

The means which I believe most likely to assure the best possible results may be briefly summarized as follows:

- First. Improved construction, housing and working environments.
- Second. The recognition of the prisoner's receptivity to infection.
- Third. The absolute segregation from the prison population proper of all tuberculous subjects.
- Fourth. Special wards for the treatment of all active cases.
- Fifth. A compulsory law enforcing the examination of every criminal admitted to a penal institution for the purpose of an early detection of the disease.
- Sixth. The construction in some states of a special hospital or sanatorium, and the transfer thereto of all tuberculous cases from all penal institutions.
- Seventh. Provisions for out-door employment, such as light farming and gardening, etc.

As for the inmates' care of themselves, I can do no better than read to you the rules put in force by C. V. Collins, superintendent of the New York State Prisons.

#### RULES.

During their period of incarceration, the inmates of the various institutions are cautioned to observe the following rules for the prevention of tuberculosis:

- I. Keep the body clean.
- II. Wash the hands before eating, the hands being a natural carrier of disease by reason of their handling miscellaneous objects.
- III. Do not drink out of another's cup or glass, because of the possibility of the transmission of disease thereby. Many are not aware of being tubercular, or otherwise diseased, and as a consequence take no precautions, thus placing the responsibility of doing so upon you.
- IV. The same should be observed in regard to the use of soap and towels; each man should use his own material.
- V. Hang the bed linen on a nail or hook to be properly aired.
- VI. The floor of the cell, be it stone, concrete or wood, should be thoroughly secured with soap and water.
- VII. Before sweeping in the slope, moistened sawdust should be thrown on the floor to prevent the dust and germ matter from spreading through the air. Do not have it dripping wet. Windows should be opened wide for the escape of all dust.
- VIII. Do not use a duster, as this scatters dust which is therefore not cleaned away, but settles elsewhere. It is still in a dangerous place and may be inhaled, thus lodging in the lungs and bringing on disease.

Use lightly moistened cloths for the purpose, and gently shake these out of doors.

IX. Do not spit on the floor in the cell, chapel, shop or mess hall, for the sputum of a consumptive is swept up or otherwise spread about. It is then breathed and conveyed to the lungs, the germ is lodged there, consumption resulting.

X. Do not neglect a cough or cold. See the doctor. Keepers will rigidly enforce the foregoing rules and any violations of them must be reported to the warden.

C. V. COLLINS,  
Supt. State Prisons.

Albany, N. Y., April 20, 1907.

Dr. Stewart—I have the pleasure of introducing Dr. H. C. Sharp, physician of the Indiana Reformatory, Jeffersonville, who will speak to us about "Rendering Sterile of Confirmed Criminals and Mental Defectives."

#### RENDERING STERILE OF CONFIRMED CRIMINALS AND MENTAL DEFECTIVES.

H. C. SHARP, M.D., JEFFERSONVILLE, IND.

In the first four years of my connection with the Indiana State Prison, South, afterward the Indiana Reformatory, I received many applications from the men for relief from spermatorrhea and the conditions and practices leading up to it. In 1899 I concluded, as an experiment, to ligate and sever the vas deferens for the relief of this malady, and I proceeded on the theory that by cutting off the uretic fluid from the seminal vesicle it would relieve the tension and in this way lessen the inclination to priapism.

So far as I could see, the only drawback to this operation would be a resulting cystic degeneration of the testicle. I could not understand how there could be an atrophy, as in no case was there severed a single nerve blood vessel or lymphatic.

On October 11, 1899, I performed this operation upon a boy nineteen years of age, who had been a masturbator since his earliest recollection and had reached the point in which he indulged in this practice from four to ten times in the twenty-four

hours, and could no longer refrain from it, even in the presence of others. He was very dull and made positively no progress in school. He was very dull and made positively no progress in school. He applied to me, asking that he be castrated, so great was his depression over his condition. I advised the other operators and he consented. A few days later he returned, claiming that I had deceived him and had really done nothing for him. He again insisted upon castration, but I assured him that I was working in good faith and persuaded him to return to his work and await developments. These began to appear in the course of three weeks.

