

207-OWS-ALB

(1910-1941)

The Chairman announced the resignation of James J. Dow, Superintendent of the Minnesota School for the Blind, and the appointment of Julia F. Dow as his successor.

Adjourned.

The Chairman: I think, ladies and gentlemen, with the memory of that splendid entertainment last evening, that feast for our eyes and ears and our hearts and souls, that it would be very appropriate just at this time for me to say how very much we appreciated it, so that it will go into the record. The faithful work of the officers was shown by the wonderful exhibition given by the young folks last evening.

We are now going to have a feast of a different kind. The first subject on the program is that of sterilization, "The Operation of the Wisconsin Sterilization Law," a very important subject, one very largely and widely discussed at the present time in this country.

Several of the states have enacted laws of that kind, some of which are in operation and some of which are not. It is an important subject. It is one upon which there is a great deal of divergence of opinion, and we shall expect a frank and full and clear discussion of this very important subject.

The gentleman who is going to speak to us on that subject is Dr. A. L. Beier, of the Wisconsin Home for the Feeble-Minded. I am very glad to introduce Dr. Beier to you. For a while, if I remember correctly, Dr. Beier was a resident of Minnesota, which has a great deal to do with explaining his subsequent success. Dr. Beier.

THE OPERATION OF THE WISCONSIN STERILIZATION LAW.

A. L. Beier, M. D., Superintendent Wisconsin Home for Feeble-Minded.

Race betterment is a topic that has received wide attention for some little time; in fact, it may be said to date back to the early days of history, and is as old as civilization itself. The science of eugenics came into prominence about the year 1900, and followed closely the resurrection of the mendelian laws of variation and heredity discovered and published about the year 1866 by Gregor Johann Mendel, an Augustinian monk.

Prior to the year 1900, following the principles laid down by Itard and Seguin, the paramount concern of students and observers of mental defect appeared to have been the educability or training of those afflicted with feeble-mindedness.

Since the popularization of the mendelian principles and the development of the science or art of eugenics, the care, treatment and prevention of feeble-mindedness and its resultant conditions became the keynote of the endeavors of students of the condition. It is, I believe, generally conceded that mental defect is largely the basis of many sociological problems. Many observers have pointed out the fact that feeble-mindedness produces more pauperism, degeneracy and crime than any other cause. Existing side by side, as it does, with insanity, epilepsy and crime, it presents one of the most formidable and important medico-sociological problems known. Complete extirpation of this condition would cause the disappearance of the most, if not all, of these problems.

Entire eradication is not possible. A few years ago, Dr. Goddard stated that there were about 300,000 feeble-minded in the United States. There is no reason to believe that this number has materially diminished since then. There are at the present time approximately 70,000 of these receiving care in institutions. These are distributed in institutions for the feeble-minded, almshouses, hospitals for the insane, and in prisons and reformatories.

If Dr. Goddard's estimate is correct, or nearly so, we have approximately 230,000 feeble-minded in our population at the present time that are not confined. According to the same observer's estimate, approximately 65 per cent of cases of feeble-mindedness develop from feeble-minded parentage. Recently Dr. V. V. Anderson, psychiatrist in charge of special work in connection with the National Committee for Mental Hygiene, said in regard to the production of feeble-mindedness: "For this condition is inherited; it is the result, in about 80 per cent of all cases, of defective germ plasm, the expression of defective family stocks." The percentage given seems somewhat high, yet there is no doubt in my mind that the percentage given is correct, or nearly so.

What is the significance of this? It means that there are practically 230,000 feeble-minded at large in our population, at liberty to propagate their kind. The intelligence of these members of our social organization is such as would disqualify them from maintaining themselves independently

of some support or other, and from managing their affairs with ordinary prudence, foresight and judgment. It means, further, a force in our midst, the constituents of which are unable to compete with their normal fellows on equal terms; a group, in fact, that necessarily, in our struggle for existence, must be crowded to the wall. The struggle for existence is always present, and even one of normal mentality finds it difficult and keen. As one observer tells us, the struggle for existence has become mind against mind.

Superiority depends more upon mental than upon physical brawn.

For those intellectually inferior individuals—the feeble-minded—the paths offering the least resistance and entailing the least effort present the most feasible and alluring possibilities. As a result of their social inadequacy and inferior mentality, and their inability to adapt themselves reasonably well to shifting industrial conditions and social circumstances, they naturally drift along the avenues of crime, which may vary from simple misdemeanors to grave felonies; or enter upon pathways leading to vice, prostitution, illegitimacy, poverty, dependence, disease and misery.

At some time or other in their life history they become social and economic burdens, and unless the tide of degeneracy which they initiate and transmit is stemmed, general race deterioration and gradual national decadence will inevitably follow.

That race degeneracy is possible under these circumstances can be readily understood when we take into consideration that the birth rate among the less intelligent is quite high, and that voluntary barrenness among the more intelligent obtains quite generally. The feeble-minded are especially prolific. Means for cutting off the supply of defective and low-grade human strains are prime requisites of race betterment and should be developed.

What means have we to accomplish this end? No single line of treatment or procedure that has so far been suggested is adequate, but eugenics points out the way. By following its teachings as nearly as we can, race betterment will surely follow—"a consummation devoutly to be wished."

