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“THE AMERICAN BREED”:
NAZI EUGENICS AND THE ORIGINS OF
THE PIONEER FUND

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INTRODUCTION

A. The Bell Curve, *The Pioneer Fund*, and American Eugenics

When *The Bell Curve* was published in 1994 it was an immediate best seller; more than a million copies are currently in print. The thesis of *The Bell Curve*, that intelligence—the trait that IQ tests are designed to measure—is inherited, has become increasingly critical as a predictor of educational, occupational, and social success.¹ *The Bell Curve* asserts that those possessing a high IQ constitute a hereditary upper class while their more limited counterparts at the opposite end of the IQ spectrum make up an “underclass.” *The Bell Curve* also analyzes social and economic stratification in America and concludes that the inequality which allegedly exists in this country is attributable to genetically transmitted “ethnic differences.”² The social and political implications of *The Bell Curve*’s message led to immediate controversy, and the book has generated a tremendous amount of commentary from both scholars and the popular media. At least some of the controversy has been fueled by the history of eugenics in America.

The argument advanced in *The Bell Curve* closely parallels assertions routinely made in the early years of the twentieth century by advocates of the eugenics movement. The book’s conclusions, disparaging the government’s role in ameliorative social programs and forecasting the demise of American civilization as the result of increasingly “dysgenic” birthrates among the “underclass,” are themes found firmly rooted in the eugenic tradition.

The success of *The Bell Curve* has drawn attention to the Pioneer Fund,³ a foundation that has provided a steady stream of funding for research and publicity on topics related to “heredity and eugenics” and “the problems of race betterment” since first being chartered in 1937.⁴ Some sixteen researchers who have received Pioneer support are referenced in *The Bell Curve* and Pioneer

¹ RICHARD S. HERRNSTEIN & CHARLES MURRAY, *THE BELL CURVE: INTELLIGENCE AND CLASS STRUCTURE IN AMERICAN LIFE* 298, 300 (1994).

² *Id.* at 298–99.

³ The Pioneer Fund, founded in 1937, should be distinguished from the Pioneer Funds offered by the Pioneer Group, Inc. of Boston. The latter is a financial services company started in the 1920s, and has no relationship to the topic of this paper.

⁴ Certificate of Incorporation, The Pioneer Fund 3 (1937) (on file with the New York State Department of State) [hereinafter Certificate of Incorporation].

proudly cites this record in its own promotional material.⁵ Pioneer's founding president was Harry Laughlin, one of the most effective propagandists of early Twentieth Century America's organized eugenics movement. He is described in *The Bell Curve* sympathetically as "a biologist who was especially concerned about keeping up the American level of intelligence by suitable immigration policies."⁶ Like *The Bell Curve*, Laughlin sounded the eugenicist's alarm, declaring that the "great mass of defectiveness" swelled by immigrants, the feeble-minded, and children of racial intermixture would swamp America.⁷ Laughlin's pronouncements about race echoed the hierarchical standards—white Nordics at the top, others below—set out by Francis Galton, the father of the eugenics movement.⁸ Laughlin believed that the "pioneer families" of the United States, pruned of weaker members by frontier tests of survival, represented the pinnacle of Nordic purity.⁹ He claimed that Germans and early American settlers shared a "common race descent" from ancient Nordic ancestors.¹⁰

Laughlin argued for a legal definition of "the American race" that would exclude all but "Anglo-Saxon" immigrants, and he dedicated extensive efforts to blocking the migration of Jews fleeing Hitler.¹¹ His collaborators in developing the new definition were Madison Grant, an elder statesman of American eugenics, and Wickliffe Draper, a textile magnate, whom Laughlin introduced to his German colleagues in 1935 as "one of the staunchest supporters of eugenical research and policy in the United States."¹² After

⁵ See *Criteria for Grants*, Pioneer Fund Web Page, available at <http://www.pioneerfund.org/grant.html> (last modified June 3, 1997). "Pioneer scientists are cited many times in the recent Herrnstein-Murray book *The Bell Curve*." *Id.*

⁶ HERRNSTEIN & MURRAY, *supra* note 1, at 5.

⁷ H.H. Laughlin, *Calculations on the Working Out of a Proposed Program of Sterilization*, in PROCEEDINGS OF THE FIRST NATIONAL CONFERENCE ON RACE BETTERMENT 478 (1914).

⁸ See Francis Galton, *The Comparative Worth of Different Races*, in HEREDITARY GENIUS 393, 394–404 (1972) (arguing that Darwinian principles of evolution and survival-of-the-fittest play integral roles in shaping the human races—the pinnacle of whom were the "ancient Greeks," while the African and native Australian races rank near the bottom of the hierarchy).

⁹ Letter from Dr. Harry H. Laughlin to Dr. and Mrs. H. Borchers, German Consul (Dec. 18, 1936) (on file with Harry Hamilton Laughlin Papers, Pickler Memorial Library, Truman State University) [hereinafter *Laughlin Papers*]. Particular thanks are due to Judith May Sapko, curator and archivist of the Laughlin Papers, whose generous assistance made this study possible.

¹⁰ *Id.*

¹¹ See Harry H. Laughlin, *The Definition of an American* (no date) (unpublished manuscript, on file with *Laughlin Papers*, *supra* note 9); see also *Relaxing Quotas for Exiles Sought*, N.Y. TIMES, May 4, 1934 (News Note).

¹² Letter from Harry H. Laughlin to Professor Dr. Eugen Fischer, President, International Congress for the Scientific Investigation of Population Problems (July 31, 1935) (on file with

attending a Nazi eugenics conference, Draper wrote to Laughlin encouraging him to "work out something of eugenic value;"¹³ the Pioneer Fund was chartered less than a year later. The work of the Pioneer Fund subsequently began in the swirl of enthusiasm shared by Laughlin and Draper over the progress of Nazi eugenics. Draper's finances provided a base that supported Pioneer projects as well as other programs tailored to meet his goals of immigration restriction and racial separation.¹⁴

Draper's support has sustained Pioneer for over sixty years. During that time, Pioneer has continued to subsidize projects and propaganda that echo the goals of Pioneer founders. Pioneer represents a missing link in the history of eugenics that connects the racial radical branch of American eugenics in the first third of the century, to eugenics in 1930s Germany, and to hereditarian politics of recent years as exemplified in books like *The Bell Curve*. Yet, despite clear connections between Pioneer support and eugenic ideology, a survey of the historical literature on the eugenics movement demonstrates relative neglect of both the Pioneer Fund's genesis and its founders' emulation of Nazi eugenic policy.

Since the appearance of Mark H. Haller's *Eugenics: Hereditarian Attitudes in American Thought* in 1963, every decade has seen at least one major book on the history of the American branch of the international eugenics movement.¹⁵ The study of eugenics from a variety of disciplinary perspectives continues to produce new volumes every year.¹⁶ The connections between prominent

Laughlin Papers, *supra* note 9).

¹³ Letter from W.P. Draper to Dr. Laughlin 2 (Sept. 16, 1936) (on file with *Laughlin Papers*, *supra* note 9).

¹⁴ See *infra* Part II.

¹⁵ The publication of DANIEL J. KEVLES, *IN THE NAME OF EUGENICS: GENETICS AND THE USES OF HUMAN HEREDITY* (1985) provided a timely reference text for a number of scholars who would explore eugenics in the following dozen years. During the years between publication of Haller's and Kevles's books, several histories of American eugenics appeared, including DONALD K. PICKENS, *EUGENICS AND THE PROGRESSIVES* (1968); KENNETH M. LUDMERER, *GENETICS AND AMERICAN SOCIETY: A HISTORICAL APPRAISAL* (1972); and ALLAN CHASE, *THE LEGACY OF MALTHUS: THE SOCIAL COSTS OF THE NEW SCIENTIFIC RACISM* (1977).

¹⁶ In the past ten years alone, more than a dozen books have been published on this subject. They include PHILLIP R. REILLY, *THE SURGICAL SOLUTION: A HISTORY OF INVOLUNTARY STERILIZATION IN THE UNITED STATES* (1991); STEFAN KÜHL, *THE NAZI CONNECTION: EUGENICS, AMERICAN RACISM, AND GERMAN NATIONAL SOCIALISM* (1994); WILLIAM H. TUCKER, *THE SCIENCE AND POLITICS OF RACIAL RESEARCH* (1994) (an investigation of the scientific and political vestiges of eugenics in America); EDWARD J. LARSON, *SEX, RACE, AND SCIENCE: EUGENICS IN THE DEEP SOUTH* (1995) (a regional history of eugenics); DIANE B. PAUL, *CONTROLLING HUMAN HEREDITY: 1865 TO THE PRESENT* (1995) (a study that connects trends in evolution and eugenics to modern genetic study); MAROUF ARIF HASIAN, JR., *THE RHETORIC OF EUGENICS IN ANGLO-AMERICAN THOUGHT* (1996) (a cultural and linguistic analysis of U.S. eugenics); MARTIN S. PERNICK, *THE BLACK STORK:*

American eugenicists and their German colleagues during the rise of National Socialism were unearthed by scholars almost thirty years ago,¹⁷ and have become a staple of the history of eugenics. But until recently, no major book on the history of eugenics mentioned the Pioneer Fund. Stefan Kühl's *The Nazi Connection* addressed that omission, providing a full volume on transatlantic eugenic linkages, using both American and German archival material.¹⁸ While echoing other scholars who assert that the Pioneer Fund was formed by eugenicists "who supported Hitler's racial ideology," and offering numerous examples of German/American collaboration, Kühl did not explore the Fund's beginnings in detail.¹⁹

The goal of this article is to fill the existing gap in the history of eugenics by presenting a detailed analysis of the role played by American/Nazi connections in the origins of the Pioneer Fund, and by demonstrating the correspondences between eugenic activities undertaken by both Laughlin and Draper and similar initiatives supported by Pioneer. Issues of the *Eugenical News*, written and edited by Laughlin, as well as Laughlin's personal papers, supply primary source material for this inquiry.²⁰ Laughlin's correspondence contains a thirty-year record of the relationships he maintained with other eugenic enthusiasts at conferences in America and Europe. The pages of the *Eugenical News*—the official organ of the Eugenics Record Office, the Eugenics Research Association, the Galton Society, and the International Federation of Eugenics Organizations—provided Laughlin and his colleagues with

EUGENICS AND THE DEATH OF "DEFECTIVE" BABIES IN AMERICAN MEDICINE AND MOTION PICTURES SINCE 1915 (1996); IAN ROBERT DOWBIGGIN, *KEEPING AMERICA SANE: PSYCHIATRY AND EUGENICS IN THE UNITED STATES AND CANADA, 1880–1940* (1997); NICOLE HAHN RAFTER, *CREATING BORN CRIMINALS* (1999) (an analysis of eugenic theories of crime); STEVEN SELDEN, *INHERITING SHAME: THE STORY OF EUGENICS AND RACISM IN AMERICA* (1999) (an analysis of education and eugenics); NANCY L. GALLAGHER, *BREEDING BETTER VERMONTERS: THE EUGENICS PROJECT IN THE GREEN MOUNTAIN STATE* (1999); and ELOF AXEL CARLSON, *THE UNFIT: THE HISTORY OF A BAD IDEA* (2001) (an intellectual history of eugenics).

¹⁷ See Frances Janet Hassencahl, Harry H. Laughlin, "Expert Eugenics Agent" for the House Committee on Immigration and Naturalization, 1921–1931, at 353–54 (1971) (unpublished Ph.D. dissertation, Case Western Reserve University) (on file with author) (detailing Laughlin's honorary medical degree from the Nazis). See also Garland E. Allen, *The Eugenics Record Office at Cold Spring Harbor, 1910–1940: An Essay in Institutional History*, 2 *OSIRIS* 225–64 (2d Series, 1986) (providing a thorough catalogue of contact between German and American eugenic propagandists).

¹⁸ See KÜHL, *supra* note 16 at 5–10 (providing background and examples of the projects funded by the Pioneer Fund).

¹⁹ *Id.* at 10–11.

²⁰ See Randall D. Bird & Garland Allen, *The J.H.B. Archive Report: The Papers of Harry Hamilton Laughlin, Eugenicist*, 14 *J. HIST. OF BIOLOGY* 339, 339–53 (1981) (summarizing the holdings of the Laughlin Papers).

a journal of record and forum of opinion. The *Eugenical News* and Laughlin's papers supply a roadmap to Laughlin's contacts with many of the Nazi scientists whose work provided the conceptual template for Hitler's aspirations toward "racial hygiene" in Germany. The map leads directly to the founding of the Pioneer Fund.

As the first Pioneer Fund President, Laughlin proposed goals for the Fund to pursue in later years. Wickliffe Draper, an ideological twin to Laughlin, bankrolled parts of this eugenic vision. The initiatives that Draper supported included lobbying for immigration restrictions, sponsoring eugenical essay contests, funding the printing and distribution of books advocating the repatriation of blacks to Africa, and endowing the Pioneer Fund.²¹ Draper's plan to provide incentives for "eugenic" births mirrored Nazi "marriage loan" programs to increase the "Nordic" birthrate. It was launched as the Pioneer's first large-scale project.

Draper's relationship with Laughlin was matched by his twenty-five year partnership with Earnest Sevier Cox.²² Where Laughlin (D.Sc., Princeton, 1917) provided a veneer of scientific respectability for several of Draper's projects,²³ Cox offered a veil of anonymity to cover Draper's role as secret godfather to the white supremacist branch of eugenics. His subsidies to reprint books like Cox's *White America*²⁴ supported distribution of racist propaganda to legislators, news editors, and other opinion leaders.

The Cox/Draper partnership found its most effective ally in Mississippi's U.S. Senator Theodore Bilbo. Described by his biographer as the "Archangel of White Supremacy," Bilbo introduced legislation that kept the movement to repatriate American blacks to Liberia on the U.S. Senate agenda for more than twenty years.²⁵ The post-World War II activities of Cox and Draper are connected

²¹ See *infra* Parts II.A–D, III.A–C.

²² See *infra* Part II.D.

²³ The significance of Laughlin's having earned a doctorate in science from Princeton University in 1917 is that he could be considered a "scientist," lending legitimacy to his eugenical activities.

²⁴ EARNEST SEVIER COX, *WHITE AMERICA: THE AMERICAN RACIAL PROBLEM AS SEEN IN A WORLDWIDE PERSPECTIVE* (1923) [hereinafter COX, *WHITE AMERICA*], reprinted as EARNEST SEVIER COX, *WHITE AMERICA: THE AMERICAN RACIAL PROBLEM AS SEEN IN A WORLDWIDE PERSPECTIVE* (rev. ed. 1937) [hereinafter COX, *WHITE AMERICA* (rev. ed. 1937)].

²⁵ A. WIGFALL GREEN, *THE MAN BILBO* 98 (1963); see also THEODORE G. BILBO, *TAKE YOUR CHOICE: SEPARATION OR MONGRELIZATION* 329 (1947) (noting that Senator Bilbo introduced a voluntary resettlement bill in 1939). See *infra* notes 262–70 and accompanying text (explaining that although Bilbo died in 1947, only eight years after he introduced the bill in 1939, the repatriation movement lived on through the efforts of Senator William Langer of North Dakota).

not only to the "back to Africa" movement, but also to former Nazis in South America following the War, and to the American Nazi Party and other hate groups in the 1950s and the 1960s.²⁶

All of these activities belie the protests of Pioneer apologists. Draper, their founder, was not merely a racist, but a racist on a personal quest in pursuit of "scientific" evidence of race differences and white superiority.²⁷ Pioneer's articles of incorporation, first corporate meeting minutes, and other early records refute the protestations of Pioneer Fund spokesmen, who have attempted to distance Pioneer both from its patently eugenic aspirations and from the Nazi sympathies of Laughlin and Draper, Pioneer's two most important founders.²⁸

B. *The Pioneer Fund in the News*

A great deal has been written about the Pioneer Fund in recent years. Anniversaries of signal events in Holocaust history and developments in genetic research have rekindled interest in the history of eugenics, but publication of *The Bell Curve* has done the most to raise the profile of Pioneer. In each of several volumes of commentary on *The Bell Curve*, the Pioneer Fund is identified as the funding source for social scientists whose research figures prominently in the debate over the nature of intelligence as an inherited trait.²⁹ Pioneer grants to groups such as the Federation of American Immigration Reform led commentators to link Pioneer to contemporary initiatives in favor of immigration restriction and the English-language-only movement.³⁰

²⁶ See, e.g., Letter from Dr. Johann von Leers to Mr. Earnest Sevier Cox 1 (May 21, 1955) (on file with *Earnest Sevier Cox Papers*, Duke University Archives) [hereinafter, *Cox Papers*]; Letter from Karl R. Allen, Captain, American Nazi Party, to Mr. Earnest S. Cox (Sept. 22, 1962) (on file with *Cox Papers*). I am particularly indebted to Gregory Michael Dorr for his helpful research in the Cox archive.

²⁷ See, e.g., Letter from Dr. Johann von Leers to Mr. Earnest Sevier Cox 1 (May 21, 1955) (on file with *Earnest Sevier Cox Papers*, Duke University Archives) [hereinafter, *Cox Papers*]; Letter from Karl R. Allen, Captain, American Nazi Party, to Mr. Earnest S. Cox (Sept. 22, 1962) (on file with *Cox Papers*). I am particularly indebted to Gregory Michael Dorr for his helpful research in the Cox archive.

²⁸ See, e.g., Letter from Dr. Johann von Leers to Mr. Earnest Sevier Cox 1 (May 21, 1955) (on file with *Earnest Sevier Cox Papers*, Duke University Archives) [hereinafter, *Cox Papers*]; Letter from Karl R. Allen, Captain, American Nazi Party, to Mr. Earnest S. Cox (Sept. 22, 1962) (on file with *Cox Papers*). I am particularly indebted to Gregory Michael Dorr for his helpful research in the Cox archive.

²⁹ See MEASURED LIES: *THE BELL CURVE* EXAMINED 38 (Joe L. Kincheloe et al. eds., 1996); *THE BELL CURVE* DEBATE: HISTORY, DOCUMENTS, OPINIONS 127 (Russell Jacoby & Naomi Glauberman eds., 1995).

³⁰ See generally Alfredo J. Estrada, *Divided over a Common Language*, WASH. POST, Oct. 4, 1992, at X04 (reviewing JAMES CRAWFORD, *HOLD YOUR TONGUE: BILINGUALISM AND THE*

Media reports typically characterize the Fund as "a secretive white supremacist group advocating 'race betterment.'"³¹ This recent attention to Pioneer revives media commentary on the Pioneer Fund that surfaced as early as 1960, when journalists revealed Wickliffe Draper's subsidies to members of the House UnAmerican Activities Committee, and Draper grants to study "genetic and blood-type sciences."³² Later references to the Pioneer Fund were included in accounts of a 1985 lawsuit by CBS, Inc. when Thomas Ellis, a former campaign chair for Senator Jesse Helms (R. N.C.), spearheaded an attempted takeover of that television network along with Pioneer President Harry Weyher. News reports then noted that Ellis, co-founder of the group Fairness in Media, was a former board member of the Pioneer Fund, and that he planned to purchase CBS as a way of attacking "liberal bias" in the media.³³ Ellis later took the post of National Co-chair of Jack Kemp's 1988 presidential campaign. Ellis's Pioneer background surfaced again when he was identified as campaign consultant to Presidential candidate Steve Forbes in 1996.³⁴

In 1999, a Florida State University psychologist drew attention to the Fund. Glayde Whitney, who has received six-figure grants from Pioneer, wrote the foreword to the autobiography of David Duke, former Ku Klux Klan official and Louisiana political hopeful.³⁵ Soon thereafter, a *Wall Street Journal* article linked Wickliffe Draper to anonymous gifts made to the infamous Mississippi State

POLITICS OF "ENGLISH ONLY" (1992)) (discussing efforts made to establish English as the "official language" in Monterey Park, California during a time of rapid demographic change).

³¹ See *id.*

³² See, e.g., Ronald W. May, *Genetics and Subversion*, 190 THE NATION 420, 420–22 (1960); Ronald W. May, *Rich New Yorker Trying to Prove Negroes Inferior*, CAPITAL TIMES, Madison, Wisconsin, Mar. 5, 1960, at 1. Pioneer was also highlighted in the 1970s in Grace Lichtenstein, *Fund Backs Controversial Study of "Racial Betterment,"* N.Y. TIMES, Dec. 11, 1977, at 7b.

³³ David A. Vise & Thomas B. Edsall, *Battle for CBS Takes on Air of Mudslinging Contest Network Cites Tie Between FIM, Controversial Group*, WASH. POST, Mar. 31, 1985, at A16.

³⁴ See Albert R. Hunt, *Steve Forbes: The Political Blank Slate*, WALL ST. J., Feb. 1, 1996, at A19; Bob Herbert, Editorial, *Affront to Black People*, N.Y. TIMES, Feb. 12, 1996, at A15. Compare Herbert, *supra*, with Harry F. Weyher, Letter to the Editor, *Foundation Underwrites Intelligence Research*, N.Y. TIMES, Feb. 21, 1996, at A18 (defending the Pioneer Fund as subsidizing mainstream scientific research).

³⁵ Michael Fechter, *Professor's Race Writings Raise Hackles*, TAMPA TRIB., Mar. 21, 1999, at 1 (noting that Glayde Whitney, a professor at FSU, was presumably a proponent of David Duke and shared his views of white racial superiority); see also Alison Schneider, *Florida State Professor Criticized for his Laudatory Foreword to David Duke's Book*, CHRON. OF HIGHER EDUC., Apr. 23, 1999, at A24 (pointing out that Whitney praised Duke for his scholarly work and "factual information").

Sovereignty Commission, and to its efforts to derail the Civil Rights Act of 1963.³⁶

Before *The Bell Curve*, it was the habit of the Pioneer Fund "to deny accusations of racism, and quietly slip back into the shadows."³⁷ Current Pioneer President and spokesman Harry F. Weyher has adopted a different strategy, publishing a lengthy apologia for Pioneer in *Psychological Reports*,³⁸ and maintaining a presence on the Internet where Pioneer addresses criticism.³⁹ Most media accounts highlight Pioneer's attention to research on race, intelligence, and immigration.⁴⁰ Responses to such commentary by Pioneer officers or recipients of Pioneer grants often downplay Pioneer's origins or deny any connection between the prewar eugenics movement, Pioneer founders, and Nazi eugenicists. For example, *The Bell Curve* author Charles Murray defended the Pioneer Fund as patron to "the most important scholars of intelligence."⁴¹ Critics of the Fund, urged Murray, focus on "events 50 and 60 years ago," when the Fund "was allegedly associated with people of racist views."⁴²

Pioneer Fund President Harry Weyher is similarly dismissive of Pioneer's early history. In response to an article linking Pioneer with recent anti-immigration initiatives in California, Weyher proclaimed "[w]e have no Nazi connections, no Nazi history."⁴³ Following journalist Deborah Blum's article outlining Pioneer's past,⁴⁴ Weyher countered that Blum had "falsely accused" Harry Laughlin, Pioneer's first president, of being a Nazi supporter.⁴⁵

³⁶ Douglas A. Blackmon, *Silent Partner: How the South's Fight to Uphold Segregation Was Funded Up North*, WALL ST. J., June 11, 1999, at A1. Harry Weyher characterized Blackmon's article as "a misleading story." Harry F. Weyher, *Letter to the Editor: The Pioneer Fund and Mississippi*, WALL ST. J., June 22, 1999, at A23.

³⁷ MAREK KOHN, *THE RACE GALLERY: THE RETURN OF RACIAL SCIENCE* 112 (1996).

³⁸ See Weyher, *supra* note 28.

³⁹ See *False Charges Against Pioneer*, Pioneer Fund Web Page, *supra* note 5 (denying accusations that the founders of Pioneer supported Nazi policies and were racists).

⁴⁰ For an exploration of the Pioneer Fund's recent history, see John Sedgwick, *Inside the Pioneer Fund*, in *THE BELL CURVE DEBATE*, *supra* note 29, at 144. J. Philippe Rushton, a Pioneer Fund grant recipient, concluded that blacks can be characterized by "low intelligence, high criminality, and extreme sexuality." *Id.* See also Adam Miller, *Professors of Hate*, in *THE BELL CURVE DEBATE*, *supra* note 29, at 162-68. Miller profiles Michael Levin, City College of New York professor and Pioneer grant recipient, who concludes that blacks are genetically less intelligent than whites. *Id.*

⁴¹ Charles Murray, *The Real "Bell Curve"*, WALL ST. J., Dec. 2, 1994, at A14.

⁴² *Id.*

⁴³ Pamela Burdman, *White Supremacist Link Trips Prop. 187*, S.F. CHRON., Oct. 13, 1994, at A4.

⁴⁴ Deborah Blum, *Pioneer Fund Spends Big on Research with Racial-Inferiority Slant*, SACRAMENTO BEE, Oct. 17, 1995, at A8.

⁴⁵ *Letter to the Editor: The Pioneer Fund*, SACRAMENTO BEE, Mar. 9, 1996, at ED2.

Fund representatives regularly deny accounts that detail its true objectives or its clear pattern of support for projects and publications that seek to cover a white supremacist agenda with the patina of academic respectability. The Fund is particularly aggressive in leveling the accusation of "McCarthyism" at anyone who connects its founding to the American eugenicists who celebrated Hitler's ascendancy. Like Weyher, sociologist and Pioneer grantee Robert Gordon of Johns Hopkins University wrote a lengthy defense of the Pioneer Fund. Professor Gordon chastised ABC News for charging Pioneer with "guilt by historical association with events in Nazi Germany,"⁴⁶ and citation of "events of five, six, and even eight decades ago . . . deployed in a McCarthyist manner."⁴⁷ Gordon's comments are consistent with the current Pioneer Fund public relations strategy.

This article describes the Pioneer Fund's origins, presenting both the people who were most critical to its foundation and the ideas embodied in its charter. Part I details the connections between the American and German eugenic movements. In addition to introducing important American and German eugenicists, it describes how Laughlin's writing in the *Eugenical News* provides a window to the relationships between German and American eugenics in the 1930s. It concludes with an analysis of how Laughlin's own work led to his receipt of an honorary degree from the Nazi-controlled University of Heidelberg in 1936.

Part II details the career of Wickliffe Draper as a philanthropist whose finances sustained one wing of the eugenics movement from the 1920s until his death in 1972, and through the endowment of the Pioneer Fund, to the present time; it also demonstrates Draper's interest in eugenics as a "racial science." His subsidy of eugenics essay contests and his travel to a Nazi eugenics conference in 1935 are explored as important preludes to the founding of the Pioneer Fund. Included herein is an account of Draper's attempt to establish an academic Institute of Eugenics and his nearly twenty-year collaboration with supporters of the "Back to Africa" black repatriation movement.

Part III provides an in-depth analysis of the early agenda of the Pioneer Fund. It shows how Harry Laughlin borrowed heavily from ideas developed in partnership with Madison Grant to generate

⁴⁶ Robert A. Gordon, *How Smart We Are About What We Broadcast: an Open Letter to ABC News* (June 17, 1997), available at Pioneer Fund Web Page, *supra* note 5.

⁴⁷ *Id.*; see also Murray, *supra* note 41, at A14 (leveling the charge of "McCarthyism" against the *New York Review of Books*).

language that was acceptable for inclusion in Wickliffe Draper's Pioneer Fund incorporation documents. Part III also introduces others involved on the initial Board of Directors for the Pioneer Fund, including eugenicist Frederick Osborn and future Supreme Court Justice John Marshall Harlan.

The article concludes with an analysis of Pioneer funded publications in the last ten years, providing further evidence of the direct connection between the role of eugenics in racial politics early in the century and related efforts today.

I. THE EUGENICISTS

Wickliffe Draper's funding and the Pioneer agenda have spanned the divide between eugenic ideology before World War II and the resurgence of eugenic thought in recent years. An analysis of the Pioneer Fund's foundational documents and the agenda proposed by Laughlin and endorsed by Draper clarifies the connections between these periods. Draper anchored the Pioneer Fund's goals in the myth of Nordic preeminence held in common by racial propagandists such as Madison Grant and the German eugenicists who endorsed Nazi policies of "racial hygiene."⁴⁸ But not all who identified themselves as "eugenicists" shared these sentiments. It is important to distinguish the policies that characterized the founders of the Pioneer Fund from other individuals in the eugenics movement.

It is clear that the term "eugenics" had different meanings to different people; that it encompassed a strain of popular thought as well as political, legal, and social movements; and that its proponents cannot neatly be categorized as conservative or liberal, innocuous or maleficent.⁴⁹ The people who identified themselves with the eugenics movement defy easy categorization because they represented an "enormous variety of ideas, researches, and viewpoints"⁵⁰ that eventually led to "competing and evolving varieties of eugenics."⁵¹ These conclusions apply to the eugenics movement in the international context as well as the American.

