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"The American Dream": How the United States has Executed Eugenic Legislation to Model the Ideal American

One Hundred Years Ago and Today

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Abstract

The scientific movement of intervening on human reproduction to manipulate breeding and produce genetically superior offspring, called *eugenics*, became nationwide public policy in early twentieth century United States. The government and social elite sought to cleanse the country of 'defective' heredity and preserve the American race by promoting breeding for families who fulfilled the Anglo-Saxon ideal and suppressing procreation for those who did not. A model of genetic advancement intensified by Adolf Hitler and his *Third Reich*, eugenics in America provided a scientific foundation for government intervention on populations antithetical to the American identity. One hundred years later, eugenic ideals for race preservation have resurfaced with the presidential election of Donald Trump. His call to "make America great again" has facilitated the enactment of policy initiatives that target immigrants, minorities, and the poor to eliminate populations outside the model of a 'true' American. Despite being a nation founded on human rights principles, which are embedded in the Constitution, the endowment of these rights is conditional for the advancement and posterity of a select minority of Americans.

Table of Contents

Introduction

As an immigrant nation, the United States has always faced the problem of coping with ethnic diversity.[1] Demonstrated within its extensive history of exclusionary immigration policies and pervasive racial and ethnic segregation, Americans have shaped and defined citizenship to only truly belonging to White persons of European descent. Yet this model of citizenship is not publicized within the national persona of the United States. Rather, the image of the United States as a 'land of opportunity and refuge' has become its preeminent identity at home and abroad.[2] Central to this identity is the ethos of the "American Dream", in which all within the borders of the United States live in freedom and equality to attain social mobility and success.

Fundamental principles of equality in pursuit of liberty within the American Dream are outlined in the foundational documents establishing the United States as a new nation. Drafted following a period of intellectual Enlightenment, the United States Constitution and Declaration of Independence are two of the oldest written documents defining the basic rights of citizens and transforming human rights into law. The influence of Enlightened thinkers such as John Locke and Jean-Jacques Rousseau are immortalized within both documents, each advancing the beliefs of natural liberty and human equality for whom it is the state's duty to provide an environment ensuring these rights flourish and cannot be taken away.[3]

The philosophical thinking behind natural rights written into The Declaration of Independence begins, "*We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."*[4]

Principles reiterated in Article Fourteen of the U.S. Constitution, which states, *"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State*

[1] Citrin, J., Wong, C., & Duff, Brian. (2001). *The Meaning of American National Identity: Patterns of Ethnic Conflict and Consensus*, p. 71, par. 1.
[2] Hirschman, C. (2005). *Immigration and the American Century*, p. 596.
[3] Bates, E. (2014). History. In D. Moeckli, S. Shah, & S. Sivakumaran, *International Human Rights Law, Second Edition*, p. 18.
[4] Declaration of Independence. (1776).

deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."[5]

However, despite this ideology of equality in which the United States was formed, the practical endowment of human rights within this landmark legislation made limited headway at its inception and remains highly exclusive today. Therefore, it is not the the text of the Constitution and the written embodiment of the founders' intentions that gives it the supreme authority governing the United States; but the contemporary context for which it has changing meaning.[6] Throughout the country's history, populations deemed inferior and antithetical to the ideal American citizen have been systematically oppressed and denied judicial protection of basic human and civil rights. At the formation of U.S. society, settlers invaded the new land and eliminated Native American societies to replace with European colonialism. Dehumanizing and delegitimizing Native Americans as non-Christian 'savages' permitted the targeted elimination of their presence in America; a strategy that was replicated during the slave trade, when the United States needed labor to develop this new civilization.[7]

The model of a 'true' American, therefore, symbolizes the Anglo-Saxon lineage in which the United States attributes its origins. The preference for this ideal citizen was most intensely demonstrated with the introduction of eugenic medicine in the late nineteenth century, in which the social elite fanatically manipulated human reproduction to genetically cleanse the country of undesirable classes of people. At the height of mass immigration and economic transition, proponents of eugenic theory warned that Americans were at risk for committing 'race suicide' if drastic intervention was not implemented to preserve the native-born population. Eugenicists victimized immigrants, the poor, and socially outcast to eradicate the introduction of 'inferior' progeny that threatened the White image of America they glorified.

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[5] U.S. Constitution. (1787), Article XIV.

[6] Preuss, U. K. (1996). The Political Meaning of Constitutionalism. In R. Bellamy, *Constitutionalism, Democracy, and Sovereignty: American and European Perspectives*, p. 21.

[7] Audrey and Brian Smedley argue in their article, "The fabrication of a new type of categorization for humanity was needed because the leaders of the American colonies at the turn of the 18th century had deliberately selected Africans to be permanent slaves. In an era when the dominant political philosophy was equality, civil rights, democracy, justice, and freedom for all human beings, the only way Christians could justify slavery was to demote Africans to nonhuman status." Smedley, A. & Smedley, B.D. (2005). *Race as Biology Is Fiction, Racism as a Social Problem Is Real - Anthropological and Historical Perspectives on the Social Construction of Race*, p. 19, par. 6.

Although the national fixation on who is 'American' has never subsided in the United States, the gradual rise of populist ideology and election of Donald Trump has reignited latent nativism while perpetuating eugenic ideals of race preservation. Comparable to the previous century, increased immigration and economic uncertainty have permitted political scapegoating of minorities and racially motivated legislation, while poor communities remain resourcefully disadvantaged to fight systemic oppression. The Trump administration and Republican majority are targeting undesirable populations to "make America great again" when the social authority of White Americans was undeniable. This paper investigates the origins and contemporary history of American attitudes towards those who came to the United States seeking a better life, alongside those living outside the realm of the model American, and the biologizing vision of society that was inflicted on them.

Part One – Eugenic science in twentieth century America

Introduction

The widespread acceptance of Charles Darwin's biological theory of natural selection facilitated the scientific introduction of human reproductive manipulation in the nineteenth century.[8] Defined as "the science of improving a population by controlled breeding to increase the occurrence of desirable heritable characteristics" the term *eugenics*, invented by Francis Galton in 1883, is a combination of Greek words meaning "well born."[9] Cousin to Darwin, Galton invented this new branch of scientific ideology in pursuit of improving the inborn qualities of the human race.[10] Galton expanded on Darwinian principles of natural selection to incorporate Mendelian laws of heredity to numerically manipulate human reproduction and produce offspring with the utmost advantage. Moreover, Galton did not support the idea of natural equality among humans, encouraging reproduction among the "fitter stock" of wealthy, upper class Anglo-Saxons and

[8] Charles Darwin writes in Chapter 7 in *On the Origins of Species*, "… one general law leading to the advancement of all organic beings – namely, multiply, vary, let the strongest live and the weakest die." Darwin, C. (1859). *On the Origins of Species by Means of Natural Selection, or the Preservation of Favoured Races in the Struggle for Life*, p. 244.
[9] Eugenics. (n.d.). Oxford English Dictionary. Retrieved from https://en.oxforddictionaries.com/definition/eugenics
[10] Galton, F. (1904). *Eugenics: Its Definition, Scope, and Aims*, par. 1.

discouraging it among lower classes and people of color.[11] Galton reduced all notions of heritage, talent and character to a series of complex eugenic equations, concluding the caliber of progeny is always reflected in its distant ancestry.[12]

The biological vehicle believed to transmit hereditary traits was contained in an individual's "germ-plasm," a concept developed by German cellular biologist August Weismann in the late 19th Century.[13] Weismann hypothesized that the genetic composition of one's germ-plasm could not be altered by external influences; only potentially displaying modest changes if subjected to the same modifying influence over generations.[14] Galton developed his eugenic theory years prior to the concept of germ-plasm, yet this biological explanation for the heritably of human characteristics became the central component for eugenics as a public policy in the United States. Eugenics in America was executed twofold: Firstly, directly intervening in human reproduction and preventing the introduction of defective germ-plasm by excluding biologically inferior people into the population, or *negative eugenics*.[15] This was implemented through involuntary sterilization and castration of persons believed to be 'unfit' to reproduce, marriage restrictions, and strict immigration policies. Secondly, *positive eugenics*, the constructive effort of promoting breeding for persons of "good stock" and discouraging reproduction of defective persons.[16]

Twentieth Century America

The Industrial Revolution in the 18th and 19th centuries had completely transformed the American economy from predominantly rural, agrarian societies to urban innovators in industry. Immigrants contributed and transformed the industrial workforce during the Age of Mass Migration, in which America took in more than 30 million immigrants,[17] comprising over half of

[11] Dennis, R. M. (1995). *Social Darwinism, Scientific Racism, and the Metaphysics of Race*, p. 246, par. 2.
[12] Black, E. (2012), p. 17, par. 4.
[13] Weismann, A. (1892). *Essays Upon Heredity and Kindred Biological Problems (Vol. II)*, p.190.
[14] Weismann, A. (1892), p.190, par. 2.
[15] Laughlin, Harry (1919). *The Relation of Eugenics to Other Sciences*, pp. 53-54.
[16] Laughlin, Harry (1919), p. 54.
[17] The Age of Mass Migration was between 1850-1914. Abramitzky, R., Boustan, L. P., & Eriksson, K. (2014). *A Nation of Immigrants: Assimilation and Economic Outcomes in the Age of Mass Migration*, pp. 467-468.

manufacturing jobs by 1920.[18] The technological advancements at the turn of the twentieth century had drastically modernized everyday life and contributed to a growing presence of women into the labor force. The birth rate for middle class Americans was decreasing as women were beginning to choose to delay pregnancy and control their family size with contraceptives. The new sense of individualism also gave way for women to challenge conventional standards of womanhood, questioning the sanctity of gender roles and demand equal rights.[19] President Theodore Roosevelt stressed societal concerns of fleeting White middle class fertility in his speech *On American Motherhood*, in which he describes women deliberately foregoing *"the supreme blessing of children"* as the *"most unpleasant and unwholesome features of modern life."*[20] Roosevelt proclaims that Americans are rapidly reaching the point of extinction and were at risk for committing "*race suicide*."[21]

Seeking to rectify this societal imbalance and save the American race, scientific and government elites began funding research and legislation to regulate the reproductive behavior of the country. The eugenic vison of racial progress would save civilization by promoting families of 'good stock' to have more children and suppressing the procreation of defectives. Eugenics provided the scientific basis to restrain the liberties of immigrants, institutionalize the mentally ill, and sterilize the socially unfit.

Positive Eugenics

The foundational principle of eugenic theory, that humans of 'good stock' can be bred to possess desired traits like livestock, mirrors the economic transition of America from an

[18] Hirschman, C., & Mogford, E. (2009). *Immigration and the American Industrial Revolution From 1880 to 1920*, see Abstract.
[19] Kline, W. (2001). *Building a Better Race: Gender, Sexuality and Eugenics from the Turn of the Century to the Baby Boom*, p. 11, par. 1.
[20] Roosevelt, T. (1905). *On American Motherhood* (speech).
[21] *Race suicide* is a social theory developed by sociologist Edward Ross. In his publication *The Causes of Race Superiority*, Ross warns that the modernization of America is risking the progress and longevity of the White "superior race." With the working classes delaying marriage and restricting the size of the family, Ross stresses the opportunities for American children will be overtaken by the progeny of foreign born. Epitomizing the xenophobic agenda of eugenic science, Ross states America must have a stronger sense of racial superiority and an uncompromising attitude toward the lower races to ensure their higher culture is kept pure with higher blood. Ross, Edward A. (1901). *The Causes of Race Superiority*, pp. 88, 85.

agricultural society.[22] Leaders of the eugenics movement in the United States, Dr. Charles Davenport and Dr. Harry Laughlin, incorporated Galton's statistical theories and Mendel's laws of heredity to analyze genetic traits from American families. Establishing the Eugenics Record Office (ERO) in 1904 at Cold Spring Harbor, New York, [23] Davenport and Laughlin developed questionnaires and trained field workers to gather data from individual persons and families on a variety of physical, mental, moral and behavioral traits,[24] analyzing and cataloguing in accordance to the principles of Mendelian genetics, autosomal dominant or autosomal recessive.[25] The ERO sought to collect vast quantities of data on biological traits to comparatively analyze characteristic differences between persons and ethnic groups.[26] The eventual goal of archiving such vast amount of pedigree information was to reference a specific trait and conclude the potentiality of a child to inherit this trait as a result of particular mating.

Shortly after the establishment of the ERO, eugenic research organizations began opening across the United States, facilitating the work of hundreds of field workers and clinicians collecting racial data across the country.[27] The ERO and its institutions additionally supported public health initiatives to educate society on human reproduction through thoughtful marriage preparation and

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[22] Posters promoting eugenics posed questions, such as: "*How long are we Americans to be so careful for the pedigree of our pigs and chickens and cattle, - and then leave the ancestry of our children to chance, or to "blind" sentiment*?" and "*Are you a thoroughbred*?" Remsberg, R. (2011). *Found in The Archives: America's Unsettling Early Eugenics Movement*. Retrieved from: http://www.npr.org/sections/pictureshow/2011/06/01/136849387/found-in-the-archives-americas-unsettling-early-eugenics-movement

[23] Cold Spring Harbor Laboratory. (n.d.). *Archives at Cold Spring Harbor Library: Eugenics Record Office*, Retrieved from: http://library.cshl.edu/special-collections/eugenics

[24] Lawrence, C.R. (2011). *The Eugenics Record Office at Cold Spring Harbor Laboratory (1910-1939)*. Retrieved from: https://embryo.asu.edu/pages/eugenics-record-office-cold-spring-harbor-laboratory-1910-1939

[25] Autosomal Dominant genes occur in every generation and are transmitted to offspring through one affected parent. Autosomal Recessive genes do not typically occur in every generation and both parents must be carriers of the gene to produce an affected offspring. Genetic Alliance; District of Columbia Department of Health. (2010). *Understanding Genetics: A District of Columbia Guide for Patients and Health Professionals; Appendix B, Classic Mendelian Genetics (Patterns of Inheritance)*.

[26] Black, E. (2012), pp. 52-53.

[27] The far reach of the ERO and its institutions was supported through funding from the Carnegie Institute and Rockefeller Foundation. Clinical staff support, and facilitation of research outcomes was achieved through affiliations with some the country's most respected universities, including Princeton, Yale, Harvard, and Stanford. Black, E. (2012), pp. xvii, 36, 56-57; Krisch, J. A. (2014). *When Racism was a Science - 'Haunted Files: The Eugenics Record Office' Recreates a Dark Time in a Laboratory's Past.* www.nytimes.com/2014/10/14/science/haunted-files-the-eugenics-record-office-recreates-a-dark-time-in-a-laboratorys-past.html

family planning initiatives.[28] Booklets, public lectures, conferences, and exhibits were strategies used to popularize eugenic theory for the public.[29] One such exhibit, "Fitter Families Contests" were held at state fairs and evaluated the health and heredity of families possessing the genetic traits exemplified by eugenic ideals – White, educated, and with no familial history of congenital disability. The contests served as a venue for eugenicists to construct public opinion on decisions of marriage and procreation, while simultaneously granting American families recognition for hereditary merit.[30]

The constructive promotion of eugenics through data collection, scientific study, and public education sought to raise the general awareness of genetic health to secure high fertility amongst superior people and improve the human race.[31] These efforts, however, would not go far enough in the eugenic crusade to cleanse America of defective germ-plasm. Laughlin wanted eugenic sterilization legally ordered for all individuals possessing undesirable genetic qualities.[32]

Negative Eugenics: Sterilization

Indiana became the first jurisdiction in the world to legislate forced sterilization and validate eugenic ideals of biological superiority. Enacted in 1907, to "*prevent procreation of confirmed criminals, idiots, imbeciles, and rapists."*[33] Referencing that *"heredity plays a most*

[28] Allen, G. et al. (n.d.). *Image Archive on the American Eugenics Movement*, Eugenics Goals and Education. Retrieved from: www.eugenicsarchive.org/eugenics/list2.pl

[29] One booklet, *How to Make a Family Eugenical Study,* outlined how to construct a familial pedigree chart from self-reported physical, mental, and temperamental traits. As stated in the introduction of the booklet, "As physical, mental and moral hereditary traits in the individuals of the population are of such importance to a nation, the existence of these in the population [ought] to be recorded; and the record should be deposited in some central clearing house for the whole country. The need of such a clearing house the Eugenics Record Office Seeks to meet." Davenport, C.B. & Laughlin, H.H. (1915). *How to Make a Family Eugenical Study.* Retrieved from: https://babel.hathitrust.org/cgi/pt?id=iau.31858012620062;view=1up;seq=1

[30] Selden, S. (2005). *Transforming Better Babies into Fitter Families: Archival Resources and the History of the American Eugenics Movement, 1908–1930*, pp. 211-212.

[31] Harry Laughlin. (1919), p. 54, par. 2.

[32] Harry Laughlin. (1919), p. 53, par. 2.

[33] Indiana General Assembly. (1907). *Laws of the State of Indiana, Passed at the Sixty-Fifth Regular Session of the General Assembly*. Retrieved from: https://scholarworks.iupui.edu/handle/1805/1053; The population most targeted for eugenic sterilization were "mentally defective persons," which included persons diagnosed as an idiot or feebleminded. A diagnosis of feebleminded described anyone with inherent or early acquired mental weakness who cannot manage themselves or their affairs with ordinary prudence. The threshold for intelligence and mental normalcy was initiated after the first intelligence test was

important part in the transmission of crime, idiocy and imbecility," Indiana's law made it compulsory for every penal institution in the state,

"entrusted with the care of confirmed criminals, idiots, rapists and imbeciles, to appoint upon its staff, in addition to the regular institutional physician, two (2) skilled surgeons of recognized ability, whose duty it shall be, in conjunction with the chief physician of the institution, to examine the mental and physical condition of such inmates… If, in the judgment of this committee of experts and the board of managers, procreation is inadvisable and there is no probability of improvement of the mental condition of the inmate, it shall be lawful for the surgeons to perform such operation for the prevention of procreation as shall be decided safest and most effective."

