

## The Alberta Eugenics Movement and the 1937 Amendment to the Sexual Sterilization Act

*W. Mikkel Dack, University of Calgary*

### Abstract

The scholarly study of eugenics legislation in Alberta has been seriously limited as research has focused on the province's original Sterilization Act, passed in March 1928, and on the political, social, and economic conditions of the 1920s. Although the 1928 Act was of great significance, being the first sterilization law passed in Canada, it was its 1937 amendment and the permitting of involuntary sterilizations that made the Alberta eugenics movement truly distinct. During the late 1930s, a time when the great majority of regional governments were either decommissioning or disregarding their sterilization laws due to a lack of funding, the discrediting of scientific racism and an increase in public protest, Alberta expanded its own legislation. Although similar laws were met with fierce opposition in other provinces and in the United States, this new amendment of 1937 remained largely unopposed in Alberta.

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As a result of such narrowly focused research, the explanations for why the Act was amended and why resistance to non-consensual sterilization remained minimal during the 1930s have been based almost entirely on political and social assumptions and not on sound evidence; explanations have proven to be exaggerated, inaccurate, and misleading. By dismissing the preconceived notions and arguments of the past we are left with a new grounding from which to build future propositions and with a new set of sharpened questions to help determine why the Alberta government, and presumably its people, were willing to support such regressive legislation when it was being ignored and rejected elsewhere. By doing so new theories arise, such as the influential role of individual personalities within the provincial government and the Alberta medical community, the definition and diagnosis of "mental deficiency" in Canada, and the means by which political resistance could be expressed.

### Introduction

In March 1928, the United Farmers of Alberta government enacted Canada's first legislation concerning the sterilization of mentally disabled persons. Passed by the Legislature after three separate readings, the *Sexual Sterilization Act* established a four-person "Eugenics Board," composed of senior physicians, who could

authorize the sterilization of individuals discharged from mental institutions.<sup>1</sup> Such eugenics legislation was rare in Canada during the 1920s; however, a number of state governments in the United States had passed similar laws, many of which pre-dated those in Alberta.<sup>2</sup> But the young western province was unique in other ways. During the late 1930s, a period that saw a decline in eugenics movements in both Canada and the United States and the attenuation of sterilization laws, Alberta enacted further legislation. Not only did sexual sterilization operations continue during these years, but the criterion for sterilization was expanded under a 1937 amendment and the statutory requirement of consent eliminated; a second amendment of similar features was passed in 1942. While the great majority of provincial and state governments were either decommissioning or disregarding their sterilization laws due to a lack of funding, an increase in public protest and the discrediting of scientific racism, Alberta's expanding legislation remained largely unopposed by government officials, health administrators, and the general public.

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The 1928 Sexual Sterilization Act and its public discourse have been meticulously analyzed by historians searching for a rationale as to why no significant form of protest accompanied its enactment.<sup>3</sup> However, the study of eugenics in Alberta has been seriously limited, as scholars have concentrated only on the original Sterilization Act and on the political, social, and economic conditions that existed in Alberta during the late 1920s. Although the 1928 Act was of significance, as it was the first sterilization law passed in Canada, within a larger context of North America, its enactment was quite ordinary.<sup>4</sup> The 1937 Amendment and the permitting of

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<sup>1</sup> The Sexual Sterilization Act, 1928, s.3 (2). See Appendix I.

<sup>2</sup> Ian Robert Dowbiggen, *Keeping America Sane: Psychiatry and Eugenics in the United States, and Canada, 1880-1940* (Ithaca: University of Cornell Press, 1996), p.100. The first American state to pass a sterilization law was Indiana in 1907, followed by California (1909), Washington (1909), and Connecticut (1909).

<sup>3</sup> Studies have been conducted by a number of doctoral students, faculty members, and administrators at the University of Alberta, including Timothy Caulfield, Gerald Robertson, Jana Grekul, Harvey Krahn, David Odynak, and Terry Chapman, as well as by the prominent gender historian Angus McLaren.

<sup>4</sup> The only other province to pass a sterilization law was British Columbia, which did so in 1933.

involuntary sterilizations on the other hand was not; here, the Alberta eugenics movement was truly distinct and where further study must be conducted.

Due to a concentration on the original sterilization legislation and not on subsequent laws, scholarly explanations for why the Act was amended in 1937 and why resistance to sexual sterilization remained minimal during the 1930s have been based almost entirely on political and social assumptions instead of sound evidence. The four most common explanations made by historians for why resistance did not emerge in Alberta during the 1930s are as follows: (1) the province experienced a mass influx of immigrants, resulting in a fear that an “inferior stock” was polluting the local community, (2) that the general public was unaware of the sterilization laws themselves, as such legislation was confined to the conversations and debates of politicians and health administrators, (3) that the public was unaware of the racial eugenics programs in Nazi Germany, the discrediting of hereditary science, and the decline of eugenics movements throughout North America, and (4) that there was a popular belief that eugenics legislation would improve the economic conditions of the province and that sexual sterilization would help reduce frivolous government spending. Although all of these explanations for the public acceptance of government sanctioned sterilization are plausible, a closer examination reveals that they are in fact misleading, inconsistent and in some cases false. To obtain a clearer understanding as to why Alberta embraced eugenics with such enthusiasm and why no substantial resistance was organized against involuntary sterilization, there must be an expansion of analysis so that subsequent legislation is included as well as a re-evaluation of the various explanations that have been used to account for these laws. Only then can a new scholarly investigation be conducted and the question of why Alberta remained one of the strongest advocates for sexual sterilization in North America during the twentieth century be answered.