⁴⁸ See Sedgwick, *supra* note 40, at 153 (stating that Laughlin supported the Nazi eugenic sterilization plan, and that he and Draper formed the Pioneer Fund to aid parents whose ancestors could be traced to the colonial era); Allen, *supra* note 17, at 248 (explaining that Laughlin, like Grant, "called for a 'purification' of the good Nordic stock of the United States").

⁴⁹ See KEVLES, *supra* note 15, at ix-x (discussing the origins of the term "eugenics").

⁵⁰ THE WELLBORN SCIENCE: EUGENICS IN GERMANY, FRANCE, BRAZIL, AND RUSSIA 221 (Mark B. Adams ed., 1990).

⁵¹ Paul Weindling, *The Survival of Eugenics in 20th-Century Germany*, 52 AM. J. HUM.

It is equally clear that the membership of the eugenics movement changed dramatically from the time of its early, organized presence in America until the end of World War II. Some supporters abandoned the movement, and the mission of several groups was refocused to incorporate developing knowledge in the field of genetics more accurately. Yet, despite the heterogeneity of the eugenics movement, historians agree that one segment of its membership consistently purveyed a malevolent brand of biological determinism, coupled with a political and social program that accurately can be described as totalitarian. Eugenacists of this school asserted that all social ills—including disease, crime, and poverty—were the result of bad heredity. These eugenacists advocated the elimination of "suspect biology" using the legal methods of court-ordered eugenical sterilization, criminalization of interracial marriage, and prohibitions on immigration of groups with "inferior" genetic potentiality. Among these eugenacists, the coercive force of government was accepted as a valid and necessary means of achieving a genetically sanitized world.

This noxious version of eugenic theory was popularized in America by organizations like the Eugenics Record Office (ERO), established in 1910 in Cold Spring Harbor, New York. The ERO was founded "to serve eugenical interests as a repository and clearinghouse [and] a data bank for information on human hereditary traits."⁵² The ERO was the best funded and most consistently staffed among the several other eugenics organizations founded between 1900 and 1925. It functioned as a policy center for the activities of the organized eugenics movement. Its officers and programs provide a focal point for surveying the impact of eugenical propaganda in America.⁵³ The nativist, racist, and anti-democratic tone of the ERO and its sister organization, the Eugenics Research Association, formulated an agenda that would in large measure be incorporated into Wickliffe Draper's funding choices and the priorities of the Pioneer Fund.

A. Harry Hamilton Laughlin

Harry Hamilton Laughlin was among the most effective of all American eugenacists. As Superintendent of the ERO, he surveyed

GENETICS 643 (1993).

⁵² Allen, *supra* note 17, at 238.

⁵³ See *id.* at 226-27 (detailing the activities and personalities involved with the Eugenics Record Office).

and analyzed the purported hereditary characteristics of people who lived in publicly supported institutions—almshouses, orphanages, mental hospitals, and prisons. Although he labored in the shadow of Charles Davenport, the internationally renowned Director of the Eugenics Record Office, Laughlin nevertheless played a significant role in shaping the public face of the eugenics movement.

From the time he moved to New York in 1910 until his death in 1943, Laughlin committed himself to a search for patterns of bad heredity or “dysgenesis.”⁵⁴ Even more impressive than the abundance of statistical material collected during Laughlin’s research was his success in translating the implications of eugenical theory into law.⁵⁵ The ruling passions of his career as a eugenicist were immigration restriction, eugenic sterilization, and prohibition of interracial marriage.

Laughlin’s efforts at immigration restriction included an attempt to survey every public charitable institution or mental hospital in America. He combined those data with material on the number of foreign-born persons in jails, prisons, and reformatories to provide a basis for testimony to Congress as its appointed “Expert Eugenics Agent.”⁵⁶ Reflecting in large part Laughlin’s testimony, Congress passed the Immigration Restriction Act of 1924,⁵⁷ which was consciously drawn to block the flow of Jews and Italians whose numbers as U.S. immigrants had risen considerably from 1900 to 1920.⁵⁸

Hitler praised the racist features of American immigration legislation in *Mein Kampf* even before he came to power.⁵⁹ He condemned the automatic grant of citizenship, extended indiscriminately to “every Jewish or Polish, African or Asiatic child” born in Germany as “thoughtless” and “hare-brained.”⁶⁰ America, “by simply excluding certain races from naturalization,” was making “slow beginnings” toward a vision Hitler could support.⁶¹ A

⁵⁴ See *id.* at 237–38, 254.

⁵⁵ See *id.* at 247.

⁵⁶ See CHASE, *supra* note 15, at 291–95 (detailing Laughlin’s appearance before the U.S. Congress in 1920); Hassencahl, *supra* note 17, at 171, 179 (revealing that Laughlin’s findings were printed by the federal government, and mailed under the cover of the Congressional Committee on Immigration and Naturalization).

⁵⁷ Immigration Act of 1924, ch.190, 68 Stat. 153 (1925).

⁵⁸ See Paul A. Lombardo, *Miscegenation, Eugenics, and Racism: Historical Footnotes to Loving v. Virginia*, 21 U.C. DAVIS L. REV. 421, 423 n.11 (1988) [hereinafter Lombardo, *Miscegenation*].

⁵⁹ See ADOLF HITLER, *MEIN KAMPF* 439–40 (Ralph Manheim trans., Houghton Mifflin Co. 1971) (1925).

⁶⁰ *Id.* at 438–39.

⁶¹ *Id.* at 440.

preoccupation with controlling migration was just one of the habits that Laughlin and his fellow immigration restrictionists shared with Adolf Hitler.

Laughlin's most celebrated efforts were dedicated to the eradication of people generating the most social costs—those residing in public institutions or supported in community welfare programs. His attention to this group began with developing a law that would mandate their sexual sterilization. In 1914, Laughlin published the Model Eugenical Sterilization Law and proposed its adoption by all the states.⁶² The law was designed "to prevent the procreation of . . . degenerate persons . . . with inferior hereditary potentialities."⁶³ In 1922, Laughlin published *Eugenical Sterilization in the United States*, a five hundred-page compendium on sterilization laws throughout the country.⁶⁴ Two years later he provided expert testimony in the case of *Buck v. Bell*,⁶⁵ which eventually reached the U.S. Supreme Court and yielded explicit endorsement of the hereditarian assumptions that formed the basis for the model law.⁶⁶ Laughlin also championed the eugenic benefits of "racial integrity" laws that criminalized interracial marriage. He maintained constant contact with like-minded racial propagandists whose advocacy encompassed legal measures to enforce strict racial separation.⁶⁷

Laughlin described eugenics as a "pure science" whose goal was the discovery of "fundamental truth about race and family-stock improvement."⁶⁸ Like science in general, eugenics was "international in character." This internationalist perspective is reflected in the records of major meetings of eugenicists such as the International Congress of Eugenics and its successor, the

⁶² See EUGENICS RECORD OFFICE, WORKING COMMITTEE, Bulletin No.10B, Model Sterilization Law, in LEGAL, LEGISLATIVE AND ADMINISTRATIVE ASPECTS OF STERILIZATION 117 (1914).

⁶³ *Id.*

⁶⁴ See HARRY HAMILTON LAUGHLIN, D.SC., EUGENICAL STERILIZATION IN THE UNITED STATES 234–41 (1922) [hereinafter LAUGHLIN, EUGENICAL STERILIZATION].

⁶⁵ 274 U.S. 200 (1927).

⁶⁶ See Paul A. Lombardo, *Three Generations, No Imbeciles: New Light on Buck v. Bell*, 60 N.Y.U. L. REV. 30, 31 & n.6 (1985) [hereinafter Lombardo, *Three Generations*] (noting similarities between Laughlin's model law and Hitler's sterilization law).

⁶⁷ See Philip Reilly, *The Virginia Racial Integrity Act Revisited: The Plecker-Laughlin Correspondence: 1928–1930*, 16 AM. J. MED. GENETICS 483, 483 (1983). See generally Lombardo, *Miscegenation*, *supra* note 58 (discussing the correspondence of like-minded men who were instrumental in Virginia's anti-miscegenation law).

⁶⁸ Harry H. Laughlin, *Historical Background of the Third International Congress of Eugenics*, in A DECADE OF PROGRESS IN EUGENICS: SCIENTIFIC PAPERS OF THE THIRD INTERNATIONAL CONGRESS OF EUGENICS 1 (1934).

International Federations of Eugenic Organizations.⁶⁹ Those conferences supplied the occasion where eugenicists applauded each other's research and collaborated on papers subsequently published internationally. The meetings provided the setting for fostering collegial relationships and initiating career-long friendships.⁷⁰

As second in rank to Charles Davenport, who in the decade between 1922 and 1932 presided over four international gatherings of eugenicists, Laughlin was in touch with the world's premier eugenicists. Laughlin regularly presented papers at such conferences or was otherwise involved in their planning. With the assistance of famous colleagues, Laughlin's work reached the European audience.⁷¹

B. Madison Grant

The ideology reflected in the activities of the Pioneer Fund was also derived from the writings of Madison Grant, another American eugenicist with whom Laughlin was extensively involved. Their collaboration is chronicled in almost twenty years of regular correspondence that details their association as members of many American eugenics organizations.⁷² Grant was an active member of the International Eugenics Society, the Immigration Restriction League, and the American Eugenics Society. He helped found the Galton Society in 1918 as an alternative to the American Anthropological Association, then headed by Franz Boas, whom he scorned for being a Jew. The Galton Society, said Grant, would be "confined to native Americans."⁷³

Grant was a well-known author, who defined what it meant to be a "true" American. His 1916 book *The Passing of the Great Race*⁷⁴

⁶⁹ See *id.*

⁷⁰ See *id.* at 1–11.

⁷¹ See Letter from Harry H. Laughlin to Prof. Dr. Fritz Lenz, Archiv fuer Rassen-und Gesellschaftsbiologie (Oct. 25, 1928) (on file with *Laughlin Papers*, *supra* note 9) (expressing Laughlin's sentiment that "I should feel highly honored to have this paper [*Eugenical Sterilization in the United States*] appear in the Archiv fuer Rassen-und Gesellschaftsbiologie [Archive of Racial and Social Biology] as you suggest"). Lenz later cited Laughlin's calculations on eugenical sterilization in the 1931 edition of his book entitled *Human Selection*. See ROBERT N. PROCTOR, RACIAL HYGIENE: MEDICINE UNDER THE NAZIS 99 (1988) (noting that Lenz found Laughlin's sterilization figures modest and aspired to sterilize an even larger portion of the population).

⁷² See generally Peter Spiro, Madison Grant, Patrician Racist (2001) (unpublished Ph.D. dissertation, University of California, Berkeley) (on file with author).

⁷³ CHASE, *supra* note 15, at 164–65.

⁷⁴ MADISON GRANT, *THE PASSING OF THE GREAT RACE OR THE RACIAL BASIS FOR EUROPEAN HISTORY* (1916) [hereinafter GRANT, *THE PASSING*].

won praise from Hitler as "his Bible."⁷⁵ In 1933 he published *The Conquest of a Continent*,⁷⁶ which was celebrated as the first attempt to write "an authentic racial history" of America and a demonstration that "our country is fundamentally Nordic."⁷⁷ Grant's involvement with Laughlin and the inner circle of American eugenics reveals a pattern of thought and a policy agenda that would be replicated in large part through the later work of the Pioneer Fund.

C. German Eugenicians

An example of American attention to German political and scientific developments is captured in Harry Laughlin's contact with Erwin Baur from 1920. Baur was an early proponent of the racial hygiene movement in Germany and author of the phrase the "Nordic Ideal."⁷⁸ He co-authored *The Outline of Human Genetics and Racial Hygiene*,⁷⁹ a leading German text on genetics and eugenics that was read by Adolf Hitler during his 1920s incarceration,⁸⁰ and later became a primary reference source for the authors of the Nazi racial laws.⁸¹ Baur wrote to the Eugenics Record Office for information on American sterilization practices that he could distribute to "his committee of eugenic advisers [sic] for the German Government."⁸² Laughlin's captivation with the German eugenics movement permeates an article on "National Eugenics in Germany" published in the London-based *Eugenics Review*.⁸³ Laughlin judged that the time was "ripe for the further

⁷⁵ Leon Whitney, *Autobiography of Leon Whitney* 205 (1971) (unpublished manuscript, on file with American Philosophical Society, Philadelphia, Pennsylvania) [hereinafter Am. Phil. Soc'y].

⁷⁶ MADISON GRANT, *THE CONQUEST OF A CONTINENT, OR THE EXPANSION OF RACES IN AMERICA* (1933) [hereinafter GRANT, *THE CONQUEST*].

⁷⁷ Henry Fairfield Osborn, *Introduction* to GRANT, *THE CONQUEST*, *supra* note 76, at vii, x.

⁷⁸ PROCTOR, *supra* note 71, at 25. Erwin Baur, Fritz Lenz, and Eugen Fischer co-authored the book in which this popular phrase debuted. *Id.*

⁷⁹ ERWIN BAUR, EUGEN FISCHER & FRITZ LENZ, *THE OUTLINE OF HUMAN GENETICS AND RACIAL HYGIENE* (1921).

⁸⁰ See HENRY FRIEDLANDER, *THE ORIGINS OF NAZI GENOCIDE: FROM EUTHANASIA TO THE FINAL SOLUTION* 13 (1995); see also PROCTOR, *supra* note 71, at 60 (explaining that Lenz, Baur's co-author, claimed that "racial hygiene" was the path to "true socialism"). The text was first printed in 1921. The third edition was translated into English as *Human Heredity* in 1931. See S. J. Holmes, *A German Eugenics Text Translated*, 22 J. HEREDITY 355, 355 (1931).

⁸¹ See FRIEDLANDER, *supra* note 80, at 13.

⁸² Letter from Dr. Charles B. Davenport to Dr. H.H. Laughlin (Dec. 21, 1920) (on file with *Laughlin Papers*, *supra* note 9).

⁸³ Harry H. Laughlin, D.Sc., *National Eugenics in Germany: A Consideration of the Eugenic Aspects of the Constitution of the German Republic*, in *EUGENICS IN GERMANY*

development of a [German] national eugenical policy."⁸⁴ Regarding Baur's plans he wrote: "I shall be especially interested in the success that Dr. Bauer's [sic] committee has in developing eugenical interest in Germany."⁸⁵

Laughlin's correspondents include a virtual Who's Who of German eugenics. In addition to Baur, he corresponded with Alfred Ploetz, who coined the term "Racial Hygiene" in 1895.⁸⁶ Laughlin also corresponded with Fritz Lenz, "a leading ideologue in the Nazi program of 'racial hygiene.'"⁸⁷ Lenz held the first German University chair in race-hygiene at the University of Munich, and a similar position thereafter at Berlin. He applauded Hitler as the "first politician . . . who has recognized that the central mission of all politics is race hygiene."⁸⁸ Lenz was also a co-author of the Baur eugenics text *The Outline of Human Genetics and Racial Hygiene*.⁸⁹ The third author of that volume was Eugen Fischer, whose 1913 study of the "problem of miscegenation [racially mixed marriages] among humans" provided ideological foundation for the Nuremberg racial laws forbidding marriage between Jews and "Aryans."⁹⁰ Fischer and Laughlin had each other's articles translated for publication in both Germany and the United States.⁹¹ Psychiatric geneticist Ernst Rüdin was also a Laughlin correspondent. Rüdin's biographer describes him as a scientist who "through his activities in the service of racial hygiene contributed substantially to the legitimization and the popularization of the National Socialist government."⁹²

(reprinted from the January 1921 volume of *Eugenics Review*).

⁸⁴ Letter from Harry H. Laughlin to Dr. Charles B. Davenport 2 (Apr. 13, 1921) (on file with *Laughlin Papers*, *supra* note 9).

⁸⁵ *Id.*

⁸⁶ Paul Weindling, *Understanding Nazi Racism: Precursors and Perpetrators*, in *CONFRONTING THE NAZI PAST: NEW DEBATES ON MODERN GERMAN HISTORY* 66, 69 (Michael Burleigh ed., 1996) (remarking that Ploetz had once been sent to study utopian settlements in the United States, and when he returned "he drew up a scheme for a racial colony based on sound health as a means of recovering primitive racial vigour that had been sapped by urban life").

⁸⁷ ROBERT JAY LIFTON, *THE NAZI DOCTORS: MEDICAL KILLING AND THE PSYCHOLOGY OF GENOCIDE* 23 (1986).

⁸⁸ FRIEDLANDER, *supra* note 80, at 12.

⁸⁹ BAUR, FISCHER & LENZ, *supra* note 79.

⁹⁰ FRIEDLANDER, *supra* note 80, at 11.

⁹¹ See Letter from H.H. Laughlin to Madison Grant, Esq. (Jan. 13, 1934) (on file with *Laughlin Papers*, *supra* note 9); Letter from H.H. Laughlin to Internationaler Kongress für Revölkerungswissenschaft (Mar. 18, 1936) (on file with *Laughlin Papers*, *supra* note 9).

⁹² See Matthias M. Weber, Ernst Rüdin, 1874–1952: A German Psychiatrist and Geneticist, 67 *AM. J. OF MED. GENETICS* 323, 330 (1996).

The most complete record of Laughlin's attention to Germany can be found in the *Eugenical News* in the years immediately preceding the founding of the Pioneer Fund. That publication reflected the concerns Laughlin and his American colleagues shared with the eugenicists whose work informed Hitler's domestic policies. Fears of a falling "Nordic" birthrate, overt anti-Semitism, and a fervor for racial separation were common themes that resounded both in German journals of "race hygiene" as well as in Laughlin's *Eugenical News*.⁹³ During Hitler's rise to prominence, Laughlin's positive publicity for the Nazi eugenics program filled the pages of his journal.

Laughlin's preoccupation with the Nazi eugenics program can be seen in his response to the enactment of a German sterilization statute: the Law for the Prevention of Defective Progeny, signed by Adolf Hitler in July of 1933. Even before the law took effect, Laughlin secured a copy from the German Consul General, had it translated, and rushed it into print. In his commentary on the law, Laughlin declared that Germany was in the vanguard of "the great nations of the world" which recognized the "biological foundations of national character."⁹⁴

Another example of Laughlin's showcase of German activities as the Nazis came to power involves what was euphemistically termed the "population problem." William Gregory, curator of the American Museum of Natural History, asked Laughlin to arrange a conference on that topic for a meeting of the Galton Society in 1933.⁹⁵ In preparation for the meeting, Laughlin obtained a copy of Wilhelm Frick's speech to the First Meeting of the Expert Committee on Questions of Racial Policy. Frick was a member of Hitler's domestic cabinet and the speech located Hitler's regime in the vanguard of governments "putting Eugenics and Race-culture (Race-hygiene) in the service of the State."⁹⁶ A letter to Madison Grant reveals Laughlin's interest in the Frick address:

⁹³ See *infra* Table I in Appendix.

⁹⁴ See *Eugenical Sterilization in Germany*, 18 *EUGENICAL NEWS*, Sept.-Oct. 1933, at 89-93 (stating the "new law is clean-cut, direct and 'model,'" and "nothing more could be desired").

⁹⁵ Letter from William K. Gregory, Curator, Dep't of Comparative and Human Anatomy, The American Museum of Natural History, to Dr. H.H. Laughlin (Jan. 6, 1933) and attached Outline for Proposed Roundtable on "Population Control" (on file with *Laughlin Papers*, *supra* note 9).

⁹⁶ PUBLICATION SERIES OF THE REICHS COMMITTEE FOR PUBLIC HEALTH SERVICE (1933) (including an introduction to Frick by Dr. Falk Ruttko and a letter from Madison Grant to Dr. H.H. Laughlin dated February 25, 1933); see also PROCTOR, *supra* note 71, at 95-96 (discussing Frick's speech "calling for a new German population policy, one that would reverse a host of threats to the health of the German people").

We sent to Germany for Dr. Frick's paper We propose devoting an early number of the *Eugenical News* entirely to Germany, and to make Dr. Frick's paper the leading article. Dr. Frick's address sounds exactly as though spoken by a perfectly good American eugenicist in reference to what "ought to be done," with this difference, that Dr. Frick, instead of being a mere scientist, is a powerful Reichsminister in a dictatorial government which is getting things done in a nation of sixty million people.⁹⁷

Laughlin applauded the Frick speech as "a milepost in statesmanship," and predicted that future leaders would be "compelled to look primarily to eugenics" for the solution to national problems.⁹⁸ Laughlin asked Grant for "moral support."⁹⁹ Grant responded "cordially in sympathy" about publication of Frick's remarks. But the elder eugenicist was careful to warn Laughlin that their sentiments towards the German situation were not universally held: "Remember that while most people of our type are in sympathy with the German eugenical measures, we will have to proceed cautiously in endorsing them."¹⁰⁰

Frick's paper on *German Population and Race Politics* appeared in the *Eugenical News* in April 1934, an edition almost entirely dedicated to news of eugenics in Germany.¹⁰¹ Laughlin included articles on *German Sterilization Progress*, *Jewish Refugees from Germany*, and *Eugenical Propaganda in Germany*.¹⁰² Eugen Fischer supplied a catalogue of German eugenical institutions, societies, books, journals, and university faculty members, who were listed with their curricula in eugenics and a list of eugenical laws. A line under "general notes" on *Eugenics in Germany* announced that "[e]verywhere the press is treating the questions of Race-Hygiene and Eugenics with the greatest interest, particularly since the Minister for Propaganda, Dr. Goebbels, has done his utmost to spread ideas on heredity and biology."¹⁰³

Announcements of the professional successes of German eugenicists, such as the elevation of Fritz Lenz to the first chair of

⁹⁷ Letter from H.H. Laughlin to Madison Grant, Esq., *supra* note 91.

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ Letter from Madison Grant to Dr. H.H. Laughlin (Jan. 16, 1934) (on file with *Laughlin Papers*, *supra* note 9).

¹⁰¹ Dr. Wilhelm Frick, *German Population and Race Politics*, 19 *EUGENICAL NEWS*, Mar.–Apr. 1934, at 33.

¹⁰² *Id.* at 38, 44, 45.

¹⁰³ Dr. Eugen Fischer, *Eugenics in Germany*, 19 *EUGENICAL NEWS*, Mar.–Apr. 1934, at 43.

race hygiene at the University of Berlin, became a regular feature in the *Eugenical News*. In the years immediately following the Nazi takeover, hardly an issue of the *Eugenical News* was published that did not include some reference to the progress of eugenics under the Third Reich.¹⁰⁴

Laughlin's attention to German eugenics was not unique. Other American eugenics journals tracked international developments before and after the Nazi ascendancy.¹⁰⁵ News of German eugenics was also standard fare in the *Journal of the American Medical Association*.¹⁰⁶ Laughlin's constant publicity for Nazi eugenic measures and open endorsement of Nazi policy was, however, unusual. That he identified with the eugenical turn taken by policymakers at Hitler's elbow is evident from his public approval of Wilhelm Frick's work. Laughlin quoted notoriously racist French Count de Lapouge in the *Eugenical News*, boasting that "Frick has been with us since the beginning."¹⁰⁷

Table I demonstrates Laughlin's focus on German eugenics in the pages of the *Eugenical News* as the Nazis took control and provides a catalogue of issues that would later be pursued by Laughlin and his patron Wickliffe Draper. Most articles were written or edited by Laughlin, who once boasted that he had "averaged writing about 160 columns per year of unsigned articles for the 'Eugenical News' . . . [and had] never signed an article in it."¹⁰⁸

D. Laughlin's Heidelberg Degree, 1936

More evidence that demonstrates Laughlin's affinity with his Nazi colleagues may be found in the honorary degree he received for his work in the "science of racial cleansing." Carl Schneider, Psychiatrist and Dean of the Faculty of Medicine at the University of Heidelberg, contacted Laughlin in the Spring of 1936 with an

¹⁰⁴ See *infra* Table I in Appendix.

¹⁰⁵ See Paul Popenoe, *Anthropology and Eugenics: A Review of Some Recent German Publications*, 22 J. HEREDITY 277, 277 (1931) (noting that although the tie between anthropology and eugenics was worldwide, more research was performed in Germany than anywhere else).

¹⁰⁶ See William E. Seidelman, *The Path to Nuremberg in the Pages of JAMA*, 1933–1939, 276 JAMA 1693, 1693–96 (1996) (describing a narrative account by JAMA of the transformation of the medical profession during Nazi rule in Germany).

¹⁰⁷ Letter from G. de Lapouge to Madison Grant 2 (Sept. 27, 1933) (on file with *Laughlin Papers*, *supra* note 9), reprinted in *A French View: A Study of National Policies Which Propose to Influence Eugenic Trends Along Definitely Pre-determined Lines*, 19 EUGENICAL NEWS, Mar.–Apr. 1934, at 39.

¹⁰⁸ Letter from Harry H. Laughlin to Madison Grant, Esq. 1 (Nov. 14, 1931) (on file with *Laughlin Papers*, *supra* note 9).

invitation to the celebration commemorating the 550th anniversary of the University's founding.¹⁰⁹ Laughlin had been chosen to receive the honorary degree of Doctor of Medicine, and it would be conferred at the festivities.¹¹⁰ Laughlin replied with "deep gratitude" for the honor, "because it will come from a nation which for many centuries nurtured the human seed-stock which later founded my own country."¹¹¹

The New York Times had already pointed out that the June 30 date chosen for the University celebration was the anniversary of Hitler's 1934 purge of the Jews from the Heidelberg faculty.¹¹² "Nazi propagandists" would portray American visitors who traveled to Germany as "foreign endorsement," said the *Times* editorial writer.¹¹³ Perhaps for lack of budget, perhaps out of discretion, Laughlin noted the limited time available to plan a transatlantic trip, and sent his regrets that he could not receive the diploma in person.¹¹⁴ He did accept the degree in absentia, foregoing the opportunity to hear speeches by Nazi Minister for Propaganda Josef Goebbels and other officials.¹¹⁵

Although he was unable to travel to Germany, it is false to characterize Laughlin as a passive recipient of Nazi honors.¹¹⁶

¹⁰⁹ Letter from Dr. Carl Schneider, Dean, Faculty of Medicine, University of Heidelberg, to Harry H. Laughlin (May 16, 1936) (on file with *Laughlin Papers*, *supra* note 9). Schneider was intimately involved in the training of physicians who euthanized institutionalized, mentally retarded children in the infamous T-4 program, and his institute at the Clinic for Psychiatry and Neurology of the University of Heidelberg conducted research on brains of the dead victims. *Public Mental Health Practices in Germany: Sterilization and Execution of Patients Suffering from Nervous or Mental Disease*, RECORDS OF ALLIED OPERATIONAL & OCCUPATION HEADQUARTERS, RECORD GROUP 331 (on file with U.S. National Archives), Sept. 22, 1945, at 36; *see also* FRIEDLANDER, *supra* note 80, at 127–131 (1995). Schneider committed suicide in 1945. *See* Pablo V. Gejman, M.D., *Ernst Rüdin and Nazi Euthanasia: Another Stain on His Career*, 74 AM. J. MED. GENETICS (NEUROPSYCHIATRIC GENETICS) 455, 456 (1997).

¹¹⁰ Letter from Dr. Carl Schneider, Dean, Faculty of Medicine, University of Heidelberg, to Harry H. Laughlin (May 16, 1936) (on file with *Laughlin Papers*, *supra* note 9).

¹¹¹ Letter from Harry Hamilton Laughlin to Dr. Carl Schneider, Dean, Faculty of Medicine, University of Heidelberg (May 28, 1936) (on file with *Laughlin Papers*, *supra* note 9).

¹¹² *The German Universities*, N.Y. TIMES, Apr. 12, 1936 §4 (Editorial), at 8 (discussing the fate of German university teachers and the impact of foreign attendance at Nazi-sponsored events).

¹¹³ *Id.*

¹¹⁴ *See* Letter from Harry Hamilton Laughlin to Dr. Carl Schneider, Dean, Faculty of Medicine, University of Heidelberg (Aug. 11, 1936) (on file with *Laughlin Papers*, *supra* note 9).

¹¹⁵ 550 Jahre Universität Heidelberg, 1386–1936 (Program of the University of Heidelberg Anniversary) (1936).

¹¹⁶ Laughlin's supposed passivity is the stock answer of the Pioneer Fund. *See False Charge #3: Dr. Laughlin . . . supported Nazi racial policies as evidenced by an honorary degree awarded him by the University of Heidelberg, The Pioneer Fund Speaks Out Against False Charges*, Pioneer Fund Web Page, *supra* note 5.

Laughlin was flattered by the recognition, and proudly announced it to all his colleagues. In the summer of 1936, he again wrote to officials at Heidelberg, in eager pursuit of an official diploma. The honorary degree was not only a personal honor, he said, "but also as evidence of a common understanding of German and American scientists of the nature of eugenics."¹¹⁷ Having yet to receive a formal diploma, Laughlin asked for official notification of the news that by now had been announced in the media.¹¹⁸ When Laughlin's diploma arrived, a New York luncheon was arranged, where the German Consul General Borchers, "himself a Heidelberg man," honored the American eugenicist. In Laughlin's thanks to the diplomat he wrote: "All good Americans will value highly Dr. Borchers remarks on the common race descent of the basic German stock and the pioneer families of the United States." Laughlin shared the news of his honor with Wickliffe Draper, who responded with congratulations.¹¹⁹ The two would collaborate in founding the Pioneer Fund less than a year later.