As in the practice of medicine, so in matters of sociological importance, prophylaxis is the most essential and effectual treatment. In speaking of prevention, I refer more particularly to the type of mental deficiency that is due to faulty heredity. The production of feeble-mindedness through accidental factors requires a different mode of treatment, and need receive no further consideration here.

There are practically three means at our disposal that will assist in the elimination of the unfit. These three means may be grouped under three headings: restrictive marriage laws, sequestration, asexualization. No single one of these is a panacea.

Restrictive marriage laws and customs developing from religious principles, or depending from racial pride or social position, have all had a wholesome deterrent effect on the perpetuation of mental defect. And "we are learning to say," using the words of Humphrey, taken from his book entitled *Mankind*, "with growing insistence, to one group of the community: 'You must let your miserable inheritance die with you. This is not ordered as a punishment. Involuntarily you have brought something out of the past which is not good for society, and it must be left behind as the race goes

forward.'" Our attitude toward the feeble-minded should be as Huxley suggests: "We are sorry for you; we will do our best for you (and in so doing we elevate ourselves, since mercy blesses him that gives and him that takes), but we deny you the right to parenthood. You may live, but you must not propagate."

Marriage laws can never entirely control the situation. They reach only a certain group of intelligent individuals. They do not prevent the issue of offspring and may even promote illegitimacy. I do not here refer to the so-called eugenic marriage laws which affect more definitely individuals who are subject to venereal diseases. The work that is going on along this line marks a milestone on the pathway of progress, and is a most important prophylactic, sanitary, economic and humanitarian measure.

There is a law in our state which reads: "No insane person or idiot shall be capable of contracting marriage. No man and woman, either of whom is insane, mentally imbecile, feeble-minded or epileptic, shall intermarry." It is a wise law and it shows the state's disapproval of the marriage of the unfit, but it is difficult of enforcement. Magistrates and clergymen necessarily find it difficult to recognize the higher types of mental defectives especially.

We have had what seems to be a very unhappy experience with two members of our family of defectives. I mention this merely to illustrate the validity of the marriage law. One of our degenerate boys was discharged on account of a technical error found in his commitment. He met one of our girls who was out on parole; obtained a license to wed; the marriage was performed by one of our county judges, who undoubtedly had no opportunity of knowing the mentality of the applicants. The girl was subsequently returned to our institution and died during childbirth.

Lately one of our inmates eloped. Previous to her commitment she had given birth to a child. This child is now being cared for at our State Public School. She came to us pregnant and gave birth to a second child at our institution. This child is a mental defective and will undoubtedly continue to be a ward of the state. A few days ago word came to me that this girl had met with the father of her second child. This man obtained a license to marry and married the girl. (In passing I desire to mention that we had intended to perform the sterilization operation upon her, but the consent of the parents was lacking.) I do not doubt that she is again with child and probably we shall have another expectant mother in our midst when she is returned.

Sequestration or segregation, the second means given to promote the elimination of the unfit, if it could be extensively carried out, would be the most effective. Due to economic reasons it would be impossible to house or colonize all mental defectives, and if this could be accomplished it would be a difficult matter to retain them. Segregation contemplates confining males and females during their reproductive period especially. During this time they are at least partially able to pay for their support at employment designed to carry on the work of the institution in which they are housed. Segregation will continue to be by far the most valuable method of treating these individuals, as many of the feeble-minded, as we all know, have many traits that make them undesirable and unfavorable units of society.

There is left the third method, asexualization. Sterilization of the unfit is of comparatively recent origin. The first state to legalize these operations was Indiana, which passed its law in 1907.

Prior to this a superintendent of a Kansas institution for the feeble-minded had castrated some 58 boys. This occurred in 1898. A few other workers among the feeble-minded tried the same experiment. Their purpose was rather to eliminate debasing habits and propensities than to produce sterility for the purpose of preventing procreation.

In 1894, Dr. F. E. Mears, of Pennsylvania, advocated and tried ligation of the spermatic cord as a substitute operation for castration in the treatment of hypertrophy of the prostate gland.

Following this Dr. Sharp, in 1899, proposed and performed the operation of vasectomy on 456 inmates of the Indiana Reformatory. In 1901 the first step toward securing legislative authorization was taken by the state of Pennsylvania. The measure passed both houses but was returned for the correction of some technicality by the governor, and thus did not receive his approval to enact it into a law.

Indiana in 1907 passed a law authorizing the performance of an operation for the prevention of procreation on confirmed criminals, idiots, rapists and imbeciles. It is said that over 800 cases were sterilized, 200 of these at the request of the individuals concerned.

Since then California, Connecticut, Iowa, New Jersey, Kansas, New York, Nevada, North Dakota, Washington and Wisconsin, have passed laws authorizing sterilization. The law passed in Washington pertains only to the asexualization of rapists and habitual criminals.

The Wisconsin sterilization act relates to the prevention of criminality, insanity, feeble-mindedness and epilepsy. It became a law in 1913. Prior to its passage, it was twice defeated. When first presented, I understand, it was denounced as inhuman. On its second presentation it is related that one of the members of legislature quoted the Lord's command to Noah to be "fruitful and multiply and replenish the earth." In commenting on this, Dr. Wilmarth aptly said: "Had the members of the legislature been as familiar with Bible history as with the Wisconsin statutes, they would have remembered the radical steps taken by the Creator at that time to eliminate degeneracy and people the earth from the best members of the human family, and the speaker's argument might have lost its force."

