

## **The problem of race betterment / by J. Ewing Mears.**

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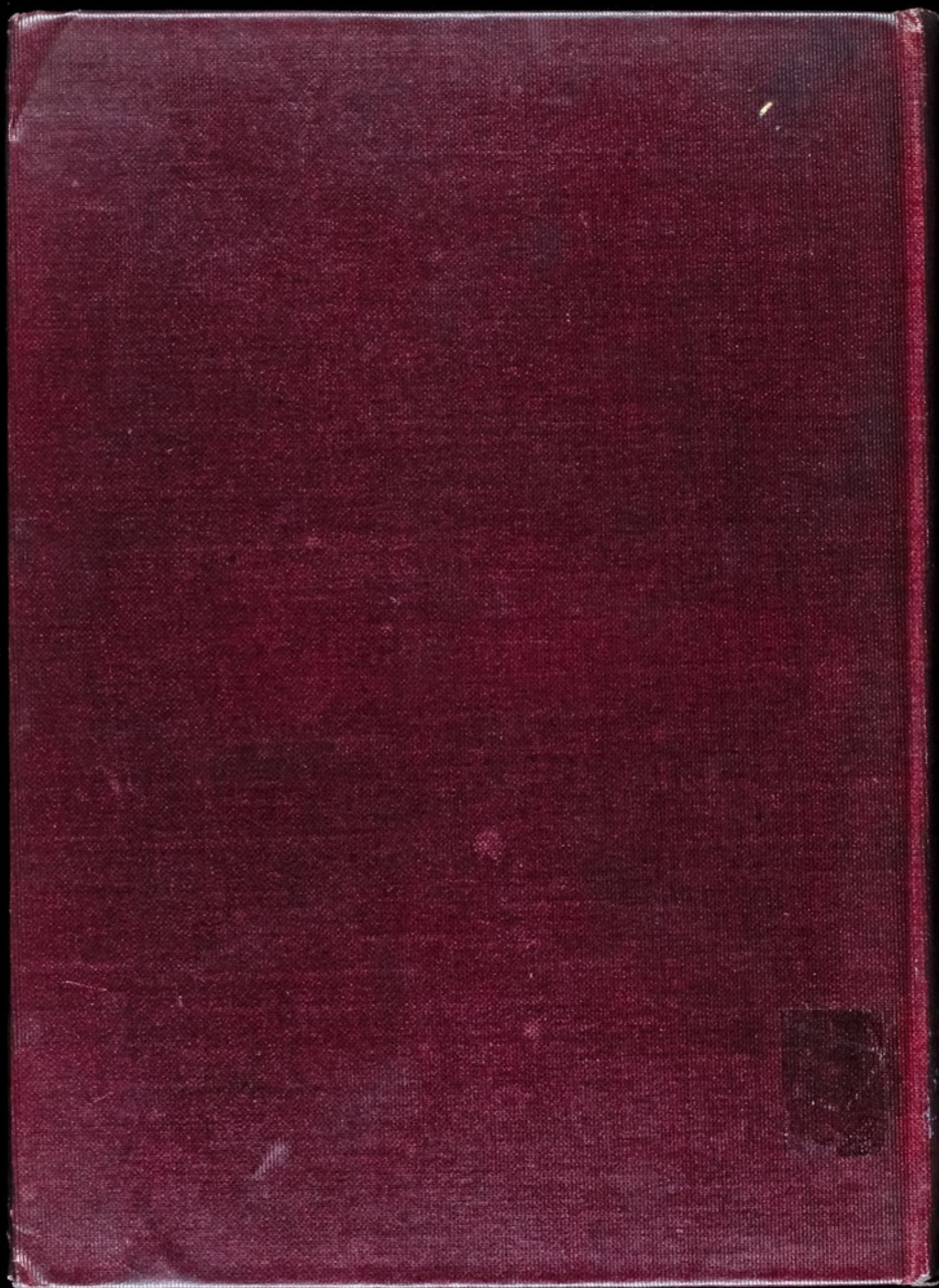
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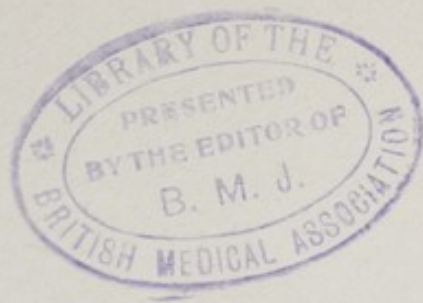
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THE PROBLEM OF  
RACE BETTERMENT





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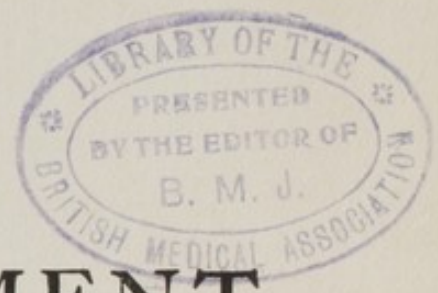
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THE PROBLEM

OF



RACE BETTERMENT

BY

J. EWING MEARS, M.D., LL.D.

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## INTRODUCTION

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WITHIN the covers of this book are included three articles on the same subject. The first was read before the Santa Barbara, California, Medical Society, February 12, 1906, and subsequently published in the *Boston Medical and Surgical Journal*, October 21, 1909; the second was read before the Georgia Medical Society, Savannah, March 22, 1910; the third was read by title at the meeting of the American Surgical Association, in Washington, May 3, 1910, and published in the *Medical Record*, August 13, 1910. The subject discussed in these papers was that of Eugenics—race betterment—accomplished by surgical procedures, which produced asexualization in certain classes of criminals and defectives, inhibiting procreation and removing perverted sexual conditions which were regarded as exciting and contributing causes in maintaining states of degeneracy, not amenable to betterment, while sexual power was present.

In the first paper an effort has been made to show that the State, in the performance of its duty as the protector of its citizens as a community, has the right to enact laws which, while safeguarding, in every respect, individual privileges and rights, will take from the degenerate and confirmed criminal the potentiality of propagating their kind and perpetuating a flow of degeneracy.

In the second paper the subject was discussed in a general way in its relation to its social and legal aspects, with some con-

sideration of the character of surgical procedures which should be employed and the purposes to be accomplished by them.

In the third paper these questions were more fully treated, as it was deemed desirable to define clearly the purpose of surgical interference in these cases, and the duty which the surgeon, as the agent of the State, on the one hand, or as the medical adviser of the parent or guardian of the minor, on the other hand, owed to the defective subject.

The necessity for the discussion of this aspect of the subject became, it was believed, important by reason of the rather prominent place given to a surgical procedure which, as claimed by its advocates, accomplished sterilization in its most attractive form; that is, without the abolition of the sexual power, or with any diminution of the emotional conditions which accompany its exercise.

It was deemed important by the advocates of this method that these conditions should not be interfered with by any operation which should be authorized by law, in order the more readily to gain the approval of legislative bodies in the enactment of laws, the favorable opinion of the public, and also, where it was necessary, the consent of the individual or of his guardian.

The further study of the subject has, it would seem, made it evident that the State, in authorizing any surgical procedure upon the defective subjects, idiot, imbecile, or criminal, has a twofold duty to perform—first, to inhibit procreation, and second, especially in the case of the defective minor, to abolish sexual desire, which is regarded as an important contributing cause to the condition of mental, moral, and physical degeneration which is present, and which, by the testimony of those with experience in the care and treatment of these subjects, cannot be improved in satisfactory manner so long as the sexual desire remains.

It should also be clearly defined that the employment of surgical procedures is intended to be *not* punitive in character, but remedial and curative. It is of vital importance that this fact should have prominent place and honest consideration in the treatment of any of the mental, moral, and physical conditions which involve the defective subject. It cannot be too strenuously asserted that no surgical procedure should be authorized by law, or permitted by professional ethics, which does not only accomplish inhibition of procreation, but has in view the restraint of the "inverted or perverted sexual appetite." It is a diseased condition, and cannot be dealt with by half measures.

The time has arrived when the evils of our social life should be correctly designated, and should be fearlessly dealt with. The false sentiment which dominates our social life protects the business of the public prostitute by so influencing public opinion that she cannot be controlled by the law, as are the subjects of contagious and infectious diseases, which imperil the health of the community, and is responsible for infected mothers and disease-tainted children—cursed through inheritance.