II. WICKLIFFE DRAPER: EUGENICAL PHILANTHROPIST

A. *The Draper Prizes*

Wickliffe Draper's alliance with Harry Laughlin was the key to Pioneer's incorporation. Draper was the heir to a textile fortune,¹²⁰ and sat on the Executive Committee of the Boston based Immigration Restriction League.¹²¹ In the first quarter of the

¹¹⁷ Letter from Harry Hamilton Laughlin to Dr. Carl Schneider, Dean, Faculty of Medicine, University of Heidelberg (Aug. 11, 1936) (on file with *Laughlin Papers*, *supra* note 9).

¹¹⁸ *Id.*

¹¹⁹ A sequence of correspondence chronicles these events. See Letter from Dr. H. Borchers to Professor H. Hamilton Laughlin, (Nov. 25, 1936) (on file with *Laughlin Papers*, *supra* note 9); Letter from Dr. H. Borchers to Professor H. Hamilton Laughlin (Nov. 28, 1936) (on file with *Laughlin Papers*, *supra* note 9); Letter from Harry Hamilton Laughlin to Dr. H. Borchers (Nov. 30, 1936) (on file with *Laughlin Papers*, *supra* note 9); Letter from Harry H. Laughlin to Dr. and Mrs. H. Borchers (Dec. 18, 1936) (on file with *Laughlin Papers*, *supra* note 9); Letter from Col. W.P. Draper to Dr. Laughlin 2 (Dec. 24, 1936) (on file with *Laughlin Papers*, *supra* note 9).

¹²⁰ See THE BELL CURVE DEBATE, *supra* note 29, at 172 (adding that Draper's fortune continued to subsidize the Pioneer Fund as of the date publication of this source, in 1995); see also TUCKER, *supra* note 16, at 173 (noting that "race betterment" was Draper's primary motive in endowing the Pioneer Fund).

¹²¹ IMMIGRATION RESTRICTION LEAGUE (BOSTON, MASS.), Annual Report of the Executive Committee for the Year 1933 (1933) (indicating that Wickliffe P. Draper served as Vice-President and as a member of the Executive Committee); see also Letter from Theodore G. Holcombe, Executive Secretary, Immigration Restriction League (Boston, Mass.), to The Friends of Immigration Restriction (June 5, 1934) (on file with *Laughlin Papers*, *supra* note 9).

century he established a pattern as benefactor of eugenics projects that continued until his death some fifty years later.

Draper and Laughlin shared an ideological kinship that was reflected in the subjects Draper chose to subsidize.¹²² In 1926, Draper gave \$10,000 to fund a Prize contest carrying his name. Vying for awards from the Draper Fund, essayists wrote about blacks' adaptability to society,¹²³ "fecundity in Nordic and non-Nordic peoples,"¹²⁴ and commitment of the mentally defective.¹²⁵

Charles Davenport and Morris Steggerda of the Eugenics Record Office carried out a Draper financed study of "the adaptability of negroes and mulattoes for civilization" in Jamaica.¹²⁶ A report on its progress eventually appeared in the *Eugenical News* under the heading *Negro-White Hybrids in Jamaica: Investigation Made Under the W.P. Draper Fund*.¹²⁷ The report described data obtained from three hundred test subjects. Photographs were taken of each subject and body measurements were recorded, along with test data related to intellectual and musical ability, and temperament. The report purported to demonstrate that such traits were inherited along racial lines, and buttressed traditional racist stereotypes with supposedly scientific observations.¹²⁸

Davenport and Steggerda concluded that high intelligence, stoicism, and emotional control were traits of whites, while blacks were thought to be less able intellectually, but more musically inclined and more emotionally volatile.¹²⁹ A more extensive report, entitled *Nasal Breadth in Negro x White Crossing*, promised further information on the "investigations of race crossing in Jamaica," and was also credited to the Col. W.P. Draper Fund.¹³⁰ Draper's patronage resulted in Charles Davenport's book *Race Crossing in*

(urging "Friends of Immigration Restriction" to write to their Congressman to stop proposals dismantling immigration restriction).

¹²² Laughlin regularly reported on the use of that money, how it was invested, and the research it supported, in *Eugenical News*. See *Meeting of the Executive Committee of the Eugenics Research Association*, 12 EUGENICAL NEWS, Mar. 1927, at 32–33.

¹²³ *Preparations for Negro-White Studies in Jamaica*, 11 EUGENICAL NEWS, Dec. 1926, at 188.

¹²⁴ *Award of Prize on Racial Fecundity*, 14 EUGENICAL NEWS, May 1929, at 70.

¹²⁵ *Probability of Institutional Commitment on Family History*, 21 EUGENICAL NEWS, Jan.–Feb. 1936, at 9.

¹²⁶ *Preparations for Negro-White Studies in Jamaica*, *supra* note 123; see also *Studies in Jamaica*, 11 EUGENICAL NEWS, Oct. 1926, at 154.

¹²⁷ *Negro-White Hybrids in Jamaica, B.W.I: Investigation made under the W.P. Draper Fund*, 13 EUGENICAL NEWS, Feb. 1928, at 21.

¹²⁸ *Id.* at 23.

¹²⁹ See *Race Crossing in Jamaica*, 14 EUGENICAL NEWS, Aug. 1929, at 119–20 (describing differences between blacks and whites concluded from the investigation).

¹³⁰ *Nasal Breadth in Negro X White Crossing*, 13 EUGENICAL NEWS, Mar. 1928, at 36–37.

Jamaica. A review appearing in the *Eugenical News* noted that the book demonstrated how "[i]n many respects the native mental capacity of the Blacks and Whites differ."¹³¹ It concluded with an assertion that would become a familiar refrain in the research Draper supported: racial difference "is quite certainly genetic."¹³² These early studies of the ill effects of racial mixture set the pattern for the later work of those who benefited from Draper's largesse.

In 1928, the *Eugenical News* announced another contest to both American and European authors. A \$5000 prize fund was available for comparisons of the birth and death rates of Nordic and non-Nordic peoples. Groups qualifying as "Nordic peoples" included Scandinavians, Dutch, English, Scottish, Northern Irish, and some Germans.¹³³ The First Prize paper, entitled *Comparative Birth-Rate Movements Among European Nations*, was published as the first volume in the *Eugenical Research Association Monograph Series*.¹³⁴ It demonstrated a forty-year birth rate drop among Nordics in some European countries.¹³⁵ Potential contestants were advised that their papers should concentrate on "peoples of Nordic, or chiefly Nordic, origin in all parts of the world."¹³⁶ Draper's contest, which focused on differential birth rates, simultaneously paralleled alarmist rhetoric in Germany concerning the decline of native births. Dismay over falling birth rates later led to marriage loan programs and other incentives to increase the German birthrate. During the Nazi period, the special designation *Kinderreich* was coined to describe families who "conformed to . . . required racial and social criteria," and were awarded cash grants for having extra children.¹³⁷

¹³¹ The book was based on studies conducted over a period of eleven months and included 370 adults and 1500 children as subjects. *Race Crossing in Jamaica*, *supra* note 129.

¹³² *Id.*

¹³³ *Announcement of Prizes*, 13 *EUGENICAL NEWS*, June 1928, at 78–79. Similar notices appeared elsewhere in the eugenics literature. See *Four Prizes for Eugenics Essays*, 14 *J. OF HEREDITY* 424 (1928); Letter from Chas. B. Davenport, Eugenics Research Association, to Dr. Lucien Howe (May 7, 1928) (on file with Am. Phil. Soc'y, *supra* note 75) (explaining the terms of the Draper prizes and the contingency for funding a second round of essays to explain how to prevent Nordic decline "if it appears that the Nordics are inferior in fecundity").

¹³⁴ J. SANDERS, *COMPARATIVE BIRTH-RATE MOVEMENTS AMONG EUROPEAN NATIONS* (Eugenics Research Association Monograph Series, Number 1, 1929). See also *Award of Prize on Racial Fecundity*, 14 *EUGENICAL NEWS*, May 1929, at 70 (listing European winners of the prize).

¹³⁵ *Offer of Prize on Causes of the Fall in Birth Rate*, 14 *EUGENICAL NEWS*, Aug. 1929, at 118–19. Another contest promised a prize of \$3500 for the best essay to explain the decline in Nordic birthrate. See *id.* at 118; *Second Prize Contest*, 15 *EUGENICAL NEWS*, Jan. 1930, at 9.

¹³⁶ *Offer of Prize on Causes of the Fall in Birth Rate*, *supra* note 135, at 118.

¹³⁷ See LISA PINE, *NAZI FAMILY POLICY, 1933–1945*, at 88, 109 (1997) (distinguishing between the old meaning of *kinderreich*—any large family—with the new, more refined

A final contest, announced in 1934, offered awards of up to \$3000 for "Research in the Genetics of Mental Disorders."¹³⁸ A physician specializing in epilepsy took the prize,¹³⁹ with a paper exploring the links between heredity and mental disease in residents of a state hospital.¹⁴⁰ Five of the ten volumes of the *Eugenics Research Association Monograph Series* (1929-1935) resulted from studies funded by Draper.¹⁴¹ The titles reflected Draper's fixation on race differences, "Nordic" survival, and hereditary "degeneracy" as reflected in mental disorders. These themes would reappear in other Draper projects and in the portfolio of "research" underwritten by the Pioneer Fund.

B. Draper Among the Nazis, 1935

Like Grant and Laughlin, Wickliffe Draper believed that the United States and Germany were the two countries that contained

meaning of "racially valuable" family). During 1931, three other Draper prize-winning papers exploring decreases in the Nordic birthrate were translated from German and published.

¹³⁸ *Prize Contest for Research in the Genetics of Mental Disorders*, 18 EUGENICAL NEWS, Mar.-Apr. 1934, at 29.

¹³⁹ *Probability of Institutional Commitment on Family History*, 21 EUGENICAL NEWS, Jan.-Feb. 1936, at 9.

¹⁴⁰ See Letter from Harry H. Laughlin, Secretary, Third Draper Contest Committee, to Col. W.P. Draper (Jan. 15, 1936) (on file with *Laughlin Papers*, *supra* note 9) (expressing appreciation for Draper's financial support for the study, and observing that the winning essay "throws definite light" on the problems of mental disorders transmitted within families).

¹⁴¹ The series included J. SANDERS, COMPARATIVE BIRTH-RATE MOVEMENTS AMONG EUROPEAN NATIONS (Eugenics Research Association Monograph Series, Number 1, 1929) (from the "Racial Fecundity of Nordic Peoples" contest); HARRISON H. HUNT, SOME BIOLOGICAL ASPECTS OF WAR (Eugenics Research Association Monograph Series, Number 2, 1930); BARBARA SCHIEFFELIN & GLADYS C. SCHWESINGER, MENTAL TESTS AND HEREDITY (Eugenics Research Association Monograph Series, Number 3, 1930); RODERICH VON UNGERN-STERNBERG, THE CAUSES OF THE DECLINE IN BIRTH-RATE WITHIN THE EUROPEAN SPHERE OF CIVILIZATION (Eugenics Research Association Monograph Series, Number 4, 1931) (from the "Racial Fecundity of Nordic Peoples" contest); ERNST KULKA, M.D., THE CAUSES OF THE DECLINING BIRTH-RATE (Eugenics Research Association Monograph Series, Number 5, 1931) (from the "Racial Fecundity of Nordic Peoples" contest); WAGNER-MANSLAU, M.D., HEREDITY AS AN EXPLANATION OF THE DECLINING BIRTH-RATE (Eugenics Research Association Monograph Series, Number 6, 1931) (from the "Racial Fecundity of Nordic Peoples" contest); HENRY REGINALD CAREY, POPULATION PROBLEMS OF THE TIME OF AUGUSTUS (Eugenics Research Association Monograph Series, Number 7, 1933); GLADYS C. SCHWESINGER, HEREDITY AND ENVIRONMENT: STUDIES IN THE GENESIS OF PSYCHOLOGICAL CHARACTERISTICS (Eugenics Research Association Monograph Series, Number 8, 1933); FRANK LORIMER & FREDERICK OSBORN, DYNAMICS OF POPULATION: SOCIAL AND BIOLOGICAL SIGNIFICANCE OF CHANGING BIRTH RATES IN THE UNITED STATES (Eugenics Research Association Monograph Series, Number 9, 1934); and SERGE ANDROP, THE PROBABILITY OF COMMITMENT FOR A MENTAL DISORDER OF ANY KIND BASED ON THE INDIVIDUAL'S FAMILY HISTORY (Eugenics Research Association Monograph Series, Number 10, 1935) (from the "Research on the Genetics of Mental Disorders" contest).

the purest residue of Nordic biological heritage. Thus, his attention to eugenic studies in the United States was also matched by his interest in eugenic activity in Germany. The International Congress for the Scientific Investigation of Population Problems was scheduled to occur in Berlin in the fall of 1935. It would bring Draper to the Nazi capital, where he would receive a personal tutorial in the Nazi version of eugenics and witness the marriage of "biological policy" and governmental will firsthand. The meeting would also cement what is perhaps the most dramatic connection between the founders of the Pioneer Fund and the Nazis.

Harry Laughlin could not attend the conference, but he contacted Eugen Fischer, whom he had known by then for almost fifteen years, to alert the German eugenicist that he was sending a paper to be read *in absentia*. Fischer was Rector at the University of Berlin and director of the Kaiser Wilhelm Institute for Anthropology, Human Heredity and Eugenics.

Though his early pronouncements on the role of "racial hygiene" contrasted with Nazi views, Fischer eventually accommodated Nazi ideology and supported eugenical legislation only weeks after Hitler assumed power in 1933.¹⁴² In a speech preceding his inauguration as Rector at the University of Berlin, Fischer heralded the Nazis for leading the way in addressing the problems of race hygiene among German peoples.¹⁴³ Soon thereafter, he published an essay praising the Nazi movement.¹⁴⁴ Fisher later presided as a judge on Berlin's Appellate Genetic Health Court to review cases determining who would be sterilized under the 1933 eugenical sterilization law.¹⁴⁵ He was instrumental in the secret Gestapo sterilization of the mixed-race children of French/Algerian troops, called the *Rheinlandbastarde*,¹⁴⁶ and oversaw the expulsion of Jewish academics from prominent German universities.¹⁴⁷ He headed a group including Erwin Baur and psychiatrist Ernst Rüdin that pledged the efforts of the Kaiser Wilhelm Institute to work "systematically in the service of the Reich as regards race hygiene research."¹⁴⁸

¹⁴² See Robert Proctor, *From Anthropologie to Rassenkunde in the German Anthropological Tradition*, in 5 HISTORY OF ANTHROPOLOGY, BONES, BODIES, BEHAVIOR: ESSAYS ON BIOLOGICAL ANTHROPOLOGY 157 n.6 (George W. Stocking Jr. ed., 1988).

¹⁴³ See *id.* at 156, 157 (discussing Fischer's speech and its praise for the Nazis in taking the problem of "racial hygiene" seriously).

¹⁴⁴ *Id.* at 157. The title of the essay was *Der volkische Staat biologisch gesehen*, or "The Nation State Seen in Biological Terms." *Id.*

¹⁴⁵ *Id.* at 160.

¹⁴⁶ *Id.* at 161.

¹⁴⁷ *Id.* at 164.

¹⁴⁸ Peter Weingart, *German Eugenics between Science and Politics*, 5 OSIRIS 260, 271 (2d

Laughlin told Fischer that he planned to have a "distinguished colleague," present a paper to the Berlin population congress on his behalf.¹⁴⁹ Laughlin's contribution, *Further Studies on the Historical and Legal Development of Eugenical Sterilization in the United States*¹⁵⁰ would update the conferees on developments since his 1922 book *Eugenical Sterilization in the United States*.¹⁵¹ Laughlin named Dr. Clarence G. Campbell of New York as the man who would read the sterilization paper.¹⁵²

Clarence Campbell left a thriving medical practice to pursue his interests in eugenics full-time. He was allied to Laughlin and Madison Grant through his offices in the Galton Society¹⁵³ and the Eugenics Research Association, where he served as President.¹⁵⁴ Campbell's Presidential Addresses included topics such as *Race Improvement* (1931), *The American Racial Outlook* (1933), *The Biological Foundations of Our Social Philosophy* (1934) and *The General Postulates of Race Survival* (1935).¹⁵⁵ Campbell also served on the editorial advisory board of the *Eugenical News*¹⁵⁶ and, like Laughlin, was specifically acknowledged by Madison Grant for his assistance in the preparation of *The Conquest of a Continent*.¹⁵⁷

Series, 1989).

¹⁴⁹ Letter from Dr. Harry H. Laughlin (unsigned) to Professor Dr. Eugen Fischer, President, International Congress for the Scientific Investigation of Population Problems 1 (July 31, 1935) (on file with *Laughlin Papers*, *supra* note 9).

¹⁵⁰ Harry H. Laughlin, *Further Studies on the Historical and Legal Development of Eugenical Sterilization in the United States* (unpublished manuscript, on file with *Laughlin Papers*, *supra* note 9). Laughlin's paper was later read at a meeting of the American Association in Mental Deficiency. Letter from Edgar A. Doll, Ph.D., Director, Department of Research, The Training School at Vineland New Jersey, to Dr. H.H. Laughlin (May 6, 1936) (on file with *Laughlin Papers*, *supra* note 9).

¹⁵¹ LAUGHLIN, *EUGENICAL STERILIZATION*, *supra* note 64. In an earlier letter, Laughlin arranged to have copies of *Eugenical Sterilization in the United States* sent to Fischer. See Letter from Harry H. Laughlin to Hon. John J. Sonstebly, Chief Justice, Municipal Court, Chi., Ill. (July 19, 1935) (on file with *Laughlin Papers*, *supra* note 9); see also Letter from John J. Sonstebly, Chief Justice, Municipal Court, Chi., Ill., to Dr. Harry H. Laughlin, ERO, Carnegie Institution of Washington (July 26, 1935) (on file with *Laughlin Papers*, *supra* note 9).

¹⁵² See Letter from Harry H. Laughlin to Professor Dr. Eugen Fischer, *supra* note 149.

¹⁵³ See C.G. Campbell, *The Galton Society*, 20 *EUGENICAL NEWS*, May-June 1935, at 46.

¹⁵⁴ See *Incorporation of the Eugenics Research Association*, 14 *EUGENICAL NEWS*, Feb. 1929, at 24-25 (indicating that Campbell, Grant, Laughlin, and Davenport were founding directors of the Eugenics Research Organization).

¹⁵⁵ Dr. Clarence G. Campbell, *Presidential Address: The General Postulates of Race Survival*, 20 *EUGENICAL NEWS*, Sept.-Oct. 1935, at 65-70. The editor of *Eugenical News* lists titles of Dr. Campbell's previous speeches. *Id.* at 70. His 1931 address *Race Improvement* is also reprinted in *Eugenical News*. See Dr. Clarence G. Campbell, *Race Improvement*, 16 *EUGENICAL NEWS*, July 1931, at 93-97.

¹⁵⁶ *Advisory Board*, 20 *EUGENICAL NEWS*, Sept.-Oct. 1935, at 64.

¹⁵⁷ GRANT, *THE CONQUEST*, *supra* note 76, at xi.

Laughlin also asked Fischer to extend a favorable reception to Wickliffe Draper, whom he described as "one of the staunchest supporters of eugenical research and policy in the United States."¹⁵⁸ Laughlin alerted Draper that a letter of introduction would identify him as an official Delegate of the Eugenics Research Association.¹⁵⁹

A formal invitation to Draper was forthcoming and upon arriving in Berlin, his excitement was palpable. He wrote Laughlin immediately, sending his "renewed thanks" for interceding with German officials.¹⁶⁰

The International Congress for the Scientific Investigation of Population Problems met in Berlin from August 26 to September 1, 1935.¹⁶¹ Wilhelm Frick, whose position in Hitler's cabinet as Reichsminister of the Interior gave him jurisdiction over German domestic law, was Honorary President of the Congress.¹⁶² Promulgating a compulsory sterilization law had been among Frick's first official acts after the Nazis assumed power in 1933.¹⁶³ Subsequently, he administered the infamous Nuremberg Laws to protect German "purity of 'blood'" from Jewish degeneracy.¹⁶⁴ He was intimately involved in the euthanasia of institutionalized people where killing techniques were developed for eventual use in the death camps.¹⁶⁵ Frick was convicted during the Nuremberg

¹⁵⁸ Letter from Harry H. Laughlin to Professor Dr. Eugen Fischer, *supra* note 149.

¹⁵⁹ Letter from Harry H. Laughlin to Col. W.P. Draper (Aug. 15, 1935) (on file with *Laughlin Papers*, *supra* note 9); Letter from Joseph A. Bucher, Assistant Secretary, Guaranty Trust Company of New York, to Eugenics Research Association, attention Mr. Harry H. Laughlin, Secretary and Treasurer, Eugenics Research Association (Aug. 24, 1935) (on file with *Laughlin Papers*, *supra* note 9) (noting the receipt of a letter addressed to Dr. Eugen Fischer appointing Draper as official delegate to the Berlin meeting). Draper had already sailed for Europe, but Laughlin confirmed that Draper had been told directly of the appointment. Letter from Harry H. Laughlin to Joseph A. Bucher, Assistant Secretary, Guaranty Trust Company of New York (Aug. 28, 1935) (on file with *Laughlin Papers*, *supra* note 9).

¹⁶⁰ Letter from W.P. Draper to Dr. Laughlin 2 (Aug. 28, 1935) (on file with *Laughlin Papers*, *supra* note 9).

¹⁶¹ See Der Öffentliche Gesundheitsdienst [The Public Health Service] (Dec. 5, 1935) (draft copy on file with *Laughlin Papers*, *supra* note 9). A note on the published conference proceedings, described as "a treasury of data and opinions on this great and growing field of study," appeared in *Eugenical News. International Population Congress*, 21 EUGENICAL NEWS, Sept.-Oct. 1936, at 118, 119.

¹⁶² See Der Öffentliche Gesundheitsdienst, *supra* note 161.

¹⁶³ See TUCKER, *supra* note 16, at 119 (noting that the law would allow sterilization of those deemed hereditarily weak in the mind or body); see also PAUL WEINDLING, HEALTH, RACE AND GERMAN POLITICS BETWEEN NATIONAL UNIFICATION AND NAZISM, 1870-1945, at 524-25 (1989) (discussing the political background of the law that became effective January 1, 1934, putting reproductive control into the hands of heredity courts).

¹⁶⁴ *Id.* at 531.

¹⁶⁵ See FRIEDLANDER, *supra* note 80, at 194 (discussing the activities of those setting up the "killing centers").

trials and hanged in 1946 for his activities as a key Nazi administrator during the Holocaust.¹⁶⁶

Frick's keynote address was reported among the highlights of the International Congress. He described the change in demographics that accompanied industrial and economic development, noting that migration from the farms to the cities often left a vacuum in rural areas that was "filled by cheap imported labor—often belonging to another race."¹⁶⁷ In the absence of "sound racial—and population-policy," large cities, with their low birthrates among native citizens, become "graveyards for the best blood."¹⁶⁸

Reviewing laws the Nazis designed to reinvigorate Germany, Frick reminded his audience that loans would be made to the recently married to encourage reproduction "depending upon medical examination for fitness."¹⁶⁹ Laws to reduce unemployment would focus on "economic security for the hereditarily sound family," and "hereditary degenerates" would be eugenically sterilized.¹⁷⁰

A full scientific program accompanied Frick's oration. Papers were organized within topical areas such as: *Population Turn-over Within the Nordic Civilization*, *Neighbors of the Nordic Civilization*, *Race-hygiene as a Common Duty of all Civilized People*, *Contributions to Racial Anthropology*, and *Race-culture of the Nordic Civilization*.¹⁷¹

As President of the Congress, Eugen Fischer read a scientific paper. Prominent eugenicists Ernst Rüdin and Alfred Ploetz joined other presenters.¹⁷² German attorney Falk Ruttke, who was instrumental in drafting the 1933 German sterilization law, and who was later named (with Rüdin and Fischer) as a member of Laughlin's Advisory Board to the *Eugenical News*,¹⁷³ delivered an essay discussing the German and Scandinavian sterilization laws.¹⁷⁴ Dr. Arthur Gütt, the "architect of Nazi public health"¹⁷⁵ and likely

¹⁶⁶ TUCKER, *supra* note 16, at 119.

¹⁶⁷ Der Öffentliche Gesundheitsdienst, *supra* note 161.

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

¹⁷² *Id.*

¹⁷³ See 21 *EUGENICAL NEWS*, Jan.–Feb. 1936 (noting, on the inside cover, that Falk Ruttke was one of the three members of the *Eugenical News* Advisory Board from Germany).

¹⁷⁴ Dr. Falk Ruttke, The German Law for the Prevention of Hereditary Defective Progeny and the Scandinavian Legislation for Sterilisation (Aug. 26, 1935) (on file with *Laughlin Papers*, *supra* note 9).

¹⁷⁵ WEINDLING, *supra* note 163, at 389.

co-author of the German sterilization law,¹⁷⁶ was also in attendance. During the scientific program he spoke on the "practical application of population science."¹⁷⁷ *Time* magazine quoted the Gütt speech:

Our penal code will shortly make compulsory a health examination for all marrying persons. The purpose of this is first to dissuade bodily or mental inferiors from marrying and especially from procreation. Second, to prevent marriages between hereditarily tainted persons, the same as a marriage between an Aryan and a non-Aryan. Third, to influence the choice of life partners from a health as well as a racial viewpoint.¹⁷⁸

Although many of Laughlin's colleagues were "bitterly disappointed" at his absence,¹⁷⁹ Clarence Campbell presented Laughlin's paper on sterilization law in the United States.

Campbell then spoke in his own right on the *Biologic Postulates of Population Study*.¹⁸⁰ His remarks drew the attention of *The New York Times*, which reported on the German meeting in detail: "Professor Clarence G. Campbell of New York, president of the Eugenics Research Association, appeared today before the World Population Congress here as a champion of Nazi racial principles. He declared that a consanguineous racial group possessed 'a high survival value.'"¹⁸¹ The report from Berlin continued, quoting Campbell at length: "The leader of the German nation, Adolf Hitler, ably supported by Frick . . . and guided by the nation's anthropologists, eugenists [sic] and social philosophers, has been able to construct a comprehensive racial policy of population development and improvement that promises to be epochal in racial history."¹⁸²

Time magazine's coverage of Campbell's Berlin performance was printed with the caption—*Praise for Nazis*:

Sore from the slings and arrows of foreign criticism, Germans heard gratefully last week a warm, approving speech from Dr. Clarence Gordon Campbell, president of the

¹⁷⁶ See SHEILA FAITH WEISS, *RACE HYGIENE AND NATIONAL EFFICIENCY: THE EUGENICS OF WILHELM SCHALLMAYER* 154, 199 n.24 (1987) (confirming that Gütt, Rüdin, and Ruttko wrote the interpretive commentary on the law and that Gütt likely helped draft the law).

¹⁷⁷ Der Öffentliche Gesundheitsdienst, *supra* note 161.

¹⁷⁸ *Praise for Nazis*, *TIME*, Sept. 9, 1935, at 20–21.

¹⁷⁹ Letter from Mrs. C.B.S. Hodson to Harry H. Laughlin (1935) (on file with *Laughlin Papers*, *supra* note 9).

¹⁸⁰ Der Öffentliche Gesundheitsdienst, *supra* note 161.

¹⁸¹ *U.S. Eugenist Hails Nazi Racial Policy*, *N.Y. TIMES*, Aug. 29, 1935, at 5.

¹⁸² *Id.*

American Eugenics Research Association, delivered before the World Population Congress in Berlin.

Dr. Campbell, a Manhattan Social Registrite, put a fashionable practice behind him to devote his full time to eugenics. Long before Adolf Hitler was anybody, Dr. Campbell, though too polite to wound racial sensibilities by calling names, was unobtrusively teaching that if "Americans," as that term is generally understood, do not speed up their birth rate, the result after a few more generations will be to leave control of their country in the hands of some more pushing race.¹⁸³

The *Time* article cited "Dr. Campbell's boldest dicta: 'The difference between the Jew and the Aryan is as unsurmountable [sic] as that between black and white . . . Germany has set a pattern which other nations must follow.'"¹⁸⁴ Campbell's last word at the closing of the Congress was a toast: "To that great leader, Adolf Hitler!"¹⁸⁵ Campbell's laudatory references to Hitler were also noted in Germany, prompting one commentator to describe him as "the most frequently cited non-German scientist in the Nazi press."¹⁸⁶

Laughlin shared Campbell's sentiments about eugenics and the Nazis. Their affinity was demonstrated clearly five years earlier, when Laughlin secured the appointment of Campbell as a delegate to the 1930 London meeting of the International Federation of Eugenic Organizations.¹⁸⁷ At the meeting's conclusion, Laughlin happily reported how effectively he and Campbell functioned as the American delegation. Laughlin described their joint perspective as a "perfect agreement as to plans and policies."¹⁸⁸ In Berlin, Campbell was the perfect proxy for Harry Laughlin and the ideal escort for Wickliffe Draper. All three men shared a rabid racism and thoroughgoing anti-Semitism founded on their interpretation of eugenic ideology. Laughlin must have known that applause for Hitler was music to the ears of Wickliffe Draper.