The statute makes the following provision:

1. The State Board of Control is hereby authorized to appoint from time to time, one surgeon and one alienist, of recognized ability, whose duty it shall be, in conjunction with the superintendents of the state and county institutions who have charge of criminal, insane, feeble-minded and epileptic persons, to examine into the mental and physical condition of such persons legally confined in such institutions.

2. Said Board of Control shall at such times as it deems advisable submit to such experts and to the superintendents of any of such institutions the names of such inmates of said institution whose mental and physical condition they desire examined and said expert and the superintendent of said institution shall meet, take evidence and examine into the mental and physical condition of such inmates and report said mental and physical condition of such inmates to said Board of Control.

3. If such superintendent and experts unanimously find that procreation is inadvisable it shall be lawful to perform such operation for the prevention of procreation as shall be decided safest and most effective; provided, however, that the operation shall not be performed except in such cases as are authorized by the said Board of Control.

4. Before such operation shall be performed, it shall be the duty of the State Board of Control to give at least thirty days' notice in writing to the husband or wife, parent or guardian, if the same shall be known, and if unknown, to the person with whom such an inmate last resided.

This includes the most important features of the law. Soon after its passage, Dr. Wilmarth states, an attorney of some repute wrote and urged him to have the constitutionality of the law tested by bringing a test case into court. This was declined, and nothing further was done in the matter.

A period of two years elapsed before any operations were performed. So far we have operated upon 76 cases, of which 16 were boys. There were no complications following in any of the cases operated upon. All made a speedy, complete and splendid recovery. It may be further said that there were no apparent mental or physical changes noted in any of the cases. None was expected excepting that which was intended; namely, the production of sterility in the subjects operated. We believe that this has been accomplished.

In regard to the cases selected: Among the boys, those manifesting a strong or abnormal sexual propensity, a faulty heredity, superficial brightness, and a strong tendency to elope, were chosen.

Among the girls: The higher types who showed marked abnormal heredity, licentious temperament, decided sexual irregularities, and a number who already had given birth to illegitimate or defective offspring. There were, I believe, eighteen among these who had illegitimate children. One we know had seven; some of these, however, were born in wedlock. All, I believe, are state charges.

Before operation we followed the dictates of the statutes very closely and even went a step farther, inasmuch as we did not perform the operation on any case where an objection to it was raised by either parent or legal guardian. There were but very few objections made. Dr. Wilmarth states that all but one were based on religious convictions. It may be said here that since we began the work we have had from the parents of some of our children frequent requests to have the operation performed.

A number of these sterilized cases have been paroled, and so far only one has been returned. We have not paroled all of these cases due to the fact that we are exercising practically the same amount of care and precaution that we did before we began asexualization operations. We feel that the interest of the community to which such a child would go must be respected. It is needless to say that we also consider the matter from the standpoint of the child's welfare.

A number of our sterilized boys have eloped; also one of our girls. That does not now cause us the anxiety that we have hitherto felt, as we feel that these sterilized cases at least will not propagate their kind.

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In respect to the type of operations performed on these cases: The Wisconsin law does not specify what surgical procedure is to be used; it simply legalizes such operation for the prevention of procreation as shall be decided safest and most effective. Vasectomy in the male and Salpingectomy in the female, the simplest forms known, were used. In the resulting operations, or laparotomies, on the girls, our surgeon corrected whatever pathological conditions he found. This included the removal of diseased appendices, replacement of diseased uteri, eradication of cysts, and removal in part of diseased ovaries. In one case a tubercular peritonitis was discovered. In this case in particular there was decided improvement in the physical health following the operation.

The Chairman: I should like to ask Dr. Beier a question. What percentage of those upon whom that operation was performed were what you would call the high-grade feeble-minded; or, rather, more specifically, the border-line feeble-minded?

Dr. Beier: Practically all belonged to that class known as morons; some could be considered low-grade morons. Just the percentage of high-grade morons I would not be able to say.

The Chairman: Wouldn't that percentage be rather small? Isn't it a fact that that is one of the most difficult tasks you have to determine, these border-line cases?

Dr. Beier: Indeed it is.

The Chairman: From my point of view the most dangerous class of the feeble-minded we have are the border-line cases. They are the ones who commit crime. They are the ones who get into trouble. It is true that some of the lower grades commit certain classes of sexual offenses, but I think you will find that the great percentage of crime is committed by this high-grade feeble-minded class, very difficult to classify and very difficult to determine.

Another significant statement made by Dr. Beier was this, that there were no physical or mental changes apparent. Some of those who urge sterilization claim that there are mental and physical changes, and I am glad to have the view of the Doctor, presenting his side of the case, that there are not. And so it resolves itself down into one major fact, prevention of offspring who might become a burden upon the state.

In many of those cases where this operation was performed upon the high-grade boys, you say that they do not change in mental or physical characteristics. Do they change in any sense in their sexual mind?

Dr. Beier: Not that I know of.