Indiana's sterilizations were carried out in various penal and mental institutions across the state, targeting these populations as preventative policy to eliminate the possible introduction of criminality, degeneracy, and hyper-sexuality to the rest of society. Prior to Indiana's law, numerous proposed state laws had been overturned on the constitutional grounds of *posterity*.[34] Eugenicists argued, however, the social burden of not preventing procreation of persons dependent on the state was too great to place on future generations. After the Indiana Eugenic Law was enacted, several states followed and began drafting and passing legislation of their own. In 1922 Laughlin surveyed legislation across the country and discovered the majority of states were not sterilizing their mentally ill. In an attempt to make it easier for states to enact their own laws and standardize its administration nationwide, Laughlin published a model sterilization law titled *Eugenical Sterilization in the United States*.[35] The manuscript outlined the underlying principles

published in France in 1905; developed by psychologist Alfred Binet and physician Theodor Simon to classify levels of mental retardation in children. The Director of Research at the ERO, Dr. Henry Goddard, later translated and revised the Benet-Simon intelligence test, utilizing the concept of mental normalcy as a baseline to test for feeblemindedness; a test he would later administer at Ellis Island intake centers to bolster eugenic rationale for restricting immigration from undesirable countries. Indiana's sterilization law would later be revised in 1927 and shift away from criminals to target persons with "hereditary insanity, idiocy, imbecility, feeblemindedness or epilepsy." Terman, L. M. (1916). *The Binet Scale and the Diagnosis of Feeble-Mindedness*, p. 536, par. 2-3; Black, E. (2012), p. 76, par. 3; Allen, G. et al. (n.d.), State Criteria for Legal Eugenical Sterilization, image 948.

[34] U.S. Constitution. (1787), Preamble; Black, E. (2012), pp. 107-108.

[35] Laughlin, H. H. (1922), *Eugenical Sterilization in the United States*, par. 2. Retrieved from: http://alexwellerstein.com/laughlin/

that should guide eugenic sterilizations across the country, specifically the state's motive to *"prevent certain human stock from reproducing its kind."* This model law expands its application of sterilization of mentally ill persons and prisoners to include individuals from socially inadequate classes including "orphans, ne'er-do-wells, the homeless, tramps and paupers." [36] It was intended to be the complete legislator's guide to eugenic sterilization implementation.

Virginia was the first state to pass sterilization legislation derived from Laughlin's model law. Approved in 1924, the Act states,

"*Whereas, both the health of the individual patient and the welfare of society may be promoted in certain cases by the sterilization of mental defectives… Whereas, the Commonwealth has in custodial care and is supporting in various State institutions many defective persons who if now discharged or paroled would likely become by the propagation of their kind a menace to society but who if incapable of procreating might properly and safely be discharged or paroled and become self-supporting with benefit both to themselves and to society… Whereas, human experience has demonstrated that heredity plays an important part in the transmission of insanity, idiocy, imbecility, epilepsy and crime, now, therefore*

1. *Be it enacted by the general assembly of Virginia, That whenever the superintendent…shall be of the opinion that it is for the best interests of the patients and of society that any inmate of the institution under his care should be sexually sterilized…"* [37]

The public health emphasis within these eugenic sterilization laws characterized unchecked procreation among the socially inadequate classes as an epidemic threat to American society.[38] Sterilization for eugenic intervention for the reproductively unfit, however, would not become standard practice across the United States until the Supreme court ruling of *Buck v. Bell* in 1927.

A few days prior to the enactment of the sterilization law in Virginia, the superintendent of the Virginia Colony for Epileptics signed off on the procedure without the patient's consent so

[36] Laughlin, H. H. (1922), p. 446, par. 6, section 2b.
[37] Virginia General Assembly. (1924). *An Act to Provide for The Sexual Sterilization of Inmates of State Institutions in Certain Cases.* Retrieved from: https://www.dnalc.org/view/11213-Virginia-Sterilization-Act-of-3-20-1924.html
[38] Lombardo, P. (1997). *Medicine, Eugenics, and the Supreme Court: From Coercive Sterilization to Reproductive Freedom*, p. 2 par. 1.

that *"her welfare and that of society will be promoted"*.[39] Diagnosed as feebleminded and the daughter of a feebleminded woman, Carrie Buck represented a 'biological menace' [40] whose reproductive fate to be sterilized was easily decided after discovering she was pregnant at seventeen. Tried for denying Carrie her Fourteenth Amendment rights of due process and equal protection before the law,[41] the judge ruled in favor of the superintendent. In the summary of his ruling the judge states,

"...many defective persons who, if now discharged [from institutions] would become a menace, but, if incapable of procreating, might be discharged with safety and become self-supporting with benefit to themselves and to society, and that experience has shown that heredity plays an important part in the transmission of insanity, imbecility, etc." [42]

After the Supreme Court's ruling to uphold eugenic sterilization in Virginia, it gave premise for similar laws to be drafted and executed across the United States. Fifteen states had passed sterilization laws prior to 1917, totaling 30 in 1937 with each listing a combination of feebleminded, "persons with hereditary form of insanity", idiots, or mental defectives as criteria for sterilization.[43] Additionally, many of the laws permitted their execution without the consent of the patient or were compulsory, citing the need to maintain public health over individual autonomy; a justification that was upheld by *Buck v. Bell*.[44] Over 20,000 institutionalized patients were sterilized between 1931 and 1939, more than triple the number sterilized between 1920 and

[39] *Buck v. Bell*, 274 U.S. 200. (1927); Black, E. (2012), p. 110.
[40] Black, E. (2012), p. 172.
[41] *Buck v. Bell*. (1927).
[42] Lombardo writes in his article, "the strong support for surgical sterilization as a public health measure was far removed from mainstream thought in both law and medicine. The endorsement by the United States Supreme Court of state mandated surgery on unwilling patients…was an extraordinarily radical departure from existing Supreme Court medical jurisprudence." Lombardo, P. (1997). *Medicine, Eugenics, and the Supreme Court: From Coercive Sterilization to Reproductive Freedom*, p. 7, par. 3.
[43] The following states had eugenic sterilization laws: Alabama, Arizona, California, Connecticut, Delaware, Georgia, Idaho, Indiana, Iowa, Kansas, Maine, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, New York, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin. Pennsylvania did not have a formal law; however, sterilizations were still performed in public institutions between 1889-1931. Allen, G. et al. (n.d.), State Criteria for Legal Eugenical Sterilization, image 948.
[44] Compulsory sterilization laws were adopted by over 30 states, resulting in more than 60,000 sterilizations. Kaelber, L. (2012). *Eugenics: Compulsory Sterilization in 50 American States.* Retrieved from: http://www.uvm.edu/~lkaelber/eugenics/

1929.[45] California's program was by far the largest. The third state to enact a eugenics-based sterilization law in 1909, California consistently performed the highest number of sterilizations in the United States,[46] making it the most progressive state in the context of eugenics reform. California's statute consisted of a single paragraph,

"Whenever in the opinion of the medical superintendent of any state hospital, or the superintendent of the California Home for the Care and Training of Feeble-Minded Children, or of the resident physician in any state prison, it would be beneficial and conducive to the benefit of the physical, mental or moral condition of any inmate of said state hospital, home, or state prison, to be asexualized, then such superintendent or resident physician shall call in consultation the general superintendent of state hospitals and the secretary of the state board of health, and they shall jointly examine into all the particulars of the case with the said superintendent or resident physician, and if in their opinion, or in the opinion of any two of them, asexualization will be beneficial to such inmate, patient or convict, they may perform the same."[47]

Sterilization in California was soon seen as an essential civic strategy that would simultaneously defend the public health, preserve fiscal resources, and mitigate the unfit and feebleminded in society.[48] Sterilization offered a more cost-effective solution to institutionalization and was viewed as the best method of prevention for preserving the mental hygiene and welfare of the American people. An estimated 20,000 sterilizations occurred in California between 1909 and 1964, accounting for 60 percent of surgeries nationwide.[49]

Negative Eugenics: Marriage

Defective humans targeted in eugenic legislation were not just those carrying obvious diseases or handicaps, but those whose lineages strayed from the Germanic, Nordic and/or White

[45] Kline, W. (2001), p. 107, par. 2.
[46] Allen, G. et al. (n.d.), image 1760.
[47] Wellerstein, A. (2011). *States of Eugenics: Institutions and Practices of Compulsory Sterilization in California*, p. 34. Retrieved from: http://alexwellerstein.com/publications/wellerstein_statesofeugenics.pdf
[48] Stern, A. M. (2005). *Sterilized in the Name of Public Health: Race, Immigration, and Reproductive Control in Modern California*, p. 1130, par. 3.
[49] Stern, A. M. (2005), p. 1131, par. 1.

Anglo-Saxon Protestant ideal.[50] Eugenicists further intervened in the individual pursuit of happiness and posterity by halting procreation and race mixing through restrictive marriage laws. Although most states had anti-miscegenation laws following the abolishment of slavery, the increasing concern of mixed persons passing as White facilitated the abolishment of interracial marriage and enactment of racial integrity laws.[51] Previous anti-miscegenation laws targeted the intermingling between Whites and 'colored' persons by segregating public spaces and institutions but did not address the issuance of marriage licenses.[52] Eugenicists secured the passage of the most severe anti-miscegenation law in American history in Virginia's *Racial Integrity Act of 1924*.[53] Passed on the same day as it's eugenic Sterilization Act,[54] the law forbade the issuance of marriage licenses between interracial couples, the cohabitation of whom became a felony offense.[55] The Racial Integrity law for the first time defined White as an ethnicity and replaced the previous, more lenient provision that a person must have one-sixteenth of "negro blood" to fall into the definition of "colored." [56] The Virginia law states,

"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."[57]

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[50] Black, E. (2012), p. 29, par. 4.
[51] Anti-miscegenation laws grew in popularity following the abolishment of slavery. Peggy Pascoe argues, these anti-miscegenation laws became the "ultimate sanction of the American system of white supremacy," and were so widespread – 41 American colonies enacted them – they formed a "virtual road map to American legal conceptions of race." Pascoe, P. (1996). *Miscegenation Law, Court Cases, and Ideologies of "Race" in Twentieth-Century America*, p. 49.
[52] Despite the lack of legal statute preventing interracial marriage, it should not be considered that these marriages were viewed as legitimate or there was popular indifference to them. Browning, J.R. (1951). *Anti-miscegenation laws in the United States*, p. 32, par. 1.
[53] Pascoe, P. (1996), p. 59, par. 1.
[54] Kaelber, L. (2012). *Virginia Eugenics*. Retrieved from: www.uvm.edu/~lkaelber/eugenics/VA/VA.html
[55] Reilly, P.R. (1987). *Involuntary Sterilization in the United States*, p. 159.
[56] Reilly, P.R. (1987), p. 159; Pascoe, P. (1996), p. 59, par. 1.
[57] Virginia General Assembly. (1924). *To Preserve Racial Integrity*. Retrieved from: http://www2.vcdh.virginia.edu/lewisandclark/students/projects/monacans/Contemporary_Monacans/racial.html

This specification outlawing even "one drop" of racial origin other than White was drafted and enacted through support from eugenicists and the ERO.[58] The illegality of interracial marriage in Virginia exemplified the eugenic held view of "mongrelization," in which the outcome of mixing two races results a race reverting to the more ancient, generalized, and lower type.[59] Zoologist and eugenicist, Madison Grant, explained this prolonged admixture of races produces "disharmonic combinations"[60] that compromises the characteristics of the genetically superior, yet more susceptible, Nordic blood. Within a decade, models after the Virginia's one drop law were adopted in Georgia and Alabama, in addition to many states broadening racial limitations to forbid interracial marriage between Whites and American Indians, Asian Americans, and Filipinos.[61] Moreover, thirty states declared racially mixed marriages civilly invalid.[62]

Although preserving genetic integrity through racially restricted marriage laws was in line with eugenic ideals, Francis Galton had dismissed the notion of human breeding and regulated marriage as socially impossible,[63] stating, "*human nature would never brook interference with the freedom of marriage*."[64] Additionally, Davenport argued eugenic marriage laws could not accomplish their designed purpose because morally defective people were indifferent to marriage

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[58] Black, E. (2012), p. 235, par. 1.
[59] Black, E. (2012), p. 165, par. 2; Grant, M. (1916). *The Passing of the Great Race: or The Racial Basis of European History*, pp. 15-16.
[60] Grant, M. (1916), p. 12.
[61] 1924 Virginia Acts Ch. 371; 1927 Georgia Laws No. 317; 1927 Alabama Acts No. 626. Twelve states prohibited marriage between Caucasians and American Indians, fourteen states targeted Asian Americans (Chinese, Japanese, and Koreans) and nine targeted "Malays" or Filipinos. Pascoe, P. (1996), p. 59; Maryland's anti-miscegenation law reads: "All marriages between a white person and a Negro, or between a white person and a person of Negro descent, to the third generation, inclusive, or between a white person and a member of the Malay race or between a Negro and a member of the Malay race, or between a person of Negro descent, to the third generation, inclusive, and a member of the Malay race, are forever prohibited, and shall be void; and any person violating the provisions of this Section shall be deemed guilty of an infamous crime, and be punished by imprisonment in the penitentiary for not less than eighteen months nor more than ten years." Whitman, J.Q. (2017). *Hitler's American Model: The United States and the Making of Nazi Race Law*, p. 92.
[62] Whitman, J.Q. (2017), pp. 41-45, 91.
[63] Black, E. (2012), p. 28, par. 1.
[64] Galton, F. (1905). *Studies in Eugenics*, p. 11; Galton additionally writes on p. 25, *"*Eugenic belief extends the function of philanthropy to future generations; it renders its action more pervading than hitherto, by dealing with families and societies in their entirety; and it enforces the importance of the marriage covenant by directing serious attention to, the probable quality of the future offspring. It brings the tie of kinship into prominence, and strongly encourages love and interest in family and race.*"*

and would continue to reproduce outside the institution.[65] Yet, the United States, with its numerous overlapping jurisdictions, led the world in marriage restriction laws.[66] Many remained instituted through 1967 until overturned by the Supreme Court ruling *Loving v. Virginia,* which ruled miscegenation laws as unconstitutional.[67] Following the Loving's victory, racial integrity laws became unenforceable in the remaining sixteen states with anti-miscegenation statues.[68]Anti-miscegenation laws violated individuals' Fourteenth Amendment rights for equal protection under the law.[69] However, proponents of racial segregation defended its constitutionality, believing setting racial boundaries was crucial to the maintenance of ordered society.[70] This order, of course, ensured White people upheld their social power. By intervening on the right to marry, the government preserved racial hierarchy while removing the social respectability and economic benefits contained within the institution of marriage.

Negative Eugenics: Immigration

At the time that eugenics was gaining momentum in the United States, immigrants had been steadily entering the country during what is known as the Age of Mass Migration (1850-1913), in which America took in more than 30 million immigrants.[71] During this period of 'open borders,' most migrants initially came from the British Isles and Germany, followed shortly after

[65] Ziegler, Mary. (2008). *Eugenic Feminism: Mental Hygiene, the Women's Movement, and the Campaign for Eugenic Legal Reform, 1900-1935,* p. 216, par. 2.
[66] Black, E. (2012), p. 146, par. 3.
[67] US Constitution guarantees equal protection before the law and protection of the fundamental right to marry. U.S. Constitution. (1787), Article XIV; Richard Perry Loving and Mildred Delores Jeter were arrested in their home in the middle of the night for violating Virginia's Racial Integrity Law of marriage between a "white" man and a "colored" woman. The Loving's had three children and were tired of living with relatives in Washington, D.C. to avoid jail time in Virginia, prompting their decision to pursue an appeal of the court's decision as an infringement of their civil rights. Pascoe, P. (1996), pp. 64-65, 66.
[68] *Loving v. Virginia,* 388 U.S. 1. (1967); Alabama was the final state in the union with an anti-miscegenation statute, which was not repealed until 2000. Black, E. (2012), p. 401, par. 4.
[69] Section 1 of the Fourteenth Amendment reads: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." U.S. Constitution. (1787), Article XIV, 1.
[70] Pascoe, P. (1996), p. 51.
[71] Abramitzky, R. et al. (2014), pp. 467-468.

by other northern Europeans in the 1870s.[72] Eventually, over time, many immigrants began coming from poorer regions in southern and eastern Europe in search of work in the United States. The expansion and simplification of factory processes increased the need for unskilled labor and the employment opportunities attracted immigrants to industrial cities. By 1910, 22 percent of the U.S. labor force – and 38 percent of workers in non-southern cities – were foreign-born.[73] Naturalized Americans were fearful this new influx of foreigners would not integrate into society and disrupt the labor market by crowding out native-born Americans from unskilled jobs.[74] Additionally, the Anglo-Saxon majority became increasingly anxious that ethnic minorities might soon replace the 'old American' stock.[75] Rooted in the ideology that Americans were doomed to commit 'race suicide' and be replaced by the foreign-born facilitated the emergence of a restrictionist movement and immigration reform to deter the entry of undesirable migrants.

Exalting the early immigrants to America as courageous men in a class of scholars and social leaders, eugenicists viewed the later waves of immigrants as being of 'bad blood' and threatening to American culture.[76] Eugenicists transferred the belief that genetically inherited characteristics could be attributed to specific races and ethnicities, using science to justify racist policies. Political leaders then enacted legislation to uphold these ideals and halt the mass influx of immigrants viewed as fundamentally different from the established, White population. The laws differentiated and ranked nationalities based on desirability, constructing a White American racial identity that was presumed unchangeable with the Whiteness of persons of European descent.[77] These laws therefore facilitated societal biases that Europeans could become "American," while casting out Mexicans, Asians, and Africans as unassimilable and permanently foreign. The United States has always been a nation of immigrants but to American eugenicists, most immigrants entering the country after 1890 were considered undesirable. Therefore, their campaign to keep

[72] Abramitzky, R., Boustan, L. P., & Eriksson, K. (2012). *Europe's Tired, Poor, Huddled Masses: Self-Selection and Economic Outcomes in the Age of Mass Migration,* p. 1836, par. 1.
[73] Compared to today's labor composition, in which immigrants account for only 17 percent. Abramitzky, R. et al. (2014), pp. 467-468.
[74] Ngai, M. M. (1999). *The Architecture of Race in American Immigration Law: A Reexamination of the Immigration Act of 1924*, p. 75, par. 2.
[75] Ludmerer, K. M. (1972). *Genetics, Eugenics, and the Immigration Restriction Act of 1924,* p. 60, par. 2.
[76] Davenport, C. (1923). *Heredity in Relation to Eugenics,* p. 222.
[77] Ngai, M. M. (1999), pp. 69-70.

immigrants out of the country is considered equally important to the crusade of genetically cleansing the population.[78]

Anti-immigration legislation was facilitated and supported by various eugenic leaders both within and outside the United States government. The desire to implement preferential quotas for northern Europeans began at the end of nineteenth century with the superintendent of the Census Bureau, Francis Walker, who analyzed demographic data to demonstrate that immigration was overwhelming the nation and retarding the birthrate of native-born Americans; specifically, risking extinction of Nordic influence.[79] His successor, Joseph Hill, contributed to this theory in a series of studies that evaluated occupational distribution by nativity and fertility rates between the native-born and foreign-born parents. As Mae Ngai describes, eugenicists declared causal relationships between race and data by working backwards from classifications; if statistics showed that immigrants were less healthy, less educated, and poorer than native-born Americans, that was considered evidence of immigrants' inferior physical constitution, intelligence, and ambition.[80] Joseph Hill would later help establish the Quota Board, overseeing the categorization of racial differences to restrict entry for persons migrating from outside the boundaries of northern Europe.