¹⁸³ *Praise for Nazis*, *supra* note 178, at 20.

¹⁸⁴ *Id.* at 21.

¹⁸⁵ *Id.*

¹⁸⁶ KÜHL, *supra* note 16, at 35.

¹⁸⁷ Letter from Harry H. Laughlin (unsigned) to Mr. Frederick Osborn (Sept. 17, 1930) (on file with *Laughlin Papers*, *supra* note 9); *see also* Letter from Harry H. Laughlin (unsigned) to Dr. Charles G. Campbell (Sept. 8, 1930) (on file with *Laughlin Papers*, *supra* note 9).

¹⁸⁸ Letter from Harry H. Laughlin (unsigned) to Mr. Frederick Osborn, *supra* note 187.

C. The Virginia Project

Shortly after Draper's return from Europe, Laughlin arranged another opportunity for him to contribute to American eugenics education. Laughlin was aware of the early frustration of German eugenicists who worked in the absence of a nationally coordinated educational effort. As early as 1917, Erwin Baur argued for a government-funded German national eugenics institute, contrasting his own country's meager support with the millions spent by American philanthropists to advance eugenics.¹⁸⁹ By the time the Nazis took power in 1933, the German network of university eugenics programs was thoroughly established, providing a legitimizing backdrop to national policy under Hitler.¹⁹⁰

Laughlin believed that both education and legislation were necessary tools with which to realize his vision of a eugenically sanitized America. By the mid-1930s, Laughlin had met with astounding success in the legislative arena. He engineered a national immigration quota law to prevent the migration of Jews and southern Europeans.¹⁹¹ He was the recognized expert on state sterilization laws and was often consulted when a new wave of anti-miscegenation statutes were adopted across America in the 1920s and 1930s.¹⁹²

Despite these legislative accomplishments, Laughlin, who began his career as a teacher, never abandoned his interests in pedagogy. He managed a summer training program for visiting field workers at the Eugenics Record Office. His ambitions as an educator included a candidacy for university presidency.¹⁹³ Laughlin saw education and law as engines of social change that ran on parallel tracks. His long-term plans included creating a Eugenics Record Office endowment comparable to that of a "long established university or a cathedral."¹⁹⁴

¹⁸⁹ See WEINDLING, *supra* note 163, at 301 (arguing for "legislation on settlement, taxation, and contraception").

¹⁹⁰ See *id.* at 515 tbl.8 (illustrating the growth of study in "racial hygiene" at University institutes from 1923 to 1941).

¹⁹¹ Immigration Act of 1924, ch. 190, 43 Stat. 153, *repealed by* Immigration and Nationality Act, ch. 447, §§201-19, 221-27, 229-31(52), 66 Stat. 279 (1952).

¹⁹² See Reilly, *supra* note 67, at 486.

¹⁹³ See Letter from Harry H. Laughlin to Professor Charles T. Vorhies, Advisory Committee, University of Arizona (May 10, 1927) (on file with *Laughlin Papers*, *supra* note 9).

¹⁹⁴ See Harry H. Laughlin, Long-Time Plan "As for a Cathedral or a University" for the Development of the Eugenics Record Office 5 (1929) (unpublished manuscript, on file with *Laughlin Papers*, *supra* note 9), and Memorandum on Organization and Work of a Possible Institution of Eugenics (1929) (unpublished manuscript, on file with *Laughlin Papers*, *supra* note 9) (spelling out plans for the incorporation of eugenics and education). Laughlin had

Laughlin wrote to Draper in early 1936, pursuing funds in an attempt to replicate the German model of a university-based national institute of eugenics. It would provide an academic home for the kind of work Draper had supported in his eugenics essay contests. Laughlin had a fertile location in mind as the center for education in eugenics. He identified the University of Virginia as a place with a history "based on the traditions most fundamental to the American people."¹⁹⁵ Those traditions "look upon the American people as a definite racial stock . . . worth preserving through an active eugenical policy Founded by Thomas Jefferson at Charlottesville [sic], Virginia, it has a tradition of American aristocracy which the nation treasures very highly and which the Virginian himself holds without peer among American colleges."¹⁹⁶

Laughlin suggested that with the University's cooperation, Draper could continue to fund "studies and services in eugenics" at an "Institution of National Eugenics as a part of the University of Virginia."¹⁹⁷ "For a very few thousand dollars," Laughlin suggested, it would be possible to develop a plan to teach "the racial aspect of applied eugenics" from Grade one of the public school system through graduate training at the university level.¹⁹⁸ With little expense, plans could be made for "a real Institute of National Eugenics which would in its charter and sponsorship state its ideals in no uncertain terms."¹⁹⁹ Such an Institute would stand in contrast to Laughlin's own Eugenics Record Office, which regularly chafed under the limitations placed on its work by its funding source, the Carnegie Institution of Washington.²⁰⁰

Laughlin proposed a plan for the University of Virginia that would build on his many years of work with Virginia eugenicists. He had collaborated on the passage of Virginia's anti-miscegenation legislation in the early 1920s and played a key role in the successful defense of Virginia's eugenical sterilization law.²⁰¹ He knew that

even more grandiose plans for a cabinet-level federal Department of Welfare with its own Bureau of Eugenics. See Harry H. Laughlin, *Relation of a Proposed Bureau of Eugenics in a Proposed Recasting of the Administrative Structure of the United States Government-1929* (1929) (unpublished manuscript, on file with *Laughlin Papers*, *supra* note 9).

¹⁹⁵ Draft letter from Harry H. Laughlin (Jan. 1936) (on file with *Laughlin Papers*, *supra* note 9).

¹⁹⁶ *Id.*

¹⁹⁷ *Id.*

¹⁹⁸ *Id.*

¹⁹⁹ *Id.*

²⁰⁰ See Allen, *supra* note 17, at 251–52 (describing the precarious funding of the Eugenics Record Office in 1935).

²⁰¹ See Lombardo, *Miscegenation*, *supra* note 58, at 423 n.13, citing Act of Mar. 20, 1924, ch.394, 1924, Va. Acts 569, 570, *repealed by* Act of Apr. 2, 1974, ch. 296, 1974 Va. Acts 445

Virginia was a hotbed of eugenical study. Edwin Alderman, the University of Virginia's first president, encouraged research in eugenics. He was an admirer and correspondent of Lothrop Stoddard, one of the more successful racial propagandists.²⁰² Stoddard popularized the "eugenical racist" perspective in books such as *The Rising Tide of Color Against White World-Supremacy*.²⁰³

Virginia's faculty was also well-versed in eugenics. Harvey Jordan, who would eventually become Dean of the Virginia medical faculty, contributed a paper entitled *The Place of Eugenics in the Medical Curriculum* to the First International Eugenics Congress in London in 1912.²⁰⁴ Eugenics first appeared in the Virginia curriculum the next year.²⁰⁵ Jordan was later chosen to contribute to a national eugenics text for college students.²⁰⁶ Several other members of the Virginia faculty were active members of eugenics organizations.²⁰⁷

Laughlin contacted John Lloyd Newcomb, Alderman's successor as President at Virginia to schedule a meeting:

You doubtless remember I called on you last October about [the] desirability and possibility of work in eugenics by [the] University of Virginia[.] The man whose name I then withheld is Colonel W[P.] Draper . . . If agreeable all around

(discussing the history of the Virginia Act).

²⁰² Letter from Lothrop Stoddard to Dr. E.A. Alderman, President, University of Virginia (Apr. 23, 1927) (on file with President's Papers, University of Virginia Library, Charlottesville, VA) [hereinafter *President's Papers*]; Letter from Dr. E.A. Alderman, President, University of Virginia, to Mr. Lothrop Stoddard (Apr. 25, 1927) (on file with *President's Papers*). See Gregory Michael Dorr, *Segregation's Science: The American Eugenics Movement and Virginia, 1900–1980* (2000) (unpublished Ph.D. dissertation, University of Virginia) (on file with author) [hereinafter Dorr, *Segregation's Science*] (illustrating Alderman's role at the University of Virginia).

²⁰³ LOTHROP STODDARD, *THE RISING TIDE OF COLOR AGAINST WHITE WORLD-SUPREMACY* 5 (1923) (dividing the world into whites, yellows, browns, blacks, and reds). Stoddard and Laughlin served on committees of the Second International Congress on Eugenics in 1921. *Second Congress, New York City, 1921*, 17 *EUGENICAL NEWS*, Nov.–Dec. 1932, at 130–31. Stoddard spoke on "History, from the Racial Viewpoint" to the Galton Society in 1934, reiterating themes from Madison Grant's *The Conquest of a Continent*. *The Galton Society, Ninety-second Meeting*, 19 *EUGENICAL NEWS*, Mar.–Apr. 1934, at 53.

²⁰⁴ H.E. Jordan, *The Place of Eugenics in the Medical Curriculum*, in *PROBLEMS IN EUGENICS* 396–99 (1912).

²⁰⁵ See Dorr, *Segregation's Science*, *supra* note 202, at 202; see also Gregory Michael Dorr, *Assuring America's Place in the Sun: Ivey Foreman Lewis and the Teaching of Eugenics at the University of Virginia, 1915–1953*, 66 *J. S. HIST.* 257, 258 (2000) [hereinafter Dorr, *Assuring*] (discussing the teaching of eugenics at the University of Virginia).

²⁰⁶ Harvey Ernest Jordan, *Eugenics: Its Data, Scope and Promise, As Seen By the Anatomist*, in *EUGENICS: TWELVE UNIVERSITY LECTURES* (1914).

²⁰⁷ See Dorr, *Assuring*, *supra* note 204, at 258–59; see also Dorr, *Segregation's Science*, *supra* note 202, at 126 (providing details about the teaching of eugenics at the University of Virginia and naming Jordan and Lewis among the eugenicists Alderman hired).

and so invited he would drive to Charlottesville for person[all] conference[.] Draper wants nothing for himself but is in a position to give substantial financial support of work which he believes would definitely revive American racial ideals.²⁰⁸

Newcomb confirmed the meeting about "a subject . . . of mutual interest"²⁰⁹ and promised to adjust his schedule to accommodate Draper's visit.²¹⁰

After visiting Virginia, Draper reported that he had met both University of Virginia President John Lloyd Newcomb and University of Virginia Dean Ivey Lewis, a biologist and experienced teacher of eugenics. "The latter [Lewis], especially, seemed interested in my ideas and suggested that I meet . . . Cox [and] Powell which I hope later to do,"²¹¹ Draper wrote. The men Draper referred to were two of Virginia's foremost public proponents of eugenics. Earnest Sevier Cox was instrumental in the passage of Virginia's Racial Integrity Act of 1924.²¹² John Powell founded the Anglo-Saxon Clubs of America (A.S.C.O.A.), dedicating them to the goal of maintaining "Anglo-Saxon ideals and civilization in America."²¹³ Because of their public positions on white supremacy and the need to maintain racial integrity in the name of eugenics, both Cox and Powell were important Southern recruits to be enlisted in support of the Draper plan.

When Laughlin made contact to orchestrate the Cox/Draper meeting, he acted as a confidential agent, maintaining Draper's anonymity. He wrote Cox: "A number of our friends have visited the South recently and have told the [Eugenics Research Association (ERA) program] committee of your work."²¹⁴ Laughlin emphasized the "close collaboration" of the ERA with Cox's friend Walter Plecker, an early advocate of Virginia's Racial Integrity

²⁰⁸ Telegram from H.H. Laughlin to John L. Newcomb, President, University of Virginia, or Ivey F. Lewis [sic], Dean, University of Virginia (Feb. 18, 1936) (on file with *President's Papers*, *supra* note 202).

²⁰⁹ Letter from J.L. Newcomb, President, University of Virginia, to Dr. H.H. Laughlin (Feb. 18, 1936) (on file with *Laughlin Papers*, *supra* note 9). Draper cabled Newcomb soon thereafter, in order to set up a meeting. See Telegram from Wickliffe Draper to [John L. Newcomb], President, University of Virginia (Feb. 20, 1936) (on file with *President's Papers*, *supra* note 202).

²¹⁰ See Telegram from J.L. Newcomb, President, University of Virginia, to Mr. Wickliffe Draper (Feb. 21, 1936) (on file with *President's Papers*, *supra* note 202).

²¹¹ Letter from W.P. Draper to Dr. Laughlin 1-2 (Mar. 1, 1936) (on file with *Laughlin Papers*, *supra* note 9).

²¹² See Lombardo, *Miscegenation*, *supra* note 58, at 445 & n.117.

²¹³ *Id.* at 424, 429.

²¹⁴ Letter from Harry H. Laughlin to Col. Ernest [sic] S. Cox (Mar. 18, 1936) (on file with *Cox Papers*, *supra* note 26).

law.²¹⁵ Laughlin invited Cox to speak at the annual meeting of the ERA in New York on the topic of "Repatriation."²¹⁶ Laughlin then alerted Draper to attend that meeting as well.²¹⁷

In anticipation of the meeting, Laughlin told Cox that Draper was "particularly interested" in his work.²¹⁸ Laughlin was clearly motivated to bring the two men together in New York. That same week, University of Virginia Dean Ivey Lewis told Cox of his "very interesting conference" with Draper.²¹⁹ He described Draper as "a man of means" who could provide practical assistance in solving the "negro problem."²²⁰ For reasons that remained unstated, the "University of Virginia," wrote Lewis, "was not able to accept his assistance."²²¹ Seeking an alternative avenue to achieve Draper's goals, Lewis referred Draper to Cox and Powell with hopes that they could "direct his enthusiasm" toward something practical.²²² According to Lewis, Draper considered repatriation of blacks to Africa "the only satisfactory solution" and one that he was likely to support.²²³

It is unclear why Draper's plans for the University of Virginia failed to bear fruit. Perhaps national publicity about racial tensions in 1935 on the Charlottesville campus made President Newcomb proceed with caution. Only months before Draper's visit, an article in *The Literary Digest* reported on the controversy that followed the application of "[a] negro girl" to the University.²²⁴ The unflattering article was titled *Race Equality: Raising the Jim Crow Issue*. It included a photo with the caption: "Facing a race problem in education: Dr. John L. Newcomb, . . . President of the University of Virginia, and Dr. Frederic W. Scott, Rector of the University."²²⁵

²¹⁵ *Id.*

²¹⁶ *Id.*

²¹⁷ Letter from Harry H. Laughlin (unsigned) to Colonel W.P. Draper (Mar. 18, 1936) (on file with *Laughlin Papers*, *supra* note 9); *see also* Letter from W.P. Draper to Dr. Laughlin 1 (Mar. 20, 1936) (on file with *Laughlin Papers*, *supra* note 9) (quoting Draper who was observing how "[i]t will be a pleasure to meet Colonel Cox here in June.").

²¹⁸ Letter from Harry H. Laughlin to Colonel Earnest S. Cox (June 1, 1936) (on file with *Laughlin Papers*, *supra* note 9).

²¹⁹ Letter from Ivey F. Lewis, Miller Professor of Biology, University of Virginia, to Mr. Earnest Sevier Cox (June 4, 1936) (on file with *Cox Papers*, *supra* note 26).

²²⁰ *Id.*

²²¹ *Id.*

²²² *Id.*

²²³ *Id.*

²²⁴ *Race Equality: Raising the Jim Crow Issue*, LITERARY DIG., Sept. 7, 1935, at 18, 20 (on file with *Laughlin Papers*, *supra* note 9).

²²⁵ *Id.* (emphasis omitted).

Although the "Virginia project" did not eventuate in the national institute Laughlin envisioned, Virginia was to continue as a center of eugenic study for years to come, and to provide an occasional forum for some of its more rabid proponents. Among them was Lothrop Stoddard, who traveled to the University of Virginia in 1940 to speak on "Nazi Germany—The New Sparta."²²⁶ The talk²²⁷ was given the same year that Stoddard published *Into the Darkness: Nazi Germany Today*, a book that included an account of proceedings at a German Eugenics Court and a description of Stoddard's gushing interview with Hitler.²²⁸

Draper's interest in education eventually led to funding for a department of medical genetics at another university,²²⁹ as well as an endowment for the Pioneer Fund, which subsequently supported numerous studies of race, intelligence, and Anglo-Saxon ideals.²³⁰

D. Draper, Cox, and the Back to Africa Movement

The New York meeting of the ERA where Cox and Draper met featured a presidential address by Californian C.M. Goethe on "Patriotism and Racial Standards."²³¹ Goethe praised the "stupendous forward movements" taking place as a result of Nazi Germany's eugenics laws.²³² Cox read his *Repatriation of the American Negro*, offering arguments in favor of congressional legislation to fund a mass migration of blacks back to Africa.²³³ Cox

²²⁶ Lothrop Stoddard, Address at the University of Virginia Institute of Public Affairs Program (June 14–24, 1940) (on file with *President's Papers*, *supra* note 202).

²²⁷ See *id.* (describing the speakers and listing Stoddard as an "[a]uthor, former[] Special Correspondent in Germany, North American Newspaper Alliance, [a]uthor, *Into the Darkness, Nazi Germany Today; Europe and Our Money*").

²²⁸ LOTHROP STODDARD, *INTO THE DARKNESS: NAZI GERMANY TODAY* 191–96 (1940).

²²⁹ See Diane Paul, *From Eugenics to Medical Genetics*, 9 J. POL'Y HIST. 96, 99 (1997).; see also Frederick Osborn, *History of the American Eugenics Society*, 21 SOC. BIOLOGY 115, 120 (1974) (noting the contribution of a "\$5000" grant from the Carnegie Corporation to Dr. Allen of the Bowman-Gray program).

²³⁰ See Paul, *supra* note 229, at 99.

²³¹ C.M. Goethe, Presidential Address at the Twenty-Fourth Meeting of the Eugenics Research Association (1936), in C.M. Goethe, *Patriotism and Racial Standards*, 21 EUGENICAL NEWS, July–Aug. 1936, at 65. Goethe was responsible, along with Laughlin, for securing credentials that would allow Draper to attend the 1935 Nazi Population Congress in Berlin. He later would leave a significant part of his estate to fund the eugenically-focused Dight Institute in Minnesota. See Paul, *supra* note 229, at 99 (describing Goethe as "eccentric" and as a "bank president and founder of the playground movement"); see also SHELDON C. REED, *COUNSELING IN MEDICAL GENETICS* 1 (1955) (noting support for the "eventual founding of a counseling center at the University of Minnesota," which came from its lead proponent, Charles F. Dight, M.D., who provided funds in his 1927 bequest).

²³² C.M. Goethe, *Patriotism and Racial Standards*, *supra* note 231, at 65.

²³³ Earnest Sevier Cox, *Repatriation of the American Negro*, reprinted in 21 EUGENICAL NEWS, Nov.–Dec. 1936, at 133.

would become a ready tool to be used for Draper's goals. Cox wrote *White America*, a book that reflected the same sentiments on the topics of white supremacy and the dangers of racial mixing as Madison Grant's *Passing of the Great Race* and Lothrop Stoddard's *Rising Tide of Color*.²³⁴

The *Eugenical News* described *White America* as "a stirring volume" and declared that "America is still worth saving for the white race."²³⁵ The book was a first-person analysis of the role of race in the rise and fall of civilizations. Cox described his own world travels as a self-taught ethnographer.²³⁶ His strident Nordicism echoed many of the themes regularly sounded in the racial politics of Harry Laughlin and Madison Grant. His thesis was simple: whenever people of different races lived together, problems arose. The "superior" race—to Cox, the whites—was brought down by interbreeding with the "inferior" race—the blacks.²³⁷ For America to avoid this result, a plan must be established for deporting blacks to Africa. In the short term, Cox believed that all states must pass anti-miscegenation laws such as the one passed in Virginia in 1924.²³⁸ A copy of that law was printed as an appendix to Cox's text.

By the time Earnest Sevier Cox was welcomed into the inner circle of American eugenics, he had been in touch with eugenical leaders both in his home state of Virginia and nationally for more than twenty years. In 1921, Cox sought Madison Grant's advice in identifying a publisher for *White America*. Grant recommended Charles Scribner's Sons, his own publisher,²³⁹ but was unsuccessful in convincing the New York firm to publish Cox's work. Cox eventually printed the book at his own expense under the auspices of the White America Society of Richmond, Virginia.²⁴⁰ He was later

²³⁴ See COX, *WHITE AMERICA*, *supra* note 24, at 9 (recommending that interested readers peruse Grant's and Stoddard's books "for data bearing upon our immigration problem and the world-wide color problem").

²³⁵ *Id.* at 401.

²³⁶ See COX, *WHITE AMERICA*, *supra* note 24, at 6 (describing the purposes of his travels, which were "(1) to observe the ethnic traits of the colored races; (2) to compare the Negro policies of other white nations; (3) to study the independent Negro governments; [and] (4) to seek to discern the results upon the white race and its institutions of its centuries of contact with the colored races").

²³⁷ See COX, *WHITE AMERICA* (Rev. ed. 1937), *supra* note 24, at 394 (indicating Cox's contempt for the "mongrelization" that occurs among whites "when in contact with the colored races").

²³⁸ See *id.* Cox described "[t]he New Virginia Race Integrity Law" as "the most perfected legal expression of the white ideal." *Id.*

²³⁹ Letter from Madison Grant to Mr. Earnest S. Cox (Mar. 16, 1921) (on file with *Cox Papers*, *supra* note 26).

²⁴⁰ Letter from Col. Earnest S. Cox to Mr. Madison Grant (Nov. 29, 1921) (on file with *Cox Papers*, *supra* note 26); COX, *WHITE AMERICA*, *supra* note 24, at title page.

to boast that "Madison Grant . . . spent hours with Scribners in trying to get them to publish my book, *White America* He reviewed *White America* for the Richmond (Va.) press. I have been entertained in his home."²⁴¹ With the assistance of Francis Kinnicutt²⁴² of the Immigration Restriction League, Cox delivered a special edition of *White America* to every member of Congress.

White America also traveled to Europe. In 1930, Madison Grant asked that a copy be sent to Professor Hans Günther, "one of the most distinguished anthropologists of Germany," recently appointed to a new professorate at Jena.²⁴³ Günther was recognized as being the father of the German Nordic movement and was famous for developing a visual typology for classifying "racial types."²⁴⁴ Günther won his post at the University at Jena with the assistance of Nazi Party leader Wilhelm Frick; Hitler attended Günther's inaugural lecture.²⁴⁵

Cox's "back to Africa" movement attracted support from eugenic stalwarts. Harry Laughlin had earlier declared himself and all "students of eugenics and race integrity . . . most anxious to maintain close contact" to monitor Cox's crusade for repatriation of blacks to Liberia.²⁴⁶ Following the New York meeting of the ERA, at which Cox spoke on "Negro Repatriation," Cox and fellow Virginian Walter Plecker were entertained in the homes of Draper, Laughlin, and Grant.²⁴⁷ Cox's trip to New York was followed by a stream of

²⁴¹ Letter from Earnest S. Cox to Louis Davis Hopkins (Aug. 13, 1947) (on file with *Cox Papers*, *supra* note 26).

²⁴² Francis H. Kinnicutt was a colleague of Grant and Laughlin who sat with them on the Eugenics Committee of the United States of America. *Immigration and Eugenics: Second Report of the Sub-Committee on Selective Immigration of the Eugenics Committee of the United States of America*, 16 J. OF HEREDITY 287, 298 (1925). His role as spokesman for the Immigration Restriction League brought him regularly to Congressional Hearings on immigration. See Hassencahl, *supra* note 17, at 171 (noting that Kinnicutt was both a "regular attendant at Congressional Hearings" and a speaker for the Allied Patriotic Societies). For Cox/Kinnicutt correspondence, see Letter from Francis H. Kinnicutt to Earnest S. Cox, Esq. 2 (Feb. 6, 1925) (on file with *Cox Papers*, *supra* note 26); Letter from Col. Earnest S. Cox (unsigned) to Mr. F.H. Kinnicutt (Feb. 8, 1925) (on file with *Cox Papers*, *supra* note 26); Letter from Francis H. Kinnicutt to Earnest S. Cox, Esq. 2 (Feb. 14, 1925) (on file with *Cox Papers*, *supra* note 26).

²⁴³ Letter from Madison Grant to Ernest [sic] Sevier Cox (June 11, 1930) (on file with *Cox Papers*, *supra* note 26).

²⁴⁴ See PROCTOR, *supra* note 71, at 293.

²⁴⁵ See *id.* at 27, 293 (emphasizing that Günther had written "at least seventeen" books on racial theory).

²⁴⁶ Letter from Harry H. Laughlin to Mr. Earnest S. Cox (Aug. 29, 1933) (on file with *Cox Papers*, *supra* note 26).

²⁴⁷ In addition, Laughlin arranged Cox's visit to Grant's home. See Letter from Dr. Harry H. Laughlin to Madison Grant, Esq. (June 5, 1936) (on file with *Laughlin Papers*, *supra* note 9).

correspondence from the eugenicists, endorsing Cox's argument for black repatriation.²⁴⁸

By September 1936, New York financial agents wrote to determine the cost of reproducing Cox's book. They represented Wickliffe Draper, who eventually revealed himself as a patron whose anonymity must be insured. Draper offered to purchase one thousand copies of *White America*, 800 of which were to be distributed to whomever Cox suggested.²⁴⁹ After much discussion, they agreed that since the first "Congressional Edition" of *White America* had been printed to aid the battle for immigration restriction, it was appropriate for the next "special edition" to provide ammunition to members of Congress who supported the cause of black repatriation.²⁵⁰

In acknowledgement of Draper's secret role, Cox's 1937 version proclaimed that it "was financed by a prominent citizen who wishes to promote the cause of "[r]epatriation."²⁵¹ Its copyright page explained that the 1937 version was "limited to a free distribution of copies to members of Congress, and to members of the legislature in certain of the States."²⁵²

In 1937, Cox sent the book to every member of Congress. Mississippi Senator Theodore Bilbo was a thankful recipient, who praised Cox's work. "Your manuscript on the history of the cause of repatriation was a knock-out. . . . I have almost made up my mind to specialize on the repatriation of the negro."²⁵³ Cox's report to Draper was effusive: "It gives me pleasure to inform you that it now seems that we will have representation in Congress as a result of the assistance you gave to the cause."²⁵⁴ Buoyed by Bilbo's activities, Draper paid to have a Cox pamphlet entitled *Lincoln's*

²⁴⁸ See Letter from Dr. W.A. Plecker to Dr. and Mrs. Harry H. Laughlin (June 8, 1936) (on file with *Laughlin Papers*, *supra* note 9) ("Colonel Draper showed great interest in the undertakings of Colonel Cox and voluntarily expressed his willingness to help him to make a start in his work"); Letter from W.P. Draper to Col. Cox 1 (June 22, 1936) (on file with *Cox Papers*, *supra* note 26) ("I look forward to hearing, in due course, your suggestions along the lines of our discussion."); Letter from Madison Grant to Mr. Cox (July 26, 1936) (on file with *Cox Papers*, *supra* note 26) ("You will find Dr. Campbell very well informed and helpful in all matters of population.").

²⁴⁹ Letter from W.P. Draper to Col. Cox (Sept. 18, 1936) (on file with *Cox Papers*, *supra* note 26).

²⁵⁰ Letter from E.S. Cox to Col. W.P. Draper (Sept. 19, 1936) (on file with *Cox Papers*, *supra* note 26).

²⁵¹ COX, *WHITE AMERICA* (Rev. ed. 1937), *supra* note 24, at copyright page.

²⁵² *Id.*

²⁵³ Letter from Theodore G. Bilbo, Senator, U.S. Senate, Comm. on Agriculture & Forestry, to Hon. Ernest [sic] Sevier Cox (Feb. 8, 1938) (on file with *Cox Papers*, *supra* note 26).

²⁵⁴ Letter from Earnest Sevier Cox to Col. W.P. Draper 1 (Feb. 16, 1938) (on file with *Cox Papers*, *supra* note 26).