The boy ceased to practice masturbation; notwithstanding the fact that desire still existed, he had mastered enough will power to desist. His mental attitude and his physical condition greatly improved. He gained twenty-two pounds in sixty days, and the superintendent of our schools assured me that the boy was quite studious and was making rapid advancement in his studies. There was no cystic degeneration or atrophy, no development of nervous symptoms. In other words, no untoward symptoms were discernible. He became an enthusiastic advocate of the operation, and upon his recommendation many of his fellow inmates made application for relief from the same condition. Encouraged by my brilliant success in the first case, I accommodated all comers, until in something over a year I had seventy-six cases, without a single accident or unfavorable symptom.

It was then that it occurred to me that this would be a good method of preventing procreation in the defective and physically unfit. We know that a general law of heredity obtains in both the mental and physical life. It is a fact that has been recognized for centuries. Here is a method by which you can render a man sterile without in any way producing a single unfavorable symptom. On the contrary, you improve both his physical and his mental condition. Is there any brutality in this? Is it cruel or inhuman?

The superiority of this operation over castration lies in the fact, first, that it is void of all danger, while castration is an operation of considerable gravity and has been known to cause death. Vasectomy can be performed without an anesthetic and

the patient may return to his work immediately following. Not so with castration. But the greatest advantage lies in the fact that the testicle has a double function, that of an internal as well as an external secretion, and the human economy cannot maintain an absolutely normal condition when deprived of this internal secretion, as occurs with castration. You will remember that the crutch of old became unnatural and effeminate. This is obviated in vasectomy. Nor is the esthetic effect impaired, which in itself is worthy of consideration. The patient is not mentally depressed by the fact that he is obviously different from other men.

During the year following I continued to perform this operation. It was done only at the request of the individual, and not by coercion. I received constant encouragement from many persons interested in the work, chief among them being Charles E. Shively, of Richmond, Ind., then a member of the Reformatory Board of Managers; Joseph P. Byers, of Randall's Island, New York, and Amos W. Butler, secretary of the Indiana Board of State Charities. But not until Mr. W. H. Whittaker became identified with the Reformatory did I find an active supporter in presenting a bill to the legislature providing for vasectomy as a means of preventing procreation. In fact, he took the initiative and I became his supporter in the undertaking. We had a bill introduced in the House of Representatives in 1905. It was referred to the Committee on Reformatories, but as we were unable to secure a unanimous report, the bill was allowed to die in committee. In 1907 Mr. Whittaker drew another bill which eventually became a law, much credit being due to the enthusiastic support and tireless efforts of Dr. Horace G. Read, of Tipton, who was a member of the House. The bill was signed by Governor J. Frank Hanly, whose administration has been noted for its efforts at race purity and civic righteousness.

There was some opposition to the measure on the ground that it was incompatible to the spirit of reform. The prevailing idea of the present era is that crime is the result of ignorance and environment. The author of this law, Mr. Whittaker, who is an enthusiastic believer in reformation through education and in-

proved environment, holds that this law is in no way paradoxical with the idea of reform, for it applies to the degenerate class only, and degeneracy is a defect, not a disease. For it there is no cure. Idiots, imbeciles and degenerate criminals are prolific, and their defects are transmissible. Each person is a unit of the nation, and the nation is strong and pure and sane, or weak and corrupt and insane in the proportion that the mentally and physically healthy exceed the diseased. Now can any nation live if there is a reverse ratio. So we owe it not only to ourselves, but to the future of our race and nation, to see that the defective and diseased do not multiply.