The Immigration Act of 1917

The passage of the Immigration Act of 1917 was the beginning of a wave of strict nativist laws that would govern immigration into America until 1952.[81] The most restrictive immigration law passed in the United States to date, the 1917 Act sought to eliminate the "jobs magnate"

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[78] Black, E. (2012), p. 185, par. 2-3; Laughlin wrote in his Model Eugenical Sterilization Law: "…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" Laughlin, H. (1922), p. 451, comment b, par. 2-3.

[79] Francis A. Walker was the director of the Census Bureau in 1870 and 1879-1881. An ardent nativist, he believed immigrants from Italy, Hungary, Austria, and Russia represented the "worst failures in the struggle for existence". Ngai, M. M. (1999), p. 75-77.

[80] Ngai, M. M. (1999), p. 77, par. 1-3.

[81] In conjunction with the Immigration Act of 1924. Greenwood, M. J., & McDowell, J. M. (1999). *Legal U.S. Immigration: Influences on Gender, Age, and Skill Composition*, p. 23, par. 2.

attracting immigrants.[82] Utilizing eugenic language to target those genetically and ethnically undesirable, the law denied entry for:

"*…all idiots, imbeciles, feebleminded persons, epileptics, insane persons…[and] persons of constitutional psychopathic inferiority…"*

"*All aliens arriving at ports of the United States shall be examined by not less than two [experienced] medical officers…who have had especial training in the diagnosis of insanity and mental defects.*"

"…persons hereinafter called contract laborers, who have been induced, assisted, encouraged, or solicited to migrate to this country by offers or promises of employment… to perform labor in this country of any kind, skilled or unskilled…[and] All aliens over sixteen years of age, physically capable of reading, who cannot read the English language…" [83]

Barring the entry of the mentally ill demonstrates the influence eugenicists had on immigration policies. Prior to the passage of the 1917 statute, the ERO field workers regularly administered their revised intelligence tests at Ellis Island intake centers to prove most immigrants, particularly brown-haired Irish, Eastern European Jews, and southeastern Italians were genetically defective.[84] The Director of Research at the ERO, Dr. Henry Goddard, later published his findings, *Mental Tests and the Immigrant*, to demonstrate 40 percent of immigrants tested as feebleminded.[85] Eugenicists used data from these intelligence tests to bolster their rationale for

[82] Italians comprised the largest majority of immigrants 1901-1920. U.S. Census Bureau. (1999). *20th Century Statistics*, p. 872, table No. 1416. Retrieved from: www.census.gov/prod/99pubs/99statab/sec31.pdf; Mexican immigrants were exempted from the 1917 literacy test following successful advocacy from industry leaders. The value of Mexican migrants for the United States economy began in the 1890s, fulfilling industry expansion in agriculture and mining. It is estimated that nearly a million Mexicans immigrated to the United States from 1910 to 1920. Montano, R. (2017). *Mexicans in the United States: A Historical Perspective, 1900-1942*, p. 41.

[83] *An Act to Regulate the Immigration of Aliens to, and the Residence of Aliens in, the United States*, S.301, 64th Cong. (1917), sections 3,16. Retrieved from: https://www.loc.gov/law/help/statutes-at-large/64th-congress/session-2/c64s2ch29.pdf; Ngai, M. M. (1999), p. 81, footnote 35; Yuill, K. (2014). *In the Shadow of the 1924 Immigration Act: FDR, Immigration and Race* p. 187-188.

[84] Black, E. (2012), p. 78.

[85] Dr. Goddard tested 20 Italians and 19 Russians who appeared to be feebleminded for the first set of cases. For the second set of cases he tested 35 Jews, 22 Hungarians, 50 Italians, and 45 Russians. The data was collected through interpreters. Dr. Goddard generalized his findings to assume the "intelligence of the average 'third class' immigrant is low, perhaps moron grade." Goddard, H. H. (1917). *Mental Tests and the Immigrant*, p. 243.

preserving the White American race, believing America's method of entry had become too lenient for this new wave of immigration and the weakest, most genetically inferior were being admitted.[86]

Immigration Act of 1924 (Johnson-Reed Act)

Seeking to impose further limitations, chair of the House Committee on Immigration and Naturalization, Albert Johnson, collaborated closely with Davenport and Laughlin to develop a system that would incorporate eugenic ideals more heavily in favor of Nordics.[87] The Immigration Act of 1924 strengthened and clarified earlier provisions within the Act of 1917 while further restricting immigration in two key ways. Firstly, the law instituted a preferential quota system for Northern European countries, allotting visas to countries in the same proportion that the American people traced the origins of their ancestors in 1890.[88] Secondly, the law instituted ineligibility to citizenship and visa exclusion for nearly all persons from the Far East. The Act states,

"To limit the immigration of aliens into the United States, and for other purposes… The annual quota of any nationality shall be 2 per centum of the number of foreign born individuals of

[86] Influential raceologist and eugenicist Madison Grant wrote in his book, *The Passing of the Great Race*, "The prosperity that followed the [civil war] attracted hordes of newcomers to operate factories, build railroads, and fill up waste spaces - 'developing country' it was called. These new immigrants were no longer exclusively members of the Nordic race as were earlier ones who came of their own impulse to improve their social conditions. The transportation lines advertised America as a land flowing with milk and honey, and the European governments took this opportunity to unload upon careless, wealthy, and hospitable America the sweepings of their jails and asylums. The result was that the new immigration, while still included many strong elements from the north of Europe, contained a large and increasing number of the weak, the broken, and the mentally crippled of all races drawn from the lowest stratum of the Mediterranean basin and the Balkans, together with the hordes of the wretched, submerged populations of the Polish Ghettos." Grant, M. (1916), pp. 79-80.

[87] Black, E. (2012), p. 188, par. 2; Laughlin actively lobbied for anti-immigration, testifying before House of Representatives Committee on Immigration and Naturalization three times between 1920 and 1924. Committee Chairman Albert Johnson eventually appointed Laughlin as an "expert eugenics agent." Laughlin used biased data to show that new immigrants had high levels of "all types of social inadequacy," including feeblemindedness, insanity, criminality, and dependency. Allen, G. et al. (n.d.), Immigration; Davenport believed unchecked immigration would result in "a great influx of blood from South-eastern Europe, rapidly become darker in pigmentation, smaller in stature, more mercurial…more given to crimes in larceny, kidnapping, assault, murder, rape and sex-immorality…[and] the ratio of insanity in the population will rapidly increase." Davenport, C. (1923), p. 219, par. 2.

[88] The law restricted immigration to 150,000 a year. Visas were allotted for countries in proportion to immigration origins of Americans who were in the country in 1890. Yuill, K. (2014), p. 185, par. 2.

such nationality resident in continental United States as determined by the United States census of 1890, but the minimum quota of any nationality shall be 100. Such determination [of national origin] shall not be made by tracing the ancestors or descendants of particular individuals, but shall be based upon statistics of immigration and emigration, together with rates of increase of population as shown by successive decennial United States censuses, and such other data as may be found to be reliable.[89]

The statistical method of tracing national identities was treated as absolute and transhistorical, passed down through generations without change. The Quota Board assumed that nationalities did not mix but remained in descendants, viewing intermarriage between European nationalities in Mendelian terms; defining the race by the bloodline.[90] Countries with the highest allotted quota were Great Britain, Ireland, Germany, and Poland,[91] formally distinguishing and preferencing entry for immigrants who fulfill the eugenic Nordic ideal.

The Immigration Act of 1924 went further than to simply restrict and regulate the national origins of immigrant populations, it additionally included provisions to prevent admission for any alien ineligible to become a citizen, aiming primarily at immigrants from Continental Asia and the Japanese.[92] The Immigration Act of 1917 outlined hemispheric regions that were excluded from admission into the United States known as the "barred Asiatic zone" but had strategically omitted Japan out of respect for a labor agreements between the two governments.[93] By the enactment of the 1924 law, however, the United States had taken in more Japanese than any other English-

[89] *An Act to Limit the Immigration of Aliens into the United States, and for Other Purposes*, S.139, 68th Cong. (1924), section 11. Retrieved from: http://www.legisworks.org/congress/68/publaw-139.pdf

[90] Ngai, M. M. (1999), p. 79.

[91] African Americans accounted for approximately 9 percent of the total United States population and had they been included in the base population governing quotas, African nations would have received a greater percent of the immigration and reducing the number of slots for European nations. Ngai, M. M. (1999), pp. 72, 74, table 1.

[92] Auerbach, F. L. (1955). *Immigration Laws of the United States*, p. 9, point 12(d).

[93] The "Asiatic zone," specified hemispheric regions that covered most of continental Asia, specifically immigration from Arabia, Afghanistan, India, Burma, Thailand, Russia, Southeast Asia, and Pacific Islands. This legislation did not bar immigrants from Japan, which the State Department did not wish to offend. However, the Immigration Act of 1924 did eventually exclude Japan and achieve complete Asiatic exclusion. *An Act to Regulate the Immigration of Aliens to, and the Residence of Aliens in, the United States*, S.301, 64th Cong. (1917), section 3.

speaking country [94] and the national perceived threat of 'yellow peril' began to flourish.[95] The societal biases, that Europeans can become 'American', while casting out non-Europeans perceived as unassimilable, largely influenced the immigration legislation in the twentieth century. As Mae Ngai outlines, the 1924 Immigration Act established three groups for the purposes of citizenship: those who were American, those who might become American and those who, by virtue of their race, could never become American.[96]

The native-born American fixation on immigrant assimilability and anxiety of becoming the ethnic minority was bolstered with the election of President Franklin D. Roosevelt, who continued the severe restrictive policies of his predecessors and presided over the lowest immigration period of the twentieth century.[97] Roosevelt legitimated the fear of a peaceful invasion through immigration,[98] which would prove devastating for Jewish refugees fleeing Nazi Germany. Despite the humanitarian crisis brought on by the ethnic persecution in Hitler's Reich and eventual world war, American consulates refused to issue visas for Jews and other desperate refugees

[94] Auerbach, F. L. (1955), p. 9, point 12(d).
[95] The term 'yellow peril' referred to domestic fear of Japanese military invasion. This belief would surface during Roosevelt's presidency, who believed that Asians were completely unassimilable.
[96] Yuill, K. (2014), p. 186, par. 1; Ngai, M. M. (1999).
[97] The Immigration Act of 1917 passed under President Woodrow Wilson, despite his multiple attempts to veto the law. The Immigration Act of 1924 passed under President Calvin Coolidge. Black, E. (2012), p. 202, par. 3; Kevin Yull writes, "Hoover had proudly announced in 1931 that nearly 100 thousand otherwise eligible aliens had been denied visas on the basis that they were likely to become a public charge. Frances Perkins noted that in the fiscal year 1933, 23,086 aliens arrived in the USA while 80,081 left. By 1934, 750 thousand visas had been declined, more than half because of the public charge issue. The Mexican-born population dropped by nearly 50 percent during the 1930s." Yuill, K. (2014), p. 30.
[98] Yuill provided a statement from President Roosevelt from a 1925 editorial column, "Anyone who has traveled in the Far East knows that the mingling of Asiatic blood with European or American blood produces, in nine cases out of ten, the most unfortunate results. There are throughout the East many thousands of so-called Eurasians...Eurasians are, as a common thing, looked down on and despised, both by the European and American who reside there, and by the pure Asiatic who lives there." Yuill, K. (2014), pp. 189-190; President Roosevelt would later issue Executive Order 9066, placing all persons with Japanese ancestry in internment camps during World War II. The policy was in effect from 1942-1945 and was in reaction to the bombing of Pearl Harbor naval base in Hawaii by the Japanese with the intent of preventing espionage within the United States. White House. (1949). *Executive Order Authorizing the Secretary of War to Prescribe Military Areas.* Retrieved from: www.archives.gov/files/historical-docs/doc-content/images/japanese-relocation-order.pdf

attempting to flee to the United States.[99] During this period, Laughlin continued to advise the State Department and Congress to enforce the strict immigration barriers outlined in the 1924 statute.

Nazi Germany and the Holocaust were an intensely devastating furtherance of the American effort to create a super Nordic race and their movement went far beyond what eugenicists imagined was possible. As Americans were protesting and demanding national isolation from the Reich, eugenicists felt pressure to distance themselves from Hitler's crusade to ethnically cleanse Germany; but in reality, they were exhilarated to witness such successful and sweeping implementation of their work.[100]

Eugenic Influence on Germany

American eugenicists had regularly made efforts to include European scientists into the eugenics movement and extend their efforts abroad.[101] European members of the international eugenic society were eager and committed to the American-espoused belief in Nordic supremacy, a sentiment which had been rapidly growing in Germany.[102] The text *Foundation of Human Heredity and Race Hygiene* was published by leading German race eugenicists following close collaboration with Cold Spring Harbor and provided scientific support for Hitler's fanatical racist ideology prior to his rise to power. While the objective of the eugenics movement in the United States crusaded for a biologically superior race which would gradually remove the existence of

[99] The 1924 Act established a double check system that utilized American consuls from the Department of State to control the number of visas issued abroad. American consuls were authorized to issue an immigration visa only if the alien met the requirements of the intelligence and written tests and if a quota number was available. If granted, visas were then checked by immigration officers a second time upon entry into the United States. Auerbach, F. L. (1955), p. 9, point 12(a); Black, E. (2012), p. 393, par. 1.

[100] Summarizing Edwin Black, as the Reich descended into greater depths of depraved mistreatment and impoverishment of Jews, American eugenicists remained insulated from the human tragedy unfolding within Europe and maintained their contacts with Germany to eagerly exchange cooperative letters and reports on Nazi progress. (pp. 303-304). Updates and praise for Hitler's "biological salvation of humanity" were published in medical journals, like the *Journal of the American Medical Association (JAMA), Birth Control Review, and Eugenical News* (pp. 301, 305). The Rockefeller Foundation and Carnegie Institute continued to fund German eugenic research (p. 298). Black, E. (2012).

[101] The First International Congress of Eugenics was hosted by Laughlin and Davenport in London in 1912. Briefly stalled by World War I, the meeting reconvened in 1921 in the Lund, Sweden; a location Davenport selected to be more convenient for Germany which had been isolated from eugenic efforts following the war. Black, E. (2012), pp. 235, 268.

[102] Black, E. (2012), p. 239, par. 2.

inferior strains, as Edwin Black writes, Hitler's crusade for a master race, meant just that; a race that would dominate all eugenically inferior groups.[103]

Hitler imparted his admiration of the American effort for racial integrity in his autobiography, *Mein Kampf*. Replacing the American term Nordic with Aryan, Hitler references the deleterious effects of 'mongrelization' and race mixing.

"Any crossing of two beings not at exactly the same level produces a medium between the level of the two parents. This means: the offspring will probably stand higher than the racially lower parent, but not as high as the higher one. Consequently, it will later succumb in the struggle against the higher level. Such mating is contrary to the will of Nature for a higher breeding of all life. The precondition for this does not lie in associating superior and inferior, but in the total victory of the former. The stronger must dominate and not blend with the weaker, thus sacrificing his own greatness…Historical experience offers countless proofs of this. It shows with terrifying clarity that in every mingling of Aryan blood with that of lower peoples the result was the end of the cultured people…The Germanic inhabitant of the American continent, who has remained racially pure and unmixed, rose to be master of the continent; he will remain the master as long as he does not fall a victim to defilement of the blood."[104]

The first law instituted once Hitler became Chancellor of the Reich in 1933, was a mass compulsory sterilization law modeled after eugenic sterilization laws adopted in the United States.[105] Outlining nine categories of defectives identified for sterilization, the law read,

"Anyone suffering from a hereditary disease can be sterilized by a surgical operation if, according to the experience of medical science, there is a high probability that his offspring will suffer from serious physical or mental defects of a hereditary nature. Anyone suffering from any of the following diseases is considered hereditarily diseased under this law: 1. Congenital mental

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[103] Title in German, *Grundriss der Menschlichen Erblichkeitslehre und Rassen-hygiene.* A term developed by Alfred Ploetz, race hygiene is synonymous with eugenics; it sought to improve hereditary fitness of the human race over the course of generations through breeding. Authors were Erwin Baur, Fritz Lenz, and Eugene Fischer, who were closely allied with Charles Davenport and wrote him in admiration of the eugenic legislation that had been successfully implemented in the United States – specifically, restriction of interracial marriage and sterilization. Black, E. (2012), p. 270.

[104] Hitler, A. (2008) *Chapter 11: Nation and Race.* In Mein Kampf. Retrieved from: http://www.hitler.org/writings/Mein_Kampf/

[105] *Reich Statute Part I, the Law for the Prevention of Offspring with Hereditary Diseases*. Black, E. (2012), p. 299.

deficiency [feebleminded], 2. Schizophrenia, 3. Manic-depression, 4. Hereditary epilepsy, 5. Hereditary St. Vitus' Dance (Huntington's Chorea), 6. Hereditary blindness, 7. Hereditary deafness, 8. Serious hereditary physical deformity. Furthermore, anyone suffering from chronic alcoholism can be sterilized."[106]

The Reich announced that Germans would immediately be subjected to the procedure in January 1934; sterilizing at least 56,000 people, approximately one out of every 1,200 Germans, within the first year.[107] Praising the successful legislative efforts in the United States and seeking to further prevent procreation of persons whose progeny would "*be of no value or be injurious to the racial stock*,"[108] the laws that followed were derived from the American model of racial classification and separation. Nazi lawyers studied the American legal system and adopted similar legislation, specifically state anti-miscegenation laws to prevent race mixing and the Immigration Act of 1924, which Hitler referenced as models for racial purification.[109] The early years of the Reich focused on territorial separation to protect German "purity of blood" from Jewish

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[106] German Historical Institute. (1946). *Law for the Prevention of Offspring with Hereditary Diseases (1933*). In US Chief Counsel for the Prosecution of Axis Criminality, Nazi Conspiracy and Aggression. Retrieved from: http://germanhistorydocs.ghi-dc.org/pdf/eng/English30.pdf

[107] Black, E. (2012), pp. 299, 304; One American eugenicist wrote following the establishment of a German-American exhibition on eugenics: "If the objective of eliminating parenthood by those unfit is actually achieved in a thorough but legal and scientifically fair way, Germany will be the first modern nation to have reached a goal toward which other nations are just looking, or approaching at a snail's pace." Peter, W. W. (1934). *Germany's Sterilization Program*, p. 187.