## The International Eugenics Movement

The first eugenics movement, founded by the English intellect Sir Francis Galton in 1904, promoted healthy living and “social purity,” and focused on both positive and negative eugenics practices as a means to eliminate hereditary disease and “feeble-mindedness.”<sup>5</sup> However, it was not in Britain where such socio-scientific concepts were first introduced into the political and legal spheres, or even in Europe; instead it was the United States that became the pioneer country for eugenics legislation. Beginning with Indiana in 1907, sterilization laws were enacted in fifteen states by 1917 and in thirty-one by 1937.<sup>6</sup> These acts were accompanied by newly revised marriage and immigration laws, all of which possessed strong undertones of racial prejudice and eugenics philosophy.<sup>7</sup> In 1910, the Eugenics Record Office (ERO), headed by Dr. Charles B. Davenport, was established in Cold Spring Harbor, Long Island, and soon became the institutional nerve centre for human hereditary research in North America.<sup>8</sup> By 1935, over twenty-one thousand sterilizations had been performed in the United States.<sup>9</sup> Backed by a belief in the legitimacy of hereditary science, inspired by an age of modernization and progressivism, and accompanied by a fear of unregulated immigration and “race defilement,” the United States became the international leader of eugenics in the 1920s.

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<sup>5</sup> Stefan Kühl, *The Nazi Connection: Eugenics, American Racism, and German National Socialism* (New York: Oxford University Press, 1994), p.6. Positive eugenics includes the encouragement of procreation by individuals and groups who are viewed as possessing desirable characteristics and genes (ie: financial and political stimuli, in vitro fertilization, egg transplanting and cloning). Negative eugenics involves discouraging and decreasing procreation by individuals and groups who are viewed as having inferior or undesirable characteristics and genes (ie: abortions, sterilization, and methods of family planning).

<sup>6</sup> Ian Robert Dowbiggin, *Keeping America Sane*, p.77.

<sup>7</sup> Stefan Kühl, *The Nazi Connection*, p.17.

<sup>8</sup> Garland E. Allen, “The Ideology of Elimination: American and German Eugenics, 1900-1945,” in *Medicine and Medical Ethics in Nazi Germany. Origins, Practices, Legacies* (New York: Berghahn Books, 2002), p.19.

<sup>9</sup> André Dupras, “Public Attitudes Towards the Sterilization of Handicapped People,” in *Sterilization and Mental Handicap* (Downsview: National Institute on Mental Retardation, 1980), p. 65.

Although eugenics as a movement had officially existed in Germany since 1905, and the liberal-democratic government of the Weimar Republic often applied eugenics-based theory to various health and social programs, it was during the National Socialist period that Germany would surpass the United States in eugenics legislation.<sup>10</sup> The Nazi sterilization law of July 14, 1933, the *Law for the Prevention of Offspring with Hereditary Diseases*, permitted the sterilization of those citizens afflicted with “feeblemindedness,” schizophrenia, epilepsy and other “incurable diseases.”<sup>11</sup> In November 1935 the Nuremberg Laws were enacted, detailing strict racial classifications and forbidding sexual and marital relations between Jews and “citizens of German or kindred blood.”<sup>12</sup> Although the German eugenics programs during the 1930s was far more radical than in other countries, sterilizing nearly 375,000 persons, the direct influence that they had on eugenics in the United States cannot be overlooked.<sup>13</sup> Not only did American eugenics legislation have a substantial influence on the drafting of similar laws in Germany, but the ERO and the American Eugenics Society (AES) eventually became the strongest foreign supporters of Nazi eugenics, regardless of its extreme nature and racial undertones.<sup>14</sup> After a visit to Germany in 1934, the head of the AES, Dr. Leon Whitney, remarked that he was determined to work towards “something very like what Hitler has now made compulsory”<sup>15</sup> and that Nazi eugenics measures correspond with the “goals of eugenicists all over the world.”<sup>16</sup>

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<sup>10</sup> Robert Proctor, *Racial Hygiene: Medicine Under the Nazis* (Cambridge: Harvard University Press, 1980), p.145, p.148. The Weimar government established “counselling centres” that advocated for marriage based on principals of racial hygiene. Weimar physicians and geneticists were also the first in Germany to recommend that all citizens carry “health passes” and that “racial offices” be established.

<sup>11</sup> Henry Friedlander, *Origins of Nazi Genocide: From Euthanasia to the Final Solution* (Chapel Hill: University of North Carolina, 1995), p.26.

<sup>12</sup> Robert Proctor, *Racial Hygiene*, p.131.

<sup>13</sup> Ian Robert Dowbiggin, *Keeping America Sane*, p.xiii.

<sup>14</sup> Stefan Kühl, *The Nazi Connection*, p.20. A number of American private organizations, such as the Rockefeller Foundation and the Carnegie Foundation, financed eugenics research in Germany between 1920 and 1934.

<sup>15</sup> Ian Robert Dowbiggin, *Keeping America Sane*, p.36.

<sup>16</sup> Ibid.

## The Eugenics Movement in Alberta and the 1928 Sexual Sterilization Act

The Canadian eugenics movement drew influence from both the American pioneers of the 1920s and the German radicals of the 1930s. The mass influx of immigrants into the young country, beginning in the 1890s, and the concern about the mentally ill and “feeble-mindedness” of Canadian society dominated debates on eugenics well into the 1920s. The Canadian National Committee on Mental Hygiene (CNCMH), established in 1918 with the goal to “fight crime, prostitution and unemployment,”<sup>17</sup> conducted province-wide surveys on the health and wellness of the nation’s residents, all of which reported “negative results.”<sup>18</sup> Although eugenics organizations were formed in all provinces during the 1920s, the warnings of the CNCMH found their greatest resonance in Alberta. Western Canada in the 1920s provided an ideal climate for the acceptance of eugenics programs, not only because of the fear produced by a large immigrant population, but it was also a reforming society, one rife with social gospellers, radical politicians and women’s suffragists, many of whom advocated a philosophy of progress based upon the application of science. In 1921, the United Farmers of Alberta (UFA) formed a majority in the legislative assembly, and immediately advocated for the establishment of sterilization laws. The United Farm Women of Alberta (UFWA), an auxiliary of the UFA, spearheaded efforts to enact compulsory sterilization, seeking “racial betterment through the weeding out of undesirable strains.”<sup>19</sup> In 1922, the province’s Minister of Health, Dr. R.G. Reid, declared that the government was in favour of sterilization, however it would

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<sup>17</sup> Jana Grekul and Harvey Krahn and Dave Odynak, “Sterilizing the ‘Feeble-Minded’: Eugenics in Alberta, Canada, 1929-1972,” in *Journal of Historical Sociology*, volume 17. No. 4, December 2004, p.362.