Shall we permit idiots, imbeciles, and degenerate criminals to continue the pollution of the race simply because certain religionists teach that "marriages are made in heaven" and that the "function of procreation is divine?" To me these are the most damnable of heresies. Shall we continue to stand by and see constantly coming to the marriage altar the diseased and the healthy, the sane and the insane, the idiot, the epileptic and the imbecile; the backward, the criminal and the habitual vagrant; the syphilitic, the consumptive, the inebriate and the drug habitué; the rake and the blameless, the roué, the neurotic, the erotic; the sexual pervert and the reformed prostitute? It is high time that the nation should hearken to the cry, "Pity the children!" Thank God, Indiana has heeded.

I wish to add that 223 inmates of the Indiana Reformatory have been treated thus surgically, 217 by voluntary request and six under the authority of the above named law. This law provides that upon the recommendation of the physician, the Board appoints a commission consisting of two surgeons in addition to the regular institutional physician, whose duty it is to inquire into the mental and physical condition of inmates recommended by the physician and the Board of Managers. If this commission finds such inmates unfit to procreate, it is given authority to perform the operation to prevent it.

I am proud that Indiana is the first State to enact such a law, and that the Indiana Reformatory is the pioneer in this work. We regret that it has not been taken up by any other institution

or State, yet we have an abiding faith that its merit will commend it to you all and that eventually other states will enact similar laws.

## DISCUSSION.

General Garcia—I would like to ask Dr. Sharp if this process could be applied to lepers?

Dr. Sharp—Yes, sir.

General Garcia—We have about 120 lepers in our hospital. This disease gives us more trouble than any other in the island. The escapes from the hospital are only for the purpose of getting to the women, and there are escapes every week. The government now has \$167,000 to purchase a home far away from every city, where this class can be carefully attended and escapes made impossible. Our Board of Trustees has been discussing methods of relieving these desires of the lepers. We have received information from Europe and some parts of the States that sterilization by the X-ray method has given satisfactory results and we were just about to introduce a measure along this line, but this paper has made me think that perhaps the surgical operation would be better.

Attorney-General James Birgham, Indiana—It occurs to me that there is another feature of this subject that it would be well to consider, and that is that it would be a better and a safer policy and the law would be upon sounder footing if the process of sterilization should be attached as part of the judgment imposed upon the criminal when he is found guilty. In my judgment there is serious doubt about the soundness or the safety of any law which permits the emasculation of a sane person. Of course that can be evaded by a request made by a sane person. There is no doubt about the right to perform this operation in order to relieve disease, but you will all recognize the unsoundness of the principle of emasculating a perfectly sane person unless it is imposed as a part of the penalty. Another thing that should be considered is that the penalty of sterilization should

apply only to cases where sterilization is peculiarly necessary. I think it doubtful whether sterilization would be helpful in the case of a man convicted of robbery. The doctors would know better about that. If lepers have the peculiarities suggested by General Garcia, then of course it would be adapted to that class. I make this suggestion from a legal standpoint, in order that your law may be safe and on a solid footing.

H. F. Coates, Ohio—I have in mind a man in the Ohio State Reformatory who was sent to us for seduction, an offense punishable with from one to twenty years. He was twice paroled and twice recommitted for the same offense. That man could earn anywhere from four to six dollars a day. Both times he came back he said, "It is simply impossible for me to control myself." I said to the Board of Managers that I would never again agree to parole that man. When he was brought before the Board again, he denied that the statement he made before was true. I still said I would not parole him. Indiana came to the front with this new law, and I finally agreed to parole this man to Indiana. We notified the proper authorities and gave him to understand that if he committed the offense again, the Indiana authorities would perform that operation, with or without his consent. Under those conditions he is in Indianapolis, and I understand is working and doing well.

During my term as president of the Board of Managers, I said in my report to the Governor that I did not think these men could be cured by discipline in the Reformatory. We should procure another institution where they could be treated. The Governor brought the matter before the legislature and secured an appropriation of some \$50,000, and I hope some day soon to be able to report to this Congress that we have an establishment at Lima, