

Oregon State Board of Eugenics

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In 1917 the Oregon State Legislature, in Salem, Oregon, passed a bill titled, "To Prevent Procreation of Certain Classes in Oregon." Passage of the bill created the Oregon State Board of Eugenics, an organization that presided over the forced sterilization of more than 2,600 Oregon residents from 1917 to 1981. In 1983, Legislation abolished the State Board of Eugenics, by that time called the Oregon State Board of Social Protection. For more than seventy years, the State Board was involved in the US eugenics movement, using theories partly constructed from genetics to control the reproductive health of citizens.

Since the late nineteenth century, US state governments had an interest in controlling the reproductive choices of citizens. Oregon, like many other states, created laws that regulated marriage and prevented the procreation of certain types of citizens that were considered to be degenerate and a burden to the state. For example, an 1893 Oregon law prohibited any man who was epileptic, imbecilic, or feeble-minded from marriage or sexual intercourse with a woman younger than the age of 45. The turn of the twentieth century brought with it a renewed interest in marriage and procreation laws based in science.

The US eugenics movement was grounded in an increasing interest in applying evolutionary science and genetics to solve social problems, as well as in the work of Sir Francis Galton. Galton worked in England and applied statistical methods to the study of human heredity during the late nineteenth and early twentieth centuries. Supporters of eugenics, including lawmakers and political activists, argued that controlling the reproduction of individuals of undesirable stock would keep those with unfit genes from passing them on to the next generation, leading to a more advanced human race. Social engineering had a particularly strong appeal in the US. The Oregon Board of Eugenics was one of many state organizations that permitted the sterilization of inmates in prisons, patients in mental institutions, orphans, and other wards of the state to prevent genes that the state deemed inferior from propagating in the human gene pool.

Bethenia Angelina Owens-Adair, one of Oregon's earliest female physicians, helped write and promote the bill that was used to create the Oregon Board of Eugenics. Owens-Adair was a women's suffrage activist, reproductive rights supporter, and a eugenics advocate from Warrenton, Oregon. The 1909 bill passed the state House and Senate, but the Governor of Oregon, George Chamberlain, vetoed it on the grounds that it did not provide adequate safeguards to prevent the sterilization of people who were mentally sound. Chamberlain stated that without such safeguards, it would be too easy for superintendents of institutions to abuse the power granted to them by the bill.

A similar bill passed the legislature in 1913 and was signed by Governor Oswald West, but to pass into law, it required the approval of Oregon voters in a referendum. The bill included more detailed explanations of the people who would qualify for a court hearing regarding sterilization, but the bill did not pass the popular vote. Opposition to the 1913 law came from the Anti-Sterilization League, an Oregonian organization of concerned citizens headed by activist Lora C. Little. Little noted that there was no historical basis to believe that sterilizing criminals would benefit society. She further stated that penal colonies such as Virginia and Australia, which evolved into moral and productive societies, were prime counter-examples. On 4 November 1913, Oregon voters revoked the law with a vote of 53,319 versus 41,767. Little swayed public opinion, but only for a time.

Eugenical policies had growing support throughout the US, and opposition was rare. Harry Laughlin, a promoter of sterilization laws and the assistant director of the Eugenics Record Office in Cold

Spring Harbor, New York, remarked in 1922's *Eugenical Sterilization in the United States* that Oregon was the only state that had organized opposition to sterilization. Despite that opposition, Owens-Adair continued to support eugenics legislation every congressional year, and in 1917 she promoted a bill that finally passed and was signed into law by Governor James Withycombe without the need for a voter-approved referendum.

The statute called for the creation of the Board of Eugenics and empowered the Board to conduct hearings about patients at state institutions. Members of the Board included members of the State Board of Health and the superintendents from certain state institutions, including Oregon State Hospital, Eastern Oregon State Hospital, the State Institution for the Feeble-minded, and the State Penitentiary. Superintendents from those institutions were required to create quarterly reports of all housed inmates that belonged to groups deemed undesirable, such as those described as feeble-minded, insane, epileptic, habitual criminals, moral degenerates, and sexual perverts. Habitual criminals were defined as those who have been convicted three times or more of a felony in any state, while moral degenerates and sexual perverts partly included homosexuals and promiscuous teenage girls.

Quarterly reports were presented to the board and were then used to find witnesses to summon for testimony, and they were used during hearings to detail each inmate's family medical history. If the Board ruled that allowing the inmate to procreate was inadvisable, they could order the sterilization surgery they deemed most appropriate. The surgeries most often recommended were either the severing of the sperm duct (vasectomy) for male patients or the removal of a section of the fallopian tubes (salpingectomy) for female patients.

The law specified that sterilization was not to be punitive in intent. Rather, it was intended to be therapeutic for the individual involved and to promote the general protection of society. Castration was not to be performed unless it was deemed beneficial to the individual; while castrations were rare compared to other sterilization techniques, the Board of Eugenics ordered greater than 160 such procedures during the first few decades of the Board's operation. While a related statute that passed in 1919 added an informal appeal process to the law, appeals had to be filed within fifteen days of the Board's decision. Upon appeal, the individual would be given a retrial, but records show that almost invariably the Court of Appeals upheld the Board's decisions.

In 1921 the 1917 statute was declared unconstitutional by the Circuit Court of Marion County, Oregon, on grounds that the proceedings were deemed sometimes unfair. The Board of Eugenics revised its practices to better ensure that it was not ordering the sterilization of people that did not meet the criteria for sterilization. Despite that scrutiny, in the 1920s and 1930s, the Board of Eugenics extended its reach to orphanages and state-run homes for juvenile delinquents.

In 1967, after World War II and during US Civil Rights movements, the Board of Eugenics was renamed the Board of Social Protection. However, the Board of Social Protection continued its work under the same 1917 statute, and its practices were largely unchanged. During the 1970s, many male and female teenagers at homes for wayward teens, such as Fairview Hospital and Training Center in Salem, were injected with sedatives and sterilized against their will. In the court case *Nancy Rae Cook v. State of Oregon* (1972), 17-year-old Nancy Rae Cook appealed the Board of Social Protection's ruling that she be sterilized due to mental illness resulting from childhood physical and sexual abuse. The Oregon Court of Appeals upheld the Board of Social Protection's decision, ruling that the state had sufficient interest in the wellbeing of its citizenry to order Cook's sterilization.

The Board of Social Protection ordered its last forced eugenic sterilization in 1981. In 1983 a subcommittee of the Oregon State Senate drafted legislation to repeal the 1917 statute and to abolish the Board of Social Protection. That subcommittee included then Senator John Kitzhaber, a physician who became governor of Oregon in 1995. In December of 2002, partially as a result of the lobbying of various organizations, Kitzhaber issued a formal apology for Oregon's history of eugenic sterilization and declared December 10th Human Rights Day in the state of Oregon.

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