The youth, self-sterilized by specific urethritis, marries the pure and healthful girl and makes her, in the minds of the ignorant community, bear the reproach of the childless wife. The idiot and the imbecile defective can, without doubt, in many instances, trace his or her degenerate condition to the alcohol-saturated father or the drug-poisoned mother.

It is a wise and a just public sentiment which demands legal control of social evils which have existed since the earliest days—since men and women became the subjects of filth and uncleanness through common cohabitation, and which will ever exist. Experience has proved that they cannot be abolished, therefore they should be controlled by law.

The virtuous and pure-minded parents who are shocked when the health- and life-destroying evils of our social life are discussed and remedies are suggested to protect the community, blindly close their eyes to the fact that their sons, believed to be above any possible temptation, may become the subjects of constitutional diseases which will infect them and curse their progeny.

It is the duty of the community not only to protect itself against the established flow of degeneracy, but as well to attack and destroy the causes at the very source—the fountain head. The education of public opinion in this direction needs stimulation and rational and conservative promotion; the duty rests upon all, in every department and every walk of life, to take upon themselves, in this respect, the burden of the welfare of their fellow-men, and of contributing to the betterment, in all possible ways, of the human race. Not only should the fittest survive, but the defective should be helped by the removal of the causes which maintain his conditions of degeneracy.

## ASEXUALIZATION AS A REMEDIAL MEASURE IN THE RELIEF OF CERTAIN FORMS OF MENTAL, MORAL, AND PHYSICAL DEGENERATION.

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IN the year 1894 I read a paper before the Philadelphia Academy of Surgery on "Ligature of the Spermatic Cord in the Treatment of Hypertrophy of the Prostate Gland." As will be recalled, the operation of castration was about that time under somewhat earnest discussion as a curative measure in the treatment of this affection. By some, its efficiency was highly vaunted, and many cases were recorded in which claims were made for permanent alleviative results, accompanied by marked atrophic changes in the affected gland. By others, its value as a curative procedure was denied, and grave objections were urged against the performance of the operation by reason of the mental effect produced upon the patient through the loss of the testes. A celebrated case was referred to in which a London surgeon was killed by a patient upon whom he had performed castration, mental alienation occurring subsequently, caused, it was believed, by the patient brooding over the loss of his testes. In order, therefore, to obviate the untoward conditions which might arise, and to obtain the more ready acquiescence in the adoption of a method of treatment regarded as possessing value, I suggested the production of testicular loss of function by ligature of the spermatic cords as a substitute for ablation of the glands. Through experimentation upon dogs, I

learned that ligature of the cord produced slight atrophy of the testis without the complication of suppurative degeneration, the collateral circulation established being sufficient to maintain tissue nutrition of the gland. Operation by this method gave as satisfactory results as by that of castration, one case in particular having been reported to me by a surgeon of the Pacific coast. The method of operation was simple, the cord being exposed by a small incision and ligatured *en masse* with an aseptic ligature. Although I am familiar with one recorded case of tetanus following this method, occurring some years ago in the experience of an English surgeon, owing, it is presumed, to inclusion of the nerve filaments of the cord in the ligature, such condition did not occur in my practice nor in that of surgeons who were accustomed to employ it in cases of removal of the testes, with whose operations I was acquainted. In any case, if deemed necessary to take precaution against such unfavorable results, the nerve filaments can be readily isolated and not included in the ligature.

Before leaving this part of the subject, it will be interesting to record in what manner possible mental disturbance was obviated in certain cases of operation by castration in the New York Hospital. At the time of the meeting of the American Surgical Association the surgeons of that institution exhibited to the Fellows present, patients whom they reported were endowed with celluloid imitations, these having been introduced into the scrotal cavities after removal of the normal organs—the reparative process had taken place favorably, and the patients seemed to be quite satisfied with the harmless substitutes—the senses of sight and touch received through them impressions which did not dislocate the mental equilibrium.

As one of the objects set forth in the preamble of the constitution and by-laws of the Academy of Surgery, founded by the great



surgeon, Samuel D. Gross, was announced to be the promotion of the public good, I was led, in the consideration of the subject, to broaden the field of investigation and to suggest as legitimate the discussion of the application of this simple surgical procedure in the male, and ligature of the tube in the female, in the treatment of certain classes who are a charge to the State and communities in which they live, and a constant and perilous menace to the well-being and welfare of the human race. In these classes are included perverts and degenerates, idiots, imbeciles, epileptics, and the vicious insane, as well as criminals of a certain type who, as a rule, are the subjects of sexual perversions and abnormal indulgences. The argument adduced in support of the proposition was that these defectives, armed with the potentiality of propagating their kind, were as dangerous to the integrity of the community and State as the foe armed with weapons of warfare. In truth, it may be averred that they are more dangerous, since the balm of passing years heals the wounds of strife, the sword converted into the plowshare gives bounteous prosperity to the land, enjoying the fruits of well-earned peace, order evolves from chaos, the power of the State is restored, and its integrity is maintained. Such results flow not from the degenerate, permitted to wield his weapons of offence—the production of his kind. The circle of degeneracy is ever widened; each succeeding generation is more degenerate than that which preceded it; the inborn vices are intensified; the moral sense disappears; mentality exhibits itself only in the vapourings of the idiot, the incoherent ravings of the vicious insane, the cackle of the imbecile; and this is the human being who claims the care of the State, to which he is an ever-increasing burden, who claims the protection of society which he pollutes and, by his contaminating influence, would degrade to his level. What is the remedy? How shall this most important problem be solved? The

State when attacked sends forth its best citizens to battle in its defence; some are slain, some are disabled, but the State is saved, and the slain are entombed, with the honors of wars, garlands cover their biers, the world proclaims them heroes, valiant sons of the State, who gave their lives that it might survive!

Is it asking too much, is it requiring more than is due, when the State, through carefully considered legislation, which in every detail shall safeguard the inalienable rights of the individual, seeks to protect itself against the degrading influences of the continually flowing stream of transmitted pollution, which saps the mental, moral, and physical vitality of its citizens, by asking the parents and guardians of the irresponsible defectives to yield their consent to the performance of an operation which in some instances may prove to be curative and in many to be palliative, by abrogating sexual perversions and thus establishing conditions favorable to mental and moral cultivation, and in all, through its far-reaching results, is able to render them impotent to do harm? Failing to obtain this consent, has not the State the right to adopt such measures in the interest and in the protection of its citizens? Nay, further, is it not compelled to so act in the performance of its full duty to its citizens? The education of public opinion has so far progressed that, today, communities, through their appointed officers, exercise the right to deprive citizens of their liberty in order that a focus of infection may be stamped out; in epidemics of certain infectious and contagious diseases the citizen is compelled to receive prophylactic treatment to render him immune, and in this way the spread of the diseases is checked. Within a short period of time an entire block in the city of Philadelphia has been quarantined. No resident within this district was permitted to leave, no one to enter it, and this quarantine was not raised until 4000 men, women, and children had been examined,

and of the number, it is stated, some 500 vaccinated. This action was taken by the health officials when it was discovered that a negro infected with smallpox had returned to his home within the block. This is encouraging evidence of an advanced state of public opinion which approves of the adoption of such drastic measures to conserve the public health, to protect the citizen in the exercise of his privileges and rights.