<sup>18</sup> Angus McLaren, *Our Own Mater Race: Eugenics in Canada, 1885-1945* (Toronto: McClelland and Stewart, 1990), p.99.

<sup>19</sup> Jana Grekul et al., “Sterilizing the ‘Feeble-Minded’,” p.362. Among the many UWFA members who advocated sterilization legislation was Nellie McClung, the Canadian feminist, social activist, and politician.

take six more years before his position would materialize into provincial legislation.<sup>20</sup>

The Sexual Sterilization Act was passed on March 21, 1928.<sup>21</sup> During its forty-three years in effect, the Alberta Eugenics Board (AEB) approved 4,739 cases for sterilization, of which 2,834 were performed.<sup>22</sup> Candidates were selected from four so-called “feeder-hospitals” throughout the province, they included, Alberta Hospital (Ponoka), Provincial Training School (Red Deer), Alberta Hospital (Oliver), and Deerhome (Red Deer).<sup>23</sup> Physicians or psychiatrists at these institutions would recommend patients for sterilization and present their requests to the AEB. The Board would then interview the patients and ask for personal consent from them or their legal guardian. On average, the AEB reviewed thirteen cases during each of their hour-long sessions.<sup>24</sup>

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Although legal equivalents to the Alberta sterilization law could be found throughout the United States, by the mid-1930s important scientific and political groups in both countries grew more sceptical about the practice of eugenics science.<sup>25</sup> The rising status of Nazi Germany in world affairs led to a closer examination of the Reich’s health programs and racial laws, resulting in a decline in negative eugenics in North America.<sup>26</sup> The Nazi government’s tendency to use racial hygiene to justify sterilization and euthanasia severely discredited the eugenics movement. This decline was perpetuated by a loss of financial support from wealthy sponsors, a

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<sup>20</sup> Angus McLaren, *Our Own Mater Race*, p.100.

<sup>21</sup> See Appendix I.

<sup>22</sup> Jana Grekul et al., “Sterilizing the ‘Feeble-Minded,’” p.358. For more on the application of the Sexual Sterilization Act see Jana Grekul, “The Right to Consent? Eugenics in Alberta, 1928-1972,” in Janet Miron (ed.) *A History of Human Rights: Essential Issues* (Toronto: Canadian Scholars’ Press, 2009).

<sup>23</sup> Timothy Caulfield and Gerald Robertson, “Eugenic Policies in Alberta: From the Systematic to the Systemic?” in *Alberta Review*, volume 35. No. 1, 1996, p.61.

<sup>24</sup> Jana Grekul et al., “Sterilizing the ‘Feeble-Minded,’” p.366, p.371, p.375. Approximately 54% of individuals who appeared in front of the AEB were women (in 1931 only 45% of Alberta’s population was female); 19% of patients were Eastern European (representing 17% of the province’s population); 6% were Aboriginal (representing 2% of the population). For more on gender differences and biases see Jana Grekul, “Sterilization in Alberta, 1928-1972: Gender Matters,” *The Canadian Review of Sociology*, volume 45, No. 3, 2008, p.247-266.

<sup>25</sup> Garland E. Allen, “The Ideology of Elimination”, p.34.

<sup>26</sup> Ibid.

general questioning of simplistic genetic claims by the scientific community and the retirement or death of many prominent figures who supported programs of racial eugenics.<sup>27</sup> One anti-sterilization pamphlet, published in Canada in 1936, announced “...eugenics rests entirely on a few unproved and even dubious theories. Consider for example the myth of ‘racial superiority’.”<sup>28</sup> In the United States, politicians debated the “absurd premises of Nordicism” claimed by the National Socialist government and the scientific basis of discrimination against Jews.<sup>29</sup> Sexual sterilization became less popular in the late 1930s as a new generation of progressive social eugenicists who implemented positive eugenics, began to emerge. By the late 1930s sterilization operations in the United States had dropped to 1.68 per 100,000 people, while Alberta’s sterilization rate reached 6.21 per 100,000, nearly four times the American average.<sup>30</sup>

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During this period of decline in the practice of negative eugenics, the majority of sterilization laws in the United States were ignored, languishing in the statute books; however, Alberta continued to apply its legislation fairly broadly. In fact, by 1937 the Social Credit Minister of Health, Dr. Wallace Cross, complained to the Legislature that in the nine years since the passing of the province’s sterilization law *only* four hundred “abnormal persons” had been sterilized and *not* the two thousand that he believed were qualified.<sup>31</sup> His government considered the Sterilization Act too restrictive and therefore proposed an amendment to the law that would grant the AEB authority to compel the sterilization of patients without consent. The Director of Mental Health for the Province, Dr. Charles A. Baragar also advocated for the removal of the consent requirement for mental defectives, writing that “The Sexual Sterilization Act is a very mild one. On account of the necessity for

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<sup>27</sup> Ibid., p.19.

<sup>28</sup> Antoine d’Eschambault, *Eugenical Sterilization* (Winnipeg: Canadian Publishers, 1937), p.74.

<sup>29</sup> Stefan Kühl, *The Nazi Connection*, p.82.