Negro Policy distributed to legislators.²⁵⁵ It traced the "back to Africa" argument to Lincoln's writings.²⁵⁶ Cox took every occasion to extend his thanks to Draper for providing an opportunity to enlist Bilbo in their cause.²⁵⁷ By summer, Bilbo had filled the *Congressional Record* with Cox's sentiments. With perverse irony, he read from *White America* during the filibuster over an anti-lynching bill.²⁵⁸

As always, Draper's involvement was kept secret. Cox inscribed a confidential message of appreciation to Draper in the first copy of the Lincoln pamphlet that came off the press.²⁵⁹ The Cox/Draper repatriation strategy included regular consultations to determine how material could be most profitably distributed to opinion leaders. Cox sent Draper "important information in this matter," as well as suggestions for contact with news columnists who might report favorably on the movement.²⁶⁰

Throughout the period of his collaboration with Bilbo, Cox reached out to Europeans whose views on "racial purity" matched his own. In 1938, he sent German Reichsminister Wilhelm Frick copies of the publications printed with Draper's funding. Cox described himself to Frick as a southerner "of Saxon descent" and noted the "common Teutonic heritage" he shared with Frick and his "high admiration" for Germany.²⁶¹

Bilbo remained the champion of Cox's hopes for legalizing "Negro repatriation" until his death in 1947. His own book, *Take Your Choice, Separation or Mongrelization*, was published that year, carrying an introduction by Cox.²⁶² To the end, Bilbo shared Cox's passion for repatriation and against racial mixing, which he

²⁵⁵ Letter from E.S. [Cox] to Col. Draper (Apr. 3, 1938) (on file with *Cox Papers*, *supra* note 26). The pamphlet was originally entitled *Let My People Go*. *Id.*

²⁵⁶ See Letter from E.S. Cox to Col. W.P. Draper (Apr. 8, 1938) (on file with *Cox Papers*, *supra* note 26).

²⁵⁷ See Letter from E.S. [Cox] to Dr. C.G. Campbell (June 16, 1938) (on file with *Cox Papers*, *supra* note 26) (requesting that Dr. Campbell "let Col. Draper know that we prize his assistance, which has led to such great success").

²⁵⁸ Letter from E.S. [Cox] to Col. Draper (June 12, 1938) (on file with *Cox Papers*, *supra* note 26). See also 83 CONG. REC. 6, 7347-70 (1938) *microformed on* 2569 CONG. REC., 75 Cong. 3rd Session. Apr. 28-Jun. 16, 1938, Fiche 216 (Univ. Microfilms Int'l) (discussing Bilbo's proposal to provide, *inter alia*, transportation to Liberia for any citizen who desired to migrate).

²⁵⁹ Letter from Earnest Sevier Cox to Col. Draper (Aug. 14, 1938) (on file with *Cox Papers*, *supra* note 26).

²⁶⁰ Letter from Earnest Sevier Cox [sic] to Col. W.P. Draper 1-2 (Sept. 15, 1938) (on file with *Cox Papers*, *supra* note 26).

²⁶¹ Letter from E.S. Cox to Dr. Wilhelm Frick, Secretary of Interior, Berlin, Germany 1 (Nov. 25, 1938) (on file with *Cox Papers*, *supra* note 26).

²⁶² BILBO, *supra* note 25, at 1-4.

predicted would result in a "motley melee of miscegenated mongrels."²⁶³

With Bilbo gone, Cox looked to another champion to carry his standard in the legislature. Taking up where Bilbo left off, Senator William Langer of North Dakota introduced a Liberian repatriation bill in every session of Congress from 1949 to 1955.²⁶⁴ In June of 1953, Cox traveled to Washington D.C. to testify before Langer's Subcommittee of the Committee on Foreign Relations concerning Senate Bill 138: "To Provide Aid to Persons in the United States Desirous of Migrating to the Republic of Liberia."²⁶⁵ Responding to Langer's questions, Cox had the opportunity to celebrate Draper's anonymous gifts on behalf of white supremacy:

[A] Northern man, a very rich man, wanted to do something for the movement, and wanted to put some colonization literature before the members of the Congress because the subject had not been discussed for seventy years. This wealthy Northern man selected my book, *White America* for distribution, and Senator Bilbo was reading *White America* on the Floor of the Senate, killing his time in the filibuster [on the anti-lynching bill], and in *White America* it is stated many times that the only way out of our situation was separation or amalgamation; that between two races who are in contact, that the only solutions that are possible of a race problem would be to mix their bloods or separate the races.²⁶⁶

After his appearance before Congress, Cox met with both Langer²⁶⁷ and Draper²⁶⁸ to discuss the subject. Draper agreed to contribute money to reprint the repatriation bill.²⁶⁹ It was distributed using Langer's congressional mailing privilege with a

²⁶³ GREEN, *supra* note 25, at 100.

²⁶⁴ See 95 CONG. REC. 6382-83, 6386-87 (daily ed. Wed., May 18, 1949); 96 CONG. REC. 68-73 (daily ed. Thurs., Jan. 5, 1950); 98 CONG. REC. A 602 (daily ed. Mon., Feb. 4, 1952); 99 CONG. REC. 155 (daily ed. Wed., Jan. 7, 1953); 101 CONG. REC. 153 (daily ed. Mon., Jan. 10, 1955); see also Letter from Earnest Sevier Cox to Dr. Ivey F. Lewis (May 27, 1955) (on file with *Cox Papers*, *supra* note 26).

²⁶⁵ *To Provide Aid to Persons In the United States Desirous of Migrating to the Republic of Liberia: Hearing on S.138 Before the Subcommittee of the Committee on Foreign Relations*, 83rd Cong. 47-50 (1953) (statement of Earnest Sevier Cox).

²⁶⁶ *Id.* at 47.

²⁶⁷ Letter from Earnest Sevier Cox to Sen. William Langer (July 27, 1953) (on file with *Cox Papers*, *supra* note 26).

²⁶⁸ Letter from Earnest Sevier Cox to Col. W.P. Draper (July 27, 1953) (on file with *Cox Papers*, *supra* note 26).

²⁶⁹ *Id.*

statement printed on the envelope which said "that it was a Negro colonization bill and supported by a great number of Negroes."²⁷⁰

Among the final letters between Cox and Draper was a telling exchange concerning Draper's absolute demand to maintain the confidentiality of his role in racial politics.²⁷¹ Cox had asked Draper for a personal photo to include in a short history of the repatriation movement he was writing.²⁷² Rebuffed by Draper, he apologized, noting, "I respect your distaste for publicity and know that your gifts were anonymous. We had never discussed whether my final records could record your gifts."²⁷³ As late as 1962, agents of the American Nazi Party wrote to Cox requesting several hundred copies of Cox's pamphlet, *Lincoln's Negro Policy*, which Draper had subsidized.²⁷⁴

III. INCORPORATION OF THE PIONEER FUND, 1937

A. Preliminary Steps

By 1937, Draper's involvement with the eugenics movement included holding a leadership position with the Immigration Restriction League, underwriting the Draper Essay contests for the Eugenics Research Association, meeting with Nazi eugenicists in Berlin, attempting to found a university based "Institute of Eugenics," and distributing *White America* to Congress to aid the "back to Africa" campaign.²⁷⁵ During the same period, Draper's colleague Laughlin had so successfully advanced the cause of eugenics and "racial hygiene" that he won the admiration of the Nazis and an honorary German degree.²⁷⁶ In late 1936, hopeful of a potential bequest from Draper, Laughlin offered to study Army Air Corps pilots—a group with demonstrated eugenical quality. He

²⁷⁰ Letter from E.S. Cox to Col. Draper (Aug. 11, 1953) (on file with *Cox Papers*, *supra* note 26).

²⁷¹ See Letter from Earnest S. Cox to Col. Wickliffe Draper (Sept. 14, 1957) (on file with *Cox Papers*, *supra* note 26).

²⁷² *Id.*

²⁷³ *Id.* Pioneer continues to deny any links to the repatriation movement. See *The Pioneer Fund Speaks Out Against False Charges*, Pioneer Fund Web Page, *supra* note 5. In response to the allegation that Pioneer "urged that blacks be shipped back to Africa," Pioneer's website replies that "Pioneer has never received a research proposal on the subject of repatriation. As to all 20 Pioneer directors serving since 1937, Pioneer does not know of one who 'advocated' or 'urged' repatriation or has taken a public position on the subject." *Id.*

²⁷⁴ Letter from Karl R. Allen, Captain, American Nazi Party, to Mr. Earnest S. Cox (Sept. 22, 1962) (on file with *Cox Papers*, *supra* note 26).

²⁷⁵ See *supra* Part II.A–D.

²⁷⁶ See *supra* Part I.A., D.

would investigate whether providing financial aid to support additional children would actually increase the birthrate among junior flying officers.²⁷⁷ Draper expressed hope that Laughlin might "work out something of eugenic value."²⁷⁸

Laughlin had a long-standing interest in determining the influences on "mate selection" and parenting choices. As early as 1917, he suggested that licensing people for the privilege of parenthood might become necessary unless "young married couples of our precious Nordic stock" begin to raise larger families.²⁷⁹ There was no philanthropic objective with more potential for return than "practical education in racial constitution" and "practical population-control," Laughlin exhorted.²⁸⁰ Control could be achieved by influencing the forces that governed immigration, as well as factors that increased child bearing "in favor of American racial strains."²⁸¹ With Draper's encouragement, the Air Corps study moved up Laughlin's list of projects that Draper might fund.²⁸² Laughlin's proposal on childbirth incentives shared several features with laws adopted in Germany to effect population policy. His *Eugenical News* had highlighted the German program earlier that year.²⁸³

The new year brought a flurry of activity between Draper and Laughlin. By early February, Draper had committed \$50,000 as seed money for a new foundation.²⁸⁴ Four names were proposed for it: "The Eugenics Fund," "The Genetics Fund," "The Pioneer Fund," and "The Research Foundation." But Draper's lawyer, Malcolm Donald, was wary of using the word "eugenics" in the title of the new foundation. Several organizations already included the term

²⁷⁷ Letter from H.H. Laughlin to Col. W.P. Draper (Sept. 14, 1936) (on file with *Laughlin Papers*, *supra* note 9).

²⁷⁸ Letter from W.P. Draper to Dr. Laughlin (Sept. 16, 1936) (on file with *Laughlin Papers*, *supra* note 9).

²⁷⁹ *Racial Values*, 2 EUGENICAL NEWS, Nov. 1917, at 92 (commenting on SETH K. HUMPHREY, MANKIND, RACIAL VALUES AND THE RACIAL PROSPECT (1917)).

²⁸⁰ Letter from Harry H. Laughlin (unsigned) to Col. W.P. Draper 1 (Dec. 23, 1936) (on file with *Laughlin Papers*, *supra* note 9).

²⁸¹ *Id.* at 2.

²⁸² See Harry H. Laughlin, *The Pioneer Foundation: Notes on getting the work under way* 2, 3 (unpublished manuscript, on file with *Laughlin Papers*, *supra* note 9); see also Harry H. Laughlin, *Short Notes on the Several Major Fields for Profitable Eugenical Research and Application in the United States in the Immediate Future* 1-2 (Oct., 1936) (unpublished notes, on file with *Laughlin Papers*, *supra* note 9).

²⁸³ See *The Fecund Shall Inherit the Earth*, 21 EUGENICAL NEWS, Jan.-Feb. 1936, at 19. The article noted Hitler's awards for "help[ing] hereditarily healthy large families regain the respect and understanding due them." *Id.*

²⁸⁴ Letter from Malcolm Donald, Esq., Herrick, Smith, Donald & Farley, to Mr. Harry H. Laughlin 2 (Feb. 19, 1937) (on file with *Laughlin Papers*, *supra* note 9).

"eugenics" in their titles, and some confusion might result if that term appeared again. He was also concerned that pilots and their families might find it amusing to learn they had been chosen for "eugenics purposes." To avoid potentially disruptive ridicule, Donald advised choosing "a more colorless name, such as 'Pioneer Foundation.'"²⁸⁵

Laughlin conferred with the Eugenics Research Association director Frederick Osborn about the name. Although both agreed that the word "eugenics" must be strengthened until it takes the high place in the public mind . . . it might be a dangerous name for the Fund."²⁸⁶ One worry was that such a name could attract "all sorts of people to make carelessly thought-out demands on the Fund."²⁸⁷ Both Laughlin and Osborn conceded that the "Pioneer Fund" would make a proper name for the new venture.²⁸⁸ In language reminiscent of his letters to Madison Grant, Laughlin reiterated that the Institute of American Eugenics would have the goal of "maintenance, improvement and increase of the superior foundation racial family-stock of America."²⁸⁹

Laughlin sent Draper a tentative agenda for the first Director's meeting and emphasized his commitment "to serve the purpose of race conservation and improvement to the fullest."²⁹⁰ The agenda outlined a budget to finance five discrete projects. First, \$5000 to study and \$27,000 to make grants "to encourage high fertility by junior flying officers of especially superior heredity."²⁹¹ Second, \$5000 to enhance eugenical education by developing American films on eugenics.²⁹² The third project earmarked \$2000 for development and sampling of a census card to be used for "population registration."²⁹³ The fourth project would require \$5000 for a eugenical survey of human resources for the state of Connecticut,²⁹⁴

²⁸⁵ *Id.*

²⁸⁶ Letter from Frederick Osborn to Malcolm Donald, Esq. (no date) (on file with John Marshall Harlan Papers, Seeley Mudd Library, Princeton University) [hereinafter *Harlan Papers*].

²⁸⁷ *Id.*

²⁸⁸ *Id.*

²⁸⁹ Harry H. Laughlin, *The Pioneer Foundation: Notes on getting the work under way* (unpublished manuscript at 7, *supra* note 282); Letter from H.H. Laughlin to Col. W.P. Draper (Feb. 24, 1937) (on file with *Laughlin Papers*, *supra* note 9).

²⁹⁰ Letter from H.H. Laughlin to Col. W.P. Draper, *supra* note 289.

²⁹¹ Harry H. Laughlin, *The Pioneer Foundation: Notes on getting the work under way* (unpublished manuscript at 2-3, *supra* note 282).

²⁹² *Id.* (unpublished manuscript at 2, 4).

²⁹³ *Id.* (unpublished manuscript at 2, 6); *see also A National Register of Population*, 4 EUGENICAL NEWS, Apr. 1919, at 35 (promoting a centralized population index).

²⁹⁴ Harry H. Laughlin, *The Pioneer Foundation: Notes on getting the work under way*

and the final project, which encompassed an institute of applied eugenics which Laughlin designated "[t]he Virginia Project," would cost \$1000.²⁹⁵ The remainder of Draper's initial \$50,000 contribution was assigned to administrative costs of staff, printing, and travel. Detailed plans on each project were attached. Laughlin continued: "I am sure that if the possibilities of practical eugenics, which your foundation makes possible, are realized that great and lasting good will be accomplished in the most patriotic development of racial ideals and in their maintenance by the American people."²⁹⁶

Each of the projects involved work Laughlin had already initiated or investigated. Several projects mimicked similar programs underway in Germany. The "positive eugenics" program of loans to military officers paralleled fertility-increasing schemes enacted by Germany and were highlighted in the *Eugenical News*.²⁹⁷

The filmmaking proposal was related to German films on eugenics that had already caught Draper's attention. One film secured from contacts Clarence Campbell made during travel in Germany²⁹⁸ was titled *Erbkrank* (The Hereditarily Defective).²⁹⁹ Laughlin proposed that the film be renamed "Applied Eugenics in Present Day Germany" and be made available for loan.³⁰⁰ He showed the film to child welfare workers in Connecticut, and *Eugenical News* advertised it as "prepared in Germany by German eugenicists."³⁰¹ He also promoted the film at the Annual Meeting of the Eugenics Research Association and at the Carnegie Institution in Washington, D.C.³⁰² Laughlin was encouraged in this audio-

(unpublished manuscript at 2–5, *supra* note 282).

²⁹⁵ *Id.* (unpublished manuscript at 2, 7).

²⁹⁶ Letter from H.H. Laughlin to Col. W.P. Draper, *supra* note 289.

²⁹⁷ See Marie E. Kopp, Ph.D., *The German Program of Marriage Promotion Through State Loan*, 21 *EUGENICAL NEWS*, Nov.–Dec. 1936, at 121 (identifying German programs that subsidized marriages, included sterilization, and promoted effective land settlements).

²⁹⁸ See Handwritten Notes from Harry H. Laughlin on Movie—German (Campbell), to Col. W.P. Draper (Dec. 1–Feb. 1, 1937) (on file with *Laughlin Papers*, *supra* note 9).

²⁹⁹ H.H. Laughlin, *Eugenics in Germany: Motion Picture Showing How Germany Is Presenting and Attacking Her Problems in Applied Eugenics*, 22 *EUGENICAL NEWS*, July–Aug. 1937, at 65. See also MICHAEL BURLEIGH, *DEATH AND DELIVERANCE: 'EUTHANASIA' IN GERMANY C.1900–1945*, at 183–92 (1994) (providing script details and describing the use of vivid imagery, "the film effortlessly blends prisons with psychiatric institutions, playing to existing prejudices").

³⁰⁰ See Letter from H.H. Laughlin to Col. W.P. Draper, *supra* note 289, and *The Pioneer Foundation: Notes on getting the work under way* (unpublished manuscript at 4, *supra* note 282). To complement the German version of the film, Laughlin believed that a similar production was possible based on American footage consisting of "pedigree analysis . . . [and] degenerate family strains." *Id.* (unpublished manuscript at 4).

³⁰¹ Harry H. Laughlin, *Eugenics in Germany*, *supra* note 299, at 65.

³⁰² See *The Twenty-Fifth Annual Meeting of the Eugenics Research Association*, 22 *EUGENICAL NEWS*, July–Aug. 1937, at 66–67.

visual approach to eugenics instruction by the comments of California eugenicist C.M. Goethe, who declared that he had rarely seen "propaganda . . . more convincing than the Nazi pictures of the imbecile, the moron compared with the flower of German youth."³⁰³ Laughlin also knew from the earlier eugenics essay contests that Draper was interested in hereditary mental illness.

Laughlin prepared a flyer describing the film and mailed it to over three thousand high school biology teachers.³⁰⁴ He described how Germany was "attacking her problems in applied eugenics."³⁰⁵ Laughlin included a description of the contents of the film as well.

The present subject is confined to the problem of hereditary degeneracy in the fields of feeble-mindedness, insanity, crime, hereditary disease and inborn deformity. As an introduction the film contrasts the squalid living conditions of normal children in certain German city slums with the finer and costly modern custodial institutions built for the care of handicapped persons produced by the socially inadequate and degenerate family-stocks of that country. The picture then shows specific types of human degeneracy accompanied by captions explaining the family history and descriptions of the near-kin of the particular subject-individual.³⁰⁶

Laughlin apprised Draper that he was "making continued use of the German film."³⁰⁷

Laughlin's proposal for a "census card" that would facilitate population registration by ethnic background was an outgrowth of collaboration with Madison Grant. Years before the Pioneer Fund's incorporation, Laughlin drafted a statement for the Galton Society entitled "Making the Federal Census of Greater Use in the Racial and Family Stock Development of the American People."³⁰⁸ The

³⁰³ Letter from C.M. Goethe to Dr. Laughlin 3 (Mar. 20, 1934) (on file with *Laughlin Papers*, *supra* note 9).

³⁰⁴ See PERNICK, *supra* note 16, at 165. "At least twenty-eight had booked the film by 1938." Letter from C.M. Goethe to Dr. Laughlin 3, *supra* note 303.

³⁰⁵ Harry H. Laughlin, *Eugenics in Germany: Motion Picture Showing How Germany Is Presenting and Attacking Her Problems in Applied Eugenics* (no date) (unpublished manuscript at 1, on file with *Laughlin Papers*, *supra* note 9).

³⁰⁶ *Id.* (unpublished manuscript at 1).

³⁰⁷ Letter from H.H. Laughlin to Col. W.P. Draper 1 (Mar. 15, 1937) (on file with *Laughlin Papers*, *supra* note 9).

³⁰⁸ Letter from H.H. Laughlin to Mr. Madison Grant (Apr. 10, 1929) (on file with *Laughlin Papers*, *supra* note 9) and attached Statement of the Galton Society on Making the Federal Census of Greater Use in the Racial and Family-Stock Development of the American People (unpublished memorandum, on file with *Laughlin Papers*, *supra* note 9).

census could be an efficient method for tracking "racial composition" in white people, and fractional measurements of "racial descent from particular European races."³⁰⁹ It could provide a "permanent registry" of all Americans, and could bring together the Bureau of the Census and state agencies for vital statistics.³¹⁰ Laughlin knew that similar card catalogues were already in use in some states not only to track ethnicity in whites, but also as a basis for monitoring attempts at inter-racial marriage or social integration of the races in violation of "racial integrity" laws.³¹¹

The Connecticut Survey of Human Resources was next on Laughlin's agenda—as a project that had failed to secure funding from either state government or the Carnegie Institution. He looked to Draper to favor this research as a base for public policy to conserve "foundational racial stocks and superior family strains."³¹²

The next item, Laughlin's plan to initiate a national institute of eugenics, was linked to his efforts to endow a center at the University of Virginia. His proposal to the Pioneer Fund reflected a long-term desire to both secure a more stable position for himself and gain financial independence for the Eugenics Record Office, which by 1936 was becoming more tenuous by the day.³¹³

Laughlin received a copy of the Pioneer Fund Certificate of Incorporation from Draper's lawyer. In order to understand the language of this document, it is necessary to review the work of Laughlin and Madison Grant in their attempt to develop a formal, legal definition of "The American Race." This effort was carried out over a number of years, but was clearly one of the objectives of

³⁰⁹ Statement of the Galton Society on Making the Federal Census of Greater Use in the Racial and Family-Stock Development of the American People (unpublished memorandum, on file with *Laughlin Papers*, *supra* note 9).

³¹⁰ *Id.*

³¹¹ See Letter from W.A. Plecker, M.D., Registrar of Vital Statistics, Commonwealth of Virginia, Bureau of Vital Statistics, State Department of Health, to Dr. H.H. Laughlin 1 (Nov. 24, 1928) (on file with *Laughlin Papers*, *supra* note 9) (stating that Virginia's Racial Integrity Law had only been adopted by two other states, Alabama and Georgia). The letter also discusses the agency's chief function with respect to the "Racial Integrity Law." *Id.* at 2. See also W.A. Plecker, *Race Mixture and the Next Census*, 2 EUGENICS, Mar., 1929, at 4 (on file with *Laughlin Papers*, *supra* note 9) (arguing that ascertaining each individual's precise racial status is vital to preserve the white race); *A Proposed Census Card*, in A DECADE OF PROGRESS IN EUGENICS, *supra* note 68, at Plate 20 (on file with *Laughlin Papers*, *supra* note 9) (explaining a projected "Census Card" would indicate each resident's ancestral history).

³¹² Letter from H.H. Laughlin to Col. W.P. Draper 1, *supra* note 307; see also Letter from H.H. Laughlin to Mr. John B. Trevor 1 (Dec. 8, 1938) (on file with *Laughlin Papers*, *supra* note 9) (explaining that the study included research concerning a state's sovereign authority to establish "racial standards").

³¹³ See Allen, *supra* note 17, at 251–52 (discussing the Carnegie Foundation's decision to close the Eugenics Record Office).

Grant's book, *The Conquest of a Continent*. The discussions that surrounded that book's publication are the key to the language of Pioneer's original charter.

B. The Conquest of a Continent and the Pioneer Charter

"Racial integrity" was an abiding concern for Grant.³¹⁴ He celebrated the Nordic man of conquest who lived on the frontier and thrived on "[h]eavy, healthful work in the fields."³¹⁵ In contrast to the puny Mediterranean types, the "Nordic blond . . . needs exercise, meat, and air, and cannot live under Ghetto conditions."³¹⁶ Grant's first book included a detailed map of the "Expansion of the Teutonic Nordics and Slavic Alpines," showing the predominance of "Nordic blood" in the Anglo-Saxons of Great Britain.³¹⁷ It echoed Francis Galton, who placed Anglo-Saxons at the pinnacle of civilizations that could claim Nordic ancestry.³¹⁸

Throughout the 1920s, Laughlin and Grant collaborated on immigration restriction laws that would prevent the further mixing of American Nordics with "inferior" Europeans. By the time of Grant's second book, the two were regular correspondents. In 1932, Grant turned to Laughlin for assistance in editing sections of the new book detailing what Grant perceived to be the Nordic conquest of America.³¹⁹ Laughlin suggested changes to soften Grant's contemptuous reference to Indian Hindus and disparaging comments about democracy among nonwhite populations.³²⁰ Laughlin also critiqued Grant's speculation that "the remainder of the Jews could be prevented from coming to the United States."³²¹ "This has a tinge of 'Damn Jew' about it," Laughlin cautioned.³²² Laughlin added his own personal feelings in a confidential aside:

³¹⁴ GRANT, *THE PASSING*, *supra* note 74, at 56. "When it becomes thoroughly understood that the children of mixed marriages between contrasted races belong to the lower type, the importance of transmitting in unimpaired purity the blood inheritance of ages will be appreciated in its full value, and to bring half-breeds into the world will be regarded as a social and racial crime of the first magnitude." *Id.*

³¹⁵ *Id.* at 186.

³¹⁶ *Id.*

³¹⁷ *Id.* at Plate III.

³¹⁸ See Galton, *supra* note 8, at 393–99 (comparing different "races" throughout history).

³¹⁹ See Letter from H.H. Laughlin to Madison Grant, Esq. (Nov. 19, 1932) (on file with *Laughlin Papers*, *supra* note 9) (explaining that despite a few instances where there were problems with references, overall the book was supported by evidence and was "honest, vigorous, and militant").

³²⁰ *Id.*

³²¹ *Id.* at 2.

³²² *Id.*

Not for publication: Whether we like it or not, a Jew must be assimilated or deported. The deportation of four million Jews would be many times more difficult than the repatriation of three times as many Negroes. The Jew is doubtless here to stay and the Nordics' job is to prevent more of them from coming.³²³

Laughlin urged that the book should nevertheless denounce toleration of "alien stock who [promote their] own racial interests."³²⁴ Laughlin suggested that the remedy for such attempts should be deportation of anyone who opposes efforts by "Old American stocks to promote fundamental American interests."³²⁵

Grant invited Laughlin to suggest a title for the book. Laughlin's choice was "The American Breed: The Differential Expansion of Races in America."³²⁶ "The American Breed" was a favorite phrase Laughlin used to describe America's embattled Nordics.³²⁷ Anticipating a speech to the Daughters of the American Revolution, Laughlin once said: "I shall be anxious to see how the members of this organization respond when anyone happens to stand up for the American breed of man."³²⁸

The book was ultimately published as *The Conquest of a Continent: The Expansion of Races in America*. The publisher summarized Grant's thesis as an analysis of "the racial origins of the settlers of the original colonies"³²⁹ that proved that when America was founded "the white population was ninety-nine per cent Nordic."³³⁰

Laughlin drafted a promotional letter for distribution to every high school history teacher in the nation.³³¹ A letter sent to other potential readers captured the tone of Grant's book, making explicit the Nazi/American parallels:

³²³ *Id.*

³²⁴ *Id.* at 3.

³²⁵ *Id.*

³²⁶ Letter from Harry H. Laughlin (unsigned) to Madison Grant, Esq. (Feb. 23, 1933) (on file with *Laughlin Papers*, *supra* note 9).

³²⁷ See Letter from Harry H. Laughlin (unsigned) to Mr. Grant 1 (Oct. 28, 1936) (on file with *Laughlin Papers*, *supra* note 9).

³²⁸ Letter from Harry H. Laughlin to Madison Grant (no date) (on file with *Laughlin Papers*, *supra* note 9).

³²⁹ Press Release, R.V. Coleman, National Book Buyers' Service, *THE CONQUEST OF A CONTINENT* (on file with *Laughlin Papers*, *supra* note 9).

³³⁰ *Id.*

³³¹ See Letter from R.V. Coleman, Charles Scribner's Sons, to Harry H. Laughlin, Esq. (Nov. 27, 1933) (on file with *Laughlin Papers*, *supra* note 9) (stating that the publisher was "tremendously indebted" to Laughlin for his suggestions regarding publicity).

TO THOSE INTERESTED IN THE FUTURE OF AMERICA:

We have just published a provocative book for a day when national consciousness is awakening throughout the world—*THE CONQUEST OF A CONTINENT*, by Madison Grant.

National problems today are, at bottom, race problems. Herr Hitler has stated that problem for Germany—and is working out his own solution. We in America have our own problem—but we do not seem to recognize its seriousness.

In this new book Mr. Grant explodes the "Melting Pot" fallacy with cold figures. He calls our attention to the fact that because we have always considered America the refuge of the oppressed, we have let ourselves in for grave difficulties.³³²

The pages of Grant's book provide a glossary for the terminology that made its way into the corporate charter of the Pioneer Fund. The thesis of *The Conquest of a Continent* is that America is a "Nordic" nation and the Nordics are a race of conquerors. Beginning in northern Europe and Scandinavia, Nordics invaded the British Isles.³³³ They remained in eastern England and Northern Ireland, known as the Anglo-Saxons. Eventually tiring of the urbanization of Britain and seeking other lands to conquer, many Anglo-Saxons migrated to America.³³⁴ By Grant's analysis, the population of colonial America was white in color, English in culture, and Nordic in bloodline.³³⁵ "Nordic character," or racial fitness, contributed to the survival of the New Englanders "in a region where nature took a heavy toll of weaklings."³³⁶ As a result, American "population and . . . institutions remained overwhelmingly Anglo-Saxon down to the time of the Civil War."³³⁷

To Grant, as to many of his contemporaries, the Anglo-Saxon was "the archetype of the most desirable branch of the Teutonic race."³³⁸ The Nordics had overtaken America, just as they had the British Isles a millennium earlier. They forged a new nation, living out

³³² Press Release, Charles Scribner's Sons (Nov. 1933) (on file with *Laughlin Papers*, *supra* note 9).