The Chairman: Then a boy of that kind might be a very dangerous member of the community; would he not? This would apply still more to the girl owing to the fact that she could much more easily become and continue immoral because of that fact. Is not this true, Doctor, and isn't it one of the particular things you cannot guard against by sterilization?

Dr. Beier: You cannot guard against that.

The Chairman: I have in mind a case known to some of those present here: a very beautiful girl—Warden Reed will remember her; she was in his charge for a while; an extraordinarily beautiful girl. If she had been sterilized she would have been a hundred times more dangerous than she was. She had three illegitimate children, but so far as the spread of immorality is concerned she would have been more dangerous because she would have taken advantage of the fact that she could have no offspring.

There is still another side, the religious aspect of this matter. Was there not agitation on that side, Doctor; I mean by any organized body of religious opinion?

Dr. Beier: Not that I recall. The matter was discussed more thoroughly among the Catholic clergy; not necessarily in Wisconsin, but more or less generally.

The Chairman: That point is an interesting one. May I ask Father Casey, city missionary of St. Paul, if he cares to say anything?

Rev. Edward Casey, St. Paul: I am not prepared to discuss this matter from the standpoint of an expert who has made a special study of this question. I came to this meeting largely to listen; and chiefly to learn the results of the Wisconsin law. I came as a student more than as a moralist. There are, however, one or two moral principles which appear pertinent to this subject at first thought.

Society has a right to protect itself from the dangerous individual. When necessary, society may take the life of the individual, and for certain good and sufficient reasons society may mutilate an individual. But the rights of society are limited by the moral law, and the means taken to protect society must be judged in the light of the moral law.

Dr. Beier spoke of the records in the past in which the Creator took effective means to prevent the propagation of the unfit. But the Creator has complete dominion over life. The state has not the same dominion over the life of a citizen that the Creator has over His creature. The individual does not exist for the state. The individual is prior to the state. The state is organized for the benefit of the individual; to protect the rights of the individual; and therefore the individual's rights cannot be sacrificed for the benefit of the state unless he has already forfeited those rights. If the state had dominion over the life of the individual, it would be a different matter, but the state has not. A man has not dominion over his own life. Suicide or homicide is bad because of the fact that the individual has not dominion over his own life, or over the life of another. Now, society has not dominion over the life of the individual. Society may indeed protect its members by taking away the life of certain individuals who have forfeited that right; but to take away the lives of whole classes of guiltless individuals on grounds of utilitarianism assumes that the state has dominion over the life of the individual.

Since the Wisconsin law is designed to stop the propagation of the unfit, and so leads the abnormal individual more freely to indulge in immoral practices because of the fact that the inconveniences attending immorality are eliminated, I think the law itself is immoral.

The case that you spoke of, Mr. Vasaly, this young woman who would have been more dangerous because of sterilization, shows well what this means. It indicates that immorality might spread without detection or without the other inconveniences of immorality.

Now vasectomy, according to Dr. Beier, does not lessen the tendency to sexual excess. It does, however, leave the individual more free to commit offenses against the natural law simply because of the fact that the effects are not detectable. Dr. Beier has not spoken of anything in the way of prevention of immorality.

On economic grounds I think we might compare the operation of such a law to the operation of a law dealing with the infirm and the aged. After men and women have reached a certain age and have become incapable of

doing anything useful, why would it be wrong to take the lives of these individuals? They are an economic burden on society, on the family, on the state. Undoubtedly it would be cheaper to put all men and women who have become incapable of any useful labor out of the way by some form of death. We cannot do that. It is clearly and manifestly wrong.

Vasectomy is a grave mutilation of the human body. It prevents the functioning of an important organ; therefore it is a grave mutilation, even though there may be no pain. Mutilation may be permitted at times. A man's leg may be amputated to save his life, because a part is subordinate to the whole; but vasectomy is a different matter. Here is a grave mutilation of the physical in order to prevent a social evil, to save expenses, without, however, eliminating the moral evil. A man who has been sterilized is just as guilty of moral wrong by sexual excess as one who is not sterilized, so the moral wrong is not checked. Some physical inconveniences are prevented, but the feeble-minded are more free to indulge in moral wrong than before.

This matter, as Dr. Beier said, is one that has to be handled very carefully. We may see immediate practical effects, but if we violate the moral laws or the law of nature, the ultimate effects will be bad. Even though the immediate effects may appear to be beneficial, the ultimate effects will work harm to society, without any question. A law must be good through and through or the ultimate effects will be evil. As we are not allowed to use evil means for a good action, so the mutilation of the human body must be handled with the greatest circumspection and the greatest care. The laws that will authorize this action by state authorities must be carefully scrutinized and submitted to open discussion from every angle. Great deliberation ought to be used before any such law is given unrestricted approval.

I thank you.

C. J. Swendsen, State Board of Control: I really should not take part in this discussion because I have not given it the study which I perhaps ought to have given it. However, this is a time when I disagree with my friend, Mr. Vasaly. We usually agree on almost everything, but on this particular question we have our differences of opinion.

I have seen some cases in the institutions over which we have charge which made me think that something radical must of necessity be done in order to protect society. I could recall a great many cases, but I am not going to take the time. I want to mention just one instance which happened in the School for Feeble-Minded.