<sup>30</sup> Jana Grekul et al., “Sterilizing the ‘Feeble-Minded’,” p.376.

<sup>31</sup> Timothy Christian, *Mentally Ill and Human Rights in Alberta: A Study of the Alberta Sterilization Act* (University of Alberta, Faculty of Law, 1973), p.25.

securing consent in all cases there are a number of cases in which sexual sterilization would be strongly advisable...to whom consent cannot be obtained.”<sup>32</sup> The *Edmonton Bulletin* voiced similar concerns, explaining that “...only ten years ago there were three hundred hopeless mental defectives in Alberta and now there are three thousand.”<sup>33</sup> Amidst such popular sentiments, the Sterilization Act was amended in March 1937 and the AEB given consensual rights to perform sterilization on those patients who they believed posed a “risk of mental injury, either to the individual or to his or her progeny.”<sup>34</sup> |98

Why was an amendment that permitted involuntary sterilization passed in Alberta during a period of decline for the eugenics movement in North America? Why was the Province so accepting of eugenics legislation in the late 1930s while the large majority of governments within Canada and United States were not? Why was there no significant protest from politicians, health administrators, or from the public?

### **Current Theories: Immigration**

In her doctoral dissertation, Terry Chapman argues that mass immigration to Alberta during the 1920s was the single largest motivator for the passing of the Sexual Sterilization Act in 1928.<sup>35</sup> At the turn of the century Canadian immigration was still governed by the terms of the 1869 Immigration Act, a more or less open-door policy for European immigrants that required no medical inspection upon disembarking at Canadian ports.<sup>36</sup> From 1901 to 1911, the population of Canada increased by 43% and in 1913 alone more than 400,000 immigrants were permitted residency in the country, a

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<sup>32</sup> Ibid., p.28.

<sup>33</sup> *Edmonton Bulletin*, April 1, 1937.

<sup>34</sup> See Appendix II.

<sup>35</sup> Terry L. Chapman, “Early Eugenic Movements in Western Canada,” in *Alberta History*, volume 25, 1977, p.9.

<sup>36</sup> Ian Robert Dowbiggin, *Keeping America Sane*, p.141. The 1869 Immigration Act was highly discriminatory, favouring British, American, Scandinavian, and Protestant immigrants over Southern and Eastern Europeans and Catholics.

large proportion of whom migrated west to the Prairie Provinces.<sup>37</sup> Historian Timothy Christian also supports such claims, drawing considerable attention to the Mental Hygiene Survey, published in 1921, that reported that only 48.8% of people living in Alberta were born in Canada and that the high-level of “unfit elements” was largely due to immigration, specifically from Eastern Europe.<sup>38</sup> In 1922, the former Minister of the Interior, Clifford Sifton, renounced Canada’s immigration policy, arguing that Alberta had been overrun by undesirable immigrants and that the Canadian federal government had “not been admitting those individuals of the most rugged fibre.”<sup>39</sup> The *Farm and Ranch Review* expressed similar grievances, explaining to their readers that while the Scandinavians were a hospitable race, for the most part, “the immigrants [in Alberta] are beaten men from beaten races.”<sup>40</sup> As early as 1924 the UFWA began to organize a campaign against the immigration of the “insane and feeble-minded”<sup>41</sup> into the province, calling for either physical segregation or social assimilation; they chose assimilation and sexual sterilization as means to achieve it.

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However, a review of government statistics and of popular media of the time suggests that such trends in western immigration, and the fears that accompanied them, changed substantially in the 1930s. When R.B. Bennett, the first leader of the Alberta Conservative Party, won the federal election in 1930 he promised not only an end to unemployment, but also a drastic reduction in immigration to Canada.<sup>42</sup> Within three months of taking office, Bennett’s conservative government imposed a series of legal restrictions resulting in the most rigid immigration admissions policy in Canadian history.<sup>43</sup> While as many as 165,000 immigrants had entered Canada in 1929, by 1936 that number had been reduced

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<sup>37</sup> Angus McLaren, *Our Own Mater Race*, p.47.

<sup>38</sup> Timothy Christian, *Mentally Ill and Human Rights in Alberta*, p.5.

<sup>39</sup> Terry L. Chapman, “Early Eugenic Movements in Western Canada,” p.9.

<sup>40</sup> *Ibid.* p.13.

<sup>41</sup> Timothy Christian, *Mentally Ill and Human Rights in Alberta*, p.8.

<sup>42</sup> Ninette Kelley and Michael Trebilcock, *The Making of the Mosaic: A History of Canadian Immigration Policy* (Toronto: University of Toronto Press, 1998), p.216.

<sup>43</sup> The most famous of which was the Order in Council PC 695, passed in 1931, that essentially ended Canada’s sixty year “open-door policy” on immigration.

to 12,000, more than a 90% drop in only seven years.<sup>44</sup> The early 1930s also saw the deportation of more than 25,000 immigrants who had been recipients of public assistance and considered to be a “drain on Canadian society.”<sup>45</sup> In the 1920s, Alberta admitted upwards of 20,000 immigrants per year, by the mid-1930s, however, due to the government’s response to a popular fear of rising unemployment, that number had fallen to under a thousand.<sup>46</sup> In 1935, only 735 immigrants arrived in Alberta.<sup>47</sup> Furthermore, of the small number of immigrants who were received by the province during these years, few were from Eastern Europe and other regions that the CNCMH and the UFWA had targeted during their original sterilization campaign.<sup>48</sup> Only 20% of immigrants who entered Alberta in the mid-1930s were from Eastern Europe, approximately 200 per year.