[108] Black, E. (2012), p. 276.

[109] Yuill, K. (2014), p. 186, par. 3; Hitler writes in his second volume of *Mein Kampf*, "The American nation appears as a young, racially select people…By making an immigrant's ability to set foot on American soil dependent on specific racial requirements on the one hand as well as a certain level of physical health of the individual himself, the bleeding of Europe of its best people has become regulated in a manner that is almost bound by law." Smith, D. (2003). *Hitler's Further Thoughts, in a New English Translation*. Retrieved from: www.nytimes.com/2003/06/17/books/hitler-s-further-thoughts-in-a-new-english-translation.html; James Whitman provides a passage in the book, *Grundriß der Allgemeinen Staatslehre*, published by prominent Nazi lawyer, Otto Koellreutter in 1933: "A further necessary measure for maintaining the healthy racial cohesion of the [German people] lies in the regulation of immigration. In this connection it is above all the legislation of the United States and of the British Dominions that has yielded interesting results. Worthy of attention above all is the development of immigration legislation in the United States. Until the 1880s, a liberal freedom-oriented conception led the United States to regard itself as the refuge of all oppressed peoples, and consequently limitations on immigration, to say nothing of bans on immigration, were considered irreconcilable with the "free" Constitution. This conception very quickly changed…Today that legislation represents a carefully thought-through system that first of all protects the United States from the eugenic point of view against inferior elements trying to immigrate…. [Regulations targeting physically inferior and unhealthy would-be immigrants] are applied strictly, and even harshly. Alongside eugenic measures is the establishment by law of certain immigration quotas." Whitman, J.Q. (2017), pp. 64-65.

degeneracy by coercively forcing Jews to emigrate out of Germany. To address the "Jewish problem" the Nuremberg Laws comprised of two anti-Jewish measures: The first statute, *Reich Citizenship Law,* formally distinguished "citizens of the Reich" from "nationals", for whom citizenship provisions were then outlined in the second statute, *Law on the Protection of German Blood and German Honor*.[110]

Reich Citizenship Law

(2)

i. A Reich citizen is exclusively a national of German blood, or racially related blood, who demonstrates through his conduct that he is willing and suited to faithfully serve the German Volk and Reich.

iii. The Reich citizen is the sole bearer of full political rights, to be exercised according to the measure of the laws.

Law on the Protection of German Blood and German Honor

(1)

i. Marriages between Jews and nationals of German blood or racially related blood are forbidden. If such marriages are nevertheless entered into they are null and void, even if they are concluded abroad in order to evade this law.

ii. Actions to nullify such marriages are brought by the state prosecutor.

(2)

i. Extramarital intercourse between Jews and nationals of German blood or racially related blood is forbidden.

Many aspects of the Nuremberg Laws display a striking resemblance to eugenic legislation passed within the United States. Notably, the laws define Jew not by a person's practicing faith but as a race transmitted by bloodline, the influence of which needed to be isolated from the

[110] Whitman, J.Q. (2017), pp. 41-45, 61, 63.

national German population.[111] The Nuremberg Laws sought to safeguard against race mixing by outlawing and severely punishing 'interracial' marriage between Germans and Jews. Despite the Nazi fanatical obsession with pure blood, such as in the United States, there was no scientific means of determining who was "Jewish" just as there is no scientific conception of race; both were political constructions to develop racist legislation.[112]

Hitler's second in command, Heinrich Himmler, would later impose a positive eugenic program to prevent racial decline and ensure increased reproduction of superior German blood through a selective breeding program known as *Lebensborn* ("fount of life").[113] Aimed to control reproduction and produce racially desirable offspring, Nazis recruited single, hereditarily healthy women to facilitate sexual arrangements with *Schutzstaffel* "SS" soldiers. German women were subjected to a strict selection process requiring medical examination and proof of Aryan lineage before being accepted into *Lebensborn* maternity homes to fulfill their pregnancies and raise their children. It is estimated between seven and eight thousand children were born in "fount of life" homes from 1936-1943.[114]

Conclusion: part one

The introduction of eugenics in the twentieth century provided an appealing and contemporary way of not only implementing "White ideology" to preserve the racial composition of America but also genetically cleanse the population of undesirable hereditary traits. The United States had been steadily accepting immigrants to meet the labor demands of industrialization, evoking anxiety from naturalized citizens who feared they would be overtaken by minority populations. America was on the verge of 'race suicide', therefore justifying the biologizing vison of society introduced by eugenic scientists. Eugenicists viewed the reproductive rights of individuals as subordinate to public health and welfare of a greater civilization,[115] and 'defective'

[111] Categorizations included "full Jew," persons with three or four Jewish grandparents, or "mixed breed" (*Mischling)*, persons who descended from one or two grandparents. Coren, C. (2016). *Nürnberg Laws.*
[112] Whitman, J.Q. (2017), pp. 118-119.
[113] Vogt, K. (2014). *Hereditarily Valuable Children: From Himmler's "fount of life" Association to Present-Day Preimplantation Genetic Diagnosis*, p. 8.
[114] Vogt, K. (2014), pp. 9-10.
[115] Dikötter, Frank. (1998). *Race Culture: Recent Perspectives on the History of Eugenics*, p. 468.

populations threatening to the American identity – White, educated, affluent, nuclear family – required severe intervention to not infect and impede the success of future generations. Eugenicists executed the compulsory sterilization of thousands of unwilling persons and consulted on some of the most restrictive immigration legislation in American history to gradually remove the existence of inferior people.

Hitler and his Nazi regime intensified the American model of genetic advancement, quickly outpacing the United States legislature of compulsory sterilization and illegal marriage to brutally exterminate millions in the Holocaust and selectively breed racially pure children. The Nazis revised America's quest for a superior Nordic race into a drive for an Aryan master race, fondly stating, "*National Socialism is nothing but applied biology*."[116] The state implemented eugenic programs developed by the academic elite and executed through judicial infrastructure denied thousands of people the fundamental right to posterity and protection of family by forcibly sterilizing and prohibiting interracial marriage.[117] Countless offspring were prevented as a result of coercive sterilizations and countrywide felony statutes to preserve the ethnic integrity of the United States. Interracial marriage remained outlawed in many states until ruled unconstitutional in 1967 and coercive sterilizations of minority populations continued through the twenty-first century. The biological argument of racial superiority had publicly deteriorated in America after the horrifying reality of the Holocaust, leading academics to swiftly rebrand the science of human betterment from eugenics to *genetics.* Moreover, President Franklin D. Roosevelt's wife, Eleanor, spearheaded the international drafting of the *Universal Declaration of Human Rights;* the milestone document of the United Nations, outlining universally protected fundamental human rights to 'never again' allow the atrocities of World War II to occur.

The immigration policies in the twentieth century demonstrate a nativist response to ethnic diversity by insisting on cultural conformity.[118] Immigrants who do not physically and culturally conform to the American identity must abandon overt attachment to their ethnic group and assimilate to demonstrate loyalty to the country. This nativism and xenophobia has resurfaced in the United States a century later as evidenced by the election of Donald Trump. Trump's

[116] Black, E. (2012), p. xvi.
[117] U.S. Constitution. (1787), Preamble; UN General Assembly. (1948). *Universal Declaration of Human Rights*, Article 16, section 3.
[118] Citrin, J. et al. (2001), p. 76, par. 5.

perversion of patriotism to execute his nationalist agenda echoes eugenic sentiments that the United States has become a "dumping ground" for other countries and the future prosperity of the American race is at risk. Although refraining from using overtly eugenic language, President Trump and his appointed administration are targeting immigrants, minorities, and low-income populations to reach the same objective. Within his first year as president, Trump has barred entry for entire regions in the Middle East, gutted healthcare access for the uninsured, removed barriers to facilitate expedited deportations of Latinos, and attacked women's reproductive freedom.

Part Two – Eugenics in twenty-first century America

Introduction

The presidential campaign and election of Donald Trump emboldened and endorsed nativism and overt racism in the United States.[119] A trend that had been gaining momentum following the September 11th terrorist attacks and the election of America's first Black president, the reemergence of 'White supremacy' is being used as a tool to drive a wedge between poor White people and people of color, while increasing fearmongering and anti-immigration sentiment.[120] Although America was more economically prosperous, socially progressive, and internationally respected than in the previous eight years, Trump exploited the nation's fears of increased immigration and threat of terrorism to scapegoat minorities for the decline of American well-being

[119] Despite the belief held by many across the country that America had transitioned into a "post racial" society following the two-term presidency of Barack Obama. Perez Huber, L. (2016). *Make America Great again: Donald Trump, Racist Nativism and the Virulent Adherence to White Supremacy Amid US Demographic Change*, p. 222, par. 3; Nativisim is defined by historian John Higham as a defensive type of nationalism with intense opposition to an internal minority on the grounds of the group's foreign connections. Nativism is a recurrent phenomenon within American culture that has existed whenever "there were sufficient numbers of immigrants to cause Americans to become aware of them." Friedman, N. L. (1967). *Nativism*, p. 409, par. 1; It is theorized nativism expanded during the early twentieth century in response to frustrations from social disruptions that accompanied industrialization and urbanization; a reoccurrence most drastically observed in modern day Middle America. "High paying" manufacturing jobs continue to move overseas as immigrants increasingly fill low skilled labor positions. Americans projected their anger upon strangers, which translated into pressure on decision makers to restrict immigration. Zolberg, A. R. (2006). *A Nation by Design: Immigration Policy in the Fashioning of America*, p. 6, par. 3.

[120] Elsheikh, E., Sisemore, B., & Ramirez Lee, N. (2017). *Legalizing Othering: The United States of Islamophobia*, see introduction.

and prosperity. Continuously referring to immigrant and minority communities as poverty-stricken criminals "living in hell" has constructed an illegitimacy of minorities while simultaneously constructing a legitimacy of Whites as the dominant, 'native' group. Trump's fixation on the nation's decline is emphasized by his campaign slogan "Make America Great Again," claiming his presidency is the answer for saving the failing U.S. economy and immigration policy [121] while simultaneously calling for White Americans to reclaim their superior societal status. Trump opened his announcement speech for the 2016 presidency by stating,

"The U.S. has become a dumping ground for everybody else's problems.[122] *Mexico sends its people, they're not sending their best. They're not sending you. They're not sending you. They're sending people that have lots of problems, and they're bringing those problems with us. They're bringing drugs. They're bringing crime. They're rapists."*[123]

Addressing the fear and anxiety of native-born Americans who feel the increasing foreign presence in their communities, Trump has promised to build a wall to "secure the border" and keep out "illegals" attempting to cross into the United States,[124] while reinforcing the need for restrictive immigration laws by consistently proclaiming American policies are "laughed at all over the world" and entry should be "based on merit"[125] – rhetoric identical to the racially motivated rationale upheld by eugenicists prior to the passage of the 1924 Immigration Act. Already in his short period as president, Trump and his Republican administration have implemented a framework to restrict entry and remove as many immigrants as possible by proudly taking the "shackles" off immigration enforcement.[126] Rather than explicitly stating the American model for

[121] Perez Huber, L. (2016), pp. 223, 226.
[122] Harry Laughlin stated that "America…has become a dumping ground for the mentally unstable inhabitants of other countries" Black, E. (2012), p. 191, par. 3.
[123] Time Staff. (2015). *Here's Donald Trump's Presidential Announcement Speech*. Retrieved from: http://time.com/3923128/donald-trump-announcement-speech/
[124] Eugenic leader Charles Davenport hoped to craft a super race of Nordics, writing in a letter to Madison Grant, "Can we build a wall high enough around this country…so as to keep out these cheaper races…". Black, E. (2012), p. 37, par. 5.
[125] President Trump tweeted on June 24, 2018: "....Our Immigration policy, laughed at all over the world, is very unfair to all of those people who have gone through the system legally and are waiting on line for years! Immigration must be based on merit - we need people who will help to Make America Great Again!" Trump, D. (2018). *realDonaldTrump.* Retrieved from: https://twitter.com/realdonaldtrump/status/1010902506422046721?lang=en
[126] The White House. (2017). *Press Briefing by Press Secretary Sean Spicer*. Retrieved from: www.whitehouse.gov/briefings-statements/press-briefing-press-secretary-sean-spicer-022117/

citizenship preferences White, assimilable Europeans, the Trump administration criminalizes the very presence of racially undesirable immigrants to justify severe political recourse.

Through subtler, yet equally insidious, policy initiatives Republicans have increasingly targeted the health of the poor by removing funding for federal cash assistance, supplemental nutrition programs, and access to health insurance for low income families and the previously uninsured.[127] Coercive sterilization in prisons and court mandated reproductive regulation has remained active within the criminal justice system to selectively prevent offspring from unfit populations.[128] Legislation in support of eugenic theory to preserve the American race is still actively executed within the United States as selective construction of the ideal citizen is implemented through severe immigration regulation, exclusionary access to healthcare,[129] reduction in welfare services, and removal of reproductive autonomy.

Negative Eugenics: Immigration

Muslim Travel Ban

The United States has an extensive history of blaming undesirable immigrants to justify racist policy initiatives. At the height of the eugenics movement during the second world war, President Roosevelt interned thousands of Japanese across the country and supported immigration laws to obstruct any future entry. In most recent history, President George W. Bush justified war by evoking national panic of Islamic terrorism, a fear that has been exacerbated through the current administration. Throughout Donald Trump's presidential campaign, he unapologetically referred to the Muslim people as terrorists and called for an immigration ban on all Muslim countries.[130]

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[127] Parrott, S. et al. (2018). *Trump Budget Deeply Cuts Health, Housing, Other Assistance for Low- and Moderate-Income Families*. Retrieved from: www.cbpp.org/research/federal-budget/trump-budget-deeply-cuts-health-housing-other-assistance-for-low-and

[128] Johnson, C. G. (2013). *Female Inmates Sterilized in California Prisons Without Approval*. Retrieved from: www.revealnews.org/article/female-inmates-sterilized-in-california-prisons-without-approval/

[129] Bailey, Z.D. et al. (2017). *Structural Racism and Health Inequities in the USA: Evidence and Intervention*. Retrieved from: www.rootcausecoalition.org/wp-content/uploads/2017/04/Structural-racism-and-health-inequities-in-the-USA-evidence-and-interventions.pdf

[130] Donald Trump called for "a total and complete shutdown of Muslims entering the United States until our country's representatives can figure out what the hell is going on" at a press conference during the 2016 presidential campaign. Elsheikh, E. et al. (2017), p. 26.

Within his first week of the presidency, Trump issued the *Executive Order Protecting the Nation from Foreign Terrorist Entry into the United States*, with the stated purpose to,

"*… protect the American people from terrorist attacks by foreign nationals admitted to the United States… [we] must ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles. The United States cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law. In addition, the United States should not admit those who engage in acts of bigotry or hatred (including "honor" killings, other forms of violence against women, or the persecution of those who practice religions different from their own) or those who would oppress Americans of any race, gender, or sexual orientation."* [131]

The wording within the Executive Order underscores the xenophobia that has perpetuated national policy initiatives as "anti-Sharia" and Islamophobia have successfully constructed Muslims as the 'other' – those who should be viewed suspiciously, scrutinized, and dehumanized to preserve Western values.[132] Targeting citizens from majority Muslim countries, the Executive Order prohibits entry into the United States for immigrants from Iraq, Iran, Libya, Somalia, Sudan, Yemen, and Syrian refugees.[133] Airport Transportation Security Admission (TSA) agents also began incorporating an 'ideological test' to additionally target immigrants and refugees still granted entry into the country.[134] The extreme vetting, racial profiling, and 'othering' is indicative

[131] The White House. (2017, January 27). *Executive Order Protecting the Nation from Foreign Terrorist Entry into the United States*. Retrieved from: www.whitehouse.gov/presidential-actions/executive-order-protecting-nation-foreign-terrorist-entry-united-states/

[132] Elsheikh, E. et al. (2017), p. 9.

[133] Shear, M. D., & Cooper, H. (2017). *Trump Bars Refugees and Citizens of 7 Muslim Countries*. Retrieved from: www.nytimes.com/2017/01/27/us/politics/trump-syrian-refugees.html; President Trump issued a new Executive Order No. 13780 on March 6, 2017 to replace the original January 27 E.O., removing Iraq from the list of banned countries. The White House. (2017, March 6). *Executive Order Protecting the Nation from Foreign Terrorist Entry into the United States*. Retrieved from: www.whitehouse.gov/presidential-actions/executive-order-protecting-nation-foreign-terrorist-entry-united-states-2/

[134] Amos, D., & Kaplow, L. (2017). *Trump Backers Want Ideology Test for Extreme Vetting*. Retrieved from: www.npr.org/sections/parallels/2017/02/04/513289953/trump-backers-want-ideology-test-for-extreme-vetting; The article provides an interview with the executive director of the Center for Immigration Studies, Mark Krikorian, who met with Trump during the campaign and provided example questions including, "Do you think it's okay to kill apostates? Do you think it's okay to throw gays off of buildings? Or if Islam's Prophet Muhammad is insulted, there should be a punishment?" If a refugee answers yes to any of the questions, they would be denied entry into the United States.; According to the Council on American-Islamic Relations, racial profiling already occurs by airport border patrol agents. Questions such as, "Are you a devout Muslim?", "Are you Sunni or Shia?", "Do you pray five times a day?", "Why do you have a Quran in your

of the contentious source of concern that immigrants who are perceived as non-assimilable remains for Americans trying to maintain the identity of the nation. The execution of this legislation draws an identical comparison to immigration restriction at the height of the eugenics movement in the beginning of the twentieth century. As was demonstrated during Franklin D. Roosevelt's presidency, Trump's ban of entire countries underscores the belief that certain immigrants can never be American and therefore their prevention from entering the country is crucial for preserving the integrity of 'old stock' Americans. In addition to the Muslim ban, discriminatory anti-Sharia legislation has been enacted in states across the country, fueling and manipulating fear to justify racial animosity within American borders.[135]

Following World War II, the United States assisted in drafting the United Nations' *Universal Declaration of Human Rights*, in which Article 2 states:

"Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty."[136]

Moreover, the First Amendment of the U.S. Constitution states, "*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;"*[137]

The legal foundation being constructed with these laws undermines the constitutional rights Muslims have once they become citizens of the United States and weakens protections associated

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luggage?" are examples of what are being asked to Muslim travelers, along with requesting information about their social media accounts and the contents of their phone. Council on American-Islamic Relations. (2017). *Action Alert: Join CAIR in Urging Senate Committee to Question Trump CBP Nominee About Religious Questioning, Profiling*. Retrieved from: www.cair.com/press-center/press-releases/14461-action-alert-join-cair-in-urging-senate-committee-to-question-trump-cbp-nominee-about-religious-questioning-profiling.html

[135] Thirty-nine states introduced a cumulative 194 bills for anti-Muslim legislation; 18 bills are currently enacted. The bills are championed as protecting American freedoms and liberties and ensure Sharia law or foreign law cannot be adopted and enforced within courts or individual contracts in United States. The laws are superfluous, however, as the U.S. constitution is the supreme law of the land and no foreign law would supersede it. Elsheikh, E. et al. (2017), pp. 13, 16, 23.