Under the old law, the parents could take their children out of the school. I recall one particular girl, a beautiful girl, who was committed to the School for Feeble-Minded. Her mother begged and pleaded with the Board and the superintendent to allow the girl to go home. We finally gave in because we thought it the humane thing to do. She went home and after she had been there for a few months she gave birth to a child and was again sent to the School for Feeble-Minded. A year afterwards the same story was repeated. I think it was probably a weakness on the part of the Board to give in to the pleadings of the mother.

That is only one case. We could tell you about a number of similar cases. I know of many cases in institutions for the insane where the

mother became insane at the time of pregnancy, was committed to a hospital for the insane, gave birth to a child, became sane again, and went home only to have the same thing repeated time and again.

I know of one mother who was committed to Fergus Falls in that condition, became well again, and was sent home. Again about to become a mother, she became insane, took an axe, and cut off the head of one of her children. Now, do you not think it would have been a benefit to society if that mother had been sterilized?

We know, of course, that a large number of children born of such parents are unfit. That is especially true of the feeble-minded; they always propagate their own kind. If something could be done by the way of sterilization, would we not be doing the state a great service?

We have in this state in the neighborhood of 15,000 feeble-minded. You know it is impossible to put that number in an institution; the taxpayers of the state would never stand for it. They are running loose, getting married, and the number of feeble-minded is increasing.

One authority has made the statement that if something radical is not done in this country of ours, inside of a hundred years we shall become a feeble-minded nation. I do not know whether that is true or not, but the man who made the statement is supposed to be an authority.

Now, it is true that putting these people into institutions and colonies is the best method; there is no gainsaying that; but I believe sterilization, properly safeguarded, is the next best method. I think there are cases which the authorities of the state would be justified in having sterilized. I realize that there is danger that they will resort to an immoral life when sent out into society, but they do that whether they are sterilized or not. The very fact that about 1,500 illegitimate children are born in the state of Minnesota every year proves that. If some of these, at least, were sterilized, we should save the state from having a few more who are unfit.

Galen A. Merrill, Superintendent State Public School: There is evidently a moral menace in the case of the sterilized person; I suppose such a person might also be a menace in the spread of venereal disease.

I should like to ask Dr. Beier if there are any authenticated cases of such a person's becoming a menace to the community.

Dr. Beier: Among the cases that we sterilized, there is only one that we definitely know led an irregular life. She probably hadn't been out more than a month's time.

The subsequent life of our paroled cases is checked up through our social workers. As soon as a report comes in that any of our feeble-minded children live an irregular life, we think the safest method is to immediately recommit them, and we do.

J. T. Fulton, Superintendent State Training School: According to Dr. Beier, there is a river of diseased humanity flowing in our midst. That river of crime and disease is widening and deepening year by year. According to experts, an effective method has been discovered whereby that river can be purged and made clean. Unless this stream of disease is suppressed, future generations bid fair to be overwhelmed. We all agree that it is desirable to eradicate feeble-mindedness, and to rid the world of the ill

that are incident to feeble-mindedness. If we have the means to suppress this great evil, I am sure that it is our duty to suppress it. A sin of omission is as serious a matter as a sin of commission. Possibly the method referred to today has not been tested out sufficiently to justify vigorous action. However, if we can improve conditions and make this a sweeter and cleaner world, in my judgment we are morally bound and religiously bound to undertake that task.

Arthur F. Kilbourne, M. D., Superintendent Rochester State Hospital: This is such a wide subject, one does not know where to begin, and, after having begun, hardly knows where to stop; but if 60 per cent of the people of this country are below mediocrity now, what are they going to be in another generation, or several generations to come?

Why is it that we are a nation of mediocre people? It is just because such conditions as we are debating today exist. The high-grade imbecile is a leaven that leaveneth the whole mental stability of this nation.

I do not pretend to be an interpreter of what the Lord thinks or what the Lord is going to do. I think, as Napoleon said, the Lord is on the side of that army that has the greatest battalions. Now, then, I believe the Lord is on the side of the nation that has the greatest physical and mental stability.

While Mr. Vasaly is usually strong in his arguments, I think his argument today is in very serious danger of being upset; not at this particular moment, but by somebody in this audience. His argument was that this beautiful woman could be a more dangerous character sterilized than otherwise. These people are unmoral; they have no moral sense; they have no will particularly to follow any moral sense that they might have. Now, that woman is unmoral. She hasn't judgment enough to cease being unmoral from the fear of having children; you will admit that; and no man would cease to take advantage of that woman merely because she might have a child. I think you will admit that.

The Chairman: I don't admit that.

Dr. Kilbourne: Would some men hesitate to take advantage of that woman because she might have a child? Not at all. The unmorality exists whether she have children or not. She is unmoral to start with, and will remain unmoral: then why not sterilize her to prevent her having children?

I do not believe the Almighty has predestined us to become a nation of decadents. One of the speakers said we are becoming a nation of mediocre people. As I have said, a little leaven leaveneth the whole, why not try prevention of the evil?

I cannot see the use of sterilizing these people if you have got to go to the expense of keeping them under restraint, as Dr. Beier says you have.

Dr. Beier: The home conditions made it advisable to retain those who were not paroled.