³³³ See GRANT, *THE CONQUEST*, *supra* note 76, at 40.

³³⁴ See *id.* at 65–66.

³³⁵ See *id.* at 2–3, 66 (explaining that much of the colonial population consisted of "yeomen and the lesser gentry").

³³⁶ *Id.* at 91–92.

³³⁷ *Id.* at 2–3.

³³⁸ BARBARA MILLER SOLOMON, *ANCESTORS AND IMMIGRANTS: A CHANGING NEW ENGLAND TRADITION* 60 (1956).

their destiny to inhabit the continent. Other branches of Saxons, such as the Scots of tidewater Virginia, also demonstrated "the characteristics of the ideal pioneer."³³⁹ As a result of the importation of African slaves, combined with the "tumultuous and frantic invasion" by "Polish Jews" and other inferior immigrant groups from the decaying cities of Europe and Mexico, America had been transformed.³⁴⁰

Grant, echoing Laughlin's research,³⁴¹ asserted that most leaders of American government were still of the "old American stock"; leaders of science, education and the military were "still overwhelmingly Nordic."³⁴² Discussing the remaining "white men," who were "determined to maintain a white ownership of the country," Grant noted that the country was "swamped by French-Canadians and Polaks [sic]" along with southern and eastern European aliens who settled in the industrial centers of the Northeast.³⁴³ In contrast, settlers of the American West were "determined" in the face of "swarm[s] [of] the Chinese, the Japanese, the Mexican[s] [and] the Filipino[s]."³⁴⁴

The salvation of the country rested on enforcement of the National Origins restrictions written into the 1924 Immigration Restriction Act.³⁴⁵ "No one should be allowed to enter the United States . . . except white men of superior intellectual capacity."³⁴⁶ We should also "sympathize with the firm resolve of the handful of white men in South Africa . . . to control and regulate the Negro population there,"³⁴⁷ as we sympathize with "[t]he struggle for the

³³⁹ GRANT, *THE CONQUEST*, *supra* note 76, at 78.

³⁴⁰ *Id.* at 223–24.

³⁴¹ See Letter from H.H. Laughlin, Secretary, Eugenics Research Association, to Editor, Indianapolis Star (Mar. 26, 1927) (on file with *Laughlin Papers*, *supra* note 9); Letter from H.H. Laughlin, Secretary, Eugenics Research Association, to Sen. Frank L. Smith (Feb. 21, 1927) (on file with *Laughlin Papers*, *supra* note 9). In 1927, Laughlin conducted a survey of every United States Senator to compile "geographical and ancestral records" for the Eugenics Research Association. *Id.* The goal of the survey, to which almost every Senator responded, was a description of the Senate focusing on the "European racial descent (such as English, Scotch Irish, German, French)" of the members. Letter from H.H. Laughlin, Secretary, Eugenics Research Association, to Editor, Indianapolis Star (Mar. 26, 1927) (on file with *Laughlin Papers*, *supra* note 9); see also Harry H. Laughlin, *A Definite Eugenical Use for the Census*, 2 *EUGENICS*, Mar. 1929, at 8, 10 (on file with *Laughlin Papers*, *supra* note 9).

³⁴² GRANT, *THE CONQUEST*, *supra* note 76, at 347.

³⁴³ *Id.* at 355.

³⁴⁴ *Id.* at 354.

³⁴⁵ Immigration Act of 1924, ch. 190, 43 Stat. 153, *repealed* by Immigration and Nationality Act, ch. 447, §§201-19, 221-27, 229-31(52), 66 Stat. 279 (1952).

³⁴⁶ GRANT, *THE CONQUEST*, *supra* note 76, at 349.

³⁴⁷ *Id.* at 353.

maintenance of the supremacy of the white man over the native" in other parts of the world.³⁴⁸

"[T]he Nordic race," Grant concluded, "has built up, protected, and preserved Western civilization" and must be ready to take the torch from a weakened Europe.³⁴⁹ "The fundamental question for this nation . . . is for the community itself to regulate births by depriving the unfit of the opportunity of leaving behind posterity of their own debased type."³⁵⁰ Americans must "take all eugenic means to encourage the multiplication of desirable types and abate drastically the increase of the unfit and miscegenation by widely diverse races."³⁵¹

Laughlin's review of Grant's book was published in *Eugenical News*. He praised the volume as "an epic in race biology" filled with the "heroic narrative" story of "selecting human seed-stock" to settle America. "[T]he death struggle with rival races" and the forces of Nature insured that "only the fittest races and the strongest pioneer stocks survived to reproduce their kind." In Grant's story of the peopling of the American frontier, "the part played by the Nordic stock constitutes the dominant theme," Laughlin declared. "It is up to us, the American people, now to decide whether by sound eugenical policy we shall strengthen our own racial stock and inborn family qualities," Laughlin concluded.³⁵²

In the year after *The Conquest of a Continent* appeared, Laughlin assisted Grant in writing a legal "definition of the American Race" that could be used in future immigration restriction law.³⁵³ "The racial stock of the American people," he said, "is fundamentally the stock of northwestern Europe with small percentages of blood from other white races."³⁵⁴ He decried the rise of industrialism and flood of cheap immigrant labor that polluted the originally pristine colonial Nordics.³⁵⁵ He wistfully recalled "old times when an immigrant in America had in mind not wages but the building of a family in a pioneer frontier."³⁵⁶ The early American's work ethic, initiative, and physical and moral worth had been tested. His

³⁴⁸ *Id.*

³⁴⁹ *Id.* at 356–57.

³⁵⁰ *Id.* at 351.

³⁵¹ *Id.* at 352.

³⁵² *The Conquest of a Continent*, 18 EUGENICAL NEWS, Nov.–Dec. 1933, at 113–15.

³⁵³ Letter from Harry H. Laughlin to Madison Grant, Esq. 1 (June 22, 1936) (on file with *Laughlin Papers*, *supra* note 9).

³⁵⁴ Harry H. Laughlin, *The Definition of an American* (unpublished manuscript at 1, *supra* note 11).

³⁵⁵ *See id.* (unpublished manuscript at 2).

³⁵⁶ *Id.*

characteristics were "the pioneer qualities."³⁵⁷ Laughlin's definition incorporated "the standards in race, in physical stamina, in intellectual capacity and in the force of character which stamped the early American pioneers."³⁵⁸ It would emphatically exclude the nonwhite, particularly the Jew.

Grant replied enthusiastically: I have your letter of the 22nd with its extremely interesting enclosure. [On the definition of the American Race] I entirely agree with you, of course, that the use of the word "Caucasian" is better than that of "White." The Jews can and do claim that they are White, but they can hardly claim that they are "Caucasian," although, perhaps, they do claim it.

We should say that all ancestors of true Americans should be born in the thirteen colonies or the territory east of the Mississippi prior to Independence

As to race, the population was overwhelmingly Nordic.³⁵⁹

Laughlin shared his notes defining "the American Race" with Wickliffe Draper, who ratified the need to define what it meant to be of "white Anglo-Saxon" descent.³⁶⁰ "If the term 'American Race' is to become common in popular usage," Laughlin wrote, "we need more precise facts and figures about the specific race-fractions within the boundaries of the original United States."³⁶¹ Facts about the "distribution of the population of the original United States at the beginning of independence"³⁶² would equip the eugenicists "to fight before Congress and the legislators,"³⁶³ and would be available "for text books [sic] and general educational and publicity purposes in defense of the ethnic character of the American race."³⁶⁴

Laughlin's last work on Grant's behalf was an attempt to secure an honorary degree from Yale for the aging author to recognize his historical research on "pioneer racial stocks of America."³⁶⁵ Laughlin's obsession with the mythical Nordic conquerors of North America, the white "pioneers" who settled the original thirteen

³⁵⁷ *Id.*

³⁵⁸ *Id.* (unpublished manuscript at 3).

³⁵⁹ Letter from Madison Grant to Dr. Laughlin 1 (July 28, 1936) (on file with *Laughlin Papers*, *supra* note 9).

³⁶⁰ *Id.*

³⁶¹ *Id.*

³⁶² *Id.*

³⁶³ *Id.*

³⁶⁴ *Id.*

³⁶⁵ *Id.*

colonies, is memorialized in the Certificate of Incorporation of the Pioneer Fund, which lists its purposes as follows:

A. To provide or aid in providing for the education of children of parents deemed to have such qualities and traits of character as to make such parents of unusual value as citizens, and, in the case of children of such parents whose means are inadequate therefor, to provide financial aid for the support, training, and start in life of such children.

The children selected for such aid shall be children of parents who are citizens of the United States, and in selecting such children, unless the directors deem it inadvisable, consideration shall be especially given to children who are deemed to be descended predominantly from white persons who settled in the original thirteen states prior to the adoption of the Constitution of the United States and/or from related stocks, or to classes of children the majority of whom are deemed to be so descended.

Subject to the requirement that the Corporation shall be administered for strictly charitable objects, and in so far as it may be found practicable so to do, the foregoing purposes shall be carried out in such a manner as to give assurance to parents of the character described that their children shall not lack an adequate education or start in life and thus to encourage an increase in the number of children of such parents, and in so far as the qualities and traits of such parents are inherited, to aid in improving the character of the people of the United States.

B. To conduct or aid in conducting study and research into the problems of heredity and eugenics in the human race generally and such study and such research in respect to animals and plants as may throw light upon heredity in man, and to conduct or aid in conducting research and study into the problems of race betterment with special reference to the people of the United States, and for the advance of knowledge and the dissemination of information with respect to any studies so made or in general with respect to heredity and eugenics.³⁶⁶

The document includes typical legal provisions concerning its charitable objectives. Its substantive purposes, however, reflect the

³⁶⁶ See Certificate of Incorporation, *supra* note 4, at 1–3. The phrase “white persons” was amended to “persons” in 1985.

eugenic ideology that characterized discussions among Laughlin, Draper, and Grant in their search for a workable definition of the "American Race." Their interest in creating a legal definition of race mirrored the efforts of the Nazis during the same period, particularly in the Nuremberg Laws, "for the Protection of German Blood."³⁶⁷

The language of "race" could be elusive. Laughlin believed the German notion of "race hygiene" was not incompatible with eugenics, since Francis Galton himself, founder of the Eugenics movement, "never intended to bar discussions on racial differences from Eugenics."³⁶⁸ Laughlin sometimes used the term "race" as a designation for the conventional classifications of "Caucasian," "Negro," "etc."³⁶⁹ But "The American Race," "American stock," and "American Breed" are phrases that appear repeatedly in Laughlin's work as code names for ethnicity. Laughlin's writing about the "American Race" focused on the various "ethnic stocks" who settled in the United States. Limiting the definition of "true Americans" to people born in the original thirteen colonies prior to American independence would have the effect of including primarily "Nordic" peoples and excluding southern Europeans, Jews, Asians, and Africans. This "biological standard" would assist when laws were written to exclude those who were not part of the "American Race" or in any other public policy initiatives that aimed for "racial improvement."³⁷⁰

The incorporation papers focused on two activities. The first purpose was to subsidize the upbringing and education of children.³⁷¹ The potential beneficiaries of this aid were to be children of parents whose character traits reflected their "unusual value as citizens."³⁷² The candidates for Pioneer Fund support had to be chosen from people "descended predominantly from white persons who settled in the original thirteen states prior to the

³⁶⁷ See PROCTOR, *supra* note 71, at 132 (explaining that among the Nuremberg Laws was the Blood Protection Law which "specified very precisely which . . . groups could marry").

³⁶⁸ *New German Etymology for Eugenics*, 19 EUGENICAL NEWS, Sept.-Oct. 1934, at 125.

³⁶⁹ See Letter from H.H. Laughlin to Mr. Madison Grant (May 21, 1931) and attached Memorandum on Classification of the Races of Hominidae 1-2 (on file with *Laughlin Papers*, *supra* note 9).

³⁷⁰ See Letter from H.H. Laughlin to Col. W.P. Draper (Sept. 14, 1936) and attached Short Notes on the Several Major Fields for Profitable Eugenic Research and Application in the United States in the Immediate Future (on file with *Laughlin Papers*, *supra* note 9) (arguing that there needs to be "[c]loser collaboration with the several States in locating and deporting alien inadequates . . .").

³⁷¹ See Certificate of Incorporation, *supra* note 4, at 1-2.

³⁷² *Id.*

adoption of the Constitution of the United States and/or from related stocks."³⁷³ The object of this aid was "to encourage an increase in the number of children of such parents"³⁷⁴ and, consequently, to improve the character of United States citizens by the proliferation of positive "qualities and traits" passed down from earlier generations.³⁷⁵ Providing an incentive to increase births of white, "true Americans" was the first corporate project of the Pioneer Fund.

The second enumerated purpose included research and publicity to fortify the assumptions upon which the definition of the "American Race" was based.³⁷⁶ "Study and research into the problems of heredity and eugenics . . . and . . . problems of race betterment"³⁷⁷ were to be focal points for Pioneer subsidies. "[D]issemination of information" concerning Pioneer funded studies was also sanctioned as a corporate objective.³⁷⁸

Laughlin's hand in writing the Pioneer Fund's mission statement is obvious and his contribution is inescapable. His goals for eugenic study are captured in language borrowed directly from the proposals he sent to Draper. They echo the major themes of Madison Grant's *The Conquest of a Continent*. The attempt to define the "American Race" also figures prominently in the incorporation document. An increase in "eugenic births," the funding of eugenic research and the dissemination of research findings were all long-term objectives of all of Laughlin's work. The Pioneer Fund began as a reflection of the long-term aspirations of Laughlin and Draper to formalize a white supremacist agenda as the goal of eugenical science.

C. Setting the Pioneer Agenda

The Board of Directors of the Pioneer Fund met for the first time on March 22, 1937. Draper's lawyer, Malcolm Donald, was named as Treasurer for the Fund. Laughlin joined Draper as a Board member and the Fund's first President. Frederick Osborn of the Eugenics Research Association was elected Secretary.³⁷⁹

³⁷³ *Id.* at 2.

³⁷⁴ *Id.*

³⁷⁵ *Id.* at 1.

³⁷⁶ *See id.* at 2–3.

³⁷⁷ *Id.*

³⁷⁸ *Id.* at 3.

³⁷⁹ Minutes, The Pioneer Fund, Inc., Annual Meeting of Board of Directors 1 (March 22, 1937) (on file with *Laughlin Papers*, *supra* note 9) (naming the persons "duly elected to the offices" stated).

Frederick Osborn was a nephew of Henry Fairfield Osborn, president of the American Museum of Natural History and a longtime ally of Charles Davenport and Madison Grant.³⁸⁰ Laughlin had eulogized the elder Osborn as a eugenical "pioneer," and named him, with Davenport and Grant, as part of the "triumvirate of great leaders" responsible for establishing eugenics as "the science of breed-improvement" in America.³⁸¹

Though he was an active participant in eugenical organizations, Frederick Osborn's views diverged dramatically from those of his uncle. The younger Osborn's aspirations for American eugenics also sharply contrasted with Laughlin's plans. Frederick Osborn characterized the racist and anti-Semitic sentiments of Laughlin, Charles Davenport, and Madison Grant, as "propagandist eugenics."³⁸² Despite his distance from Laughlin and his ilk, and like most of his colleagues in the American Eugenics Society in the 1930s, Osborn did not hesitate to endorse compulsory eugenic sterilization of the mentally ill or restrictions on immigration,³⁸³ and to voice caution against miscegenation.³⁸⁴

The final Pioneer board member was John Marshall Harlan. Harlan began law practice as a member of the New York firm of Root, Clark, Buckner, and Howland.³⁸⁵ The grandson of an earlier

³⁸⁰ See RONALD RAINGER, AN AGENDA FOR ANTIQUITY: HENRY FAIRFIELD OSBORN & VERTEBRATE PALEONTOLOGY AT THE AMERICAN MUSEUM OF NATURAL HISTORY, 1890-1935 54, 149, 295 nn.93, 94 (1991) (noting that the elder Osborn wrote the forwards to two of Grant's books).

³⁸¹ Letter from Harry H. Laughlin to Madison Grant, Esq. (Nov. 11, 1935) (on file with *Laughlin Papers*, *supra* note 9).

³⁸² See KEVLES, *supra* note 15, at 252. Osborn's thoughts on the use of eugenics as an instrument of social change are summarized in his book, FREDERICK OSBORN, PREFACE TO EUGENICS (1940).

³⁸³ See FRANK LORIMER & FREDERICK OSBORN, DYNAMICS OF POPULATION: SOCIAL AND BIOLOGICAL SIGNIFICANCE OF CHANGING BIRTH RATES IN THE UNITED STATES 334-37 (1934) (noting with favor that sterilizations were usually accomplished with the individuals' consent).

³⁸⁴ *Id.* at 338 (claiming that mixed-race relationships typically were "marked by lack of mutual respect . . .").

³⁸⁵ The law firm with which Harlan began his career had been founded by Elihu Root, Sr., who served as Secretary of War under Presidents McKinley and Theodore Roosevelt, Secretary of State under Roosevelt, and as a United States Senator from New York. Root won the Nobel Peace Prize in 1912. Root and Madison Grant served on the committee that planned the Bronx Zoo. Grant sent Root a complimentary copy of his book *The Conquest of a Continent* and the aging former Senator responded that he "appreciate[d] a great deal" Grant's account of "the Nordic settlement of America" since his ancestors "practically all came from England." Root was optimistic that, despite difficulties, America's "original Nordic stock" would be preserved. Letter from Elihu Root to Madison Grant, Esq. (June 11, 1934) (on file with *Laughlin Papers*, *supra* note 9). Grant shared the letter with Laughlin who was "particularly pleased" at its "true American sentiment." Letter from Harry H. Laughlin (unsigned) to Mr. Madison Grant (Aug. 7, 1934) (on file with *Laughlin Papers*, *supra* note 9).

Supreme Court Justice, Harlan gained public notoriety in a trial where he successfully refuted private claims to a \$40 million estate that had been left to a charity.³⁸⁶ The Pioneer founders probably asked Harlan to work with them because of the expertise he had developed in practice representing non-profit organizations.³⁸⁷ Harlan served as a Pioneer Fund board member from the inception of the Fund in 1937 until 1954, when he was nominated to be a federal appellate court judge.³⁸⁸ He was named Justice of the United States Supreme Court the following year.

Several of Laughlin's long-term projects were discussed at the Board meeting as possible undertakings for the Fund to promote. Apparently, Draper was less interested in those projects than in exploring a program of grants to encourage high fertility by junior flying officers in the Army Air Corps who were possessed of "especially superior heredity."³⁸⁹ Laughlin and Osborn were appointed to a committee to conduct a feasibility study and develop a financial aid plan for the Flying Corps officers. The proposed study provided that specific attention would be given to "the qualities and traits" of officers and their wives in an attempt to correlate the effect of financial subsidies with the tendency to have more children.³⁹⁰

Choosing pilots as the focal point of Pioneer's first eugenic experiment was consistent with both eugenical theory and popular culture. Between the World Wars, books and films in both the United States and Germany accorded special prestige to the Air Force fighter pilot as a master of conquest, regarded most highly among the military services.³⁹¹ The image of the aviator as a "lone

Root was memorialized upon his death by Laughlin as "always a firm friend of eugenics." *Obituaries. Elihu Root.*, 22 EUGENICAL NEWS, Jan.-Feb. 1937, at 10.

³⁸⁶ See TINSLEY E. YARBROUGH, JOHN MARSHALL HARLAN: GREAT DISSENTER OF THE WARREN COURT 44-51 (1992) (stating that over 2300 persons made claims to the estate of Ella Wendel, while Harlan, among others, defended the will made by the decedent).

³⁸⁷ Draper would later turn to a junior associate of Harlan, Harry Weyher, when he needed a new president for Pioneer. Weyher worked with Harlan on a crime commission before becoming involved in Fund administration.

³⁸⁸ See YARBROUGH, *supra* note 386, at 82.

³⁸⁹ Minutes, The Pioneer Fund, Inc., Annual Meeting of Board of Directors 2 (Mar. 22, 1937) (on file with *Laughlin Papers*, *supra* note 9). Copies of the founding documents of the Pioneer Fund and details of the Air Force Aviators study and scholarship program are on file with *Harlan Papers*, *supra* note 286. A recent *Wall Street Journal* article traced the lives of two brothers whose family received payments as part of the Pioneer Fund's first initiative in the late 1930s to encourage additional births among Army Air Corps servicemen. See Douglas A. Blackmon, *A Breed Apart: A Long-Ago Effort to Better the Species Yields Something Else*, WALL ST. J., Aug. 17, 1999, at A1.

³⁹⁰ Minutes, The Pioneer Fund, Inc., *supra* note 389, at 3.

³⁹¹ See JAMES S. CORUM, THE LUFTWAFFE: CREATING THE OPERATIONAL AIR WAR 1918-

eagle" possessed of the right stuff was also aided by the example of Charles Lindbergh, the most famous celebrity of the 1920s and another eugenics enthusiast.³⁹² Just five years after Lindbergh's triumphant solo flight across the Atlantic, Charles Davenport invoked the image of the aviator as the model of eugenic superiority.³⁹³ In his Presidential address at the Third International Congress of Eugenics in 1932, Davenport contrasted the emotions one might feel at the death of the eugenically worthy aviator to the feelings triggered by the death of the eugenically unworthy. "One may even view with satisfaction the high death rate in an institution for low grade feeble-minded," Davenport commented, "while one regards as a national disaster the loss of a bold and successful aviator."³⁹⁴

Laughlin and Draper shared Davenport's interest in aviators as prime eugenical specimens.³⁹⁵ They also shared Davenport's disgust at the "feeble-minded" and "socially inadequate" who crowded America's charitable institutions. A second project approved at the first Pioneer meeting confirms this consensus. After agreement was reached on the Air Corp study, Laughlin urged more "eugenical education by new American-made motion pictures."³⁹⁶ Laughlin wished to follow the distribution of the Nazi eugenics film, with its dramatization of the social costs of institutions for the "mental deficient," with an American version. The board added the film as another item for a feasibility study, requesting a report on "the cost and advisability of preparing a film on the problems of social inadequacy."³⁹⁷

Following the meeting, Osborn quickly established himself as the point of contact for the Air Force study. The preliminary choice to direct it was psychologist John C. Flanagan. Osborn solicited the

1940, at 102 (1997) (asserting that as a result of their favorable portrayals, countries had little trouble recruiting only the "best and brightest" to become military aviators).

³⁹² See A. SCOTT BERG, LINDBERGH 394 (1998) (quoting Lindbergh as saying that peace was only possible if "we band together to preserve that most priceless possession, our inheritance of *European blood*, only so long as we guard ourselves against attack by foreign armies and dilution by foreign races") (emphasis added).

³⁹³ See Charles Davenport, *Presidential Address Before the Third International Congress of Eugenics*, 27 EUGENICAL NEWS, July–Aug. 1932, at 92.

³⁹⁴ *Id.* Davenport's interest in military men was demonstrated in his earlier study of Naval officers, which concluded that the characteristics appropriate for a successful military career in the Navy were inherited. See generally CHARLES BENEDICT DAVENPORT, NAVAL OFFICERS, THEIR HEREDITY AND DEVELOPMENT (1919). Davenport wrote in the tradition of Sir Francis Galton's studies of other professionals. See generally Galton, *supra* note 8.

³⁹⁵ See *The Successful Aviator*, 4 EUGENICAL NEWS, Jan. 1919, at 7.

³⁹⁶ Minutes, The Pioneer Fund, Inc., *supra* note 389, at 2.

³⁹⁷ *Id.* at 3.

support of the other Pioneer directors to insure that Flanagan would be given "a free hand in the technical aspects of his work."³⁹⁸

Osborn, who later was commissioned as a general during World War II, used personal contacts to lobby senior military officials and the Secretary of War. He requested access to the would-be study subjects and their records.³⁹⁹ In Washington, Osborn learned that the Air Force had "very considerable records" on its personnel, "including previous training, parentage, race, religion, age at marriage, [and] number of children from year to year."⁴⁰⁰ Each officer also had "a personal and confidential efficiency record" that would be available to the researchers. Osborn directed Flanagan to develop a detailed plan for the Pioneer Fund Board.⁴⁰¹

Flanagan's plan was ambitious. He began his proposal with a summary of the purpose of the Pioneer Fund: "My understanding is that the fundamental purpose for which the Pioneer Fund was created is the improvement of the human race. The general method chosen to further this end is to secure an increase in the birth rate among superior groups."⁴⁰² The study of Air Force families was to serve as a model for understanding "suitable methods" for increasing the birth rate among such groups.⁴⁰³ But Flanagan thought that a simple correlation study that tracked the income of aviators and the size of their families would be worthless. "[I]t is essential," he wrote, "to know more about the factors which determine [the] size of [the] family."⁴⁰⁴ Factors that might be pertinent could include "religion, contraceptive information, physical condition, environment, personality traits, temperament, attitudes, ambitions, and desires."⁴⁰⁵ It would also be necessary, rather than just presuming that aviators represent a superior group, to actually evaluate them against the "general population."⁴⁰⁶

Flanagan drafted a budget that would require \$24,400 to outfit a fully equipped office in Washington D.C.⁴⁰⁷ Funds were also

³⁹⁸ Letter from Frederick Osborn (unsigned) to Malcolm Donald, Esq. 1 (Apr. 28, 1937) (on file with *Harlan Papers*, *supra* note 286).

³⁹⁹ Letter from Frederick Osborn to H.H. Laughlin, Esq. 1 (May 21, 1937) (on file with *Laughlin Papers*, *supra* note 9).

⁴⁰⁰ *Id.*

⁴⁰¹ *Id.*

⁴⁰² John C. Flanagan, Proposed Plans for a Study of the Family Life of Army Aviators, Submitted to the Board of Trustees of the Pioneer Fund (June 1, 1937) (on file with *Laughlin Papers*, *supra* note 9).

⁴⁰³ *Id.*

⁴⁰⁴ *Id.*

⁴⁰⁵ *Id.*

⁴⁰⁶ *Id.*

⁴⁰⁷ *Id.* at 4.

earmarked for an advisory committee composed of a psychologist, a physician, a sociologist, a statistician, an economist and a psychiatrist.⁴⁰⁸ The proposal was distributed to the Pioneer directors for discussion at their next meeting.

Osborn was aware that Laughlin was interested in pursuing data collection and analysis himself, a point Laughlin made obvious by objecting to moving too quickly with Flanagan's plan.⁴⁰⁹ Osborn, however, was uncomfortable allowing Laughlin too much discretion, and he was suspicious of Laughlin's competence to manage the technical details of the study. Osborn urged Laughlin to make the most of the "great opportunity to make [the] Fund a success, with a corresponding contribution to Eugenics."⁴¹⁰ Playing on Laughlin's ego, Osborn warned him of the danger, as the Fund's President, of abandoning his role as a "general" in favor of "wanting himself to drive one of the tanks in the attack."⁴¹¹ Osborn argued that there were plenty of "specialized mechanics" such as Flanagan, "a psychologist, trained . . . when the new psychological weapons were developed."⁴¹²

Osborn emphasized other activities for organized eugenics and the role Laughlin might expect if fundraising for the Eugenics Record Office were successful. "It is the same thing in view of the activities of the [Eugenics] Record Office in which I am so much interested. If we can get you the backing so that you can have a real staff to direct, you can win some real battles."⁴¹³ But usurping the role of the specialists would subject "generals" like Laughlin to the mockery of others, both in the aviator's study and at the Eugenics Record Office, and lead to failure of the larger enterprise. "Few others understand the greatness of the cause in which we are enlisted," concluded Osborn.⁴¹⁴ "Do let us work together to do it well."⁴¹⁵ Osborn appended a postscript clearly designed to flatter Laughlin: "Personally I think you should be paid for your supervision [and] responsibility as President, [and] would like to talk to you about this."⁴¹⁶

⁴⁰⁸ *Id.*

⁴⁰⁹ Letter from Frederick Osborn to Mr. [Harry H.] Laughlin 1 (no date) (on file with *Laughlin Papers*, *supra* note 9).

⁴¹⁰ *Id.*

⁴¹¹ *Id.* at 2.

⁴¹² *Id.* at 2-3.

⁴¹³ *Id.* at 4.

⁴¹⁴ *Id.*

⁴¹⁵ *Id.*

⁴¹⁶ *Id.* at 5.

Laughlin was absent from the second Pioneer Fund Board meeting "owing to illness."⁴¹⁷ This period of Laughlin's life was marked by ill health, not the least part of which consisted of epileptic seizures of escalating frequency. At one point, Laughlin had a seizure as he drove down the main street of Cold Spring Harbor and avoided plunging into the ocean only by crashing into a retaining wall.⁴¹⁸ Osborn, Draper, and Donald wrote to Laughlin following the Board meeting, each somewhat laboriously repeating how much effort had been made to contact him and apologizing for not being able to include him in meeting.⁴¹⁹

By the time of the meeting on April 28, 1938, a lengthy report on Flanagan's work was available for board consideration. The report explained that in addition to the staff that had been assembled earlier, the services of a flight surgeon on duty in the Army Air Corps were made available at no cost to assist with the study.⁴²⁰ Staff members visited sixteen different military installations around the country in three months, interviewing approximately 425 officers and 320 of their wives. His tentative conclusions included relationships between religious values, attitudes toward family size and a host of other factors that influenced actual number of children born.⁴²¹ Each interviewee was quizzed on his "Race-descent" and asked to list "four principal racial stocks with portions or approximate portions of blood from each."⁴²² Among the reasons for limiting the number of their children, factors such as "Low fertility," "Ill health," and "Low quality of children already produced" were assessed.⁴²³ The study population appeared not to be reproducing itself, with an average number of children running fewer than two per family.⁴²⁴ But the report was equivocal

⁴¹⁷ Minutes of a Special Meeting of the Board of Directors, The Pioneer Fund, Inc. 1 (July 6, 1937) (on file with *Laughlin Papers*, *supra* note 9).

⁴¹⁸ See Allen, *supra* note 17, at 254 (discussing Laughlin's "deteriorating health," most notably his frequent seizures which, ironically, were indicative of a trait—epilepsy—Laughlin and his fellow eugenicists wished to eliminate from the population).

⁴¹⁹ Letter from Frederick Osborn to H.H. Laughlin, Esq. (July 7, 1937) (on file with *Laughlin Papers*, *supra* note 9); Letter from W.P. Draper to Mr. Harry H. Laughlin (July 8, 1937) (on file with *Laughlin Papers*, *supra* note 9); Letter from Malcolm Donald to Mr. Harry H. Laughlin (July 13, 1937) (on file with *Laughlin Papers*, *supra* note 9).

⁴²⁰ Report of the Family Study of the Officers in the Army Air Corps for the Pioneer Fund (Apr. 1938) [hereinafter Report of the Family Study] (unpublished manuscript at 1 on file with *Laughlin Papers*, *supra* note 9).

⁴²¹ *Id.* (unpublished manuscript at 2–3).

⁴²² Number of Children of Junior Flying Officers of the Air Force of the United States Army (interview form used for family study of the officers in the Army Air Corps, on file with *Laughlin Papers*, *supra* note 9).

⁴²³ *Id.*

⁴²⁴ Report of the Family Study (unpublished manuscript at 4, *supra* note 420).

concerning a close correlation between family size and income, finding the factors leading to small families "exceedingly varied and complex."⁴²⁵

Flanagan's final report summarized the data from the aviator's study, complete with tables and charts. He submitted a statement of expenses and a request for an additional appropriation to complete the study and have it published. He concluded his report with a suggestion for further activity in the form of a scholarship fund for additional children in the military families who had been studied.⁴²⁶

Osborn admitted that he "was considerably perplexed" about the Flanagan report's significance to the Pioneer Fund. The finding, that officers with larger incomes have larger families, ran "contrary to the usual idea that the larger the income the smaller the family."⁴²⁷ Flanagan proposed a scholarship fund as a practical way of addressing anecdotal reports from the survey suggesting that concern over the cost of educating children was a major factor influencing army officers to limit family size. Osborn was in favor of proceeding with such an experiment, if a plan satisfactory to the Air Corps could be developed. The plan must "appear solely an effort to relieve a burden of expense . . . of officers who already have three children, rather than a proposal to stimulate their birth rate."⁴²⁸

Attorney Donald was noncommittal as to whether the plan should be approved. He reminded Osborn that Draper had appeared willing to contribute as much as \$130,000 for the project.⁴²⁹ Harlan's response deferred to Osborn's expertise. He promised to study the scholarship proposal but conceded "that the 'lay' members of the Board [would] necessarily have to be guided very largely" by advice from Osborn and Flanagan.⁴³⁰ He viewed a "practical experiment" as the "logical next step" while admitting that it was difficult "to visualize the project in practical operation."⁴³¹

⁴²⁵ *Id.* (unpublished manuscript at 5).

⁴²⁶ Minutes of a Meeting of the Board of Directors, The Pioneer Fund, 1 (Oct. 27, 1938) (on file with *Laughlin Papers*, *supra* note 9).

⁴²⁷ Letter from Frederick Osborn to Malcolm Donald, Esq. 1 (Oct. 31, 1938) (on file with *Harlan Papers*, *supra* note 286).

⁴²⁸ *Id.*

⁴²⁹ Letter from Malcolm Donald, Esq. to Frederick Osborn, Esq. (Nov. 2, 1938) (on file with *Harlan Papers*, *supra* note 286).

⁴³⁰ Letter from John Marshall Harlan to Frederick Osborn, Esq. (Nov. 4, 1938) (on file with *Harlan Papers*, *supra* note 286).

⁴³¹ Letter from John Marshall Harlan to Malcolm Donald, Esq. (Nov. 4, 1938) (on file with *Harlan Papers*, *supra* note 286).

Before the next meeting, Laughlin brought Draper up to date on the success of "Eugenics in Germany," the Nazi film that had been distributed for viewing by high-school students. In the future, declared Laughlin, "[w]hen education is expected to result in practical long-time race betterment, the moving picture in the school offers a profitable medium for presenting facts."⁴³² Draper replied that it was "gratifying" that the Nazi eugenics film was "proving so valuable."⁴³³ The next Pioneer Board meeting approved Laughlin's proposal for the development and distribution of another eugenical film. Laughlin continued to distribute the German film until he left the Eugenics Record Office in 1940.⁴³⁴

The Board also approved a resolution to proceed with a project to increase the birth rate among Army Air Corps officers. The Fund would provide scholarships to all applicants who had already had three children and who would have one additional child during calendar year 1940. A fully paid-up annuity would be issued by the Pioneer Fund as an "outright gift."⁴³⁵ Four thousand dollars would be paid toward "maintenance and educational expenses" in installments of five hundred dollars per year for eight years, from the child's fourteenth year until age twenty-one.⁴³⁶

By the program's end, eleven grants had been made to nine Air Force families that qualified for the program. The cost to the Pioneer Fund was almost \$30,000, with an ultimate benefit to the recipients of \$44,000.⁴³⁷ Flanagan's final report of the Scholarship project compared the twelve children born in 1940 within aviator's

⁴³² Letter from H.H. Laughlin to Col. W.P. Draper (Dec. 9, 1938) (on file with *Laughlin Papers*, *supra* note 9).

⁴³³ Letter from W.P. Draper to Dr. Laughlin (Dec. 10, 1938) (on file with *Laughlin Papers*, *supra* note 9).

⁴³⁴ Minutes of a Meeting of the Board of Directors, The Pioneer Fund, Inc. 2 (Dec. 15, 1938) (on file with *Laughlin Papers*, *supra* note 9); *see also* Letter from Malcolm Donald to Mr. Harry H. Laughlin (Dec. 31, 1938) (on file with *Laughlin Papers*, *supra* note 9) (writing "I have been one of the delinquent ones in sending back the Eugenics film . . . It is extremely interesting"); Letter from H.L. Price, Dean of Agriculture, Virginia Polytechnic Institute, to Dr. Harry H. Laughlin, Department of Genetics, Carnegie Institution (Mar. 6, 1939) (on file with *Laughlin Papers*, *supra* note 9) (returning "the German films on the eugenic program of Germany"). A plan to develop a "eugenical motion picture" on behalf of the Eugenics Committee of the United States was announced as early as 1926. *See* C.B. Davenport, *Meeting of the Eugenics Committee, December 8, 1925*, 11 *EUGENICAL NEWS*, Feb. 1926, at 28–29.

⁴³⁵ Letter from Frederick Osborn to Mr. John M. Harlan (Jan. 5, 1940) and enclosed Announcement of Educational Scholarships, The Pioneer Fund, Inc. (Jan. 1–Dec. 31, 1940) (on file with *Harlan Papers*, *supra* note 286).

⁴³⁶ *See id.* at 2–3 (discussing details of the scholarship program). A "Notice of Eligibility and Application for Educational Scholarship" also accompanied the letter. *Id.*

⁴³⁷ Letter from John H. Slate, Jr. to The Pioneer Fund Directors (Apr. 2, 1941) (on file with *Harlan Papers*, *supra* note 286).

families who already had three or more children, to the average of four or five children who were born in similar families in previous years. He estimated the statistical likelihood as "less than 1 in 100" that the higher birth rate for 1940 would have occurred in the absence of a factor such as the scholarship fund.⁴³⁸ The number of births was nonetheless low, in light of earlier projections of approximately forty births.⁴³⁹

Flanagan cited two reasons for the lower number. First, the World War "introduced a larger factor of uncertainty" than was normal in the lives of officers.⁴⁴⁰ In addition, a higher number of wives of officers had expressed an interest in having another child than were physiologically able to do so during the one-year experimental period.⁴⁴¹ Pioneer's first foray into "positive eugenics" raised serious questions about the feasibility of reproductive engineering.

D. Pioneer After Laughlin

Madison Grant died in 1937. Within only three years, Laughlin was publicly challenged for his bigotry, and forced to resign from a discredited Eugenics Record Office.⁴⁴² Laughlin died in 1943; Davenport followed him the next year.⁴⁴³ But Draper's fixation on race as a key feature of heredity did not abate following the deaths of his colleagues Grant and Laughlin. In 1947, Draper wrote to Dr. Milislav Demerec, Director of the Carnegie Institution Department of Genetics at Cold Spring Harbor, and noted how during the 1920s he had assisted Charles Davenport, Demerec's predecessor, with the publication of *Race Crossing in Jamaica*. Draper suggested that he was "considering further contributions" in this vein.⁴⁴⁴ Demerec eventually suggested that Draper fund a series of traveling scholarships to the 1948 International Congress of Genetics in Stockholm for deserving young scholars.⁴⁴⁵ When Draper called to

⁴³⁸ See John C. Flanagan, Report of the Army Air Corps Scholarship Project (Apr. 19, 1941) (on file with *Harlan Papers*, *supra* note 286).

⁴³⁹ See Report of the Family Study (unpublished manuscript at 10, *supra* note 420) (discussing Flanagan's projections). Flanagan's final report was published elsewhere. See 8 POPULATION INDEX, Oct., 1942, at 279, 280–81.

⁴⁴⁰ See John C. Flanagan, Report of Army Air Corps Scholarship Project (Apr. 19, 1941) (on file with *Harlan Papers*, *supra* note 286).

⁴⁴¹ *Id.*

⁴⁴² See Allen, *supra* note 17, at 253–54.

⁴⁴³ See *id.* at 254.

⁴⁴⁴ Letter from Col. W.P. Draper to Dr. Milislav Demerec (July 24, 1947) (on file with Cold Spring Harbor Laboratory Archives, Cold Spring Harbor, NY [hereinafter CSHLA]).

⁴⁴⁵ Letter from M. Demerec to Col. W.P. Draper 2 (Dec. 19, 1947) (on file with CSHLA,

inquire whether his own "point of view [would] be adequately represented"⁴⁴⁶ at the genetics meeting Demerec demurred, noting that "American geneticists actively participating in research on human heredity are not involved in race studies."⁴⁴⁷

The following year, Demerec heard from Sheldon Reed, Director of the Dight Institute for the Promotion of Human Genetics at the University of Minnesota. The Dight Institute had received the records of the Eugenics Records Office following Charles Davenport's death and the demise of the ERO. Reed enclosed his biennial report for Demerec, which included an account of a meeting with Draper in an attempt to raise funds for genetic research. Draper offered to give \$100,000 to begin "a human genetics project" with the bulk of his approximately \$6 million estate to be left to complete the work at his death.⁴⁴⁸ But Reed concluded that the money would not likely become available to the Dight because "Colonel Draper has very definite ideas as to what the subject of human genetics encompasses."⁴⁴⁹ To Draper, genetics meant the "improvement of the American people by shipping the Negro inhabitants back to Africa."⁴⁵⁰ As a postscript to his letter to Demerec, Reed wrote: "This biennial report is *not* for general circulation. My remark about Colonel Draper is not flattering, but I think you will agree that it is generally correct."⁴⁵¹

Most historians of eugenics have concluded that the racist wing of the eugenics movement represented by Laughlin and Grant ended with World War II, when the specious science that led to Nazi atrocities made both the message and the vocabulary of eugenics unacceptable. But eugenics lived on in a variety of forms. Many scientists who had embraced the need to study genetics as a basis for eugenics continued their work without reference to earlier alliances.⁴⁵² When Frederick Osborn took over the *Eugenical News* in 1939, the magazine's subtitle (*Current Record of Human Genetics and Race Hygiene*) disappeared. It began for the first time to

supra note 444).

⁴⁴⁶ Letter from M. Demerec to Col. W.P. Draper 1 (Dec. 23, 1947) (on file with CSHLA, *supra* note 444).

⁴⁴⁷ *Id.*

⁴⁴⁸ Letter from Sheldon C. Reed, Director, Dight Institute, to Dr. M. Demerec, Dep't of Genetics, Carnegie Institution (Oct. 4, 1948) and attached Memorandum "The Biennial Report of the Dight Institute for 1946-48" 4 (on file with CSHLA, *supra* note 444).

⁴⁴⁹ *Id.*

⁴⁵⁰ *Id.*

⁴⁵¹ Letter from Sheldon C. Reed, Director, Dight Institute, to Dr. M. Demerec, Dep't of Genetics, Carnegie Institution, *supra* note 448 (emphasis in original).

⁴⁵² See KEVLES, *supra* note 15, at 252.

criticize the German program of "racial hygiene,"⁴⁵³ though it continued to publish reports on German eugenicists—some of them former Nazis—who had survived the War.⁴⁵⁴

Privately, Frederick Osborn was dismissive of the direction Laughlin's work at the ERO had taken, and described it as "thoroughly unscientific."⁴⁵⁵ After Laughlin's retirement and the closing of the Eugenics Record Office, Osborn rejected back issues of the *Eugenical News* for the files of the Eugenics Research Association. He then criticized Laughlin and Madison Grant for the material on race and "social-class differences" that had appeared in the *Eugenical News*, complaining that such work had "injured the scientific standing" and "set back the scientific acceptance of eugenics" in America.⁴⁵⁶ Osborn's private attitude concerning the *Eugenical News* contradicted the delight he expressed when Laughlin promised to print an Osborn article therein.⁴⁵⁷ His disparagement of Laughlin also stands in marked contrast to his disingenuous flattery of Laughlin as one of the "generals" of eugenics, and his decades of deference to Draper, whose brand of eugenics closely matched Laughlin's.

Although Osborn's differences with Draper surfaced regularly, his desire to maintain Draper's financial support mitigated against a complete break with him. For example, writing to the business manager of the *Eugenics Quarterly* in 1954, Osborn voiced his unease at Draper's pressure to publish a tract entitled "The Eugenic Credo."⁴⁵⁸ The Credo denied that "all men are equal and all races are the same,"⁴⁵⁹ it opposed racial miscegenation, saying that a "single mixed race would endanger further evolution."⁴⁶⁰ The Credo encouraged large families among the "above . . . average" and

⁴⁵³ See Robert N. Proctor, *Eugenics Among the Social Sciences*, in THE ESTATE OF SOCIAL KNOWLEDGE 191 (JoAnn Brown and David K. van Keuren eds., 1991) [hereinafter Proctor, *Eugenics*] (concluding that the sustained criticism of eugenics among social scientists, the end of World War II, and "the American quest to define the place of 'eugenics in a democracy,'" were the determining factors that ended the official eugenics movement).

⁴⁵⁴ See *Eugenists* [sic] in *Germany in 1946*, 31 EUGENICAL NEWS, June 1946, at 21 (listing the names of "well-known" eugenicists still in Germany after the war).

⁴⁵⁵ See MARK HALLER, EUGENICS: HEREDITARIAN ATTITUDES IN AMERICAN THOUGHT 180 (1963).

⁴⁵⁶ *Id.*

⁴⁵⁷ See Letter from Frederick Osborn to H.H. Laughlin, Esq. (June 14, 1937) (on file with *Laughlin Papers*, *supra* note 9) (thanking Laughlin for his "good note" in response to Osborn's paper, and requesting twenty-five reprints of his paper if it "is published in the NEWS").

⁴⁵⁸ Memorandum from Frederick Osborn to Mrs. Hammons (Aug. 10, 1954) (on file with Am. Phil Soc'y, *supra* note 75). My thanks to Professor Barry Mehler for pointing out the location of these memoranda.

⁴⁵⁹ Eugenic Credo 1 (on file with Am. Phil Soc'y, *supra* note 75).

⁴⁶⁰ *Id.* at 2.

discouraged children for the rest.⁴⁶¹ Though admitting he would like to publish the Credo to placate Draper, Osborn described his own fears that it would "raise[] the ghosts of the old racial and social class bias[] for which the eugenics society was damned in the past."⁴⁶² He also questioned whether it represented "good genetics."⁴⁶³

In 1951, Draper made a gift to the American Eugenics Society (AES) to subsidize the *Eugenics Quarterly*.⁴⁶⁴ Osborn apologized to Draper for the disappointing results of Pioneer grants to the AES, but credited Draper's personal gift with increasing the magazine's circulation from two hundred to six hundred subscriptions.⁴⁶⁵ In 1954, Osborn again found himself in the position of asking Draper for money to subsidize activities of the American Eugenics Society. Osborn's recollection of Draper's response showed how much the men differed in their aspirations for the eugenics movement.

Osborn indicated that Draper had made an ultimatum making continued funding of the organization contingent upon the Society taking a public position in favor of establishing racial homogeneity in America and other policy measures Draper favored. If the Society decided to take the position Draper favored, he would guarantee funds for five more years. Facing a dilemma because he felt Draper's views lacked scientific basis,⁴⁶⁶ Osborn rejected Draper's conditions, saying the Society would look for funds elsewhere.⁴⁶⁷ Several years later, Osborn's formal involvement with Draper ended when Osborn resigned from the Pioneer Fund board. His letter of resignation was cordial, assuring Draper that "[w]e both feel deeply the need for improving the genetic potential of our people. We differ only as to the means."⁴⁶⁸ Contrasting himself to Draper, Osborn summarized his position as being based in "cautious and conservative development based on the gradual advance of science."⁴⁶⁹

⁴⁶¹ *Id.*

⁴⁶² Letter from Frederick Osborn to Mrs. Hammons (Aug. 15, 1954) (on file with Am. Phil Soc'y, *supra* note 75).

⁴⁶³ *Id.*

⁴⁶⁴ Frederick Osborn, Memorandum for the Eugenic Society (Dec. 16, 1954) (on file with Am. Phil Soc'y, *supra* note 75).

⁴⁶⁵ *Id.*

⁴⁶⁶ *Id.*

⁴⁶⁷ *Id.*

⁴⁶⁸ Letter from Frederick Osborn to Mr. Wickliffe P. Draper (Apr. 28, 1958) (on file with Am. Phil Soc'y, *supra* note 75).

⁴⁶⁹ *Id.*

Osborn's pandering to Draper for support was mirrored in his fawning attempts to develop Charles Lindbergh as a regular contributor to the cause of eugenics. Even as he was disputing Draper's methods, Osborn was promising to introduce him to Lindbergh, a man who had also voiced his concerns about the destruction of the "White race" through its "dilution by foreign races."⁴⁷⁰ On one hand, Osborn clearly found the overt "Nordicism" and anti-Semitism of Laughlin, Grant, and Draper unacceptable, yet he maintained close contacts with each of them.⁴⁷¹ His shift of the movement away from the coercive strategies and racial obsession of the Eugenics Record Office distinguishes him from Laughlin, Grant, and Draper.

Osborn, however, did not abandon "negative eugenics." He was concerned that the "national intelligence" was declining, and urged attention to "changes in social attitudes and economic relationships" to raise "the national average in character and intelligence."⁴⁷² The provisions he outlined for "Restriction of Undesirable Births" included "mobilizing public opinion to demand" fewer children from families who could not provide "good conditions of health, education, and home environment."⁴⁷³ The program also included exhortations to hospital boards, welfare organizations, and charity groups "to demand that the doctors, nurses, and case workers" be allowed to provide "contraceptive services" where they judged home conditions "unsuitable for the rearing of children."⁴⁷⁴ This desire to sort the "eugenically fit" from those considered inherently "unfit" for reproduction would characterize Osborn's later efforts in family planning, world population problems, and birth control.⁴⁷⁵

Perhaps, as Daniel Kevles argues, Osborn was a "reform" eugenicist.⁴⁷⁶ Such an assessment does not, however, explain

⁴⁷⁰ See BERG, *supra* note 392, at 394; see also Letter from Frederick Osborn, Secretary, Pioneer Fund, to Gen. Charles Lindbergh (Mar. 14, 1955) (on file with Am. Phil Soc'y, *supra* note 75) (asking Lindbergh to fulfill his promise of meeting Draper).

⁴⁷¹ See KEVLES, *supra* note 15, at 252 (quoting Osborn as describing their view of eugenics as "propagandist"); ELAZAR BARKAN, *THE RETREAT OF SCIENTIFIC RACISM* 275 (1992) (arguing that Nazi aberrations helped turn younger eugenicists like Osborn against racist ideology).

⁴⁷² Letter from Frederick Osborn to Dr. Harry H. Laughlin, Eugenics Record Office, and attached Outline of the Program of the American Eugenics Society (June 14, 1936) (on file with *Laughlin Papers*, *supra* note 9).

⁴⁷³ *Id.*

⁴⁷⁴ *Id.*

⁴⁷⁵ See BARKAN, *supra* note 471, at 328–32 (describing Osborn's intensive participation in the American Committee on Population).

⁴⁷⁶ KEVLES, *supra* note 15, at 173 (stating that Osborn opposed "the social biases" of eugenic predecessors and looked to "the deployment of genetic knowledge" as an aid to human improvement).

sentiments such as the excitement Osborn expressed over the Nazi sterilization program. Osborn, in the same year the Pioneer Fund was initiated, praised it as "the most important social experiment . . . ever tried."⁴⁷⁷ Osborn's deliberate down-playing of the human tragedies arising from Nazi "population policies," and his positive judgment of Wilhelm Frick's role in them,⁴⁷⁸ suggests a need for further scrutiny of his "reform" stance. While Osborn's brand of eugenics eschewed both totalitarian ideology⁴⁷⁹ and overt racism,⁴⁸⁰ his regular commerce with the most malignant of old-line eugenicists and his seeming embrace of government coercion as a legitimate means to effect eugenic goals leave him, at best, an ambiguous figure in the history of eugenics.⁴⁸¹ It is difficult to judge what Osborn's role may have been for the twenty years he sat on the Pioneer Board, absent further documentation.

John Marshall Harlan left Pioneer in 1954, when he was appointed to a federal judgeship. His role in the Pioneer story is still unclear. Perhaps he was merely acting as a legal functionary, sitting on the Pioneer Board without regard to the Nazi sympathies and the clearly racist agenda of some of its members. Although a full assessment of his involvement with Pioneer remains for future scholarship, a survey of Harlan's career as a Supreme Court Justice provides little or no support for the proposition that he concurred in their attitudes.

Wickliffe Draper lived until 1972, remaining on the Pioneer Fund's Board for thirty-five years, insuring continued support for his eugenic goals. He and other Pioneer Fund Board members supported the overturn of the integration case of *Brown v. Board of Education*⁴⁸² in the 1960s. As late as 1978, Pioneer funded "[b]lood [g]roup[]" studies that paralleled Nazi research to prove physiological differences among the races;⁴⁸³ Pioneer underwrote

⁴⁷⁷ See Proctor, *Eugenics*, *supra* note 453, at 187 (noting that in contrast to some dissidents, many American eugenicists supported, even praised, Germany's 1933 sterilization law).

⁴⁷⁸ See OSBORN, *supra* note 382, at 167–74 (discussing the outcome of the German Nazi population program that was officially presented by Dr. Wilhelm Frick, Minister of the Interior, in June 1933).

⁴⁷⁹ See *id.* at 294 (noting that "[t]he eugenics ideal adds its weight to that group of ideals concerned with the welfare of the people rather than the preeminence of the state").

⁴⁸⁰ See *id.* at 295 (indicating that "[s]cience has not produced evidence to support the claim that any nation is racially superior").

⁴⁸¹ See BARKAN, *supra* note 471, at 272–76, 328–32 (depicting Osborn as a person who "consistently refused to address the racial question, but retained a qualified belief in the higher biological capabilities of the rich").

⁴⁸² 347 U.S. 483 (1954).

⁴⁸³ See THE PIONEER FUND, INC., 1978 ANNUAL REPORT OF PRIVATE FOUNDATION (1979)

programs concerning "Research in Heredity and Eugenics"⁴⁸⁴ and studies of "American Anglo-Saxon school children"⁴⁸⁵ at a number of universities and institutions throughout the 1970s and 1980s. Just as Laughlin's legacy survived in America's immigration, sterilization, and "racial integrity" laws, Draper's endowment of the Pioneer Fund insured that the aims of this most pernicious brand of eugenics would be advanced by sympathetic studies and an ongoing mechanism to disseminate eugenic propaganda.

CONCLUSION: THE PIONEER FUND IN THE NEW MILLENNIUM

Sixty-five years after its founding, the Pioneer Fund remains true to its mission. The language of its charter echoes in the research it has supported,⁴⁸⁶ reflecting interests shared both by Laughlin, its conceptual father, and Draper, its founding patron. Grants for work in "heredity and eugenics" have been a constant feature of the Fund's agenda; so too a concentration on topics that would shed light on the concept of "race betterment" as that term was used by Laughlin, Draper, and the Nazis whose aspirations they shared. Regular Pioneer grants support studies on "race," not as a generic term to describe the "human race" but as a synonym for ethnicity and/or distinctions among the groups historically described as "races." Studies concerning "problems in immigration" also attract Pioneer funding, just as Draper had supported the Immigration Restriction League and Harry Laughlin had worked to exclude all but "true American stock" from migrating. Pioneer grants in the 1990s have provided lavish subsidies for political initiatives in favor of immigration restriction.

The material described in this article demonstrates that the Pioneer Fund began as the vehicle to carry forth a eugenic vision that had its roots in the dreams of Harry Laughlin and Wickliffe

(recapitulating and itemizing the grants awarded for 1978, which included funding for a reprint of *The Distribution of the ABO- and Rh- Blood Groups among South Mississippi Anglo-Saxon School Children*); accord PROCTOR, *supra* note 71, at 150–51 (describing the Nazi research to distinguish different races by physiological measures); see also BARKAN, *supra* note 471, at 334 (pointing to parallels between Nazi theories of race and so-called "Jim Crow" blood banks used during World War II by the United States Army).

⁴⁸⁴ THE PIONEER FUND, INC., 1976 ANNUAL REPORT OF PRIVATE FOUNDATION (1977); THE PIONEER FUND, INC., 1973 ANNUAL REPORT OF PRIVATE FOUNDATION (1974) (listing these programs under Part I, *Grants and Contributions Paid*).

⁴⁸⁵ THE PIONEER FUND, INC., 1980 ANNUAL REPORT OF PRIVATE FOUNDATION (1981); THE PIONEER FUND, INC., 1976 ANNUAL REPORT OF PRIVATE FOUNDATION (1977).

⁴⁸⁶ See *Charter*, Pioneer Fund Web Page, *supra* note 5 (reproducing its charter).

Draper for a legally regulated "American Race." Recent tax filings reveal what the Fund's press releases seek to deny.

The Pioneer Fund of Laughlin's era is tied to the Fund today both by the topics it supports and the methods it uses. Its topical focus reflects Draper's funding priorities from as far back as the 1920s, when the Draper prize essays highlighted race differences and were used to support policies to enforce racial separation. Today, the Fund still subsidizes studies that focus on racial differences, and it underwrites policy initiatives such as restricting immigration for non-whites. The Fund buys and distributes books and articles that support arguments for white genetic and intellectual superiority, just as Draper supported distribution of books like Cox's *White America*. This technique allows the Fund to pursue an "educational" mission in a cost-effective manner. It acts as a clearing house and publicity arm for chosen authors whose positions on Anglo-Saxon preeminence and black inferiority very often match the positions of its founders and the implicit language of its charter.

Dramatic examples of the Pioneer Fund's continuing support of publications that echo themes of white superiority and hereditary racial defect are found in books printed with Pioneer grant funding during the 1990s and on through the present. *America's Bimodal Crisis: Black Intelligence in White Society* by Stanley Burnham was originally published in 1985 and reprinted in 1993 by the Foundation for Human Understanding in Athens, Georgia.⁴⁸⁷ That organization received more than \$150,000 of Pioneer support between 1979 and 1992 to underwrite the printing and distribution of books such as *Testing of Negro Intelligence*.⁴⁸⁸

The thesis of *Bimodal Crisis* is that America's "racial crisis is intractable and cannot be 'solved.'"⁴⁸⁹ Its roots are "ultimately genetic, not environmental," thus not subject to improvement by

⁴⁸⁷ STANLEY BURNHAM, *AMERICA'S BIMODAL CRISIS: BLACK INTELLIGENCE IN WHITE SOCIETY* (2d ed. 1993).