[136] UN General Assembly. (1948), Article 2.

[137] U.S. Constitution. (1789), Article I.

with being a White, Christian citizen.[138] The First Amendment safeguards against this government infringement, however, preservation of religious freedom is more strongly reinforced for Christian denominations as this is essential to the composition of a 'true' American. The Constitution is therefore interpreted and manipulated to openly discriminate and infringe on civil rights of minorities who do not fit into this ideal to "protect the American people". Following the implementation of the Muslim ban, immigrants were detained in airports and denied entry into the country because the validity of their visas had expired as they were traveling into the United States.[139] They had already passed government security clearance and undergone extreme vetting to obtain residency and travel documents,[140] therefore, the threat they posed was not to national security, but to the White identity central to the model American citizen.

[138] Following the introduction of anti-Sharia legislation in 2010, anti-Muslim hate crimes increased by 50 percent between 2009-2010 and again by 67 percent from 2014-2015; anti-Muslim measures enacted by the Trump administration embolden and justify this increasing sentiment. Elsheikh, E. et al. (2017), p. 9; Several parties had filed actions against the Muslim travel ban, including several federal courts issued injunctions ordering temporary suspension of the ban. The Supreme Court heard arguments challenging the travel ban in April 2018 and delivered a ruling on June 26, 2018, which is discussed in the conclusion at the end of this essay.

[139] Section 3(c) of the Executive Order reads: "To temporarily reduce investigative burdens on relevant agencies…I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the [Immigration and Nationality Act (INA)], 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States." White House. (2017); Section 217(a)(12) of the INA states: "[Alien] Not present in Iraq, Syria, or any other country or other area of concern – in general."; The 1965 Immigration and Nationality Act repealed the issuing of immigration quotas within the Immigration Act of 1924, stating: "…no person shall receive any preference or priority or be discriminated against in the issuance of an immigrant visa because of the person's race, sex, nationality, place of birth, or place of residence." *Immigration and Nationality Act*, 8 U.S.C. 1101. (1965), section 202(a)1. Retrieved from: https://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-29/0-0-0-1016.html#0-0-0-180

[140] Shabad, R. (2017). *Inside the U.S. Vetting System Trump Wants to Replace*. Retrieved from: www.cbsnews.com/news/inside-u-s-vetting-for-visas-refugees-and-improvements-that-could-be-made/; Burke, A. (2018). *The Implementation of the Extreme Visa Vetting Policy and its Effects on International Students and Scholars*, p. 6.

Nonimmigrant Work Visas

President Trump has additionally eliminated work visas for migrants who traditionally fulfill unskilled labor demands but have been cast into the growing categorization of undesirable ethnic minorities excluded from entry into the United States. The H-2A and H-2B Nonimmigrant Worker Program allows American domestic employers to bring foreign nationals to the United States to fill seasonal and temporary agricultural and non-agricultural jobs for which U.S. workers are not available.[141] In the beginning of 2018, the Department of Homeland Security published a notice to remove Belize, Haiti, and Samoa as eligible for participation in the work visa program because they are "*not meeting the standards set out in the regulation*." [142] The notice was issued just days after President Trump reportedly stated, "*Why are we having all these people from shithole countries come here?"* referring to citizens of Haiti, El Salvador, and parts of Africa in a meeting with lawmakers to discuss a bipartisan immigration deal.[143] Trump continued to suggest that the United States instead bring in more people from countries such as Norway.[144] President Trump's comments appealing for increased immigration from Norway demonstrates eugenic ideals that immigrants from northern European countries are superior and essential for maintaining and propagating the American genetic heritage. In conjunction with the Muslim ban, these legislative restrictions for specific populations severely reduce the introduction of ethnically undesirable minorities into the country.

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[141] U.S. Citizenship and Immigration Services (USCIS). (2011). *Temporary (Nonimmigrant) Workers*. Retrieved from: www.uscis.gov/working-united-states/temporary-nonimmigrant-workers

[142] Citizens from 83 countries are eligible to participate in the program. Office of the Secretary, DHS. (2018). *Identification of Foreign Countries Whose Nationals Are Eligible to Participate in the H-2A and H-2B Nonimmigrant Worker Programs.* Retrieved from: https://www.uscis.gov/sites/default/files/USCIS/Resources/Resources%20for%20Congress/Congressional%20Reports/H-2A%20and%20H-2B%20Nonimmigrant%20Worker%20Classifications.pdf

[143] Barron, L. (2018). *'A New Low.' The World Is Furious at Trump for His Remark About 'Shithole Countries*'. Retrieved from: http://time.com/5100328/shithole-countries-trump-reactions/

[144] Dawsey, J. (2018). *Trump Derides Protections for Immigrants from 'Shithole' Countries*. Retrieved from: www.washingtonpost.com/politics/trump-attacks-protections-for-immigrants-from-shithole-countries-in-oval-office-meeting/2018/01/11/bfc0725c-f711-11e7-91af-31ac729add94_story.html?noredirect=on&utm_term=.6037ebfa1546

Increased Interior Enforcement

Trump and supporters of his administration have fervently expressed disgust to the diverse ethnicities immigrating into the United States.[145] However, Mexican and Central American communities have arguably been the largest target of expansive anti-immigration policies in pursuit of their removal within the country. In his first year in office, President Trump's administration drastically amplified interior immigration enforcement to execute widespread arrests and detentions of undocumented immigrants.[146] The expansion of policies and removal priorities for Immigration and Customs Enforcement (ICE) was set forth in Trump's issued Executive Order, *Enhancing Public Safety in the Interior of the United States*.[147] The Order broadly targets all unauthorized individuals for risk of deportation, prioritizing persons in *Section 5* noncitizens who:

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[145] Anti-immigration is part of the ideological foundation for the far right. A few comments have been included by key figures within the Trump administration or are politically affiliated. Steve King, Iowa Republican House Representative currently serving under Trump tweeted: "…culture and demographics are our destiny. We can't restore our civilization with somebody else's babies." King, S. (2017). *SteveKingIA.* Retrieved from: https://twitter.com/SteveKingIA/status/840980755236999169; Trump's chief of staff, John Kelly, said about people crossing the border in an interview with NPR: "…they're not people that would easily assimilate in the United States into our modern society. They're overwhelming rural people…They don't speak English. They don't integrate well. They don't have skills." Garcia-Navarro, L. (2018). *Fact-Checking What John Kelly Said About Immigration (*interview*).* Retrieved from: www.npr.org/2018/05/13/610777795/fact-checking-what-john-kelly-said-about-immigration?t=1529450814698; Influential conservative political commentator, Ann Coulter, wrote the books *In Trump we Trust* and *Adios America: The Left's Plan to Turn Our Country into a Third World HellHole,* wrote in an opinion article, "Almost all peasant cultures are brimming with rapists, pederasts and child abusers. Latin America just happens to be the peasant culture closest to the United States, while the Muslims are closest to Europe." Coulter, A. (2017). *'Immigrant Privilege' Drives Rape Epidemic*. Retrieved from: www.anncoulter.com/columns/2017-03-08.html

[146] U.S. Immigration and Customs Enforcement (ICE) Fiscal Year 2017 Report shows 30 percent increase in arrests and 81 percent increase in detained undocumented immigrants over the year 2017. The total number of deportations declined 6 percent. However, the proportion resulting from ICE arrests increased by 27 percent. The decline in overall deportations is a result of fewer apprehensions at the U.S. and Mexico border. The following countries represent the highest number of persons deported in fiscal year 2017: Mexico (128,765), Guatemala (33,570), Honduras (22,381), El Salvador (18,838), and Haiti (5,578). U.S. Immigration and Customs Enforcement (ICE). (2017). *Fiscal Year 2017 ICE Enforcement and Removal Operations Report.* Retrieved from: www.ice.gov/sites/default/files/documents/Report/2017/iceEndOfYearFY2017.pdf

[147] Issued January 25, 2017. The White House. (2017). *Executive Order: Enhancing Public Safety in the Interior of the United States.* Retrieved from www.whitehouse.gov/presidential-actions/executive-order-enhancing-public-safety-interior-united-states/

(a) Have been convicted of any criminal offense [or]

(g) In the judgment of an immigration officer, otherwise pose a risk to public safety or national security.

The language within the enforcement priorities are purposefully vague to allow for ICE to arrest, detain, and deport aliens at a much higher rate than with previous presidential administrations. The final point *(g)* issues full authority for ICE officers to execute enforcement at their discretion, violating undocumented immigrants' right to not be subjected to arbitrary arrest or detention.[148] Immigrants whose only crime was living in the country illegally were largely left alone during Obama's administration, which required those facing deportation to periodically 'check-in' with ICE and appeal for more time based on good behavior.[149] The issuing of Executive Order 13768, however, provides legislative authentication to racially profile and forcibly remove immigrants who do not look like Trump's ideal American citizen.[150] Moreover, it conflates the belief that immigrants, undocumented or not, are inherently criminals. The eugenic campaign against race intermingling[151] used skewed data of incarceration rates to show immigrants from eastern and southern Europe and Mediterranean countries were disproportionately represented in

[148] U.S. Constitution. (1787). Amend. XIV; UN General Assembly. (1948), Article 9.

[149] Miroff, N., & Sacchetti, M. (2018). *Trump Takes 'Shackles' Off ICE, which is Slapping Them on Immigrants Who Thought They Were Safe.* Retrieved from: www.washingtonpost.com/world/national-security/trump-takes-shackles-off-ice-which-is-slapping-them-on-immigrants-who-thought-they-were-safe/2018/02/11/4bd5c164-083a-11e8-b48c-b07fea957bd5_story.html?utm_term=.5a459147f9cc; Executive Order 13768 is targeting the removal of 'criminal' aliens, yet visitors from predominately White countries are amongst the highest to overstay their visas and are removed at drastically lower rates. Australia, Austria, Denmark, Finland, and Germany were amongst the countries with highest suspected in-country overstay rate as reported by DHS. Department of Homeland Security (DHS). (2016). *Fiscal Year 2016 Entry/Exit Overstay Report*. Retrieved from: https://www.dhs.gov/sites/default/files/publications/Entry%20and%20Exit%20Overstay%20Report%2C%20Fiscal%20Year%202016.pdf

[150] ICE's crusade to swiftly remove as many nonwhite persons as possible has even resulted in the wrongful detention, and in some cases deportation, of American citizens. Nearly one fifth of reviewed citizenship claims of people in ICE custody are Americans. St. John, P., & Rubin, J. (2018). *ICE Held an American Man in Custody for 1,273 days. He's Not the Only One Who Had to Prove his Citizenship.* Retrieved from: www.latimes.com/local/lanow/la-me-citizens-ice-20180427-htmlstory.html

[151] Charles Davenport wrote in his paper *The Effects of Race Intermingling* that genetic mixing between superior strains of persons of Northern European descent with darker races would produce disharmonious combinations that would exacerbate with each generation, ultimately leading to the fall of the nation. Davenport, C. B. (1917). *The Effects of Race Intermingling*, p. 367.

prisons compared to 'old stock' Americans from Northern Europe.[152] By labeling persons of color as criminals, it legitimizes the need for eugenic intervention to prevent the transmittance of dysgenic characteristics inherently linked with criminal behavior. Despite abundant evidence that immigration is not linked to higher crime rates, and in fact immigrants are often less likely to be criminals than native-born persons, immigration policy continues to be shaped by fears, stereotypes, and prejudices about what they imagine immigrants to be.[153] Moreover, the Fourth Amendment of the Constitution protects persons against unreasonable search and seizure, stating *"The right of the people to be secure in their persons, houses, papers, and effects…shall not be violated."*[154] Rather than 'reduce crime', indiscriminate detentions and deportations primarily rip apart families and take parents away from their children, a large majority of whom are American citizens.[155] The pervasiveness of Trump's antipathy towards immigrant families even extends to these first-generation children, which he has pejoratively referred to as "anchor babies"; even proposing an immigration policy during his presidential campaign[156] that would end birthright citizenship in an attempt to not only deny constitutional rights to these children but also a callous approach to deter immigrants from having children once in the United States.

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[152] Allen, G. (n.d.), Criminality.

[153] Ewing, W. A., Martinez, D. E., & Rumbaut, R. G. (2015). *The Criminalization of Immigration in the United States*, p. 3, par. 5.

[154] U.S. Constitution. (1787). Article IV.

[155] In 2015, there were 38 million U.S. born children of immigrants. Pew Research Center. (2015). *Modern Immigration Wave Brings 59 Million to U.S., Driving Population Growth and Change Through 2065: Views of Immigration's Impact on U.S. Society Mixed*, p. 24. Retrieved from: www.pewhispanic.org/files/2015/09/2015-09-28_modern-immigration-wave_REPORT.pdf; Of the 193 United Nations Member States, the United States is the only country that has not ratified the *Convention on the Rights of the Child*, which states in Article 9: "States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child." United Nations Office of the High Commissioner (UNOHCHR). (2018). *Status of Ratification Interactive Dashboard: Convention on the Rights of the Child*. Retrieved from: http://indicators.ohchr.org/; UN General Assembly. (1989). *Convention on the Rights of the Child.*

[156] Trump said in an interview with former Fox News host Bill O'Reilly, "What happens is they're in Mexico, they're going to have a baby, they move over here for a couple of days, they have the baby… Many lawyers are saying that's not the way it is in terms of this," and went on to say, "They are saying it is not going to hold up in court. It will have to be tested but they say it will not hold up in court… "I'd much rather find out whether or not anchor babies are citizens because a lot of people don't think they are. We're going to test it out." Flores, R. (2015). *Donald Trump: "Anchor babies" aren't American Citizens.* Retrieved from: www.cbsnews.com/news/donald-trump-anchor-babies-arent-american-citizens/

Negative Eugenics: Criminal Justice System

Mass Incarceration

The conflation of race and criminality is further exemplified in the disproportionate racial demographics of the American prison system. The United States incarcerates more than any other country in the world, a trend that soared following the introduction of mandatory minimum drug sentencing laws in the 1980s and has resulted in detentions encompassing approximately one fourth of the global prison population.[157] Minimum sentencing and racially motivated arrest patterns have been attributed to the disproportionate imprisonment of Blacks and Hispanics in America.[158] In 2016, Blacks were imprisoned at five times the rate for Whites, representing only 12 percent of the U.S. adult population but 33 percent of the sentenced prison population, while Hispanics only comprised 16 percent of adults but represented 23 percent of inmates.[159] This systematic segregation of minorities from the White population prevents undesirable race mixing while essentially creating a new caste system of ethnical oppression. In 2003, at the height of mass incarceration, the Bureau of Justice Statistics estimated Black men had a one in three chance of going to federal or state prison in their lifetimes.[160] The stark contrast in incarceration has only begun shrinking in the last decade, in addition to an overall decline in the federal prison population.[161] Currently, almost one in twelve Black men between ages twenty-five and forty-five are behind bars, compared to one in sixty nonblack men. Combined with increased mortality rates due to homicides and police shootings, the opportunities for millions of Black men to bear children or maintain a family is eliminated because they are disappearing from their communities.[162] Furthermore, the systemic oppression of the criminal justice system perpetuates in minority

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[157] The White House. (2016). *Economic Perspectives on Incarceration and the Criminal Justice System*, see Executive Summary. Retrieved from: https://obamawhitehouse.archives.gov/sites/default/files/page/files/20160423_cea_incarceration_criminal_justice.pdf

[158] The White House. (2016), p. 30.

[159] Gramlich, J. (2018). *The Gap Between the Number of Blacks and Whites in Prison is Shrinking*. Retrieved from: www.pewresearch.org/fact-tank/2018/01/12/shrinking-gap-between-number-of-blacks-and-whites-in-prison/

[160] U.S. Department of Justice. (2003). *Prevalence of Imprisonment in the U.S. Population, 1974-2001*. Retrieved from: www.cbsnews.com/htdocs/pdf/prisontime.pdf

[161] Gramlich, J. (2018).

[162] An Upshot analysis of the 2010 census estimates 1.5 million black men are "missing" across America. Wolfers, J., Leonhardt, D., & Quealy, K. (2015). *1.5 Million Missing Black Men*. Retrieved from: www.nytimes.com/interactive/2015/04/20/upshot/missing-black-men.html

populations even after release as intersections with prison inhibits equal access to housing, secure employment, child custody, or civic participation.[163]

While mass incarceration has far predated the current administration, President Trump and his current U.S. Attorney General, Jeff Sessions, are trying to reverse the trend of declining prison populations by repealing criminal justice reform measures and actively facilitating the utilization of private prisons.[164] Trump campaigned on being "tough on crime", calling for longer prison sentences, aggressive policing, and broader use of the death penalty; views he justified by exaggerating crime statistics of Latin American immigrants and the prevalence of drug cartels.[165] Once in office, Trump signed a series of executive orders to establish task forces for increased crime surveillance, despite national crime rates being at near historic lows.[166] Jeff Sessions glorified mass incarceration, stating, "*We need to reverse a trend that suggested that criminals won't be confronted seriously with their crimes*."[167] Additionally, Sessions has pulled back monitoring by the Department of Justice on police departments with demonstrated racial prejudice and systemic civil rights abuses.[168] The endorsement of private prisons is especially troubling in a number of ways: primarily because they have been demonstrated to exacerbate incarceration rates as they are financially incentivized to fill beds, and they lack virtually any oversight, which

[163] Roth, R. & Ainsworth, S. L. (2015). *"If They Hand You a Paper, You Sign It": A Call to End the Sterilization of Women in Prison*, p. 14.

[164] A leaked memo issues a release of low level criminals from federal prisons to private institutions, citing the need to alleviate overcrowding. Katz, E. (2018). *Leaked Memo: Trump Admin to Boost Use of Private Prisons While Slashing Federal Staff*. Retrieved from: www.govexec.com/management/2018/01/trump-administration-looks-boost-use-private-prisons-while-slashing-federal-staff/145496/?oref=top-story; In early 2017, Jeff Sessions rescinded the 2016 directive to the Bureau of Prisons to phase out the use of private prisons contracted with the federal government. Sessions, J.B. (2017). *Memorandum for the Acting Director Federal Bureau of Prisons*. Retrieved from: www.justice.gov/oip/foia-library/attorney_general_memorandum_advising_the_federal_bureau_of_prisons_that_the_department_will_continue_to_use_private_prisons.pdf/download

[165] Lopez, G. (2017). *Trump's "Law and Order" Executive Orders, Explained*. Retrieved from: www.vox.com/policy-and-politics/2017/2/9/14562518/trump-crime-police-orders

[166] Lopez, G. (2017).