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Timothy Christian has argued that despite the dramatic decrease in Alberta’s immigration rates, the resident population, due to such a large influx of foreigners during the four previous decades, remained unchanged in their fear of immigration. However, a close examination of media sources during the 1930s challenges this argument. News of Bennett’s restrictive admission policy and Alberta’s dramatic drop in immigration were well-published in local newspapers. In fact, from 1930 to 1935 such stories were often found on the front page. On March 7, 1929, the *Edmonton Journal* reassured its readers by announcing that “Immigration Activities Will Be Curbed”<sup>49</sup> and that in the future “The proper restrictions shall be exercised over the character of immigration in the country’s interests.”<sup>50</sup> The *Calgary Daily Herald* ran similar headlines, informing the public that an immigration advisory body had been

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<sup>44</sup> “Immigrant arrivals in Canada, 1892 to 1946,” Statistics Canada, Canada Year Book, 1947.

<sup>45</sup> Ninette Kelley and Michael Trebilcock, *The Making of the Mosaic*, p.227.

<sup>46</sup> “Destinations of immigrants into Canada, by provinces, calendar years 1929 to 1936,” Statistics Canada, Canada Year Book, 1937.

<sup>47</sup> Ibid.

<sup>48</sup> “Nationalities of immigrants, calendar years 1931 to 1935,” Statistics Canada, Canada Year Book, 1937. Only 20% of immigrants who entered Alberta in the mid-1930s were from Eastern Europe, approximately two hundred per year.

<sup>49</sup> *Edmonton Journal*, March 7, 1929, p.1.

<sup>50</sup> Ibid.

formed and that “Emigration...to Canada has fallen off greatly in the years since the war.”<sup>51</sup> Not only had immigration to Alberta been nearly eliminated by the mid-1930s, the population knew that it had been. The fear of mentally deficient immigrants who were already living in the province may have lingered, however there is no doubt that during the 1930s Albertans saw the problem of immigration in a much different light; it was no longer seen as a growing threat, one that required extreme and immediate action to prevent its expansion.

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### **Current Theories: Lack of Public Knowledge of the Sterilization Laws**

A second explanation given by scholars for why Albertans did not oppose the amending of the sterilization law in 1937 is that there was a general lack of public knowledge of the laws themselves and that such information was confined only to conversations and debates among politicians and health administrators. This argument, at first glance, is believable as all the AEB sessions were *in camera* and the majority of debates surrounding eugenics legislation were either carried out in the legislature building and in the office of the Minister of Health or within medical journals, which few Albertans read. However, the examination of newspapers and other popular publications during the 1930s casts doubts on this argument.

The original Sexual Sterilization Act of 1928 was loudly announced in the media the very day of its enactment. On March 7 the front page of the *Edmonton Bulletin* declared that “Sterilization Bill Passes Third Reading.”<sup>52</sup> During the period of political debate that preceded the Act newspapers spoke of the “sterilization of defectives,”<sup>53</sup> arguing that such proposed legislation was necessary due to the “appalling growth of the mental defectives in the various

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<sup>51</sup> *Calgary Daily Herald*, September 11, 1930, p.8.; *Calgary Daily Herald*, September 8, 1930, p.4.

<sup>52</sup> *Edmonton Bulletin*, March 7, 1928, p.1.

<sup>53</sup> *Edmonton Bulletin*, March 26, 1927, p.1.

provincial institutions.”<sup>54</sup> On December 9, 1935 the *Edmonton Bulletin* published a special report on the eugenics debate in Canada, highlighting the various sterilization laws that had been passed in the United States and Europe and their influence on provincial legislation.<sup>55</sup> The *Calgary Daily Herald*, in its coverage of the 1937 Amendment, questioned the authority of the AEB, stating “Sterilization Board Given Wide Powers,” explaining to its readers how “...this medical body is able to order operations on under age mental cases.”<sup>56</sup> Furthermore, a number of pamphlets and books were published in Canada during the mid-1930s, mostly by religious organizations in Ontario and Quebec, which were widely circulated in Alberta and spoke out against the province’s sterilization law. In 1934, L. Fairfield’s book *The Case Against Sterilization*<sup>57</sup> was published, as was Helen MacMurchy’s *Sterilization? Birth Control?*,<sup>58</sup> two years later Antoine d’Eschambault, wrote *Eugenical Sterilization*.<sup>59</sup> These works condemned Alberta’s eugenics policies on moral, scientific, and economic grounds.

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Due to the wide exposure of Alberta’s sterilization laws in the popular press and the availability of anti-eugenics literature, it is difficult to believe that the province’s population remained ignorant of sterilization activities during the 1930s. Media sources not only printed the details of the 1937 Amendment, they also reiterated the discussions and debates that surrounded sterilization legislation. Albertans may not have been informed of all of the details that pertained to the sterilization laws, as such information was reserved for politicians and the medical community. Yet they were well-informed of the eugenics legislation that had been passed in

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<sup>54</sup> Ibid.

<sup>55</sup> *Edmonton Bulletin*, December 9, 1935, p.2.

<sup>56</sup> *Calgary Daily Herald*, April 1, 1937, p.4; many other newspapers published articles and editorials on Alberta’s sterilization law, including the *Montreal Gazette* (February 7, 1934, p.3) and the *Buckingham Post* (March 12, 1937, p.5).

<sup>57</sup> L. Fairfield. *The Case Against Sterilization* (London: Catholic Truth Society Pamphlet, 1934).

<sup>58</sup> Helen MacMurchy. *Sterilization? Birth Control?* (Toronto: MacMillan, 1934).

<sup>59</sup> Antoine d’Eschambault, *Eugenical Sterilization*, p.69. D’Eschambault argued that the science of eugenics was based on “dubious theories” and that the *Sexual Sterilization Act* of Alberta resembled eugenics laws in Nazi Germany.

parliament, of the political and social ramifications that it entailed, and the amendment to the law in 1937.