⁴⁸⁸ AUDREY M. SHUEY, *TESTING OF NEGRO INTELLIGENCE* (2d ed. 1966); see THE PIONEER FUND, INC., 1990 ANNUAL REPORT OF PRIVATE FOUNDATION (1991) (funding the Federation for American Immigration Reform in the amount of \$150,000 "for studies in connection with immigration policies"); THE PIONEER FUND, INC., 1980 ANNUAL REPORT OF PRIVATE FOUNDATION (1981) (funding the Foundation for Human Understanding for the "publication and dissemination of the results of twin studies"); THE PIONEER FUND, INC., 1979 ANNUAL REPORT OF PRIVATE FOUNDATION (1980) (approving funding for the Foundation for Human Understanding for the "publication of [the] book, '*Testing of Negro Intelligence*'" emphasis added); THE PIONEER FUND, INC., 1978 ANNUAL REPORT OF PRIVATE FOUNDATION (1979) (granting the Randolph-Macon Women's College funding for "the research and publication of the revised edition" of Shuey's book, *Testing of Negro Intelligence*).

⁴⁸⁹ BURNHAM, *supra* note 487, at 15.

social programs or governmental spending.⁴⁹⁰ Burnham repeats a taxonomy of "different races" of the United States that includes Jews, Orientals, Caucasians, Mexicans and Indians, and blacks as distinct genetic groups.⁴⁹¹ He cites studies of differential blood typing by "race," and smaller brain size for "Negroe[s]" in comparison to Europeans of "Mediterranean and Scandinavian stock."⁴⁹² Burnham applauds the colonizing of Africa as an occasion for a reduction in slavery and cannibalism, and a simultaneous increase in education and social order.⁴⁹³ He asserts that decolonization and independence of African states has led to a "retrogressive trend" toward violent authoritarian regimes that are rooted in the natural "ignorance and irresponsibility of the African mind."⁴⁹⁴ Social problems among blacks in other parts of the world are similarly located in "genetic deficiencies that they cannot remedy."⁴⁹⁵

Burnham's solutions are reminiscent of the eugenicists' rhetoric of the 1930s. Burnham argued that blacks with low test scores should be steered into jobs with few intellectual demands such as jobs that demanded more physical abilities than intellectual abilities.⁴⁹⁶ The "dysgenic catastrophe"⁴⁹⁷ of the falling white birthrate should be addressed by measures such as a providing a "generous cash award" for welfare mothers who agree to be sexually sterilized.⁴⁹⁸ A "misplaced commitment to religious ideals" that stands in the way of abortion or sterilization, says Burnham, promotes the birth of "pimps and prostitutes, muggers, burglars, and welfare mothers" whose goal is to bring "our entire culture . . . to its knees."⁴⁹⁹

Pioneer grants supported a second recent book in this genre, written by J. Phillippe Rushton, a Canadian psychologist. Rushton was an important source of the "data" upon which *The Bell Curve's* conclusions are founded.⁵⁰⁰ Rushton is cited extensively by the authors of *The Bell Curve*, who describe him somewhat defensively

⁴⁹⁰ *Id.*

⁴⁹¹ *See id.* at 24 (charting the raw I.Q. averages of these "races").

⁴⁹² *Id.* at 29, 32.

⁴⁹³ *See id.* at 48 (professing that the benefits of colonial rule outweighed the negative impact of prejudice against the native population).

⁴⁹⁴ *Id.* at 55.

⁴⁹⁵ *Id.* at 63.

⁴⁹⁶ *See id.* at 108.

⁴⁹⁷ *Id.* at 109.

⁴⁹⁸ *Id.* at 110–11.

⁴⁹⁹ *Id.* at 111.

⁵⁰⁰ *See* HERRNSTEIN & MURRAY, *supra* note 1, at 642–43 (further reiterating and acknowledging Rushton's work in principle).

as not "a crackpot or a bigot, as many of his critics are given to charging."⁵⁰¹ Rushton's book, *Race, Evolution, and Behavior*, was published in 1995. In its early pages he thanks Harry Weyher, Pioneer President, for his "unwavering support."⁵⁰²

Rushton grounds his look at racial differences in a theory that locates Africa as the home of early man. The human population dispersed from there some 110,000 years ago, with those who left Africa creating a new line of humans. Seventy thousand years later, there was a split between those who settled in Europe and others, who moved to Asia. Rushton believes that animals that emerged later in history must be more evolved, as evidenced by larger brains and more developed cultures. The later a group became differentiated from its African ancestry, the more evolved the "race" it became. Thus, under-evolved "Negroids," according to Rushton, have smaller brains and lower IQ's than "Caucasoids" or "Mongoloids."⁵⁰³

Rushton proposes a second theory to explain what he asserts are other racial differences. Groups leaving Africa for the colder climates of Europe and Asia encountered harsh climates that thinned the ranks of the less hardy. People who settled in the cold north were selected by evolution to survive if they followed a strategy of having fewer children, and invested more time and effort in their care and nurture. Freed from any concern about protection from the elements, those from hotter climates could have large broods and be less involved in child rearing.⁵⁰⁴ "[I]ntelligence, forward planning, sexual and personal restraint" characterize the non-Africans;⁵⁰⁵ smaller brains, larger genitals, sexual license, lesser parenting skills, and lower IQ's are common, in Rushton's view, among Africans.⁵⁰⁶ Rushton asserts that all these "racial" differences are genetic, transmitted down the generations as a function of heredity.⁵⁰⁷ Rushton dredges up nineteenth century measures of cranial capacity and the size of black male genitals as concrete evidence of black inferiority.⁵⁰⁸ His book is only the most

⁵⁰¹ *Id.* at 643.

⁵⁰² J. PHILIPPE RUSHTON, *RACE, EVOLUTION, AND BEHAVIOR: A LIFE HISTORY PERSPECTIVE* xvii (1995).

⁵⁰³ *Id.* at 6-7.

⁵⁰⁴ See *id.* at 7 (asserting that the "Siberian cold experienced by Oriental populations was the most severe and exerted the greatest selection").

⁵⁰⁵ *Id.*

⁵⁰⁶ *Id.* at 5 tbl. 1.1.

⁵⁰⁷ *Id.* at 259-62.

⁵⁰⁸ *Id.* at 115, 166; see also THOMAS F. GOSSETT, *RACE: THE HISTORY OF AN IDEA IN AMERICA* 47-48 (2d ed. 1997) (devoting a passage to Dr. Charles White's 1799 study including,

recent example of old fashioned white supremacy masquerading in the guise of science. For those who believe that Rushton's—and The Pioneer Fund's—true motive is dispassionate inquiry, the best evidence to the contrary is one of Pioneer's most recent grants. Rushton printed approximately 90,000 copies of a fifty-page abridged version of *Race, Evolution, and Behavior*, omitting almost all the statistical data.⁵⁰⁹ Left are the most virulent assertions of racial differences between "Caucasoids" and "Negroids," assertions no longer clothed in statistical trappings. Copies of the booklet were mailed to some 30,000 psychologists, sociologists, and anthropologists in North America and Europe. According to Rushton, the Pioneer Fund paid for both the printing and distribution of his new mini-edition.⁵¹⁰

Three books published by Pioneer grantee Richard Lynn convey the tone of recent Pioneer research projects, providing up-to-date reminders of the continuity within the Pioneer portfolio of an old-line eugenics agenda. Lynn is described in his 1996 volume, *Dysgenics: Genetic Deterioration in Modern Populations*, as a graduate in psychology from the University of Cambridge and Director of the Ulster Institute for Social Research, Coleraine, Northern Ireland.⁵¹¹ In this 1996 volume, Lynn acknowledges the role of Pioneer President Harry Weyher for "his encouragement and financial support."⁵¹² He repeats the well-worn refrain of 1920s eugenicists that the genetic legacy of world populations is deteriorating. The new twist on the argument is the claim that natural selection in the Darwinian scheme of evolution was not only interrupted by the charitable works of modern society, but in fact was arrested by events in the post-industrial world such as the control of infectious diseases and infant mortality.⁵¹³ Lynn's nostalgia for a world where the "unfit" were eliminated by the vicissitudes of nature is revealed in his analysis of the problem of

among other things, his findings regarding cranial capacity and sexual anatomy).

⁵⁰⁹ See *Hot Type*, CHRON. HIGHER EDUC., Jan. 14, 2000, at A24.

⁵¹⁰ See *id.*

⁵¹¹ RICHARD LYNN, *DYSGENICS: DETERIORATION IN MODERN POPULATIONS* flyleaf (1996) [hereinafter LYNN, *DYSGENICS*].

⁵¹² *Id.* at vii. Similar comments of appreciation for Pioneer support appear in all of Lynn's recent books. See RICHARD LYNN, *EUGENICS: A REASSESSMENT* (2001) [hereinafter LYNN, *EUGENICS*] (acknowledging Harry Weyher "for his encouragement in undertaking the task of writing this book" and "to the Pioneer fund for support"); RICHARD LYNN, *THE SCIENCE OF HUMAN DIVERSITY: A HISTORY OF THE PIONEER FUND* (2001) [hereinafter LYNN, *THE SCIENCE*] (dedicating the book to "the memory of Wickliffe Preston Draper" and hailing him as a "Scholar, Soldier, and Philanthropist").

⁵¹³ See *id.* at 34–49 (discussing "The Breakdown of Natural Selection").

illegitimate births. "Thus, in historical societies," he declares, "illegitimate children, born predominantly to parents with low intelligence and weak character, suffered high mortality."⁵¹⁴ This "cruel world" had the saving grace of insuring that the supposed "genes" for those traits were "expelled from the gene pool."⁵¹⁵ In contrast, until the mid-nineteenth century, the "operation of positive natural selection" ensured genes that guaranteed the "reproductive fitness of the leaders and of the upper and middle classes."⁵¹⁶ Lynn clings to the class-based elitism that characterized the eugenic vision of his hero Galton and his forebears Harry Laughlin and Wickliffe Draper.

Lynn also adheres to the old eugenics of crude IQ testing from the 1920s, quoting Lewis Terman: "'The children of successful and cultivated parents test higher than children from wretched and ignorant homes for the simple reason that their heredity is better.'"⁵¹⁷ Lynn agrees, concluding his own comments on hereditary intelligence: "The eugenicists believed that the social classes have become to some degree genetically differentiated with regard to intelligence. In this chapter we have seen that they were right."⁵¹⁸ Continuing his applause of the prescience of early eugenicists, Lynn explicitly reasserts their claims linking high fertility and hereditary "poor character" to an increase of lawlessness perpetrated by the "criminal class."⁵¹⁹ Modern "research evidence" he says, has shown the accuracy of early eugenic prophecies.⁵²⁰

Lynn's two works published in 2001 resound with echoes of classic eugenic arguments. In *Eugenics: A Reassessment*, he links the new eugenics of *The Bell Curve* with the old eugenics of the Eugenics Record Office, concluding that "all of Herrnstein and Murray's conclusions [in *The Bell Curve*] are essentially correct."⁵²¹ To those who would dismiss the claims of the eugenicists as "pseudoscience"

⁵¹⁴ *Id.* at 33.

⁵¹⁵ *Id.*

⁵¹⁶ *Id.*

⁵¹⁷ *Id.* at 144.

⁵¹⁸ *Id.* at 145.

⁵¹⁹ *Id.* at 185.

⁵²⁰ *Id.*

⁵²¹ LYNN, *EUGENICS*, *supra* note 512, at 87. Despite the fact that surveys of supposedly degenerate families of both the Jukes and the Kallikaks have been discredited over the years, Lynn insists on reaffirming the importance of those "stud[ies]" to both the old and his "new" genetics, and he observes that this underclass "perpetuates itself down the generations in certain sociopathological families." *Id.* at 129.

or "false science," Lynn says: "this assertion is incorrect."⁵²² In an attempt to disassociate eugenics from the Nazi Holocaust, Lynn notes that "eugenics does not require the extermination of undesirables. It is sufficient for eugenics that the mentally retarded and recidivist criminals should be sterilized."⁵²³ And contrary to mountains of evidence linking the biological theories of the Third Reich with Hitler's plans for a *final solution*, Lynn asserts that "eugenic considerations did not play any significant role in the Nazi program for the extermination of the Jews."⁵²⁴

Lynn's most thoroughgoing apologia for his patrons is a lengthy set of bio-sketches of past directors of the Pioneer Fund and recipients of Pioneer grants in his most recent book, *The Science of Human Diversity: A History of the Pioneer Fund*.⁵²⁵ Despite its title, this volume reveals almost nothing about the inner workings of the Pioneer Fund or about the details of its origin. There is no mention of Clarence Campbell, who introduced Draper to Nazi Wilhelm Frick, nor a single reference to Madison Grant. This is a sanitized account, in which details that connect Draper, Laughlin, the Eugenics Record Office, and the Nazis—revealed in this paper or in earlier scholarship by Stefan Kühl and others—do not penetrate the surface.⁵²⁶ Despite Lynn's use of the Harry Laughlin collection at the Truman State University Archives, Laughlin's role in naming Pioneer and his ideas for starting the Fund are not presented, and Lynn makes no reference to the extensive material on Pioneer in Laughlin's collected papers. Nor does he refer to the records of the Eugenics Record Office and the Pioneer Fund at the American Philosophical Society or to related material at the Cold Spring Harbor Laboratory archives.

The book begins with a memoir by Harry Weyher, entitled *My Years with the Pioneer Fund*.⁵²⁷ Throughout the memoir, Weyher details his own entry into the inner circle of American eugenics and his career as *consigliere* to Wickliffe Draper, the philanthropic godfather of the field.⁵²⁸ He describes Draper's personal demeanor as "distinguished or aristocratic, tending toward the chivalrous."⁵²⁹ Disputing media accounts of Draper's fixation with race and his

⁵²² *Id.* at 163.

⁵²³ *Id.* at 239.

⁵²⁴ *Id.*

⁵²⁵ LYNN, *THE SCIENCE*, *supra* note 512.

⁵²⁶ *See generally id.*

⁵²⁷ Harry F. Weyher, *Special Preface*, in LYNN, *THE SCIENCE*, *supra* note 512, at i.

⁵²⁸ *Id.* at xi–xviii.

⁵²⁹ *Id.* at xv.

sixty-year record of support for racial propaganda, Weyher claims that "[r]acial differences might not have been high among Draper's areas of interest except that the political and social developments of the 1950s and 1960s made the issue salient."⁵³⁰ Contrary to the historical record detailed in this article concerning Draper's desire to fund only research that would advance his own eugenic agenda, Weyher portrays Draper as scrupulously uninvolved with individual investigators. Draper avoided contact with scientists, Weyher says, in order "to avoid the appearance of trying to influence the scientist."⁵³¹ In general, there is no *history* of the Fund here, but a fawning tribute to Draper and those who have been supported by his patronage.

Lynn follows the Weyher memento with descriptions of the Directors of the Pioneer Fund since its inception,⁵³² designed to highlight their public accomplishments. He omits all reference to disagreements among the directors, such as the break between Osborn and Draper detailed above. He goes out of his way to praise Harry Laughlin, generally considered among the most racist and anti-Semitic of early twentieth-century eugenicists. Perhaps the height of Lynn's boldness is an attempt to legitimize the commonly discredited case of *Buck v. Bell*,⁵³³ in which Laughlin played such a critical role in winning Supreme Court endorsement for the practice of eugenical sterilization of the "feeble-minded."⁵³⁴ Taking exception to Stephen Jay Gould's assessment of the *Buck* case,⁵³⁵ Lynn comments that "[s]ome accounts question whether Carrie Buck was mentally retarded."⁵³⁶ Lynn disregards the historical record of *Buck v. Bell*,⁵³⁷ and points to it as a good example of the workings of the

⁵³⁰ *Id.* at xviii.

⁵³¹ *Id.* at xxxiv.

⁵³² *Id.* at 3–58.

⁵³³ 274 U.S. 200 (1927); see LYNN, *THE SCIENCE*, *supra* note 512, at 24 (recounting the procedural history and facts of the *Buck* case, but also emphasizing that the decision to perform the sterilization of Carrie Buck was upheld by the U.S. Supreme Court by a vote of eight to one).

⁵³⁴ LYNN, *THE SCIENCE*, *supra* note 512, at 24.

⁵³⁵ Stephen Jay Gould, *Carrie Buck's Daughter*, 93 NAT. HIST., July, 1984, at 14–18.

⁵³⁶ LYNN, *THE SCIENCE*, *supra* note 512, at 25; see also LYNN, *EUGENICS*, *supra* note 512, at 231–232 (discussing the *Buck* case and summarizing Stephen Jay Gould's arguments, which claimed that Carrie Buck "was not mentally retarded" because the tests that found her so were "crude test[s]" and "fatally flawed as a measure of innate worth").

⁵³⁷ See Lombardo, *Three Generations*, *supra* note 66, at 56 (analyzing the facts of the *Buck* case and concluding that it represented "a judicial charade"); see also ALBERT W. ALSCHULER, *LAW WITHOUT VALUES: THE LIFE, WORK, AND LEGACY OF JUSTICE HOLMES* 65–67 (2000) (criticizing the *Buck* opinion and asserting that Carrie Buck and her daughter were not "mentally defective, at least not by today's standards"); G. EDWARD WHITE, *JUSTICE OLIVER WENDELL HOLMES: LAW AND THE INNER SELF* 407 (1993) (noting that "Carrie Buck was very

politics of eugenics, even going so far as to rely on the "IQ tests" performed by 1920s eugenic enthusiasts to prove Buck's "feeble-mindedness."⁵³⁸

In general, Lynn points to positive reviews of Pioneer-funded books, like Rushton's *Race, Evolution and Behavior* or works such as *The Bell Curve*, "which made extensive reference to Pioneer-funded research" as evidence "that the intellectual tide has started to turn" back in favor of eugenics.⁵³⁹

Burnham's, Rushton's, and Lynn's books are turn-of-the-millennium examples of the message the Pioneer Fund continues to subsidize. As noted earlier, the Pioneer Fund also provided financing for the work of many researchers favorably noted in *The Bell Curve*. It is small surprise, then, that *The Bell Curve* characterizes Harry Laughlin's work as the innocent thoughts of "a biologist who was especially concerned about keeping up the American level of intelligence by suitable immigration policies."⁵⁴⁰ *The Bell Curve's* insistence on the futility of social welfare programs is consistent with passages from the *Eugenical News* decades ago. Then, Laughlin's journal dismissed the value of equal education,⁵⁴¹ as well as health service expenditures for non-whites,⁵⁴² and promulgated Wilhelm Frick's opinion that the impulse of public charity was at odds with hereditary fitness.⁵⁴³ Thus, the most malignant brand of eugenics survives, hidden behind a disingenuous veil of statistics, masked as innocent science in the pages of *The Bell Curve*.

The Bell Curve argues that our biological legacy is deteriorating. It employs the language of genetic determinism that was popular during the heyday of eugenics. It attempts to overwhelm the reader with numbers, charts, and formulas, posing as a scientific analysis of our current social woes. But *The Bell Curve's* conclusions are drawn from the catechism of eugenics, an ideology and a political

probably not disabled").

⁵³⁸ LYNN, *THE SCIENCE*, *supra* note 512, at 24–25.

⁵³⁹ *Id.* at 540.

⁵⁴⁰ HERRNSTEIN & MURRAY, *supra* note 1, at 5.

⁵⁴¹ See *Negro Efficiency*, 1 EUGENICAL NEWS, Nov. 1916, at 79 (discussing the probability of raising negroes' intelligence and speculating that "no expenditure of time or of money would accomplish this end").

⁵⁴² See *Race Mortality*, 1 EUGENICAL NEWS, Nov. 1916, at 79 (indicating that "the negro infant death rate is in every district higher than the white rate" and concluding that "[t]here can be no question but that the low rate is due to the qualities inherent in the people themselves").

⁵⁴³ See Dr. Wilhelm Frick, Reichminister for the Interior, Address Before the First Meeting of the Expert Council for Population and Race-Politics (June 28, 1933) in *German Population and Race Politics*, 19 EUGENICAL NEWS, Mar.–Apr. 1934, at 33, 36.

movement that provides America's most enduring link to the Holocaust. That ideology, complete with turn-of-the-millennium packaging, continues to inform the current policy debate about the nature and source of poverty, crime, and social problems.

While Harry Laughlin's vision of a eugenically purified America was never realized, and Wickliffe Draper's program for achieving strict racial separation failed, the Pioneer Fund they created remains. It was born of a racist vision of "the American Breed," and nurtured in hopes of duplicating Nazi legal and social policy. It is one of the few lasting remnants of the American eugenics movement, and a sobering monument to the darkest aspirations of its founders.

APPENDIX

TABLE I

German Eugenics in The Eugenical News: 1932–1937

Jan.– Feb. 1932	<i>Archiv Für Rassen-und Gesellschafts-Biologie</i> (summarizing German journal articles concerning the reproduction of criminals, and discussing the correlation between “inferior intelligence” and “low social level[s]”)
Mar.– Apr. 1932	<i>Hitler and Race Pride</i> (describing media accounts in the U.S. of the “program of Hitlerism” and its nurture of “the purest Nordic stocks”)
July– Aug. 1932	<i>German Emigration</i> (discussing “the superior human breeding stocks” that have left Germany)
Sept.– Oct. 1932	<i>The Nordic Movement in Germany</i> (speculating about the prospect of “new and valuable projects” and the “new racial hygiene laws” expected from the new German government)
Sept.– Oct. 1933	<i>Eugenical Sterilization in Germany</i> (reprinting, summarizing, and praising the new German law as one that “reads almost like the ‘American model sterilization law’”)
	<i>Race-Culture in Germany</i> (reviewing a book touting the need for the “preservation of the best racial elements, and [for the] elimination of inferior stocks”)
Mar.– Apr. 1934	<i>German Population and Race Politics</i> (translating an address by Dr. Wilhelm Frick at the first meeting of the Expert Council for Population and Race-Politics in Berlin on June 28, 1933, outlining the task of stopping the “national and cultural ruin” in Germany)
	<i>German Sterilization Progress</i> (discussing a <i>New York Times</i> article on how the “Hitler government in Germany is proceeding with its eugenics program,” in which, according to the article, “[a] spokesman for the [German] Government predicted that between 200,000 and 300,000 persons would be sterilized in Germany within the next few years”)

German Eugenics in The Eugenical News: 1932–1937

	<i>A French View</i> (quoting a letter by Count de Lapouge to Madison Grant that hailed the Nazi ascendancy as the “birth of a new civilization” and warned of the increasing Asiatic, African, and Jewish influence and presence in France)
	<i>Eugenics in Germany</i> (displaying the catalogue of German eugenics prepared by Eugen Fisher)
	<i>Eugenical Propaganda in Germany</i> (translating the pamphlet entitled “[t]he Mother of Nations,” which was distributed in Germany “in the interest of race betterment”)
	<i>Notes</i> (noting the elevation of Fritz Lenz as the director for racial hygiene and eugenics at the Kaiser Wilhelm Institute for Anthropology and as the first chair of race hygiene at the University of Berlin)
May– June 1934	<i>The New German Law Against Dangerous Habitual Criminals</i> (describing legislation that allows sterilization of criminals “after the pattern of foreign model laws”).
Sept.– Oct. 1934	<i>New German Etymology for Eugenics</i> (explaining the various definitions of “race-hygiene,” “race-culture,” “race-betterment,” and “race-biology”)
	<i>Jewish Physicians in Berlin</i> (explaining the attempts by the city of Berlin to “quite logically” reduce the number of their Jewish doctors)
	<i>A letter from Dr. Ploetz</i> (asserting that the reports of the Jews who were “expelled” from Germany were part of a “Jewish propaganda of untruths”)
	<i>Race Hygiene (Eugenics) in Germany</i> (reviewing Rüdin’s 1934 <i>Erblehre und Rassenhygiene im völkischen Staat</i> and observing that “[i]t appears that under the dictatorship Germany is moving more rapidly toward race purification than any other nation”)
Nov.– Dec. 1934	<i>The Sterilization Law in Germany</i> (claiming that by enacting sterilization laws, “Germany learned from the United States”)
	<i>German Eugenics, 1934</i> (listing “Eminent Eugenicists in Germany”)

German Eugenics in The Eugenical News: 1932–1937

Jan.– Feb. 1935	<i>Population and its Control: Are the White People Dying Out?</i> (quoting the Chief German statistician on "the dangers to which the white races are exposed")
	<i>Sterilization in Germany</i> (reporting that the slightly feeble-minded and foreigners are to be included in the "national 'purge'" of sterilization)
Nov.– Dec. 1935	<i>Nuptial Health</i> (reporting on the Nazi Cabinet decree for "compulsory marriage health certificate[s] to safeguard the German race")
Jan.– Feb. 1936	<i>Erratum</i> (apologizing-tongue-in-cheek-to "der Fuhrer of das Reich" for understating the German population)
	<i>Book Reviews: The Hereditary Aspect of Pathology</i> (reviewing von Verschuer's book, which asserted that "nation" was no longer a geographical term but "a biological entity")
Mar.– Apr. 1936	<i>The German Racial Policy</i> (summarizing the address by C.G. Campbell that decried "anti-Nazi propaganda" and obscured "the correct understanding and the great importance of the German racial policy")
May– June 1936	<i>Seeking "Race Purity" in Germany</i> (describing the required review of marriages between a person with two Jewish grandparents and a person with one or no Jewish grandparents)
	<i>Verschuer's Institute</i> (describing, and showing photos of, the new Frankfurt University Institute for Hereditary Biology and Racial Hygiene, which was directed by Dr. Otmar Freiherr von Verschuer)
July– Aug. 1936	<i>Patriotism and Racial Standards</i> (discussing a speech by the American banker and American Eugenics Society President C.M. Goethe, which praised the "stupendous forward movements" that took place as a result of Nazi Germany's eugenics laws)
Nov.– Dec. 1936	<i>The German Program of Marriage Promotion through State Loan</i> (discussing first-hand observations that were made by Marie Kopp, who analyzed the application of the Nazi "public health" laws since 1933)

German Eugenics in The Eugenical News: 1932–1937

	<i>Germany Seeks Babies</i> (describing the new criminal law in Germany which penalized the distribution of birth control information)
July– Aug. 1937	<i>Eugenics in Germany: Motion Picture Showing How Germany is Presenting and Attacking Her Problems in Applied Eugenics</i> (promoting the film <i>Erbkrank</i> (The Hereditarily Defective), which discussed the “economic, moral and biological costs of human handicap and inadequacy” and the social policies of Nazi Germany)
Sept.– Oct. 1937	<i>A New German Eugenical Quarterly</i> (promoting a new journal that was edited by Dr. Verschuer and Dr. Schottky)

TABLE II

THE LAUGHLIN-DRAPER AGENDA REFLECTED IN
PIONEER FUND GRANTS⁵⁴⁴

Pioneer Fund grants have been given:

1. To provide books and to study the topic of heredity and eugenics [1973-1984].
2. To study American Anglo-Saxon school children [1976-1981].
3. To study the distribution of blood groups among southern Mississippi Anglo-Saxon school children [1978].
4. To research and publish Dr. Audrey M. Shuey's revised edition of *The Testing of Negro Intelligence* [1982].
5. To analyze publications concerning abilities of Orientals and to distribute *The Abilities and Achievements of Orientals in North America* [1980, 1982].
6. To conduct comparative studies of head, body, and pigmentation measures of British school children to Southern Mississippi schoolchildren [1980].
7. To fund the printing of Professor Carlton Coon's 1962 monograph entitled *New Findings on the Origin of Races* [1980].
8. To conduct research on positive eugenics, West German and Danish fertility rates, and to measure genetic distances between major races [1984].

⁵⁴⁴ See DEP'T OF THE TREASURY, FORM 990: ANNUAL REPORT OF PRIVATE FOUNDATION, THE PIONEER FUND, INC. (1973–1982, 1984, 1990–992) (itemizing the grants and contributions paid by the Pioneer Fund for each year); *supra* notes 509–512 and accompanying text.

9. To study the politicization of science, particularly the study of race [1991].
10. To study research and education on immigration problems [1991].
11. To print and distribute the 1993 second edition of Stanley Burnham's *America's Bimodal Crisis: Black Intelligence in White Society* [1992].
12. To print and distribute 30,000 copies of a condensed version of J. Philippe Rushton's book entitled *Race, Evolution, and Behavior: A Life History Perspective* [1999-2000].⁵⁴⁵
13. To support Richard Lynn's *Dysgenics: Genetic Deterioration in Modern Populations* [1996]; *Eugenics: A Reassessment* [2001]; and *The Science of Human Diversity: A History of the Pioneer Fund* [2001].⁵⁴⁶

⁵⁴⁵ See Hot Type, *supra* note 509.

⁵⁴⁶ See *supra* note 512 and accompanying text.