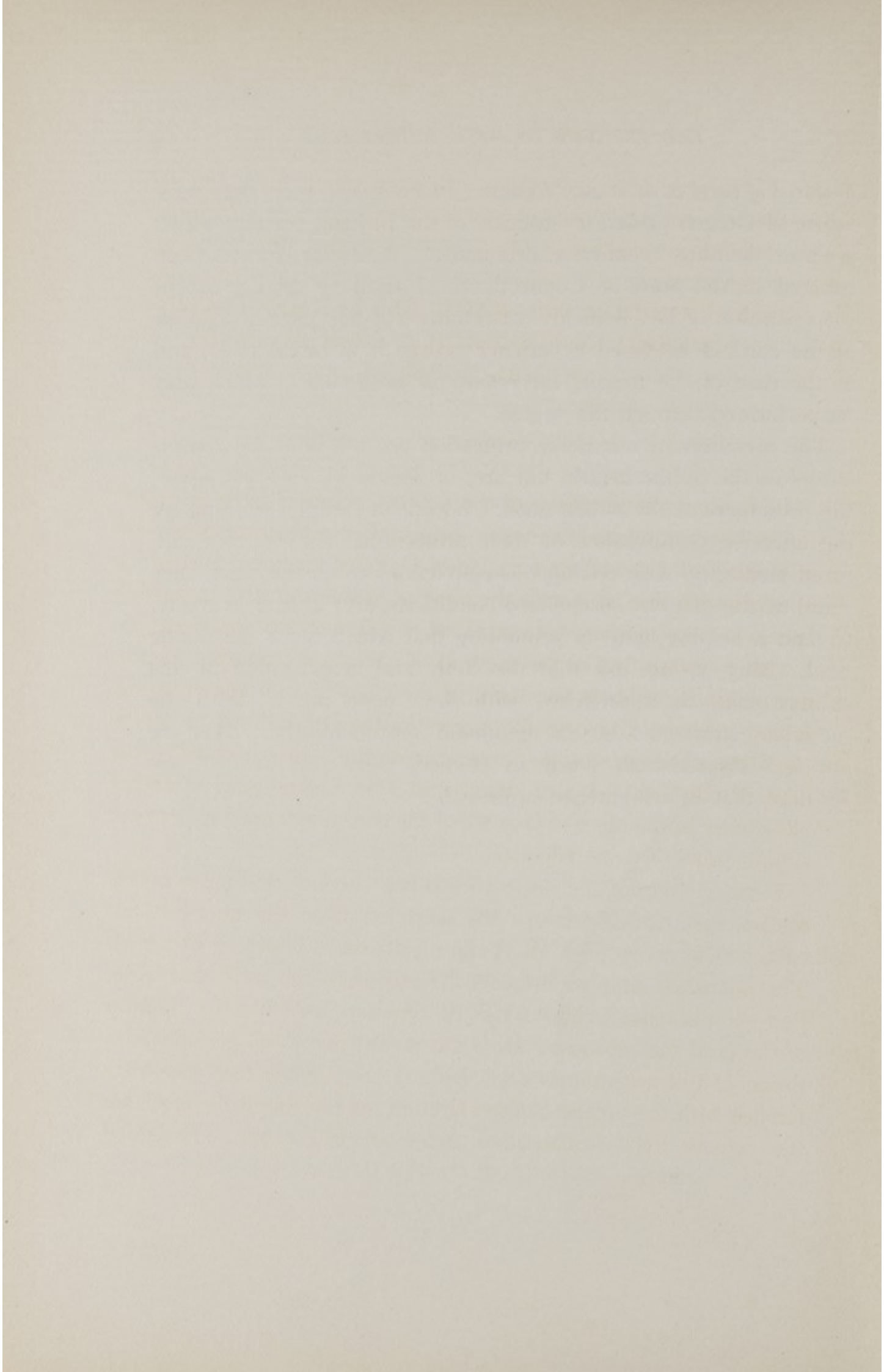
A few years since, having been honored by an invitation to attend a meeting of a State medical association and to participate in its proceedings, I read a brief paper before it upon the subject to which I now call attention. At that time I was not able to report any positive results as to the action of any State in the enactment of a law which would invest the officers of public institutions with authority to apply the remedial measures suggested in the cases indicated. Subsequent to the publication of my first paper, and through which attention was drawn to the subject, I had correspondence with a number of the executive and medical officers of these institutions; some were ready to accept the suggestions made as opening the way to the amelioration, in marked manner, of the condition of many of the unfortunate subjects included in the classes set aside, to the positive protection of society and to the lessening, in time, of the burden imposed upon the State by their care; others, inspired by ignorance and moved by that false sentiment which so often defeats the aims of true progress and of true charity, refused acceptance, proclaiming loudly that it was invasion of the rights of the individual, and that public opinion could never be made to give its approval. The movement made was not permitted to slumber, and at a recent meeting of the Legislature of the State of Pennsylvania a bill was introduced which included certain disorders of the type under discussion, in the treatment of which, by the method proposed, the

effort was made to achieve the results desired, and passed both branches of the Legislature and was presented to the Governor for his approval, but which, unfortunately, did not receive his approval to enact it into a law. While thus disappointed, those interested were not disheartened. This result was not altogether unexpected, and it has been accepted, not as a defeat, in the battle which has been waged for what may be truly esteemed the cause of right and justice, but as a temporary check, which will contribute increased activity and effort to the movement. The education of public opinion, which is justly a plant of slow growth, not the mushroom product of the hot-house, had, as manifested in the action of the members representing the different sections of the State, progressed so far as to obtain, through them, the approbation of the people. Back to the people it has again gone, with the assuring hope that the "*vox populi*" more forcibly pronounced, if need be, will give to the citizens the right to protect themselves against the deadening influences of degeneracy, and, through the measures sought to be applied, give to the classes of unfortunate defectives, paradoxical as it may seem, their only true protection.

Since writing the above my attention has been called by my friend, Dr. Thomas L. Stedman, the able editor of the *Medical Record*, to the paper of Dr. William T. Belfield, read at a joint meeting of the Physicians' Club and the Law Club of Chicago, December 13, 1907. In this paper Dr. Belfield advises vasectomy in order to produce sterilization in confirmed criminals, idiots, imbeciles, and rapists. Dr. Belfield records the fact that in March, 1907, the Legislature of the State of Indiana passed a bill authorizing sterilization in those subjects who were confined in the State institutions of Indiana. He stated that in the prison at Jeffersonville over three hundred convicts under the age of thirty years have been sterilized, some by authority of the State, but over *two*

*hundred of them at their own request.* In February, 1909, the Legislature of Oregon passed a duplicate of the Indiana bill and added a clause defining "confirmed criminals." A similar law has been enacted in the State of Connecticut. I shall be glad to accept the operation of Dr. Belfield—vasectomy—in the place of ligature of the cord, if extended experience proves it to be effective, and in the case of the female, *tuberotomy* or *tuberectomy*, which may be performed through the vagina.

The members of our noble profession are not only the conservators of the public health, but are, or should be, in every sense, the promoters of the public good. Equipped through training for the effective performance of their professional duties, with cultured mentality, with courageous convictions to do the right, they stand at the gateway of civilized conditions, ever able, ever ready, to lend a helping hand in promoting that which is for the public weal. May we not ask that the study and investigation of this subject shall be approached with the "open mind," with the judgment unwarped by an emotional sentimentality. May we not feel assured that when so studied, there can be but one verdict—that of enlightened approval.



## THE PROBLEM OF RACE BETTERMENT CON- SIDERED IN ITS MEDICAL, LEGAL, AND SOCIAL ASPECTS.

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IN further consideration of the subject, which I have discussed in my paper published in the current number of the *Boston Medical and Surgical Journal*, under date of October 21, 1909, and which appears with this, and with the view of presenting it in somewhat broadened scope in order to meet the requirements of this occasion, I wish to speak first of the method of operation employed in producing sterilization in the male in the class of subjects set aside. I have referred above to the suggestion of Dr. Belfield as to the performance of vasectomy, resection of the "vas deferens"—the duct of the testes—I also stated that I should be glad to accept vasectomy in the place of ligature of the cord if extended experience should prove it to be effective.

Further study of the subject leads me to conclude that resection of the duct, which conveys the secretion from the testes, is not sufficient to accomplish all of the results desirable to be obtained. The operation simply obstructs the escape of the testicular secretion—it does not produce loss of function, as when by ligature of the cord the blood supply to the organs is cut off, and the condition of full nutrition is abolished. It is possible that the interference with the escape of the secretion may in time so overwhelm the organs that degenerative processes will occur. Extended

experience in performance of the operation will alone decide the question.

I am not informed as to any advantage which this operation possesses over the ligature of the cord, or with section of the cord and the application of a double ligature. It is my belief that experience in the practice of this operation, ligature of the cord, will demonstrate that the effect will be manifested rather in the destruction of function than of any positive atrophic changes which will produce marked diminution in the size of the organs.