### **Current Theories: Nazi Racialism and the Decline of Negative Eugenics**

A third explanation for the lack of opposition to the amending of the Sexual Sterilization Act is that the media did not provide sufficient coverage of racial eugenics practices in Nazi Germany, and that, as historian Angus McLaren has argued, “the general public was not made aware of the declining scientific respectability of eugenics.”<sup>60</sup> This argument is relevant since many other jurisdictions in North America witnessed diminished popular support for eugenics reputedly due to Nazi activities in the same field. By examining the available evidence it becomes clear that the general public in Alberta *was* exposed to a considerable amount of information regarding Nazi racial ideology and eugenics legislation, as well as to the international decline of negative eugenics, mainly through the popular press.

On July 16, 1933, the *Edmonton Journal* published a full-page editorial entitled “Whither Germany?” in which a “review of the present conditions”<sup>61</sup> of the new regime was conducted. What inspired this special inquiry was the passing of a new eugenics law in Germany two days prior, namely, the *Law for the Prevention of Hereditarily Diseased Offspring*. In the article, the *Journal* not only detailed the specific terms of the new eugenics law, but also reviewed other controversial legislation and government programs that had been implemented in Nazi Germany.<sup>62</sup> The author criticized Germany’s “racial health programs,” its determination to “decry everything foreign,” and its attempts to “reintegrate the whole of the German race.”<sup>63</sup> Close coverage of Nazi racial health legislation again

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<sup>60</sup> Angus McLaren, *Our Own Mater Race*, p.10.

<sup>61</sup> *Edmonton Journal*, July 16, 1933, p.4.

<sup>62</sup> *Ibid.*; they included the *Law for the Restoration of the Professional Civil Service* (passed on April 7, 1933), the Jewish boycott (April 1, 1933), and the famous “25 points of the Nazi program.”

<sup>63</sup> *Ibid.*

appeared with the passing of the first two measures of the Nuremburg Laws in September 1935. The *Calgary Daily Herald* ran front-page headlines announcing “Nazis Bar Jews from Citizenship”<sup>64</sup> and “New Laws Persecute German Jews.”<sup>65</sup> These articles recounted the details of the new racial laws, explaining to their readers how “race now determines German status”<sup>66</sup> and how “marriage laws are governed by race.”<sup>67</sup>

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Newspapers were not the only sources that delivered news to Albertans about German anti-Semitic legislation and racial health practices. The international boycott movement that had preceded the 1936 Summer Olympic Games in Berlin had found strong support amongst sporting organizations in Alberta and had caused a considerable amount of protest against German acts of racial persecution and violence.<sup>68</sup> Furthermore, during a trip to Germany in 1936, future premier of Saskatchewan Tommy Douglas admitted to the press that he had been “turned away from eugenics”<sup>69</sup> after learning more of the Nazis’ sterilization laws, calling them “frightening.”<sup>70</sup> Whether informed by the local press, by sports organizations and returning athletes, or from politicians, Nazi social and health programs, all of which were grounded in racial ideology and enforced through oppression and violence, were well-known in Alberta.

There is substantial evidence to suggest that Albertans were also aware of the decline of the eugenics movements throughout North America during the late 1930s. The *Edmonton Journal*, the *Edmonton Bulletin*, and the *Calgary Daily Herald* all printed articles on the debates and discussions that were occurring in various state parliaments in the United States regarding sterilization laws and

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<sup>64</sup> *Calgary Daily Herald*, September 16, 1935, p.1.

<sup>65</sup> *Ibid.*, p.2.

<sup>66</sup> *Ibid.*, p.1.

<sup>67</sup> *Ibid.*

<sup>68</sup> Bruce Kidd, “Canadian Opposition to the 1936 Olympics in Germany,” in *Canadian Journal of History of Sport and Physical Education*, volume 9. No. 2, December 1978, p.22.

<sup>69</sup> Angus McLaren, *Our Own Mater Race*, p.166.

<sup>70</sup> T.C. Douglas, *The Making of a Socialist: The Recollections of T.C. Douglas*, ed. Lewis Thomas (Edmonton: University of Alberta Press, 1984), p.108.

eugenics. On January 16, 1936 the *Edmonton Bulletin* reprinted a *New York Times* editorial entitled “Against Sterilization,” in which the scientific qualifications of eugenics were challenged.<sup>71</sup> Similar articles from the *Associated Press* and the *Washington Post* also appeared in Alberta newspapers, headlines reading “Sterilization Forced Upon Her by Mother, Heiress Charged” and “Woman Is Saved From Sterilization.”<sup>72</sup> This popular questioning of sterilization as a curative for social, economic, and health problems, may have only occurred outside of Alberta, however close media coverage of such trends renders it unlikely that Albertans were unaware of the decline of eugenics movements and the denouement of heredity science.

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### **Current Theories: Economic Considerations**

The final, and possibly strongest, argument that has been made by scholars in order to account for the 1937 Amendment is one that proposes that there was a popular belief among Albertans during the 1930s that sexual sterilization would improve the province’s economic situation. Angus McLaren argues that mentally deficient patients who were institutionalized in hospitals and psychiatric wards were often seen as an economic burden to the province and to its taxpayers.<sup>73</sup> Such sentiments would have only been amplified during the 1930s as the nation sunk deep into economic depression. Sociologist Jana Grekul explains how the CHCMH announced in 1932 that its long-term goal was to fight “crime, prostitution, and unemployment,”<sup>74</sup> all of which it claimed were related to the economic burden of “feeble-minded” individuals. The medical journal *The Canadian Doctor* expressed a similar opinion in its January 1936 issue, arguing that Alberta’s Sterilization Act should be expanded due to the fact that it would save “immense

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<sup>71</sup> *New York Times*, January 26, 1936, p.8.

<sup>72</sup> *Washington Post*, January 7, 1936, p.1; *Washington Post*, January 23, 1936, p.4.