[167] Tamburin, A. (2018). *Jeff Sessions Wants to Grow the Prison Population. Nashville's Sheriff Says That's 'Unfortunate'*. Retrieved from: https://eu.tennessean.com/story/news/politics/2018/03/15/attorney-general-jeff-sessions-speak-nashville-tn-today-live-stream/420230002/

[168] Lichtblau, E. (2017). *Sessions Indicates Justice Department Will Stop Monitoring Troubled Police* Agencies. Retrieved from: www.nytimes.com/2017/02/28/us/politics/jeff-sessions-crime.html

has permitted extensive human rights violations on inmates.[169] The U.S. Department of Justice inspector general reported private prisons, which hold eleven percent of federal prisoners, left inmates dying of treatable illnesses, displayed higher incidences of violence, misused solitary confinement cells as overflow housing, and had persistent medical understaffing.[170]

The call for the Trump administration to obstruct criminal justice reform and the decreasing incarceration rate is cause for concern not only due to the racial disparity of the prison system, but also to the harsh environment once incarcerated. Prisons are punitive, arbitrary, and degrading places, shrouded in secrecy and resistant to reform.[171] Prisoners, the homeless, and mentally ill were the most targeted for eugenic intervention in the nineteenth century not only because they possessed characteristics deemed genetically disastrous for the posterity of the country, but once they were cast out as undesirable and removed from societal view into institutions, the state had total authority to implement any desired 'treatment' deemed necessary. Once incarcerated and dependent on prison medical care, today's inmates remain susceptible to coercive reproductive regulation as surgical sterilization of both men and women remains a persistent institutional practice.

Coercive Sterilization in Prison

Although largely condemned following World War II, compulsory sterilization was not federally outlawed until 1979 following *Relf v. Weinberger*.[172] Leading up to the Supreme Court case were a series of class action lawsuits across the country filed against federal institutions for coercively sterilizing unwilling minority populations in the 1960s and 1970s. During this time, Native American women were routinely sterilized by the federal Indian Health Bureau, as were Mexican immigrant women in federally funded family planning centers in California; and

[169] Eisen, L.B. (2017). *Private Prisons Lock Up Thousands of Americans With Almost No Oversight*. Retrieved from: http://time.com/5013760/american-private-prisons-donald-trump/
[170] Office of the Inspector General. (2016). *Review of the Federal Bureau of Prisons' Monitoring of Contract Prisons*. Retrieved from: https://oig.justice.gov/reports/2016/e1606.pdf
[171] Roth, R. & Ainsworth, S. L. (2015), p. 12; Takei, C. (2016). *End Prisons-for-Profit*. Retrieved from: www.aclu.org/blog/prisoners-rights/cruel-inhuman-and-degrading-conditions/end-prisons-profit?redirect=blog/speak-freely/end-prisons-profit
[172] The National Welfare Rights Organization (NWRO) sued the Department of Health, Education, and Welfare on behalf of its 125,000 members and five individual women in a class action. *Relf v. Weinberger*, 372 D.D.C. 1196. (1974).

involuntary sterilizations of Black women in poor Southern communities were so common they were famously referred to as "Mississippi appendectomies."[173] After the 1979 ruling, federal funds, including Medicaid, could no longer be used to sterilize incarcerated men and women. However, some states grant voluntary sterilization requests if inmates finance the procedure on their own.[174] Because prisons control every aspect of an inmate's life and essentially remove any freedom of choice for daily activities, including selecting medical provider, it is argued that even voluntarily elected sterilizations should be barred due to the inherently coercive nature of the prison environment, which undermines a person's ability to give meaningful consent to the irreversible destruction of fertility.[175]

A report published by The Center for Investigative Reporting detailed that over 100 incarcerated women in California were sterilized by tubal ligation surgery between 2006 and 2010, many of whom had signed consent forms but reported feeling pressured by medical staff as if they were not in a position to reject the procedure.[176] Recalling the compulsory sterilization practices in the early twentieth century, California far exceeded other states' implementation, citing its necessity to maintain public health and ensure state fiscal responsibility. For recently reported incidents, as with the historical incidents of federal intervention, physicians disproportionately approached minority women and women who were pregnant or had at least two children. Moreover, prisons and hospitals are able to bypass sterilization provisions if the procedures are

[173] Native American were a unique class of victims, mostly living on federal land and dependent on the federal government through the Indian Health Service (HIS) and Department of Health, Education, and Welfare (HEW). Following the passage of the Family Planning Act in 1970, the HEW funded 90 percent of the annual sterilization costs of poor people, increasing sterilization for women by 350 percent between 1970 and 1975 or one million sterilized each year. Torpy, S.J. (2000). *Native American Women and Coerced Sterilization: On the Trail of Tears in the 1970s*, p. 4; A class action lawsuit was filed by Latino women against the Women's Hospital at the University of Southern California/Los Angeles County General Hospital in 1975 for coercing postpartum tubal ligations minutes or hours after undergoing cesarean deliveries. Stern, A. M. (2005), p. 1128, par. 2; Roth, R. & Ainsworth, S. L. (2015), p. 18.

[174] Idaho, Oklahoma, Oregon, Rhode Island, and South Carolina have official policies specifying women in prison may be sterilized if they pay for it. Georgia, Iowa, Missouri, and Washington have ambiguous policies as to who pays for the procedure and under what conditions. Medicaid provides significant funding for health care services to qualified individuals, as well as health-related programs, health centers, and hospitals throughout the United States. In brief, Medicaid is a federal-state partnership, in which the federal government shares the cost of medical care for low-income people who qualify. Roth, R. & Ainsworth, S. L. (2015), pp. 21, 38-39.

[175] Roth, R. & Ainsworth, S. L. (2015), p. 10, par. 1.

[176] Following the report, in 2014 California Governor Jerry Brown signed a bill banning forced sterilization of prison inmates. McGreevy, R. & Mason, M. (2014). *Gov. Brown Signs Bills on Birth Control, Inmate Rights*. Retrieved from: www.latimes.com/local/politics/la-me-pol-brown-bills-20140926-story.html; Roth, R. & Ainsworth, S. L. (2015), p. 7, par. 2; Johnson, C. G. (2013).

redefined as medically necessary, leading to most sterilizations on women to occur following child birth or as a radical 'first response' for often minor symptoms, such as cysts, cervical abnormalities, and stomach pain.[177] The eugenic intent of surgically sterilizing California inmates remains active, as was clearly expressed by one prison obstetrician-gynecologist regarding the prison money spent, stating: "*Over a 10-year period, that isn't a huge amount of money compared to what you save in welfare paying for these unwanted children – as they procreated more*."[178]

Probation Regulations

Judicial interference on reproductive autonomy is also increasingly being demonstrated through the probation system, as the state exercises significant power so long as the regulation is "reasonable".[179] During sentencing hearings for qualifying crimes, judges and prosecutors are negotiating jail time and probation provisions, offering lighter sentences in exchange for sexual and reproductive restrictions.[180] For men, the most common restrictions imposed involve cases of child abuse and failure to support their children financially, while for women the cases primarily involve child abuse and neglect, drug use, and criminal activity not directly related to children.[181] Vasectomies or Norplant implantation to temporarily sterilize women are commonly 'offered' alternatives to jail time. During Norplant's introduction into the judicial system in the 1990s it was also central to the movement for welfare reform, with several states proposing cash bonuses and

[177] Roth, R. & Ainsworth, S. L. (2015), p. 31, par. 2.
[178] Statement made by Dr. James Heinrich in 2006 at Valley State Prison for Women. Johnson, C. G. (2013).
[179] In *Turner v. Safley* The Supreme Court ruled that even if probational regulation infringes on fundamental rights, the regulation is valid if it is reasonably related to legitimate penological interests. The Court articulated reasonableness in four parts, as summarized by Rachel Roth in her article: 1. A rational relationship between the regulation and the legitimate and neutral governmental interest that is put forward to justify the regulation; 2. The existence of alternative means to exercise the asserted right; 3. The impact on prison staff, other prisoners, and prison resources of accommodating the asserted right; 4. The existence of "ready alternatives" to accommodate the asserted right at "de minimis" cost to valid penological interests. Roth, R. (2011). *"No New Babies?" Gender Inequality and Reproductive Control in the Criminal Justice and Prisons System*, p. 396.
[180] Hunter, L. (2017). *The U.S. Is Still Forcibly Sterilizing Prisoners*. Retrieved from: https://talkpoverty.org/2017/08/23/u-s-still-forcibly-sterilizing-prisoners/; Burke, S. (2015). *Nashville Prosecutors Require Sterilization as Part of Plea Deals.* Retrieved from: www.bostonglobe.com/news/nation/2015/03/28/attorneys-say-sterilizations-were-part-plea-deal-talks/oArBniU59sFIcImHpfqFUN/story.html?#
[181] Roth, R. (2011), pp. 414, 416-417.

even mandatory implantation for women receiving welfare benefits.[182] Due to the racial bias of the criminal justice system and racial distribution of poverty, this mandated intervention is merely eugenics disguised as rehabilitation. As Rachel Roth describes, since Black and Latina women are more likely to receive public assistance, experience greater intervention from child protective services, and/or live in poor neighborhoods that are heavily policed to detect drug activity, this cumulatively brings them into increased contact with state actors who may pressure them not to have children.[183]

Moreover, is it unconstitutional to make someone choose between prison and forced contraception as it violates their reproductive autonomy and right to posterity; fundamental human and constitutional rights that should be upheld irrespective of incarceration.[184] For women over thirty-five, sterilization is a highly popular form of birth control, almost on par with birth control pills.[185] Therefore, it is not the fact that inmates choose to be sterilized that is concerning, it is the coercive and racial targeting of vulnerable populations by authorities overseeing their freedom. As with the callous ruling in *Buck v. Bell*, the judge set a precedent for valuing progeny by determining "*three generations of imbeciles is enough*"; prison medical providers are preemptively ending familial lineages for eugenic fulfillment. Regardless of the pervasive eugenic history and inherent coerciveness, the appeal of ordering sterilization, temporary or otherwise, as a condition of probation or plea bargaining remains high across lower courts in the United States.[186]

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[182] Norplant is a contraceptive system that consists of six small silastic rods containing the synthetic hormone levonorgestrel. The device is surgically implanted under the skin of the women's arm and prevents pregnancy for five years. Norplant cannot be removed without medical assistance. Nolan, L. (1994). *The Unconstitutional Conditions Doctrine and Mandating Norplant for Women on Welfare Discourse*, pp. 20-22.

[183] Roth, R. (2011), p. 409.

[184] The judge ruled in *Union Pacific Railway Co. v Botsford*, 141 U.S. 250. (1891): "No right is held more sacred or is more carefully guarded by the common law than the right of every individual to the possession and control of his own person, free from all restraint or interference of others unless by clear and unquestionable authority of law…The right to one's person may be said to be a right of complete immunity; to be let alone."; *Skinner v. Oklahoma*, 316 U.S. 535. (1942) prohibited sterilization of habitual criminals.; U.S. Constitution. (1787), Preamble; UN General Assembly. (1948), Article 16; UN General Assembly. (1979). *Convention on the Elimination of All Forms of Discrimination against Women*, Preamble.

[185] Guttmacher Institute. (2014). *Contraceptive Use in The United States*. Retrieved from: http://www.guttmacher.org/pubs/fb_contr_use.pdf

[186] Ginzberg, J. F. (1992). *Compulsory Contraception as a Condition of Probation: The Use and Abuse of Norplant*, p. 981; In the State of Wisconsin versus David Oakley, the judge worked out a plea bargain which included a three-year prison sentence and five years on probation during which Oakley could not father any more children. Oakley was charged with intentional failure to pay child support for his nine children with four different women. See *State v. Oakley*, 629 N.W.2d

Abortion Access

Rather than promoting reproductive autonomy and ensuring equal access to contraceptives and family planning services, Trump and his administration have aggressively been dismantling access to reproductive healthcare. Strategically targeting the Planned Parenthood Federation of America, the largest low-cost provider of reproductive healthcare in the United States, and other Title X funded clinics who receive federal grant funding.[187] Trump's administration has proposed stipulations to Title X that prohibits doctors from referring pregnant patients seeking an abortion explicitly to abortion providers; instead patients will be provided with a "broad range of family planning methods" intended to discourage women from obtaining an abortion.[188] If any affiliation by Title X clinics with abortion providers is uncovered, the federal government will withdraw funding.[189] More broadly, President Trump and Republican leaders are seeking to overturn *Roe v. Wade* and outlaw abortion in the United States.[190] Opponents of abortion have successfully passed legislation in many states that make it harder for women to access these services through targeted regulation of abortion providers or TRAP laws. These laws do nothing to protect patients as

200. (2001); In *People v. Johnson*, No. 29390. (1991) a California judge offered Darlene Johnson, accused of child abuse of her four children, seven years of prison or one year in local jail followed by Norplant implantation. Roth, R. (2011), p. 404; In November 2017, a Tennessee judge offered reduced jail sentences for both male and female inmates who volunteered for sterilization. Hawkins, D. (2017). *Tenn. Judge Reprimanded for Offering Reduced Jail Time in Exchange for Sterilization*. Retrieved from: www.washingtonpost.com/news/morning-mix/wp/2017/11/21/tenn-judge-reprimanded-for-offering-reduced-jail-time-in-exchange-for-sterilization/?utm_term=.9c5371f2c0f4

[187] In the year 2016-2017, Planned Parenthood serviced 2.4 million people across their 600 local centers. Seventy-five percent of their patients have an income at or below 150 percent of the federal poverty level. Planned Parenthood Federation of America. (2017). *2016-2017 Annual Report*, p. 2; Planned Parenthood Federation of America. (2017). *Planned Parenthood: By the Numbers*; Enacted in 1970 to support increased access to contraceptive and reproductive health services, supplies, and information, Title X funds give priority to low-income families and the providers that service them. Office of Population Affairs. (2018). *Funding History*. Retrieved from: www.hhs.gov/opa/title-x-family-planning/about-title-x-grants/funding-history/index.html

[188] Department of Health and Human Services (HHS). (2018). *Compliance with Statutory Program Integrity Requirements: A Proposed Rule by the Health and Human Services Department on 06/01/2018*. Retrieved from: www.federalregister.gov/documents/2018/06/01/2018-11673/compliance-with-statutory-program-integrity-requirements

[189] This provision not only intrudes on the patient-provider relationship and infringes on the right to information, it disproportionately disrupts poor and uninsured women's access to contraceptives and abortion services, many of whom already live in areas with limited access.

[190] *Roe v. Wade*, 410 U.S. 113. (1973) ruled the criminalization of abortion in the United States to be unconstitutional.

complications associated with abortions are very rare.[191] Rather, the intended purpose of TRAP laws is to force abortion clinics to close because of costly and medically unnecessary facility regulations.[192] Not only do several states have only one abortion clinic remaining, many are additionally proposing laws that ban abortion as early as eleven weeks, making the time frame in which women can weigh their options, or even receive an abortion, exceedingly short.[193]

Because abortion is still legal, women with the financial means or living in metropolitan areas will still find ways to access the reproductive and prenatal care they need, therefore this combined legislation disproportionately affects poor women, particularly in rural areas. Abortion rates are higher among women living in poverty, who experience unintended pregnancy five times higher than women at the highest income level.[194] Therefore, women with the greatest need will have the lowest access. Moreover, outlawing abortion does not eliminate the procedure as a recourse for pregnant women, it only forces it underground. In a study examining illegal, self-induced abortion related deaths of women in the United States in the years surrounding *Roe v. Wade*, the number of deaths declined 85 percent in the first year alone; however, for those deaths the following year, the women were more likely to be older and nonwhite, increasing from 64 to

[191] Abortions are 99% safe according to the Center for Disease Control (CDC) and rarely require hospital admissions. According to a study by University of California, San Francisco less than two percent of abortions across California resulted in minor complications. Galst, L. (2017). *It's Science: 5 Facts You Need to Know About Abortion*. Retrieved from: www.plannedparenthoodaction.org/blog/its-science-5-facts-you-need-to-know-about-abortion; Medical Xpress. (2014). *Major Complications after Abortion are Extremely Rare, Study Shows*. Retrieved from: https://medicalxpress.com/news/2014-12-major-complications-abortion-extremely-rare.html

[192] Examples of TRAP laws include requiring clinics to have a relationship with a local hospital (currently in eleven states), in addition to requiring abortion clinics be certified as "ambulatory surgery centers".

[193] Indiana, Kentucky, Louisiana, Mississippi, North Dakota, South Dakota, West Virginia, and Wyoming have only one remaining abortion clinic; Arkansas has one full service abortion provider. McCann, A. (2017). *Seven States Have Only One Remaining Abortion Clinic. We Talked to the People Keeping Them Open*. Retrieved from: https://news.vice.com/en_us/article/paz4bv/last-clinics-seven-states-one-abortion-clinic-left; Mississippi proposed legislation to ban abortion at 15 weeks after last menstrual cycle, Kentucky proposed a ban at 11 weeks, while Ohio has proposed to ban abortion outright in the state. King, R. (2018). *ACLU Sues Kentucky to Halt 11-week Abortion Ban*. Retrieved from: www.washingtonexaminer.com/policy/healthcare/aclu-sues-kentucky-to-halt-11-week-abortion-ban; Rosenberg, G. (2018). *Ohio GOP Introduces Bill to Ban Abortion*. Retrieved from: www.npr.org/sections/thetwo-way/2018/03/20/595211551/ohio-gop-introduces-bill-to-ban-abortion?t=1529478462890

[194] Gutierrez, E. R. (2016). *Bringing Families out of 'Cap'Tivity: The Need to Repeal the CalWORKs Maximum Family Grant Rule*, p. 5. Retrieved from: www.law.berkeley.edu/wp-content/uploads/2015/04/2016-Caps_FA2.pdf

80 percent, and live in nonmetropolitan areas.[195] Although death from illegal abortions is unheard of in modern America, the drastic decline in access to medically assisted abortion services in many states could resurface this public health concern. A 2015 survey in Texas, where 96 percent of counties have no abortion provider, over 100,000 women ages 18 to 49 (1.7 percent) reported having tried to self-induce an abortion at some point in their lives.[196] Equally troubling, women are at risk to face criminal prosecutions and jail time in many jurisdictions for attempting to self-induce an abortion regardless if they have no recourse to receive the procedure legally.[197]

The collective laws, policies, and practices imposed by Republican leaders to 'protect women' violates their individual autonomy and human dignity while putting them at increased physical risk when faced with limited choices following an unintended pregnancy. A person's ability to make free choices for themselves and their families should not be privileges reserved for the rich.[198] The disparity between socioeconomic classes is further exacerbated should poor women be forced to carry an unplanned pregnancy to term, as this places an increased burden if parents are unable to financially accommodate a growing family. Government welfare programs only provide cash assistance to a small minority of poor families in the United States and many state provisions in fact exacerbate poverty. This culmination of legislative entities that oppresses a specific class of people ensures a selection process in which only the racially desirable and their children can thrive.