If it is believed that removal of the duct will not interfere with the emotional activities which belong to the organs, if this term can be thus applied, then I think the operation fails to accomplish the object most desirable in all cases, the abolition, in most complete manner, of the sexual instinct and appetite which in its perverted form reacts in such a harmful way upon the individual.

Moreover, as suggested in an editorial in the *Medical Record* of November 20, 1909, discussing the operation of vasotomy, or of simple section of the duct, the divided ends, it is stated, may be reunited by a simple operation, and the prophylactic value of the operation nullified. Therefore, until further experience shall demonstrate the greater value in every way of vasectomy over cord ligature, I shall advocate the latter method of operation as the most effective substitute for castration.

In the female, tuberotomy—tuberectomy, or oöphorectomy—section or excision of the Fallopian or ovarian tube, and excision of the ovary itself, is an operation which may be performed through the vaginal walls with the avoidance of the concomitant dangers of abdominal section. Today, under aseptic conditions, oöphorectomy, by section of the abdominal walls, is not an operation of such gravity as to forbid its performance in the cases under consideration.



A word as to the class of subjects in which sexual potentiality should be abrogated. I have enumerated perverts and degenerates, idiots, imbeciles, epileptics, and the vicious insane, as well as criminals of a certain type, who, as a rule, are the subjects of sexual perversions and abnormal indulgences.

The class of perverts and degenerates is a large one, and may be separated possibly into subclasses, on the one hand into the normal subject who, through unrestrained tendencies, acquires habits of degeneracy which he may be able to transmit to his offspring and thus become a menace to social integrity—on the other hand, the subject who receives the strain of degeneracy through inheritance. Sexually potent he is able to perpetuate the infected strain and promote the degrading influences of the continually flowing stream of transmitted pollution. As a rule, it may be said the subjects of these classes roam at large through the world—the observant physician may place his finger upon him in the home circle, where, as a type of atavism or of reversion to the original type, he may crop out and remain as an unsolved puzzle to those ignorant or unappreciative of the subtle influences of heredity.

I have included epileptics in the class, those in whom the condition of disordered function is not the result of traumatism, which in many instances may be relieved by surgical procedures, but the subject of epilepsy who is found as an inmate in the eleemosynary institutions—in the schools for instruction of the feeble-minded, or in the colonies of isolation. I think it may be said to be the opinion of physicians who have had opportunities to study the disease in these subjects that sexual perversions are present, as a rule, and it has taxed the ingenuity of caretakers to devise measures which will prevent the physical act or restrain the almost constant mental distortion which accompanies the disease. In

these, asexualization is the rational remedy, accomplishing certainly palliative and, in some instances, curative results.

The habitual criminal, it may be said, appears in the annals of crime as a product of civilization, and through his ability to perpetuate his species is a perilous menace to society. As such he is a legitimate subject for sterilization in order to accomplish conditions beyond those which can be obtained by corrective measures. The community of today must suffer in some way or other from his criminal acts, but that of the future will be relieved by his inability through sterilization measures which have been applied to perpetuate his kind.

Heredity, as is well known, plays a very important part in the transmission of degenerative conditions, instincts, and characteristics. Hereditary degeneration is as pronounced as hereditary genius—the one we cultivate and promote in order to maintain and transmit the elevated standard of the human race; the other we must prohibit as destructive to all of those conditions which give character, not only to the individual but to the community. You are familiar no doubt with the history of the Jukes family, a family of criminals, stretching through seven generations, and including, as the aggregate, some twelve hundred descendants, who had been burdens on the communities in which they had lived as paupers, imbeciles, or criminals. Mr. Richard L. Dugdale, the author of the book giving the history of this family, summarizes, as quoted by Dr. William H. Carmalt, New Haven, Conn., in his paper on "Heredity and Crime," the results of his investigations, and concludes that: "The actual cost to the community for the seventy-five years of the life of this family reaches the astounding sum of \$1,308,000." Who can compute the cost to the community of the degrading influences exerted by this family or of the irreparable injury inflicted upon its moral life?

Dr. Carmalt also quotes the record of two Indiana families, as reported by the late Rev. O. C. McCulloch, of Indianapolis, Indiana. The histories of these families extend over a period covering five generations, and present a continuous record of life in poorhouses, houses of refuge, womens' reformatories, prisons, and penitentiaries, with unintermitted support by the communities in which they lived. Murderers, prostitutes, and illegitimates hang upon their genealogical trees. One member of one of the families raised a family of fourteen illegitimate children—"strangely enough, they were not intemperate"—which statement suggests, possibly, a problem for the Prohibitionist to solve.

I have referred above to the enactment of laws by three States, authorizing the performance of surgical operations upon certain classes who are inmates, through legal processes, in the public institutions of the State, and I noted the failure in one State of the enactment of a similar law through the exercise of the veto power by the then occupant of the Governor's office.

The action taken by the Legislatures of the three States is certainly an encouraging manifestation of the education of public opinion. The performance of the operation producing sterilization made at their own request upon some two hundred of the convicts of one of the penitentiaries in the State of Indiana is an astonishing evidence of a state of conversion to faith—in some respects it would seem to partake of the faith of the Castratus of the earlier ages, who through the operation of castration not only fortified himself against the temptation to commit sin, but as well rendered himself powerless to commit it, a striking illustration of prevention and cure—a most happy combination.

As an illustration of a not unusual occurrence when the system of segregation is employed and thought to be efficient in securing control of degenerate subjects, I place on record a statement made

to me by a high official in a State Government, to the effect that an idiot girl who escaped from a State institution went to her home, cohabited with her brother, possibly a degenerate, and in due time gave birth to a child, contributing another defective subject to the growing list. Within a short time it happened to me to have pointed out in a hospital ward a degenerate girl with an infant, reported to be the progeny of her own father. If the true story could be told of the inmates in the numerous almshouses, houses of correction, prisons, and other institutions of our country where male and female degenerates are confined, it would present an appalling array of facts which would convince the most skeptical that sterilization of the degenerate subject is, in our present social condition, a paramount necessity—a beneficent protection, not alone to the community, but as well to the individual, defective.