<sup>73</sup> Angus McLaren, *Our Own Mater Race*, p.119.

<sup>74</sup> Jana Grekul et al., “Sterilizing the ‘Feeble-Minded’,” p.362.

amounts of money.”<sup>75</sup> However, newspaper articles, popular literature, political interviews, and debates in the legislature from this period challenge this argument.

University of Toronto professor and co-founder of the Canadian Mental Health Association (CMHA) Dr. Clarence Hincks, in his federally-commissioned survey of Alberta’s “mental hygiene,” argued that sexual sterilization operations should be expanded within the province in order to eliminate the “unfit.”<sup>76</sup> In his assessment he warned that if the province did not amend the Sterilization Act then the “moral sense of Alberta”<sup>77</sup> would be jeopardized. Nowhere in his comprehensive report did Hincks mention the economic considerations of sterilization. The Director of Mental Health for Alberta, Dr. C. A. Baragar, presented a similar case to the Minister of Health in June 1936, arguing that “On account of the necessity for securing consent in all cases...the *quality* of citizens of this province has been lessened.”<sup>78</sup> During the second reading of the proposed Bill, the Honourable Dr. George Hoadley, Minister of Agriculture and Health for Alberta, referred to the need for the province to be “protected from the menace which the propagation by the mentally diseased brings about” and that the “mentally unfit” were a “menace to the community”; Hoadley was not referring to an economic menace, but instead a menace to the “civilized world”, closely resembling the Nazi racial interpretation of *Volk* and the burden of the *Untermensch* (sub-human).<sup>79</sup> Hoadley concluded his speech by stating that “[i]f it is quantity of production of the human race that is required, then we don’t need this Bill, but if we want quality then it is a different matter.”<sup>80</sup> It becomes abundantly clear through these numerous recorded statements that the most important figures in Alberta’s sterilization movement during the 1930s viewed the Amendment as, above all things, a remedy for

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<sup>75</sup> Angus McLaren, *Our Own Mater Race*, p.119.

<sup>76</sup> Timothy Christian, *Mentally Ill and Human Rights in Alberta*, p.7.

<sup>77</sup> *Ibid.*

<sup>78</sup> *Ibid.*, p.28.

<sup>79</sup> Timothy Caulfield and Gerald Robertson, “Eugenic Policies in Alberta,” p.62.

<sup>80</sup> *Ibid.*, p.63.

social and cultural problems, and not as an answer to economic depression and frivolous government spending.

This tendency to concentrate on the quality of the human race rather than on economic factors was not confined to the opinions of politicians. Newspapers and popular literature portrayed similar messages in the 1930s. In an editorial discussing the possibility of amending the Sterilization Act, the *Medicine Hat News* stated that it is the “quality of humanity that is in question.”<sup>81</sup> The medical journal *Mental Heath* spoke similar rhetoric, publishing an article that suggested that Albertans should “get away from the concerns of sterilization as a cost form of sentiment and give more attention to raising and safe-guarding the purity of the race.”<sup>82</sup> The *Lethbridge Herald* continued this line of reasoning, arguing that “...the remedy is obvious. It is a question of humanity. Insane people are not entitled to progeny.”<sup>83</sup> The words of UFWA president Margaret Gunn were also published, stating that “the government should pursue a policy of racial betterment” so that the “vitality of our civilization” will not be lowered.<sup>84</sup>

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The economic argument for the amendment of the Sterilization Act was seen by most politicians and eugenicists as second to the primary concern of preventing social negligence and crime. Economic factors were surely considered, both in private circles and within the public arena, however they were not the strongest motivator for the expansion of eugenics legislation in the 1930s; if they were, they were not publically promoted as much as other factors were, not by those who wrote the Amendment, those who passed it in parliament, or by those who conveyed its details to the public. The politicians, medical administrators, and media sources were more concerned with the intellectual and racial quality of Alberta’s citizens than it was with the economic burdens that might be placed upon them.

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<sup>81</sup> *Medicine Hat News*, February 24, 1928.

<sup>82</sup> Timothy Christian, *Mentally Ill and Human Rights in Alberta*, p.23.

<sup>83</sup> *Ibid*, p.11.

<sup>84</sup> *Ibid.*, p.9.

## Conclusion

After reviewing and re-evaluating the various arguments employed by historians and scholars to account for Alberta's continued support for sterilization legislation in the late 1930s, it becomes clear that they may be exaggerated or their importance misinterpreted. Immigration to Alberta had been drastically reduced in the 1930s and the public was aware of this. The province's sterilization law and the concomitant moral debate was well-published in the media as were the details of racial discrimination and eugenics in National Socialist Germany, and the economic motivations for sterilization laws were constantly superseded by racial and cultural motivations. These realizations are not sufficient to answer the question of why Alberta continued to embrace eugenics legislation during its international decline; however, they do bring us closer to an answer. By challenging these preconceived notions and scholarly arguments, we are left with fertile soil from which to delineate new lines of analysis. Moreover, we inherit a new set of sharpened questions with which to answer why the Alberta government, and presumably its citizens, was willing to support such regressive legislation when it was being rejected and ignored elsewhere.

Future inquiries should begin with the study of individual personalities, the eugenicists, politicians, and social advocates who played an instrumental role in the implementation of Alberta sterilization laws. Figures such as UFWA President Margaret Gunn, Minister of Health Dr. George Hoadley, and long-time chairman of the AEB Dr. John MacEachran should be examined, their personal opinions further investigated and the extent of their political influence considered. Next, a closer study of the immigrant population of Alberta should be conducted, not only with regards to their "mental state," but also as to their social and economic origins. Were immigrants who entered Alberta more prone to mental deficiencies, either due to the emotional endeavour of their displacement or by their economic background? Finally, a close

study should be made of the various means by which political resistance could be expressed in Alberta during the 1930s. What organizations and means of correspondence were available to voice protest? Is it possible that opposition to sterilization laws was present but simply unable to be heard? Particular attention should be given to the influence of the Catholic Church in Alberta, the liberal politicians of the provincial opposition, and the nature of editorial columns in major newspapers. These questions and others can be asked with much more precision and confidence now that the arguments and explanations of the past, having long misled and hindered the study of this important historical topic, have been dismissed.