Dr. Kilbourne: If we are going to become a nation of strong physical and mental beings, I say, "Sterilize." If we cannot sterilize, then keep them under constant supervision.

The Chairman: So far as I am concerned, it is not a matter of religious conviction; it is a matter on which I have put some study and thought. Let me inject one or two other phases into this matter.

First, the matter of an operation being performed upon the rapist. I have had something to do with a great many rapists of different kinds. I have never known a single case except perhaps one where offspring followed. If it is unnecessary to operate upon the rapist to avoid that trouble, and, as the Doctor has said, no physical or mental changes follow, then if you perform that operation upon the rapist, you are performing an act of mutilation and cruelty upon him which our laws do not recognize. That is so far as the rapist is concerned. As a matter of fact, every advanced writer in criminology in this country and Europe says the rapist is not a responsible man and that he ought to be treated as insane or as a sick man, and if these beneficial results which are to follow do not follow from an operation on him, you are doing something which the constitution of the United States forbids in the first place, and in the second place it is entirely contrary to modern ideas on the question of penology.

Then, again, if the utilitarian side of this is so important, and there is something to it, I admit, why should we not do something to prevent consumptive people from having offspring? I think I could show you families where the children of anemic parents are weak in vitality, weak in mental strength, and readily disposed to crime when put in an environment where crime is prevalent. If that is so, and I know it is, why shouldn't we apply the utilitarian principle to the consumptive families? We ought not to let them marry in the first place. My dear friend, Dr. Smith, said: "I would rather be the child of a robust burglar than the son of a consumptive bishop."

Then, again, it so happens that I have made a little study of the question of prostitution, and the average prostitute thinks that to have a baby is a disgrace. They don't want babies; they advertise that fact; and girls on the verge of prostitution don't want babies; and the men associating with them don't want them to have babies. If there is one thing they are afraid of, and I want to call my friend Dr. Kilbourne's special attention to that, it is babies.

Dr. Kilbourne: You are talking about the common-law marriage now.

The Chairman: I am talking about sexual passion and immorality, and all that flows from immorality; venereal disease in its many forms. Mr. Fulton told you about the river of life that needs cleansing, and you are not going to cleanse it by sterilization. I do not say that sterilization might not be a good thing. I do not believe it to be the panacea that its advocates claim.

So far as segregation or sequestration is concerned, if you segregate women of child-bearing age, you will have solved that problem in 30 years. I don't think the American nation is so mediocre or so in danger of mediocrity as my friend the Doctor thinks, nor do I think that sterilization of a few people is going to save the United States from being mediocre.

C. S. Reed, Warden State Prison: Dr. Brady says that the child can no more inherit tubercular tendencies from the parent than a poor man can inherit a million dollars.

The Chairman: They inherit a weakened constitution. I will ask the expert sitting in front of me if that is not true.

P. M. Hall, M. D., Superintendent State Sanatorium: It is.

Mr. Reed: I would be in favor, after many years' experience in handling the so-called criminal class, of even going farther and recommending castration for rapists.

Dr. Beier: It is hardly within my province to enter this discussion. I simply stated a few facts as they exist in Wisconsin. The Wisconsin law is not necessarily my law. I am not here to say whether or not it is a good law.

With regard to rapists, the Wisconsin law does not mention that particular criminal element; it does not contemplate sterilization of rapists. It contemplates the sterilization of criminals who show within themselves an hereditary criminalistic or defective strain, and that is all. It probably would also embrace the so-called repeaters or recidivists; but farther than that I think the Wisconsin law does not go, especially in respect to rapists. It is a fact that the sterilization operation as performed in our state would not deter a rapist in any shape or manner. Castration would be the only remedy if the law is at all punitive.

In regard to the possible national decadence, or race deterioration, we all know that, given two feeble-minded parents, the only result can be a feeble-minded child, as a rule not so bright as the parents; that result we see in the custodial wards of our institutions for feeble-minded; mere existing, vegetating organisms, and still they are so-called specimens of humanity. I think they would be one of the most convincing, unanswerable arguments that could be brought forth in defense of sequestration or sterilization. I am not going to talk with regard to either; it is not the province of my paper. I am merely stating facts.

In regard to the matter of this particular operation being a so-called grave mutilation, that is something upon which I think even theologians disagree. Some would say it is a grave mutilation; others will say that it is not. If I understand the matter correctly, a grave mutilation is a cutting off or a maiming of an important bodily organ so as to render it incapable of performing the normal function for which it was intended by the Creator. In the vasectomy operation we do not disturb the entire testicular function, nor do we cut off or maim any important bodily organ. We do, however, disturb the effect of one of its functions by an elimination of the possibility of reproduction. The purpose of sterilization is not merely to prevent procreation. Its purpose is to prevent the reproduction of degenerates.

In respect to the law being immoral: the law was designated to prevent propagation of the unfit. From a physician's standpoint I cannot see how any law that is conducive to the general welfare of society can be immoral in any way.

With regard to the right of the individual, we all grant that the individual has private rights. The public, too, has some. And wherever it occurs that the private rights of an individual conflict with the rights of the public or of society, the rights of the individual must in reality cease so far as the public is concerned.

I do not know of any other points that have been brought forth that I could take up.