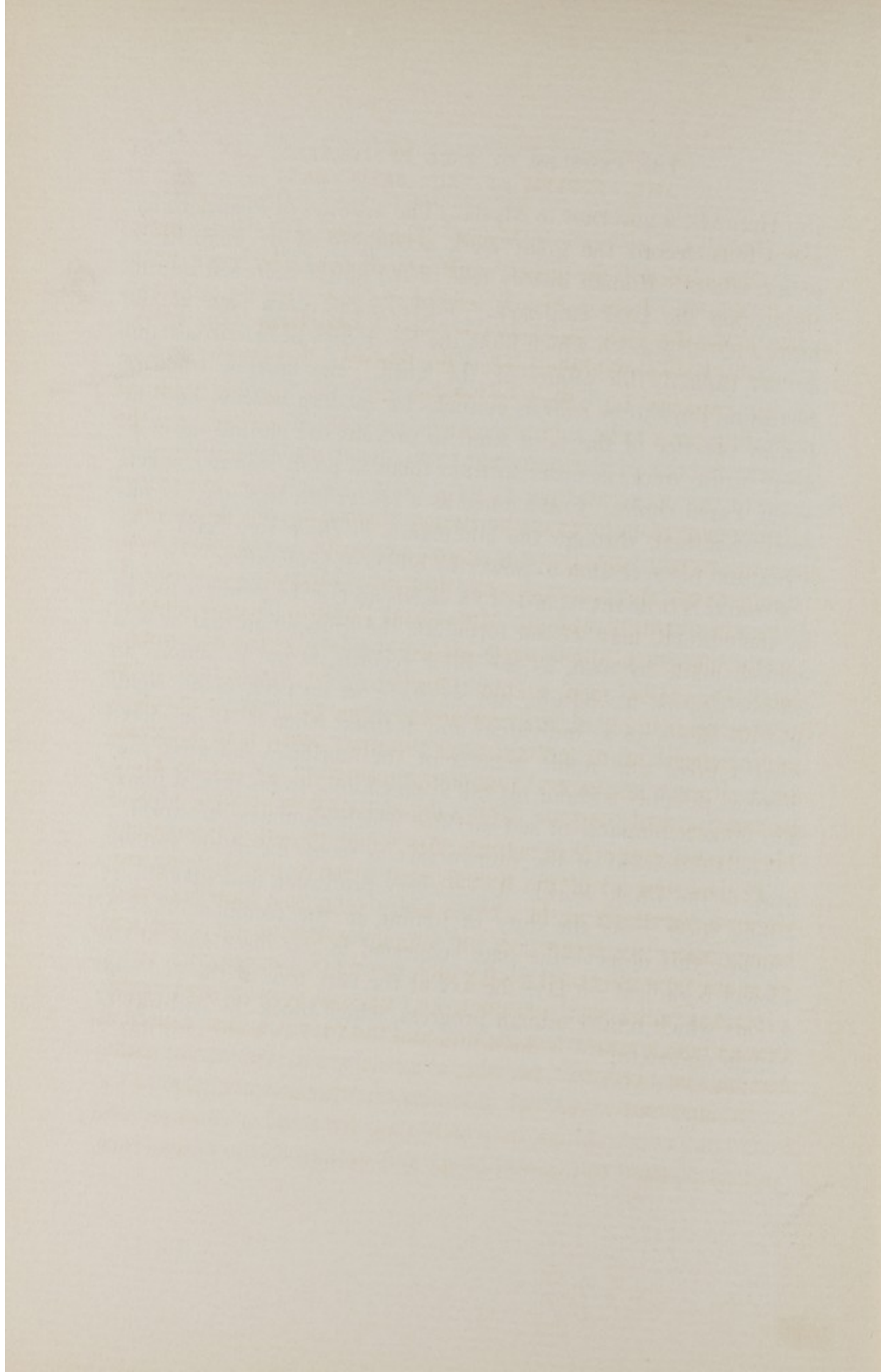
The question of eunuchism is of necessity associated with the subject under discussion, since the operative procedures suggested produce in practice that condition. Encyclopedia research shows that: "The vulgar notion entertained by the uninformed is that the sole occupation of the eunuch in oriental countries, where from remote antiquity he has existed and has been employed, was that of the keeper of the women of the harem—a menial position, and that he was deficient in courage and in intellectual vigor. History amply refutes this opinion, and shows that even in the position as master of the bedchamber or chamberlain, he was enabled, through the ready access to the royal person, frequently to exercise an important influence over potentates and raise himself to stations of great trust and power. In Persia, as we are informed by Herodotus, the eunuch was especially prized for his fidelity, and owing to this trait of character frequently occupied the highest offices.

"Narses, the great general under Justinian, was a eunuch, as was

also Hermias, a governor in Mysia. The histories of Persia, India, and China record the great work accomplished by eunuchs in public affairs. Roman history tells of the power exercised by this class upon the later emperors. There is one dark page in the history of the eunuch which blots the fair record of his virtues and of his capacity for affairs of the world; the horrible trade of castrating boys to be sold as eunuchs for modern harems, and the Italian practice of the same kind to prevent the natural development of the voice, in order to train them as adult soprano singers in the Papal choirs. Condemned as a vile crime, this practice has been abolished, through the commands of Pope Leo XIII, who signalized his accession to power by edicts of prohibition."

From this brilliant record of the deeds and of the power achieved by the eunuch, may we not formulate the proposition that to be a eunuch made by men, as the Bible records, is not so serious an offence against his nature, nor so grave an invasion of his rights and privileges as an individual and further, when it is considered what a great and noble benefactor the sterilized defective may become, possibly without his full appreciation, to his race, it places him upon a pinnacle of self-sacrifice which illumines the world.

The betterment of the human race is today the study and the work of the whole world. Upon every profession and upon every calling there rests the duty of joining in the common effort to promote this object—the plan suggested in our discussion of the subject is radical—it lays the axe at the very root of the evil conditions which retard human progress, which block the pathway of human endeavor.



## THE VALUE OF SURGICAL PROCEDURES IN THE SOLUTION OF THE PROBLEM OF RACE BETTERMENT.

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IN the current number of the *Boston Medical and Surgical Journal*, October 21, 1909, there appeared a contribution of mine upon the subject of "Asexualization as a Remedial Measure in the Relief of Certain Forms of Mental, Moral, and Physical Degeneration."

At the meeting of the Georgia Medical Society held in Savannah, March 22, 1910, I read a paper entitled, "The Problem of Race Betterment, considered in its Medical, Legal, and Social Aspects." In this paper I incorporated, as a preliminary portion, an introduction, as it were, the paper which had appeared in the *Boston Medical and Surgical Journal*. This I did as they were related in intent and purpose, and as the occasion gave me an opportunity to extend the subject and to discuss it somewhat more at length along certain lines, especially in the direction of arranging a classification of the subjects to be treated by the surgical methods proposed and the character of the operation which should be performed.

In this first paper, I designated a "class of perverts and degenerates, idiots, imbeciles, epileptics, and the vicious insane, as well as criminals of a certain type, who, as a rule, are the subjects of sexual perversions and abnormal indulgences; who are a charge to the State and communities in which they live, and a constant and perilous menace to the well-being and welfare of the human race,

through the potentiality they possessed of propagating their kind." In these subjects I advocated the performance of a surgical operation which it was believed would abrogate the function of the testes and control the sexual power—ligature of the spermatic cord—as a substitute for that of castration, which is regarded as a very serious mutilation of the body, and one to the performance of which it is very difficult, if not in the majority of cases impossible, to obtain the consent of the individual, if an adult, or of the parents or guardians, if a minor.

Experimentation on dogs, made by me, showed that the operation was feasible, so far as the occurrence of any untoward results in the condition of the testes were concerned, and the reparative process in the simple wound made was prompt and favorable. The method of operation having been shown to be correct as a surgical procedure, I was interested in studying its efficiency in securing the results which I believed of the highest importance in the treatment of the defective subjects. Invaluable as I regarded the results to be obtained in the annulment of the procreative power, there still remained that which may be justly considered a duty to the defective subject, removal through the operation of all sexual desire.

Ligature of the spermatic cord I first advocated in the year 1894 in a paper read before the Philadelphia Academy of Surgery, as a substitute operation for castration in the treatment of hypertrophy of the prostate gland. A few years later I was led to suggest this operation in the treatment of defectives in order to produce a state of asexualization. Since then the subject has elicited quite wide attention, and the operation of "vasectomy," or resection of the vas deferens, has been performed in a large number of instances, chiefly on criminals in State penitentiaries in which it was authorized by legal enactments of the State. It has also been performed,



I believe, upon defective minors in private institutions with the consent of parents or guardians.

The advantages claimed for the operation of vasectomy are—"the simple character of the operation—an office operation; absence of atrophy, or cystic degeneration of the testes; no diminution of sexual power or 'pleasure'—the discharge at orgasm but slightly decreased—the production of sterilization." Reunion of the divided ends of the vas deferens, a more delicate operation than was resection, can be done, it is stated, if the subject be cured of "masturbation, insanity, or the criminal tendencies."

In performing resection one-half inch of the vas deferens is advised to be removed, the secretion of the testicle to be emptied around the pampiniform vessels, and there absorbed. "The operation has been performed upon married men who chose this means rather than criminal abortion, to prevent transmission to offspring of their own hereditary taints, such as insanity and syphilis." One operator states that in cases of those who indulge in sexual perversions, "he has refused to castrate, but has sterilized by vasectomy and cured many and many such cases." Another operator reports, "the improvement, mentally and physically, and cures are little short of marvellous in subjects who were insane, consistent (sic) masturbators." Another subject was cured of "sodomy and masturbation by vasectomy."

In March, 1907, the Legislature of the State of Indiana passed a bill authorizing the sterilization of "confirmed criminals, idiots, imbeciles, and rapists" in the State institutions. Over eight hundred have been sterilized by vasectomy. Of this number, it is stated, over two hundred were operated upon at their own request. Since this time laws of similar character have been enacted in three or four other States.

Vasotomy, simple section of the vas deferens, is not advised

as an effective operation, owing to the supposed ease of reuniting the divided ends of the excretory duct of the testes, an operation not desired in case "of criminals sterilized by State authorities."

I have made these liberal extracts from published articles upon the subject of the operation of vasectomy in order that the claim made for its employment in the treatment of defective subjects may be studied in connection with the consideration of the true purposes of surgical procedures, which may be instituted for their relief as well as for the betterment of the human race through the inhibition of the procreative power.