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[195] Cates Jr., W. & Rochat, R. (1976). *Illegal Abortions in the United States: 1972-1974*, pp. 87-88.

[196] Grossman, D. et al. (2015). *Knowledge, Opinion, and Experience Related to Abortion Self-Induction in Texas*, p. 2. Retrieved from: https://liberalarts.utexas.edu/txpep/_files/pdf/TxPEP-Research-Brief-KnowledgeOpinionExperience.pdf

[197] Rowan, A. (2015). *Prosecuting Women for Self-Inducing Abortion: Counterproductive and Lacking Compassion*. Retrieved from: www.guttmacher.org/sites/default/files/pdfs/pubs/gpr/18/3/gpr1807015.pdf

[198] United Nations Office of the High Commissioner of Human Rights. (2017). *International Safe Abortion Day - Thursday 28 September 2017* (press release). Retrieved from: www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22167&LangID

Negative Eugenics: Welfare Policies

Donald Trump's appeal to working class voters prior to his nomination were his repeated affirmations that his presidency would put "*America first*" and help the "*the forgotten men and women of our country*"[199] who have been struggling financially following the loss of manufacturing jobs overseas. Trump proclaimed at his first State of the Union address in January 2018 that he is "*proud that we do more than any other country, anywhere in the world, to help the needy, the struggling, and the underprivileged, all over the world*."[200] While a profoundly exaggerated statement,[201] Trump and his administration have in fact targeted poor communities through a number of policy initiatives aimed at steadily increasing the burden on low income families. Since in office, tax benefits have increased for the wealthiest Americans, spending on safety net and food assistance programs have drastically decreased, while access to affordable healthcare is actively being dismantled. Limiting resources for already financially strained families reduces their ability to thrive compared to more affluent communities, where the disparity of life expectancy between low and high socioeconomic areas of the United States varies by more than twenty years.[202] Yet, the United States continuously approaches social welfare programs for the poor in punitive measures, incorrectly believing too much assistance will increase dependency and disincentive recipients to work. In that same State of the Union address, Trump vowed to end welfare and lift citizens from dependence to independence, stating every American should "*know the dignity of a hard day's work*."

Family Cap Policies

Institutional animosity towards government assistance recipients has remained a fixture in public policy throughout the last century. Depicted as "welfare queens" defrauding the American government, the image of minority women with multiple 'illegitimate' children living off

[199] The White House. (2017). *The Inaugural Address*. Retrieved from: www.whitehouse.gov/briefings-statements/the-inaugural-address/
[200] The White House. (2018). *President Donald J. Trump's State of the Union Address.* Retrieved from: www.whitehouse.gov/briefings-statements/president-donald-j-trumps-state-union-address/
[201] Tyler, J.L. & Rachko Jr., T.J. (2018). *US Turning Its Back on Human Rights*. Retrieved from: www.hrw.org/news/2018/06/29/us-turning-its-back-human-rights
[202] Dwyer-Lindgren, L., et al. (2017). *Inequalities in Life Expectancy Among US Counties, 1980 to 2014: Temporal Trends and Key Drivers,* p. 1008, par. 2.

taxpayers has not only skewed the public perception of welfare recipients, it has facilitated malicious legislation that dehumanizes and punishes the most disadvantaged members of society. In 1996, President Bill Clinton signed into law the Personal Responsibility and Work Opportunity Reconciliation Act, which turned welfare financing into block grants, known as Temporary Assistance for Needy Families (TANF), in which states get a fixed amount of federal money to run their programs and less restrictions on how that money is used. This altered how many states allocated their cash assistance programs, with many enacting family cap policies and denying eligibility for basic needs cash grants to babies born into families already receiving public benefits. The intended purpose of these policies is to curb childbearing among welfare recipients, operating on the incorrect assumption that not only do these families have additional children for the modest increase in cash grants, but they will modify their family planning accordingly. Instead these policies exacerbate poverty for already struggling families and do not reduce the birthrate of the affected populations. Moreover, proponents of family cap policies falsely believe welfare recipients have larger families, when in fact these parents, on average, have the same number of children as the general population.[203]

Seventeen states still currently have some form of welfare cap[204] and while the census data shows less families are receiving welfare benefits in these states; these figures are due to a high rate of rejection rather than lack of need. A study conducted by the Urban Institute in 2015 showed that for every one hundred families in poverty in the United States, only twenty three received cash assistance through TANF.[205] The twenty-five states with the lowest TANF to poverty ratio are home to 56 percent of the total Black population – a consistent predictor of stricter and less generous policies, as states with a larger share of Black recipients have shorter time limits to receive cash assistance, more severe sanctions, and family caps.[206] In states with a majority White population, such as Vermont or Oregon, cash assistance for poor families has remained the same

[203] Gutierrez, E. R. (2016), pp. 2, 5.
[204] Twenty-four states had family cap policies at the height of their popularity in the 1990s. The seventeen states who still have some form of a welfare cap include, Arizona, Arkansas, Connecticut, Delaware, Florida, Georgia, Idaho, Indiana, Massachusetts, Mississippi, New Jersey, North Carolina, North Dakota, South Carolina, Tennessee, Virginia, and Wisconsin. Gutierrez, E. R. (2016), p. 2.
[205] Hahn, H., et al. (2017). *Why Does Cash Welfare Depend on Where You Live? How and Why State TANF Programs Vary*, p. 1. Retrieved from: www.urban.org/research/publication/why-does-cash-welfare-depend-where-you-live
[206] Ten of the twenty-five lowest TANF assisted states have family caps. Hahn, H., et al. (2017), pp. 8,18.

or increased since block grants were introduced in 1996.[207] Additionally, states with the most restrictive assistance policies also tend to have more Republican political representation, a factor that could prove influential in the coming years of the Trump administration.

Reduced Welfare Spending

Income inequality in America has reached its highest economic divide, with the top 0-1 percent of households controlling as much wealth as the bottom 90 percent, ranking the U.S. as the most unequal among developed countries.[208] This income inequality is especially demonstrated across racial lines. In 2016, the median wealth for a White family was five times greater than that of a Hispanic family and seven times greater than Black family wealth.[209] Moreover, as wealth at the top has increased, so has extreme poverty, with more than 1.6 million, including 3.5 million children, who survive on less than two dollars a day.[210] Due to the financial disparity and minimal social mobility for the poorest Americans, government cash and food assistance programs help mitigate some of the effects of such overwhelming inequality.

While state spending on cash relief to low income families has been steadily decreasing, with each fiscal year's proposed budget, President Trump has additionally restructured and cut federal safety net programs to ensure these families receive even less. One such program includes the Child Tax Credit, which provides financial relief for families earning less than 100,000 dollars a year by offering deductions up to 1,000 dollars per year for each child under eighteen. Unchanged since the Bush administration, the opportunity for alleviating some financial strain on low income families by restructuring the credit so the poorest families would receive the highest deductions, was introduced with the unveiling of the 2017 Tax Reform bill.[211] Instead, the new tax plan

[207] Vermont approves 78 percent of applicant families in 2014, down slightly from 83 percent in 1996, while Oregon has increased approvals for families from 36 to 46 percent. Hahn, H., et al. (2017), p. 6.
[208] Dickman, S. L., Himmelstein, D.U., & Woolhandler, S. (2017). *Inequality and the Health-Care System in the USA*, p. 1431-1432.
[209] McKernan, S.M., Ratcliffe, C., Steuerle, C.E., Quakenbush, C., & Kalish, E. (2017). *Nine Charts about Wealth Inequality in America (Updated).* Retrieved from: http://apps.urban.org/features/wealth-inequality-charts/
[210] Dickman, S. L. et al. (2017), p. 1432.
[211] Donald Trump's daughter, Ivanka, along with Republican senators Marco Rubio and Mike Lee were advocates of increasing the Child Tax Credit and publicly promoted that it would help single mothers. Mead, S. (2017). *Ivanka's Tax Credit Won't Help Kids*. Retrieved from:

extended benefits to high income families by increasing the threshold for annual income to one million and, due to the income based structure of the credit, 70 percent of the tax savings go to families with an annual income of 100,000 dollars or more.[212] A single parent with two children living below the poverty threshold, for example, would receive an increased tax credit of 75 dollars, whereas a married couple with two children earning one million would receive a tax credit of 3,300 dollars.[213] The benefit is reduced ultimately because the parent is poor, despite having considerable more need for that additional cash assistance.

The assistance most drastically affected, however, includes TANF block grants and the largest federal nutrition programs, Supplemental Nutrition Assistance Program (SNAP) and SNAP for Women, Infants, and Children (WIC). Monthly benefits from SNAP programs helps mitigate food insecurity by allowing participating families to afford food and improve the health of pregnant women and their young children. Trump has proposed to decrease TANF spending by 21 billion dollars, SNAP spending by 213 billion, and WIC spending by 13 percent; a program that serves over half of all infants in the United States.[214] Additionally, in response to the extreme immigration enforcement implemented by the Trump administration, many undocumented families have begun withdrawing from public assistance programs out of fear of deportation.[215] The Department of Homeland Security has proposed a provision to deny visas and green cards for aliens who have

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www.usnews.com/opinion/economic-intelligence/articles/2017-10-19/ivanka-trumps-child-care-tax-credit-doesnt-help-working-families#close-modal; The White House. (2018). *President Donald J. Trump Achieved the Biggest Tax Cuts and Reforms in American History*. Retrieved from: www.whitehouse.gov/briefings-statements/president-donald-j-trump-achieved-biggest-tax-cuts-reforms-american-history/

[212] The Child Tax Credit is limited to 15 percent of a family's earnings over $3000. Marr, C. (2017). *Senate Tax Bill Limits Child Tax Credit Expansion for Low-Income Children, Extends Credit to Wealthy Households*. Retrieved from: www.cbpp.org/blog/senate-tax-bill-limits-child-tax-credit-expansion-for-low-income-children-extends-credit-to

[213] The 2017 poverty threshold for a family of three with two children under eighteen is $19,749. The federal minimum wage of $7.25 would yield a yearly salary of $14,500. Marr, C. (2017); U.S. Census Bureau. (2017). *Poverty Thresholds for 2017 by Size of Family and Number of Related Children Under 18 Years*. Retrieved from: www.census.gov/data/tables/time-series/demo/income-poverty/historical-poverty-thresholds.html

[214]2018 fiscal year budget cut WIC spending by $175 million and SNAP by $4.5 billion from fiscal year 2017. National WIC Association (NWA). (2018). *Weekly WIC Policy Update*. Retrieved from: www.nwica.org/blog/weekly-wic-policy-update-107#.Wx_tBIpKg2w; Merker, R. (2018). *The Impact of the President's 2019 Budget Proposal on Child Nutrition Assistance.* Retrieved from: https://firstfocus.org/wp-content/uploads/2018/02/Fact-Sheet-Presidents-2019-Budget-NUTRITION.pdf; Parrott, S. et al. (2018).

[215] Baumgaertner, E. (2018). *Spooked by Trump Proposals, Immigrants Abandon Public Nutrition Services*. Retrieved from: www.nytimes.com/2018/03/06/us/politics/trump-immigrants-public-nutrition-services.html

used public assistance programs like WIC and SNAP, citing the need to ensure "*foreign nationals coming to the United States have adequate means of support and do not become dependent on public assistance."*[216] One study shows that 45.3 percent of all immigrant-headed households with children use food assistance programs, and a vast majority of those children are American citizens.[217] The targeting of benefit recipients through residency applications is a strategic move to make life more difficult for immigrant families and further push them to leave the country. However, because these families have laid roots in the United States, these policies only create food insecurity for already struggling households.

Access to enough food is an essential human need and fundamental right, without which it is impossible to live an active and fulfilling life. The *Universal Declaration of Human Rights* states in Article 25,

"*Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."*[218]

Moreover, the Preamble to the U.S. Constitution guarantees to promote the welfare of its people and future generations, stating:

"We the People of the United States, in Order to form a more perfect Union…promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity..."

For children who live in food-insecure homes, they have a greater risk for poor mental and psychosocial problems, in addition to chronic health conditions, that follow them into adulthood due to poor nutritional quality and erratic dietary patterns. For adults living in poverty, lower food security is associated with a host of chronic diseases, such as hypertension, heart disease, and

[216] Department of Homeland Security (DHS). (2017). *Inadmissibility and Deportability on Public Charge Grounds*. Retrieved from: www.reginfo.gov/public/do/eAgendaViewRule?pubId=201710&RIN=1615-AA22
[217] National Academies of Sciences, Engineering, and Medicine. (2017). *Chapter 3: Socioeconomic Outcomes of Immigrants*. In The Economic and Fiscal Consequences of Immigration.
[218] UN General Assembly. (1948), Article 25.

stroke, which lowers quality of life and overall life expectancy.[219] Because households struggling with poverty experience food insecurity at three times the rate of the national average, and these households tend to include children headed by single women, Trump's budget initiative to reduce access to a need as essential as food demonstrates a cruel indifference to the health of millions of low income Americans and their children.[220]

Early eugenicists despised charity. They believed crime and poverty were inherited defects that needed to be halted for society's sake and charity merely produced a class of parasites by creating an environment in which the worst could survive as well as the best.[221] Proclamations not far removed from the current legislative measures systematically oppressing upward mobility to the most disadvantaged populations. Each cycle of 'welfare reform' reduces state spending on assistance programs while imposing stringent work requirements and shortened coverage periods to ensure less people receive benefits. Although it is somewhat minimizing to equate safety net programs to charity – the introduction of SNAP and the Child Tax Credit reduced child poverty in the United States to a record low of 15.6 percent in 2016 from 28.4 percent when they were first introduced in the 1960s [222] – the public perception towards recipients of government assistance as resource draining and responsible for their own economic condition, remains pervasive in American politics and policy initiatives.

Affordable Care Act

The greatest demonstration of eugenic targeting of the unfit by the Trump administration, however, is evidenced through the dismantling of affordable healthcare for the poorest classes of people. The universal access to affordable healthcare has slowly become a nationally supported

[219] Holben, D.H. & Berger Marshall, M. (2017) *Position of the Academy of Nutrition and Dietetics: Food Insecurity in the United States*, pp. 1995,1997.
[220] SNAP and WIC provide food assistance to forty-five million Americans, of whom thirteen million are children. One in six children in the United States faces food insecurity. No Kid Hungry. (2018). *Hunger Facts: Kids in America are Hungry*. Retrieved from: www.nokidhungry.org/who-we-are/hunger-facts; Holben, D.H. & Berger Marshall, M. (2017), p. 1992.
[221] Black, E. (2012), pp. 25, 222.
[222] Shapiro, I., Trisi, D. (2017). *Child Poverty Falls to Record Low, Comprehensive Measure Shows Stronger Government Policies Account for Long-Term Improvement*. Retrieved from: www.cbpp.org/research/poverty-and-inequality/child-poverty-falls-to-record-low-comprehensive-measure-shows

institution in the United States, the first successful attempt achieved with the implementation of the Affordable Care Act (ACA), also known as Obamacare. Signed into law in 2010, the ACA has increased the percentage of Americans insured by mandating employer provided coverage and reducing cost for people within or below the federal poverty level.[223] Although not perfect, the ACA has, at the very minimum, provided a framework to ensure more Americans receive coverage. Compared to other wealthy nations who provide coverage to those who cannot afford it, Americans have poorer health outcomes and live less healthy lives than the rest of the developed world; with disparities in life expectancy ranging greatly depending on socioeconomic and geographic regions.[224]

ACA coverage for low income Americans is funded through Medicaid, a public assistance program that provides health coverage to over 72 million qualifying citizens. [225] Under the ACA, the federal government would match 100 percent of state spending for expanded Medicaid coverage to increase the number of eligible enrollees for the first few years. Due to individual state control over their Medicaid program, the generosity of each state to expand coverage is a key determinant of access-related disparities across the country.[226] In 2012, the Supreme Court ruled that states could opt out of Medicaid expansion and currently eighteen states have chosen to do so;[227] granting justification for many Republican leaders to further reduce already limited funding to their Medicaid recipients.

The Republican party has never supported the ACA. The legislation passed under President Obama with a Democratic majority in the Congress and Senate. Therefore, many Republican representatives opted to create obstacles within their states to limit coverage for their poor communities. For many states, these populations were already suffering greater than the rest of the country. A stark example is provided with the case of Mississippi, where residents have the lowest

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[223] Affordable Care Act (ACA). (n.d.). Retrieved from: www.healthcare.gov/glossary/affordable-care-act/

[224] Avendano, M. & Kawachi, I. (2014). *Why do Americans have Shorter Life Expectancy and Worse Health than People in Other High-Income Countries?*, see Abstract.

[225] Medicaid provides health coverage to over 72.5 million Americans, including 8.9 million children covered through the Children's Health Insurance Program. Centers for Medicare and Medicaid Services. *Eligibility*. Retrieved from: www.medicaid.gov/medicaid/eligibility/index.html

[226] Dickman, S. L. et al. (2017), p. 1433.