Dr. Hall: In some cases we have to consider, as we do at the Sanatorium, the conjunction of feeble-mindedness and tuberculosis. We have a case at the present time where a feeble-minded patient has already infected

four children with tuberculosis, but that occurs, of course, in families where they are not feeble-minded; but the two diseases are sometimes combined.

Father Casey: There is just one rejoinder that I should like to make to Dr. Beier's last contention. His definition of "grave mutilation" is very clear and very good, and his wording is exact; that is, that it is the cutting off or maiming of an important organ so as to prevent the functioning of that organ. Then he proceeds to deny that vasectomy is a grave mutilation because of the fact that it does not altogether prevent the functioning of the sexual organs. It does, however, prevent the chief effect for which the organs exist; namely, propagation. You might take the organ of sight, for a comparison. Blindness may be produced by a very slight injection of the finest kind of a needle one-twentieth of an inch within the eyeball. One might say that other functions of the eye would not be prevented by this slight wound, but the fact is the eye was made for seeing, and the consequent wound in the eye, no matter how slight it might be, since it prevented seeing, would be a grave mutilation. In a similar way vasectomy is a grave mutilation.

I am not disposed to agree with Dr. Beier that moralists differ as to whether vasectomy is a grave mutilation. I believe they are morally united. Although it may be that he may find some authorities to question it, I think that theologians are united in saying vasectomy is a grave mutilation.

Mr. Fulton spoke of the stopping of this stream of immorality and sin and misery. It is a very desirable end, but we have to remember that even in our attempts to stop this stream we must hold to general moral principles. If we take up a means which is bad in itself, the end itself is vitiated. It is desirable to stop this stream of immorality and feeble-mindedness so long as we keep within the bound of moral means. So long as we respect the law of creation, the laws of the Creator, it would be effective. To take all of the inmates of our institutions and all of those who are declared by alienists to be feeble-minded and insane, and put them to death, would be effective, but nobody would advocate such a measure because it is obviously immoral; anyone could see that. We feel instinctively that it is wrong and there are none to question it. We must remember, however, that in every department of human thought and human endeavor, there are border-line questions where doubts are many. And if the individual, without much thought or without much reflection, jumps at conclusions and says that these means are not immoral because he cannot see the immorality of them, then he is running into danger.

One of the speakers said that if a nation is mentally and physically fit the Lord is on its side. That is placing the moral law below the physical law, below physical fitness. We know very well that a certain nation was accused of pursuing such policy a short time ago; we know that the result was the world war, and we know that the nation whose rulers openly contended for the all-sufficiency of mental and physical efficiency failed. Whether they had failed or not, the moral law is the absolute law; the moral law is supreme. If you do not believe in a Creator, very well then, you will probably come to use unrestrictedly the methods of the barnyard, the stock farm; but since we do believe in a Creator and in His absolute dominion over human life, we must respect His law. We are not allowed to kill a man unless he has forfeited his right to life. We are not allowed

to perform a grave mutilation upon a man, even though that individual be feeble-minded, if it is contrary to the moral law. Here is an effect to prevent procreation, one of the primary rights of the individual. To bring about a condition where the individual may indulge in his lusts without the fear of the inconveniences of that lust, is immoral and it will spread immorality. We may talk about physical fitness or mental fitness, but if encouragement is given to disregard the moral law by lessening the physical effects of crime, then we are encouraging immorality and ultimately mental and physical degeneracy; not immediately, perhaps, but ultimately. If we violate the moral law, physical and mental degeneracy will follow.

We cannot afford to take one or two or twenty or a thousand cases and, pointing to those individuals, say: "Would it not be well in this case or these cases to sterilize?" It might, in that individual case, prevent some evils, but remember that moral laws are universal in their application and if we disregard a moral law in one case, then that action of ours takes on a universal character and it is not that individual alone that is affected, but millions are affected by it. That is a mistake that is frequently made when we attempt to deduce general principles from a few or many individual cases.

Dr. Kilbourne: I should like to explain that. When I stated that the Lord is on the side of the strongest nation mentally and physically, I took it for granted that the standard of morality was the same with that nation as with any other. I did not exclude the standard of morality at all. I take it for granted that we all understand that we are living in a Christian era. I do not advocate sterilization as the first method for securing the elimination of the unfit. The first method, in my opinion, would be segregation, and I do not think any state is too poor to segregate all of them, no matter what the taxpayers think. If they cannot do that, then I advocate sterilization.

James J. Dow, Superintendent School for the Blind: I suppose almost any problem can be solved if we are ready to take means radical enough. A friend of mine once rather whimsically said that he could solve the negro problem in this country if he were only given a free hand; he would sterilize every negro child. If that were done, in a generation or two you wouldn't have any negro problem. But, of course, if you only picked out a few of the blackest of them and sterilized them, it wouldn't help the negro problem very much.

It strikes me it is very much the same way in the situation we are discussing. About 60 per cent of us are under mediocrity. If we took care of that 60 per cent, we would help to solve the question; but if you are going to pick out here and there only one of that 60 per cent, I don't think you are going to help the problem very much.

Dr. Kilbourne: I notice Dr. Adair is here.