Further study of the operation of "ligature of the spermatic cord" has led me to modify somewhat the technique in order, if possible, to increase its efficiency. I think it desirable that the ligature should be applied as high up as it can be done with due regard to its relations to the external opening of the inguinal canal—that a double aseptic ligature should be applied, and the cord divided between the ligatures—the nerve should not be included in the ligature, but it should be resected and the ends folded back so as to interfere with reunion. The secreting power of the testes being abrogated through the deprivation of the blood and nerve supply, the danger of cystic degeneration of the vas deferens would be reduced to a minimum. It is the purpose of the operation to produce, so far as is possible, the same conditions as those which follow removal of the testes, conditions which I believe to be of the greatest value in the treatment of the defective subjects.

Let us now consider the subjects included in the class of defectives who it is thought may be relieved by any surgical procedure which has for its objects the abrogation of the sexual function.

While, as I have stated above, I regard the abolition of the procreative power to be of paramount importance in stopping the

flow of degeneracy, in this way relieving the State of the burden of the care of a rapidly increasing class of defectives and in promoting, in most positive manner, race betterment, I feel that an important duty rests in the selection of the surgical procedure to be employed in accomplishing this result.

It is, therefore, desirable, I think, to classify the defective subjects, and consider the surgical procedure best adapted in the treatment of each. In general, it may be stated, I believe, that sexual perversion exists to greater or less degree in all subjects included in the class of perverts, degenerates, idiots, imbeciles, the vicious insane, and a certain class of criminals, rapists. In some idiots, imbeciles, and epileptics, sexual perversions may develop, even before puberty, and grow in intensity with the increasing years of the subject, despite all ordinary methods of treatment. In degenerates and perverts, a large class existing everywhere in social life, inherited or acquired sexual perversions, manifested in unrestrained gratification and debasing methods of indulgence, dominate their lives and confer upon them personal qualities which make them very undesirable members of society.

In confirmed criminals the study of their lives and of their descendants would seem to show that the sexual instinct was not controlled in most cases, and that indulgence, in contravention of the law, led, in the mildest form, to the begetting of large families of illegitimate children; in one family, as reported, the number reaching fourteen.

In one class of criminals, rapists, the uncontrolled sexual appetite is the dominating factor in their criminal lives, which inspires them to commit the most atrocious assaults upon unprotected females, and for which crimes, in certain parts of our country, swift punishment is meted out at the hands of the infuriated mob by the bullet, the halter, or at the stake.

If these statements are correct and are confirmed in the experience of those whose special work it is, or it has been, to study and treat the subjects of the defective classes, then it would seem, in the employment of a surgical measure, that only should be chosen which, in the absolute abolition of the procreative power, at the same time exerts a controlling influence to the extent of obliteration of the function of that part of the generative system which initiates the orgasm and stimulates the act of intercourse.

The testes are concerned in the generation of the fertilizing spermatozoön, accomplished through the peculiar structure of the organ provided for that purpose—the function of the organ is maintained by the blood and nerve supply. It is a fact, well established, I think, by observation, that the obliteration of the function of one organ destroys that of other organs of parts which may be associated with it—Nature, using the term in its general sense, recognizes the fact that there is no need of the associated parts, as their services have, it may be said, been dispensed with, and their functions gradually cease.

In the case of the testes, castration abolishes function absolutely, and if the operation is performed *before* puberty, the sexual instinct is not generated or the sexual power of intercourse initiated. If the operation is performed *after* puberty, in the adult, the virile power may remain for a short time, but gradually disappears. This, I believe, is the experience of surgeons who have performed the operation in pathological conditions, and who have had the opportunity of observing the after condition in this respect.

In the article which appeared in the *Boston Medical and Surgical Journal*, I referred to patients exhibited to the Fellows of the American Surgical Association at the time of its meeting in New York—in the New York Hospital—into the scrotal cavities of

some of the number, celluloid imitations had been introduced for the mental effect, after ablation of the diseased organs.

Dr. Robert F. Weir, the eminent surgeon who had operated in these cases, writes me as follows: "Most of my cases (some ten or twelve) of removal of both testicles and substitution therefor of celluloid imitations were of a tubercular character. I can recall but two instances (having no notes at hand) where a moderate retention of the virile power (quoad desire and erection) lasted for many months after the operation. In one of these two cases, after a lapse of a year, he made sexual effort, though he said he 'wasn't as able' as he formerly was. The second one had some power of penetration and enjoyment for not longer than six months. Of my other cases I cannot speak now without notes, but the impression is strong with me that sexual appetite and power soon passed away after my operations. In the early cases we did not know much of the possibilities of the invasion by the original infection (tuberculosis) of the vesiculæ seminales, which may influence the value of the deductions made."

The gradual cessation of sexual desire is observed by horse breeders in stallions altered *after* service, although they continue to show some of the characteristics of the stallion in form and action. Partial excision of the testes is sometimes performed for the purpose of maintaining the appearance and action of the stallion in the gelding, and is known among horsemen as "cutting the stallion proud."

I think, we may conclude, therefore, that in the human subject, castration or any operation which approaches it as a substitute, performed *before* puberty prevents the initiation of the sexual desire, and that when done *after* puberty, when the sexual desire has been initiated and gratified, the virile power gradually subsides.

Dr. Charles K. Mills, the distinguished neurologist, whose views I requested on the subject, concludes in a letter to me: "That in my experience both removal of the ovaries in women, who have reached mature years, and the testicles in men, have showed, if not at first, eventually some influence in the way of sexual repression."

We are now prepared to discuss the method of operation which should be adopted in the different subjects of the classes designated and in whom the operation is authorized by legal enactment. Exacting the absolute prevention of the procreative power by surgical procedure, does not the State owe to the defective subject the removal also of the sexual desire, which is so largely associated with the condition of degeneration and which exerts a controlling influence on its development? Is it possible in the case of the idiot, imbecile, and epileptic in whom perverted sexual indulgence exists, to effect mental or physical betterment of a pronounced character, so long as the sexual desire is present as an exciting cause of perverted indulgence? Would not any operation which, as is claimed for that of vasectomy, does not involve diminution of the sexual power or pleasure—or but slightly decreases the discharge at orgasm, fall far short of giving to the subjects of the above class the help to which they are entitled at the hands of the surgeon? Would it not be an act of gross injustice to the community in a moral sense to turn loose the sterilized pervert and degenerate, still endowed with sexual power, which invites them to continue their lives of degeneracy freed by sterilization from some of the consequences of their acts?

Still more, may this not be said of the rapist, whose inspiration to commit the special crime which distinguishes him, takes its origin in his possession of uncontrolled sexual desire? Unsterilized, he is unable to do much more harm, since rarely, if ever, in such

cases of assault does the ability to procreate produce impregnation. The purpose of any surgical procedure in his case should include not only the betterment of future generations, but the protection of the community in which he lives, by removing the inspiration to crime—suffering, as it may be said he does, from a form of insanity—the treatment should be directed to his present condition as well as to the prevention of the propagation of his kind.

It may be of interest to consider one statement made by an operator of vasectomy to the effect that: "Reunion of the divided ends of the vas deferens, a more delicate operation than was resection, can be done if the subject is cured of masturbation, insanity, or the criminal tendencies." Speaking in a surgical sense, and without any experience to confirm results, I think it may be stated that reunion by operation of the divided vas deferens, a tube with a lumen so very diminutive, would be, so far as regards the restoration of function, impossible. Especially would this be true after a lapse of time when the proximal end of the tube would have undergone such changes as to obliterate the lumen. Furthermore, it would seem to be inconsistent with expected curative results in case of masturbators, of the insane, or the subject with criminal tendencies, to permit the function of the testes to continue with the sexual perversions which are regarded to be the exciting causes of the diseased conditions. The simple emptying of the testicular secretion upon the pampiniform vessels, where, it is stated, it would be absorbed instead of its passage to the vesiculæ seminales, from which it is ejaculated at the time of the orgasm, would seem to be ineffective in obtaining curative results.

