or a fine of—dollars, or both, or by not more than—months' imprisonment or a fine of—dollars, or both.

Section 21. Punishment of Responsible Head of Institution for Dereliction. The responsible head of any public or private custodial institution in the State who shall discharge, release or parole from his or her custody or care any inmate who has been duly ordered by a court of this State to be eugenically sterilized, before due consummation of such order as herein contemplated, unless, as herein provided, such particular inmate be discharged, released or paroled into the custody of the State Eugenicist, shall be guilty of a misdemeanor, and shall be punished by not less than—months' imprisonment or—dollars fine, or both, or by not more than—months' imprisonment or—dollars fine, or both.

Section 22. Supremacy of this Act. All statutes or portions of statutes of this State contrary to this Act are hereby repealed.

Section 23. When Effective. This Act shall take effect immediately.

C. THE FEDERAL GOVERNMENT AND EUGENICAL STERILIZATION.

a. Principles Suggested for a Federal Statute.

Persons Subject. 1. Immigrants who are personally eligible to admission but who by the standards recommended in the model state law are potential parents of socially inadequate offspring. 2. All persons below the standards of parenthood set in the model state law who are beyond the jurisdiction of state laws, including the inhabitants of the District of Columbia, unorganized and outlying territories, Indian reservations, inmates of federal institutions, and soldiers and sailors.

Executive Agencies Provided. Federal Eugenicist attached to Public Health Service or the Children's Bureau, aided by an ample corps of assistants.

Basis of Selection: Procedure. Same as for model state law, naming in place of state courts of record, Federal Courts of appropriate jurisdiction.

Type of Operation Authorized. Same as for model state law.

United States' Motive. Purely eugenic.

Appropriations Available for Enforcing the Act. Ample appropriations for the maintenance of the activities of the Federal Eugenicist as a permanent and effective institution.

b. Comment.

Up to the present time, the Federal Government has not enacted any legislation bearing either directly or indirectly upon eugenical sterilization. The matter of segregating, sterilizing, or otherwise rendering non-reproductive the degenerate human strains in America is, in accordance with the spirit of our institutions, fundamentally a matter for each state to decide for itself. There is, however, a specialized field in which the Federal Government must cooperate with the several states, if the human breeding stock in our population is to be purged of its defective parenthood.

The relation between the inheritable qualities of our immigrants and the destiny of the American nation is very close. Granting that the fecundity of native and immigrant stock will run evenly, then it is clear that from generation to generation the natural qualities of our present human parenthood will more and more assume the character of the natural qualities of immigrant parents. Thus, if the American nation desires to upbuild or even to maintain its standard of natural qualities, it must forbid the addition through immigration to our human breeding stock of persons of a lower natural hereditary constitution than that which constitutes the desired standard.

If our standard of physical, mental and moral qualities for parenthood strike more heavily against one race than another, then we should be willing to enforce laws which take on the appearance of racial discrimination but which indeed would not be such, because in every race, even the very lowest,

there are some individuals who through natural merit could conform to our standards of admission.

The immigration policy of the eugenicist, who has at heart the preservation, upbuilding and specialization of our better family stocks, is to base the criterion for admission of would-be immigrants primarily upon the possession of sterling natural qualities, regardless of race, language, or present social or economic condition.

It is suggested that a Federal Eugenicist, attached to the Public Health Service, or to the Children's Bureau, aided by an ample corps of assistants, would constitute an effective administrative agency for sterilization under federal authority. Some of the assistants of the office of Federal Eugenicist should be delegated to cooperate with the Immigration Service of the Department of Labor, and the Bureaus of Criminal Identification, and of Prisons, of the Department of Justice, and possibly with the Bureau of Education of the Department of the Interior. If the projected plan for examining the admissibility of immigrants in their native homes before their purchase of transportation, or even upon the steamships before landing, were adopted, it would be possible

to pass satisfactorily upon the eugenical qualifications of the particular immigrant. This would be effected by attaching eugenicists to the medical and social staff to which would be delegated the task of determining the eugenical qualifications of each candidate for admission.

The Federal Government has exclusive jurisdiction over immigrants, and it controls interstate and foreign quarantine. It has also exclusive jurisdiction, either direct or final, over the socially inadequate, both within and not in custodial institutions, in the District of Columbia, the Indian reservations, and the territories which have not yet been admitted to statehood. It operates and controls the twenty-four federal custodial institutions for various types of the socially inadequate. Thus a Federal law would be needed in order effectually to cooperate with the eugenical efforts of the states, should the latter generally determine upon sterilization as a means for cutting down the birth rate among degenerates. The office of Federal Eugenicist attached to the Public Health Service or the Children's Bureau would constitute an appropriate executive agent of a federal sterilization statute.

[*Editor's Note:* Page 453, which contains the table of contents for Chapter 16, has been omitted at this point.]

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