J. H. Adair, M. D., Owatonna: Mr. Chairman, sometimes I love my friend Kilbourne, but just now I do not. At other times, when I listen to his flow of eloquence and note the facility with which he can quote Scripture, I wonder at his choice of a profession.

I am sure, Mr. Chairman, that I can add nothing to the interest of this discussion because I have given little or no attention to it. It seems to me

that the one outstanding fact in this whole question, the one which overshadows in importance everything else, is the terrible permanency of the feeble-minded strain in the population. That the evil results of feeble-mindedness should be perpetuated through several generations, eclipses in its importance all the good which may arise in other ways.

Now, there is another angle which may not have very much bearing on this point, but I am impressed with it at this time. Dr. Kilbourne will recall a paper read by Dr. Sweeney, of St. Paul, in which he detailed the result of psychological examinations made in war camps during the world war. A sufficiently large number of men in the prime of life were examined thoroughly and completely by a large corps of leading psychologists in the country. Basing the result of their examination upon the number they examined, and using this for a unit, estimating in the rough the population of the United States to be 100,000,000, I am going to ask this assembly to guess how many people they placed in the A1 class mentally. So that you won't all guess wrong, I am going to tell you that it was just 5 per cent. I am not saying that all the rest were feeble-minded, but I am simply corroborating and intensifying Friend Kilbourne's statement.

I thank you for the opportunity to say what few words I have.

The Chairman: Of course the Doctor knows that those conclusions have been very strongly attacked.

Dr. Kilbourne: I would suggest that they were attacked by the other 95 per cent.

John Monroe, Superintendent of Schools, Faribault: I should very much like to call attention to one fact. We have heard a great deal of the religious and moral phase of the question; I wonder if we stop to think that the only difference between savagery and what we have today is that man consciously handles his own situation. More and more are we reaching into the natural laws, understanding them, and assisting in their proper working out. Frankly, I think every dogma, creed, or anything else which interferes with man's conscious recognition and development of the principles that will improve the race, will have to go. It is the conscious recognition of the means of improvement that will bring results.

The Chairman: Mr. Monroe, you are a great educator, I will say that; educationist, I believe is the proper term. You are familiar with history. You recall the history of the Spartans, a perfect race physically. Every deformed child, every mentally troubled child, was put out of the way.

Mr. Monroe: Granting that, I will answer that by another statement. The problem is not one-sided; it is many-sided. It runs into every part of our social organization. The only way that that problem can be handled is by conscious deliberation, attempting to solve that problem along every sensible line.

While sitting here I have been reminded of two instances. I once sat in an amphitheatre and listened to the announcement of the pedigree of livestock back three, four and five generations, and I was forced to recognize the fact that not one in twenty of the men and women sitting on those seats could give their pedigree back more than one or two generations.

Can we not educate the public to a proper realization of the meaning of feeble-mindedness? If the public opinion of the state and nation would grip that problem, we could force it in a large measure where it belongs.

There are certain cases which should be handled sensibly, and I believe that they do not go quite far enough with their operation.

Fannie French Morse, Superintendent Home School for Girls: In the beginning of the discussion I had a few things to say, but they have been pretty well threshed out.

There is no nicer piece of work in our sociological field than the checking up of the moron. Who is going to say that this person is a moron, and consequently one to be sterilized? And, yet, in our discussion it has been generally conceded that the moron is the one who would be most benefited by it. It is a pretty serious thing to check up anyone as a moron; doubly so if that person is going to be made subject to sterilization. Are we not sure that our trouble has just begun if a young woman in the community is known to have been subjected to a process which makes her immune to some of the resultants of sex conduct? If sterilization is to be considered as a preventative of venereal disease, it defeats its own purpose, and the very act of sterilization might multiply instead of diminish the trouble. Nothing could be more of a menace in the community.

Is it not true that the states which have passed the sterilization law—Indiana, California, and some others—are rather receding from this thing and not making use of the law? I feel it is a tremendously serious question and one of many ramifications. It calls for many safeguards, and, for the moment, I most emphatically agree with those who do not favor the law in this matter.

Dr. Kilbourne: Mr. Chairman, I should like to ask you a question. What was it that caused the Spartans to become extinct?

The Chairman: The real reason was that many of the gods they had were simply physical attributes symbolized as gods. They made a god of the human body, of physical strength; they forgot morality in doing so.

Dr. Kilbourne: That is just what I thought you would say. The Spartans became extinct because they did not have Christianity; it was not because of any superior physical or mental condition.

Where would the Romans have been today if they had not had Christianity? Why were they mentally and physically a superior race? Do you think it was on account of Christianity? No. But I think Christianity saved them.

The Chairman: I was pointing out that the Spartans were far more consistent than our eliminators today; they eliminated everybody.

Dr. Kilbourne: Eliminating all these defectives made them a great nation. You will acknowledge that.

The Chairman: No; they were never great in the real sense of greatness.

This is a very fascinating subject, and we could get up a good many beautiful rows about it, which is always interesting and profitable, but I am afraid we shall really have to close on that subject; but it is one that is worthy of study by every citizen, man and woman, because it is possible a proposition of that kind may be brought to the attention of our lawmakers.

We thank Dr. Beier for his very interesting and able paper.

The next speaker on the program is Dr. Baskett, assistant superintendent of the St. Peter State Hospital.