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**APPENDIX I**  
**The Sexual Sterilization Act.**

(Assented to March 21, 1928)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "The Sexual Sterilization Act."
2. In this Act, unless the context otherwise requires - -
  - (a) "Mental Hospital" shall mean a hospital within the meaning of the Mental Diseases Act;
  - (b) "Minister" shall mean the Minister of Health.
3. (1) For the purpose of this Act, a Board is hereby created, which shall consist of the following four persons:

Dr. E. Pope, Edmonton.  
Dr. E. G. Mason, Calgary.  
Dr. J. M. McEachran, Edmonton.  
Mrs. Jean H. Field, Kinuso.

(2) The successors of the said members of the Board shall from time to time, be appointed by the Lieutenant Governor in Council, but two of the said Board shall be medical practitioners nominated by the Senate of the University of Alberta and the Council of the College of Physicians respectively, and two shall be persons other than medical practitioners, appointed by the Lieutenant Governor in Council.
4. When it is proposed to discharge any inmate of a mental hospital, the Medical Superintendent or other officer in charge thereof may cause such inmate to be examined by or in the presence of the board of examiners.
5. If upon such examination, the board is unanimously of opinion what the patient might safely be discharged if the danger of procreation with its attendant risk of multiplication of the evil by transmission of the disability to progeny were eliminated, the board may direct in writing such surgical operation for sexual sterilization of the inmate as may be specified in the written direction and shall appoint some competent surgeon to perform the operation.
6. Such operation shall not be performed unless the inmate, if in the opinion of the board, he is capable of giving consent, has consented thereto, or where the board is of opinion that the inmate is not capable of

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giving such consent, the husband or wife of the inmate or the parent or guardian of the inmate if he is unmarried has consented thereto, or where the inmate has no husband, wife, parent or guardian resident in the Province, the Minister has consented thereto.

7. No surgeon duly directed to perform any such operation shall be liable to any civil action whatsoever by reason of the performance thereof.
8. This Act shall have effect only insofar as the legislative authority of the Province extends.

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**APPENDIX II**  
**Amendment to the Act.**  
BILL  
No. 45 of 1937.

An Act to Amend The Sexual Sterilization Act.  
His majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Sexual Sterilization Act Amendment Act, 1937.*"
2. *The Sexual Sterilization Act*, being chapter 37 of the Statutes of Alberta, 1928, is hereby amended as to section 2 thereof by striking out the same and by substituting therefore the following:  
"2. In this Act, unless the context otherwise requires,  
(a) 'Mental Hygiene Clinic' means any Mental Hygiene Clinic conducted by or under the direction of The Department of Health;  
(b) 'Mental Hospital' means a hospital within the meaning of The Mental Disease Act;  
(c) 'Mentally defective person' means any person in whom there is a condition of arrested or incomplete development of mind existing before the age of eighteen years, whether arising from inherent causes or induced by disease or injury;  
(d) 'Minister' means the Minister of Health;  
(e) 'Psychotic person' means a person who suffers from a psychosis.
3. The said Act is further amended as to section 4 thereof by striking out the same and by substituting thereof the following:  
"4. (1) The Medical Superintendent or other person in charge of a Mental Hospital may cause any patient of a Mental Hospital whom it is proposed to discharge therefrom, to be examined by or in the presence of the Board.

*Past Imperfect*

(2) The medical practitioner for the time being having the charge or direction of any Mental Hygiene Clinic may cause any mentally defective person who has been under treatment or observation at such a clinic to be examined by or in the presence of the Board.

4. The said Act is further amended as to section 5 thereof by striking out the same and by substituting therefore the following:
5. (1) If, upon examination of a psychotic person the Board is unanimously of the opinion that the exercise of the power of procreation would result in the transmission to such person's progeny of any mental disease, of that the exercise of the power of procreation by any such person involves the risk of mental injury, either to such person or to his progeny, the Board may direct in writing, such surgical operation for the sexual sterilization of such psychotic person as may be specified in the written direction, and shall appoint some competent surgeon to perform the operation .  
(2) In the case of a psychotic person, such operation shall not be performed unless such person being in the opinion of the Board a person who is capable of giving consent, has consented thereto, or when the Board is of the opinion that such person is not capable of giving such consent, if such person has a husband or wife, or being unmarried has a parent or guardian, resident within the Province, the husband, wife, parent or guardian of such person has consented thereto.
6. The said Act is further amended as to section 6 thereof by striking out the same and by substituting therefore the following:
7. If, upon examination of any mentally defective person, the Board is unanimously of the opinion that the exercise of the power of procreation would result in the transmission to such person's progeny of any mental disability or deficiency, of that the exercise of the power of procreation by any such mentally defective person or to his progeny, the Board may direct in writing, such surgical operation for the sexual sterilization of such mentally defective person as may be specified in the written direction and shall appoint some competent surgeon to perform the operation.
8. The said Act is further amended as to section 7 by striking out the same and by therefore the following:

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9. No person shall be liable in any civil action or proceeding for anything done by him in good faith in purported pursuance of this Act, if that person is,
- (a) a person who consents to the performance of any such operation;
  - (b) the Medical Superintendent or officer in charge of any Mental Hospital who causes any patient to be examined pursuant to this Act;
  - (c) the medical practitioner having the charge or direction of a Mental Hygiene Clinic who causes any person to be examined pursuant to this Act;
  - (d) a member of the Board.

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