In the case of mental and moral defectives, a physician of wide experience in their care and in their treatment, Dr. Martin W. Barr, chief physician to the Pennsylvania Training School for

Feeble-minded Children, writes me as follows: "Unfortunately, I find that there are no results obtainable from an operation where the inverted or perverted sexual appetite is *not* restrained. In every case operated upon in my experience, there has been marked mental, moral, and physical improvement. Personally, I very much prefer *actual castration*, as this leaves nothing in doubt."

This opinion is given by a physician whose extended experience justifies its expression as that of an expert, trained in the daily contact with defective subjects, young children, minors approaching adult age, and those beyond this age, who is qualified to speak with authority upon the subject.

From this evidence alone may we not conclude that an operation which restrains sexual appetite, is essential to the accomplishment of mental, moral, and physical improvement, not one which permits sexual indulgence "with pleasure," or one which does not abate sexual power, or diminish to any great extent the discharge at orgasm.

The surgical procedures advocated in promoting race betterment should in no sense be regarded as punitive in character. They should be performed as all surgical measures are instituted for the purpose of obtaining curative results, if possible, in the defective subjects. The highest motives of philanthropy should inspire the surgeon and should guide him in his work to the position of a noble benefactor of the human race, not only in protecting future generations from the contaminating influences of a maintained flow of degeneracy, but also in bettering the unhappy defective subject, by removing the causes which contribute to his disordered condition—thus opening his mental powers to cultivation, developing his moral attributes, promoting his physical betterment, and eventually making him a useful member of society.



THE LAW, THE PROTECTOR OF THE COMMUNITY,  
AND THE BENEFACTOR OF THE  
DEFECTIVE SUBJECT.

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THE solution of the problem of race betterment is not altogether a new subject. In one way or another it has claimed the attention of the philanthropist and criminologist since the earliest periods of time. Among the ancients the defective children were allowed to die, or were destroyed. Advancing civilization, with increasing human enlightenment, employed methods of segregation in public institutions, in which, under varying conditions, they received care, food, clothing, and housing, without any systematic effort to develop their mental and moral characters, or by successful discipline to correct vicious habits or to prevent debasing sexual indulgences, which so frequently accompany states of degeneracy. In private institutions, where the children of the better class, and those able to pay charges for keep, were congregated, systematic plans of education have been organized, associated with progressive methods of medical care, which have resulted in somewhat limited mental, moral, and physical betterment. Within recent years those who have been concerned in the care of the defective subjects have been aroused to the fact that a higher duty rested upon them—that of the education of public opinion to the point at which the State should exercise its duty as a protector of its citizens and enact laws which will restrain the flow of degeneracy through the employment of surgical procedures which shall inhibit procreation by

the production of sterilization in the criminal and defective male and female subjects. In some States of our country laws forbidding the marriage of defectives have been on the statute books, but were seldom enforced, the result being rather to encourage the birth of illegitimate offspring. Dr. R. R. Rentoul, Liverpool, England, in *The Medical Press*, August 17, 1910, makes the following statements which illustrate the tendency of the degenerates to unlicensed cohabitation: "Some years ago I called attention to the case where 5 weak-minded unmarried females had been delivered of 15 idiot infants in a workhouse. Dr. Potts next told of where, in one workhouse, 16 feeble-minded unmarried females had no less than 116 idiot children. Later, Dr. Branthwaite has pointed out that 92 habitually inebriate women had given birth to 850 infants." This is a page of history from the workhouses of England. It shows not only the futility of enacting laws to prevent the marriage of defectives, but as well illustrates the defects of the system of segregation which permits the existence of such conditions.

Dr. Barr, in *Mental Defectives*, quotes the statement of Dr. F. Hoyt Pilcher, Institution for Feeble-minded Children, Winfield, Kansas, as follows: "Much distressed by debasing habits rife among the children of his institution, and having exhausted every means of reformation through discipline, he, after consultation, castrated 58 boys, with resulting gain in almost every case of marked improvement, both mental and physical. Also, Dr. Everett Flood, superintendent of the Hospital for Epileptics, Palmer, Massachusetts, reports 26 cases in which asexualization was performed. Sexual appetite seemed to disappear in all but two cases, and appeared in these only periodically."

While these operations were performed in States in which no laws authorizing such methods of treatment existed, yet they received the approval of the Boards of Control of the Institutions.

It was an encouraging evidence of advanced public opinion and of enlightened appreciation of the proper methods of promoting the betterment of the human race. Gradually popular ignorance with regard to the importance of the enactment of laws legalizing surgical procedures as methods of treatment of criminals and defective subjects in the several States of our country is being dispelled; distinguished members of the legal profession are taking part in the education of public opinion by the publication of papers discussing the subject in popular magazines, through which the minds of the public are reached and thought upon the subject is initiated and cultivated.

A notable instance of effort in this direction is the able paper of Judge Warren W. Foster, Senior Judge of the Court of General Sessions of the Peace of the County of New York, entitled "Hereditary Criminality and its Certain Cure," *Pearson's Magazine*, November, 1909. The subject is treated from the legal viewpoint and in an exhaustive manner, dealing chiefly with the criminal. The solution of the problem of the betterment of the criminal class, he believes, rests in sterilization. "Education alone will not rid us of criminals, for there are many educated criminals. Punishment alone as a specific for crime is a failure." Abrogation of the power to propagate his kind is the proper treatment of the habitual or confirmed criminal, and as well of the vicious insane.

The public press is also promoting the education of public opinion by its discussions of the subject. Judge Foster, in his paper, quotes the comment made by one of the New York journals upon the law proposed for Connecticut, and later enacted: "Could such a law be enforced in the whole United States, less than four generations would eliminate nine-tenths of the crime, insanity, and sickness of the present generation in our land."

To the medical profession the discussion of the subject naturally belongs. Eminent members of the profession, men of distinction in the various departments of scientific investigation, of calm and conservative opinions and judgment, are advocating the methods of treatment by surgical procedures in the case of the habitual criminal and the defective subject, and approving of the enactment of laws by the State Legislatures giving legal sanction to their employment. Among these is the eminent alienist, Dr. Austin Flint, who writes me: "I sympathize entirely with you in your views in regard to the sterilization of perverts, degenerates, idiots, imbeciles, the vicious insane, and, I should add, the habitual criminal." No member of the medical profession is better qualified to speak upon this subject; his wide experience as an expert in medico-legal cases gives his opinion a judicial character.

The State of Indiana was the first to enact a law to prevent procreation of confirmed criminals, idiots, imbeciles, and rapists, February 10, 1907. The text of this law approaches in completeness the requirements of any law in its protection of the subject and in the definition of the treatment to be adopted. If it possesses any defects, these consist in the failure to include the vicious insane and epileptics in the class named, and also it would have been wise to have placed a neurologist of well-known ability on the Committee of Experts. It was wise to have avoided embarrassment in restricting the action of the committee by specifying the operation which should be performed—better to have left it, as was done, to the judgment and to the discretion of the committee to choose for the surgeon such operation for the prevention of procreation as shall be decided safest and most effective.

The State of California, on April 20, 1909, enacted a law to permit *asexualization* of inmates of State hospitals and of the California Home for the Care and Training of Feeble-minded

Children and of Convicts in the State prisons. Under this law the committee of experts consists of the superintendent or resident physician of the home, hospital, or prison, and the general superintendent of State hospitals and the secretary of the State Board of Health.

Whenever, in the opinion of this committee, it would be beneficial and conducive to the benefit of the physical and mental or moral condition of *any inmate* of the said hospital, home, or State prison, *asexualization* may be performed. Certain conditions applied to the convict. Under the law he is exempt from the operation *unless* he has been committed to a State prison in California or some other State or country at least *two times* for some *sexual* offence, or at least three times for any other crime, and shall have given evidence while an inmate in a State prison in this State that he is a moral and sexual pervert. These conditions do not apply to the life convict who exhibits continued evidence of moral and sexual depravity; he may be asexualized without regard to the number of commitments to prison for sexual or other crimes. In this law, as in that of the State of Indiana, it would have been wise to have placed a neurologist on the committee of experts. The law does not specify any class. *Any inmate* who, in the opinion of the committee, will be benefited mentally, morally, or physically may be asexualized. Much stress is laid upon the sexual perversion of the convict. The law gives the committee wide powers of discretion which are valuable if properly exercised.