[227] *National Federation of Independent Business v. Sebelius,* 567 U.S. 519. (2012). Dickman, S. L. et al. (2017), p. 1433; Families USA. (2018). *A 50-State Look at Medicaid Expansion*. Retrieved from: http://familiesusa.org/product/50-state-look-medicaid-expansion

median family income, the lowest rate of health insurance coverage, and the poorest health outcomes,[228] while receiving the most financial support from the federal government.[229] In 2016, Mississippi spent below the national average of its TANF funding (63 percent) on welfare reform, for which only seven poor families for every one hundred receives assistance [230] and provisions within include a family cap. Mississippi is also home to the highest population of Black residents (37.7 percent)[231] in the country; communities whose health have historically been targeted under racist policy initiatives. Anti-miscegenation laws prevented interracial marriage and barred Blacks from equal access to medical care, while eugenic sterilization was practiced from 1928 through 1963,[232] routinely performing tubal ligation on Black women without their knowledge. In 2014, only one in three Black adults were covered by health insurance.[233] So, for a state already oppressing its poor so heavily, when provided the opportunity to opt out of closing the gap of the uninsured in 2012, Governor Phil Bryant wrote "*taxpayers need jobs, not costly handouts*" and that he would "*resist any effort to expand Medicaid in this state*".[234] Mississippi is the only state in the country to have the percentage of uninsured increase following the establishment of the ACA.[235] Comparable demographics can be outlined in Alabama, Georgia, North Carolina and South Carolina; each with high poverty rates, low TANF allocation, and majority Black populations for which Medicaid expansion under the ACA has been denied.[236] A racial disconnect

[228] Mississippi State Department of Health. *Health Equity in Mississippi*. Retrieved from: https://msdh.ms.gov/msdhsite/_static/44,0,236.html
[229] Tierney, J. (2017). *Which States Are Givers and Which Are Takers?* Retrieved from: www.theatlantic.com/business/archive/2014/05/which-states-are-givers-and-which-are-takers/361668/
[230] Families also receive the lowest amount in the entire country – only $170 a month for a family of three. Center on Budget and Policy Priorities. (2016). *Mississippi TANF Spending.* Retrieved from: www.cbpp.org/sites/default/files/atoms/files/tanf_spending_ms.pdf
[231] U.S. Census Bureau. (2017). *Quick Facts*. Retrieved from: www.census.gov/quickfacts/MS
[232] Kaelber, L. (2012). *Mississippi Eugenics*. Retrieved from: ww.uvm.edu/~lkaelber/eugenics/MS/MS.html
[233] Varney, Sarah. (2014). *Mississippi, Burned: How the Poorest, Sickest State Got Left Behind By Obamacare*. Retrieved from: www.politico.com/magazine/story/2014/10/mississippi-burned-obamacare-112181?o=0
[234] Bryant, P. (2012). *The Truth about Obamacare in Mississippi*. Retrieved from: www.washingtontimes.com/news/2012/oct/1/the-truth-about-obamacare-in-mississippi-taxpayers/
[235] Varney, Sarah. (2014).
[236] States that did not expand Medicaid coverage: Alabama, Florida, Georgia, Idaho, Kansas, Mississippi, Missouri, Nebraska North Carolina Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Wisconsin, Wyoming. Families USA. (2018); Percentage living in poverty: Alabama (17.1), Arkansas (17.2), Florida (14.7), Georgia (16.0), Mississippi (20.8), Missouri (12.7), North Carolina (15.4), Oklahoma (16.3), South Carolina (15.3), Tennessee (15.8), Texas (15.6), West Virginia (17.9). U.S. Census Bureau. (2018). *Quick Facts.*

that is further enhanced by the political leadership representing these states, which is almost exclusively White.[237]

The opportunity to eliminate the ACA was presented with Trump's presidential nomination, for which he campaigned to 'repeal and replace' the ACA and promised to take away healthcare coverage "on day one" of his presidency. Despite overwhelming public approval of the ACA,[238] the coverage rate cutting the number of uninsured adults in half and reducing out of pocket spending for the poor by 20 percent, the Republican majority repeatedly proposed bills for its repeal; eventually eliminating the individual mandate at the end of 2017.[239] The pragmatic purpose of removing federal spending for Medicaid allowed the Republicans to increase the size of the tax cuts within the 2017 Tax Reform bill;[240] however, the ethical repercussions are glaring. The states represented by the Republican majority fighting to take away healthcare house populations in the greatest need of coverage and have the highest eligibility for access to federal assistance programs. Unable to repeal the entire legislation as promised, the Trump administration has instead made the ACA weaker through a variety of Executive Orders, primarily removing subsidies to health insurance companies that help pay out-of-pocket costs to low-income people and making enrollment more difficult for new and current policy holders.[241]

The Trump administration's intent to dismantle the ACA and take away affordable healthcare to poor Americans is a eugenic one. A recent study shows one death results from every 800 persons who are uninsured in the United States; [242] a rate that would result in tens of thousands

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[237] House Republicans. (2018). *Meet House Republicans*. Retrieved from: www.gop.gov/about/
U.S. Senate. (2018). *Leadership and Officers*. Retrieved from: www.senate.gov/senators/leadership.htm

[238] Pew Research Center. (2017). *Public Approval of Affordable Care Act at Highest Level Since it Became Law.* Retrieved from: www.pewresearch.org/fact-tank/2017/12/11/for-the-first-time-more-americans-say-2010-health-care-law-has-had-a-positive-than-negative-impact-on-u-s/ft_17-12-08_aca_public-approval/

[239] A provision within the ACA which required that most people have health insurance or pay a penalty. Rice, T. et al. (2018). *Universal Coverage Reforms in the USA: From Obamacare through Trump*, p. 2.

[240] Rice, T. et al. (2018), p. 2; Bump, P. (2017). *How the Republican Tax Bill Benefits the Rich, According to Government Analysis*. Retrieved from: www.washingtonpost.com/news/politics/wp/2017/11/30/how-the-republican-tax-bill-benefits-the-rich-according-to-government-analysis/?utm_term=.876ea7dbbf32

[241] Pear, R., Haberman, M., & Abelson, R. (2017). *Trump to Scrap Critical Health Care Subsidies, Hitting Obamacare Again*. Retrieved from: www.nytimes.com/2017/10/12/us/politics/trump-obamacare-executive-order-health-insurance.html

[242] Himmelstein, D.U. & Woolhandler, S. (2017). *The Relationship of Health Insurance and Mortality: Is Lack of Insurance Deadly?* Retrieved from:

of excess deaths if the 20 million who gained insurance under the ACA lose coverage. Moreover, medical costs are the largest contributor pushing millions of Americans below the poverty line, forcing them into a welfare system for which social mobility will be minimal. Poverty alone also causes poor health.[243] Not only do poor socioeconomic populations invariably have higher instances of disease and premature mortality, poverty exacerbates health related problems and impedes adequate access to health care.[244] The sustained and chronic deprivation of resources targeted at poor communities directly impedes their quality of life and right to health, therefore selectively eradicating 'unfit' members from the population.

Conclusion: part two

The steady rise of nativism and anti-immigration sentiment over the last decade, fueled by the election of Donald Trump, has fervently reignited the call for White Americans to reclaim their social authority and save the country from committing 'race suicide'. The increasing foreign presence in communities across the country has increased native-born anxiety of ethnic minorities crowding out and replacing 'old stock' Americans, facilitating a number of policy initiatives in support of eugenic ideals for race preservation. Although refraining from using overtly eugenic language, President Trump and his appointed administration are targeting immigrants, minorities, and low-income populations to reach the same objective.

By dehumanizing and delegitimizing immigrants and minority populations, Trump's administration has permitted widespread violations of constitutional rights to populations deemed inferior and antithetical to the ideal American. Repeatedly calling immigrants and minorities

http://annals.org/aim/fullarticle/2635326/relationship-health-insurance-mortality-lack-insurance-deadly

[243] Dickman, S. L. et al. (2017), pp. 1435, 1437.

[244] World Health Organization (WHO). (2005). *Human Rights, Health, and Poverty Reduction Strategies*. Retrieved from: www.who.int/hhr/news/HRHPRS.pdf

"rapists",[245] "terrorists",[246] and "animals"[247] has constructed a racial illegitimacy that has permitted the enactment of racist policy initiatives – Muslim travel ban, increased detentions and deportations, criminal surveillance – that ensures segregation of the undesirable from the genetically superior, White population. Not only targeting populations who stray from the Nordic, Anglo-Saxon ideal, the Trump administration has additionally targeted poor, undesirable classes of American citizens. The health and dignity of the most economically disadvantaged are consistently being violated through policies that eliminate access to adequate healthcare and reduce public assistance programs, enabling a selection process in which only the racially and socially desirable can thrive. In line with the ideology of eugenic leaders,[248] the cumulative legislation oppressing the poorest Americans ensures they are 'unfit' to survive amongst the socially superior, as they naturally become more impoverished, more malnourished, and have shorter lifespans – thereby slowly purifying the nation. Furthermore, eugenicists argued the social burden of not preventing procreation of persons dependent on the state was too great a burden to place on future generations, ideals upheld by the judicial interference on reproductive autonomy still active across the criminal justice system today.[249] President Trump's calls to reverse the declining incarceration rate, enact longer prison sentences, and expand the utilization of private prisons puts these vulnerable populations at increased risk for human rights violations, while disproportionately exposing the poor and racial minorities to eugenic intervention by the state.

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[245]Time Staff. (2015).

[246] Trump stated in his 2017 inaugural address he will "unite the civilized world against Radical Islamic Terrorism" The White House. (2017). And tweeted: "The threat from radical Islamic terrorism is very real, just look at what is happening in Europe and the Middle-East. Courts must act fast!" in addition to retweeting falsified anti-Muslim propaganda videos from the Netherlands. Trump, D. (2017). realDonaldTrump. Retrieved from: https://twitter.com/realDonaldTrump/status/828797801630937089; BBC News. (2017). *Donald Trump Retweets Far-Right Group's Anti-Muslim Videos*. Retrieved from: www.bbc.com/news/world-us-canada-42166663

[247] CBS News. (2018) *Trump Calls Some Illegal Immigrants "Animals" in Meeting with Sheriffs*. Retrieved from: www.youtube.com/watch?v=3tmT7-dhOWs

[248] Edwin Black summarized the eugenic English philosopher, Herbert Spencer, from his book *Social Statics:* "Through evolution, the "fittest" would naturally continue to perfect society. And the "unfit" would naturally become more impoverished, less educated and ultimately die off, as well they should…insisting, 'the whole effort of nature is to get rid of such, and to make room for better…if they are not sufficiently complete to live, they die, and it is best they should die.'" Black, E. (2012), p. 12.

[249] *Buck v. Bell* (1927) has never been overturned, however, *Skinner v. Oklahoma* (1942) and *Relf v. Weinberger* (1974) prohibit sterilization of habitual criminals or using federal money to fund sterilizations.

Conclusion

At the time of writing this paper, a national outrage has ignited over the constitutional legality and ethics of forcibly separating migrant families at the southern U.S. border. Within six weeks, two thousand minors were taken and detained away from their parents in holding cells [250] – a treatment of migrant families that is severely inhumane and violates the fundamental human rights standards on which the United States was founded.[251] Attorney General, Jeff Sessions, has praised the literal application of his issued "zero tolerance" policy on illegal immigration while President Trump has displayed indifference, stating "*The United States will not be a migrant camp, and it will not be a refugee-holding facility - it won't be*." [252] But how could families anticipate such a fate when they arrive to the border? The image of the United States at home and abroad is *the* land of opportunity, where all are equal under the law to achieve their American Dream. Families flee violence, war, and economic crisis in search of refuge within the borders of the United States, yet, the message from the current government is no longer subtle: you are not welcome.

For immigrants, minorities, and poor families living within the United States, the weight of this message has been present for generations. A century ago, eugenic theory of human betterment violated thousands of Americans' constitutional right to life, liberty, and posterity to ruthlessly cleanse the nation of undesirable populations and save the American race. One hundred years later, legislation in support of eugenic theory for race preservation has been reignited through the election of Donald Trump. Founded on human rights principles that are embedded in the Constitution – human equality,[253] dignity,[254] self-determination[255] – the

[250] Holpuch, A. (2018). *Families Divided at the Border: 'The most horrific immigration policy I've ever seen'*. Retrieved from: www.theguardian.com/us-news/2018/jun/19/families-border-separations-trump-immigration-policy
[251] High Commissioner for Human Rights, Zeid Ra'ad Al Hussein responded to the border policy, stating: ""The thought that any State would seek to deter parents by inflicting such abuse on children is unconscionable." Calling it a cruel practice of "government-sanctioned child abuse" which may cause "irreparable harm" with "lifelong consequences". UN Human Rights Council. (2018). *UN Rights Chief Slams 'Unconscionable' US Border Policy of Separating Migrant Children from Parents*. Retrieved from: https://news.un.org/en/story/2018/06/1012382
[252] BBC News. (2018). *Trump Says US Will Not Be a Migrant Camp*. Retrieved from: www.bbc.com/news/world-us-canada-44523541
[253] Declaration of Independence. (1776).
[254] U.S. Constitution. (1787), Articles XIII, XIV.
[255] U.S. Constitution. (1787), Article X; Declaration of Independence. (1776).

interpretation and application of these innate rights continue to be contextually shaped by the reigning government. Therefore, the real constitutional morality of the United States lies in its social conditions, culture and political system rather than any formal legal provisions supposedly regulating the exercise of power.[256] Demonstrated within its extensive history of exclusionary immigration policies, pervasive racial segregation, and economic oppression, the model for the ideal American has been defined as only truly belonging to White persons of European descent.

The eugenic outlook for the United States, therefore, remains heavily dependent on the political construction of the government in the coming years. Nativist and White supremacist ideology have been emboldened with the current presidential legislation, influencing the legal framework to undermine constitutional protections for immigrants, minorities, and the reproductive autonomy of women. The duration of Trump's presidency at this time remains unknown,[257] yet his legacy will affect generations through the appointments of two Supreme Court judges within his first term. The first appointment of highly conservative Justice Neil Gorsuch has already facilitated rulings to undue liberal doctrine [258] and the recent retirement of Justice Anthony Kennedy provides the opportunity to push the ideological distribution of the Court even farther to the right.[259] Notably, the Supreme Court ruled to uphold the Executive Order restricting immigration from predominantly Muslim countries in June 2018 in *Trump v. Hawaii,* proclaiming:

[256] Bellamy, R. (1996), p. 1.
[257] At the time of writing of this thesis, President Trump was halfway through his first presidential term. The next American presidential election will be held in November 2020.
[258] Parlapiano, A. & Yourish, K. (2017). *Where Neil Gorsuch Would Fit on the Supreme Court*. Retrieved from: www.nytimes.com/interactive/2017/01/31/us/politics/trump-supreme-court-nominee.html; Wolf, R. (2018). *Justice Gorsuch Confirms Conservatives' Hopes, Liberals' Fears in First Year on Supreme Court*. Retrieved from: https://eu.usatoday.com/story/news/politics/2018/04/08/justice-gorsuch-confirms-conservatives-hopes-liberals-fears-first-year-supreme-court/486630002/
[259] Kennedy, A.M. (2018). *Justice Anthony Kennedy Retirement Letter*. Retrieved from: https://apps.npr.org/documents/document.html?id=4562908-Justice-Anthony-Kennedy-retirement-letter; The currently philosophical distribution of the U.S. Supreme Court reflects five justices leaning more conservatively to the right – Clarence Thomas, Neil M. Gorsuch, Samuel A. Alito, Jr., John G. Roberts Jr., Anthony M. Kennedy – and four justices to the left – Stephen G. Breyer, Elena Kagan, Ruth Bader Ginsburg, Sonia Sotomayor. With the retirement of Justice Kennedy, President Trump has the opportunity to shift this even further and outnumber the socially liberal justices. Parlapiano, A. & Yourish, K. (2017).

2. *The President has lawfully exercised the broad discretion granted to him under §1182(f) to suspend the entry of aliens into the United States. Pp. 9–24. (a)*

   (a) By its terms, §1182(f) exudes deference to the President in every clause. It entrusts to the President the decisions whether and when to suspend entry, whose entry to suspend, for how long, and on what conditions. It thus vests the President with "ample power" to impose entry restrictions in addition to those elsewhere enumerated in the [Immigration and Nationality Act].[260]

The ruling goes on to state that the policy "*set forth a sufficient national security justification to survive rational basis review.*" [261] Apart from deliberately referring to the Executive Order as a Muslim ban, President Trump has expressed ardent hostility towards the Muslim faith throughout his presidency.[262] Yet, his comments were not found to be significant in reviewing the legislative directive.[263] Therefore, the precedent established by this ruling, not only renews the possibility for restrictive immigration quotas to be implemented, but potentially permits political leaders across the country to further execute racially motivated policies under the guise of national security. As was demonstrated at the height of the eugenics movement,[264] endorsement by the Supreme Court drives the course of United States history and influences mainstream thought on controversial issues. The call to "make America great again" through increased fearmongering and anti-immigration sentiment is challenging the national ethos of the country as human rights abuses and constitutional violations are permitted to preserve the American race. The interpreted constitutionality for reproductive autonomy in America remains unclear and, in many ways,

[260] *Trump v. Hawaii*, 8 U.S.C. 1182. (2018). Retrieved from: https://www.supremecourt.gov/opinions/17pdf/17-965_h315.pdf; *Immigration and Nationality Act*. (1965).
[261] *Trump v. Hawaii* (2018), section 3(d).
[262] Trump regularly refers to Muslims as terrorists, has suggested Islam should not be able to "protect itself behind [the constitutional right to] freedom of religion", and stated there is "no real assimilation" by Muslims coming into the United States.
[263] The ruling states the Executive Order is not illegitimate or 'divorced from any factual context' because the entry restrictions on Muslim-majority nations are limited to countries that were previously designated as posing national security risks. *Trump v. Hawaii*, Section 3(d).
[264] *Buck v. Bell* (1927); *Loving v. Virginia* (1967); *Skinner v. Oklahoma* (1942).

despairing,[265] as the American Dream becomes virtually unattainable for those living outside the realm of the biologically sovereign.

By imparting the history of the United States and demonstrating the parallels of the eugenics movement and the current governmental policies, I hope to contribute in some small way to advancing human rights in my country. The news media in the United States often compares President Trump's behavior and policy initiatives to resemble the methods used by Hitler, yet Trump's objectives for race preservation are not an imitation, but a strategy that is unmistakably American. Because immigration has always been a contentious issue, we must recognize the methods historically inflicted on marginalized populations, so we can be better; and I know America can be. The civil liberties of all Americans in the coming generations are at risk if the nation does not rise to defend them. However, my dream for the future of the country is not for the privileged class to ensure their own Constitutional protection, but for all to fight to attain the ideal Union enshrined by the founders and uphold the obligation of human equality for everyone within America's borders. The following was stated by former President Gerald R. Ford in 1968 towards the end of the Civil Rights Movement – a sentiment that can be equally attributed to the social climate in the United States today:

"*America now is stumbling through the darkness of hatred and divisiveness. Our values, our principles, and our determination to succeed as a free and democratic people will give us a torch to light the way. And we will survive and become the stronger – not only because of a patriotism that stands for love of country, but a patriotism that stands for love of people."* [266]

[265] Republicans have been pushing to overturn *Roe v. Wade* and may have an opportunity if the Supreme Court leans conservatively, six judges to three.
[266] Billington, J.H. (2010). *Respectfully Quoted: A Dictionary of Quotations,* pp. 246-247.

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