On August 12, 1909, the Legislature of the State of Connecticut passed an "Act Concerning Operations for the Prevention of Procreation." This law is limited in its application to the State prison and the two State hospitals for the insane. Under this act a board is appointed by the directors of the State prison and by the superintendents of the hospitals for the insane, consisting of two

skilled surgeons, who shall act in conjunction with the physician or surgeon in charge at each of the said institutions, to examine such inmates as are reported to them by the warden, superintendent, or the physician or surgeon in charge, to be persons by whom procreation would be inadvisable. If in the judgment of the majority of the board, procreation by any such person would produce children with an inherited tendency to crime, insanity, feeble-mindedness, idiocy, or imbecility, and if there is no probability that the condition of such person shall improve so as to render procreation by them advisable, then the board shall appoint one of its number to perform the operation of vasectomy or oöphorectomy.

If it is true that vasectomy does not destroy the sexual power, and it is as desirable in the female as in the male to preserve this in any operation which prevents procreation, then an act of injustice is done the female by the provisions of this law, since oöphorectomy—removal of ovaries—absolutely abolishes sexual power. Ligature of the Fallopian tube, tuberotomy, or tuberectomy would be the operation in the female, of the same character as vasectomy in the male.

The second clause of this act, which forbids, under heavy penalty, indiscriminate and unwarranted performance of either operation named in the act, is very praiseworthy, and should form a part of every law of this kind in every State. If rigidly executed it will prevent the creation of a class of operators who, in the columns of the public press, may advertise an office operation which will be sought after by the pervert and degenerate who desire to escape the penalties of their unlicensed sexual indulgences. This subject has a far-reaching importance, and should claim the serious attention of those invested with authority under the laws.

In conclusion of the study of this subject which has been made, the following propositions may be formulated:

1. The confirmed criminal and the defective subject may be rightfully regarded as in a state of disease, and therefore the legitimate subjects for medical and surgical treatment.

2. Extended experience on the part of competent students of criminology and sociology confirm the opinion that neither punishment nor education are effective in restoring the criminal and defective to normal conditions.

3. As heredity is conceded to be an important factor in the perpetuation of criminality and degeneracy, through the power of procreation, the fundamental treatment of these conditions consists in the abrogation of this power.

4. The State, in the exercise of its duty as guardian of the privileges and rights of its citizens, and, as well, charged with the duty of affording protection against conditions which are harmful to its social integrity, has the right to enact laws which will prevent the perpetuation of criminality and of degeneracy by inhibiting procreation in the criminal and in the defective subject.

5. Experience teaches that in many of the criminal and defective subjects, inverted or perverted sexual desires and practices are the dominating factors of their disordered conditions. In such subjects remedial and curative results can only be obtained by depriving them, through the chosen surgical procedure, of the sexual power.

6. In the lower order of animals, asexualization contributes to docility of temperament and to useful purpose, without the impairment of physical power or of essential animal characteristics.

History shows that the asexualized eunuch was not deficient in intellectual vigor or in courage. Prized for these qualities and for his fidelity, the annals of history reveal him in stations of great trust and power, the occupant of the highest offices in government, the counsellor and influential adviser of potentates, the

distinguished general in war, and wise in the planning of military campaigns.

7. That the testis and ovary produce an internal secretion which is necessary to the normal functioning of the body tissues has been demonstrated. It is believed that after cord or tube ligation sufficient blood supply, through the collateral circulation which is established, is distributed to those organs to maintain this secretion.

8. Surgical procedures instituted for the prevention of procreation in the confirmed criminal, pervert, degenerate, idiot, imbecile, epileptic, and vicious insane should not be regarded as a method of punishment, but as a remedial measure, the sole objects of which are the betterment of the human race, through the arrest of the continually flowing stream of degeneracy, and the mental, moral, and physical improvement of the defective subjects.

Laws enacted by States authorizing the performance of surgical operations to prevent procreation in criminal and defective subjects.

The State of Indiana, February 10, 1907.

“An Act entitled ‘An Act to prevent procreation of confirmed criminals, idiots, imbeciles, and rapists—providing that superintendents or boards of managers of institutions, where such persons are confined, shall have the authority and are empowered to appoint a committee of experts, consisting of two physicians, to examine into the mental conditions of such inmates.’

“Whereas heredity plays an important part in the transmission of crime, idiocy, and imbecility; therefore be it enacted by the General Assembly of the State of Indiana that on or after the passage of this Act, it shall be compulsory for each and every institution in the State, intrusted with the care of confirmed criminals, idiots, rapists, and imbeciles, to appoint upon its staff,



in addition to the regular institution physician, two skilled surgeons of recognized ability, whose duty it shall be, in conjunction with the chief physician of the institution, to examine the mental and physical condition of such inmates as are recommended by the institutional physician and board of managers. 'If, in the judgment of this committee, procreation is inadvisable, and there is no probability of improvement of the mental condition of the inmate, it shall be lawful for the surgeons to perform such operation for the prevention of procreation as shall be decided safest and most effective. But this operation shall not be performed except in cases that have been "pronounced unimprovable." ' "

The State of California, April 20, 1909.

"An Act to permit asexualization of inmates of State hospitals and the California Home for the Care and Training of Feeble-minded Children and of convicts in the State prisons. The people of the State of California, represented in Senate and Assembly, do enact as follows:

"Section 1. Whenever, in the opinion of the medical superintendent of any State hospital, or the superintendent of the California Home for the Care and Training of Feeble-minded Children, or of the resident physician in any State prison, it would be beneficial and conducive to the benefit of the physical and mental or moral condition of any inmate of the said hospital, home, or State prison to be asexualized, then such superintendent or resident physician shall call in consultation the General Superintendent of the State hospitals and the Secretary of the State Board of Health, and they shall jointly examine into all the particulars of the case with the said superintendent or resident physician, and if in their opinion, or in the opinion of any two, their asexualization will be beneficial to such inmate, patient, or convict, they may perform the same; provided that in the case of an inmate

or convict, confined in any of the State prisons of the State, such operation shall not be performed unless the said inmate or convict has been committed to a State prison in this or some other State or country at least two times for some sexual offence, or at least three times for any other crime, and shall have given evidence while an inmate in a State prison in this State that he is a moral and sexual pervert, and provided further that in the case of convicts sentenced to State prison for life who exhibit continued evidence of moral and sexual depravity, the right to asexualize them as provided in this Act shall apply whether they have been inmates of a State prison either in this or any other State or country more than one time."

The State of Connecticut, August 12, 1909.

"An Act concerning Operations for the Prevention of Procreation.

"Be it enacted by the Senate and House of Representatives in General Assembly convened:

"Section I. The directors of the State prison, and the superintendents of the State hospitals for the insane at Middletown and Norwich are hereby authorized and directed to appoint for each of said institutions respectively two skilled surgeons, who, in conjunction with the physician or surgeon in charge at each of said institutions, shall constitute a board, the duty of which shall be to examine such inmates of said institutions as are reported to them by the warden, superintendent, or the physician or surgeon in charge, to be persons by whom procreation would be inadvisable. Such board shall examine the physical and mental condition of such persons and their record and family history so far as the same can be ascertained, and if, in the judgment of a majority of said board, procreation by any such person would produce children with an inherited tendency to crime, insanity, feeble-mindedness,

idiocy, or imbecility, and there is no probability that the condition of any such person so examined will improve to such an extent as to render procreation by any such person advisable, or if the physical or mental condition of any such person will be substantially improved thereby, then said board shall appoint one of its members to perform the operation of vasectomy or oöphorectomy, as the case may be, upon such person. Such operation shall be performed in a safe and humane manner, and the board making such examination and the surgeon performing such operation shall receive from the State such compensation for services rendered as the warden of the State prison or the superintendent of either of such hospitals shall deem reasonable.

“Sec. 2. Except as authorized by this act, every person who shall perform, encourage, assist in, or otherwise promote the performance of either of the operations described in Section 1 of this act, for the purpose of destroying the power to procreate the human species, or any person who shall knowingly permit either of such operations to be performed upon such person, unless the same shall be a medical necessity, shall be fined not more than one thousand dollars, or imprisoned in the State prison not more than five years, or both.

“Approved, August 12, 1909.”



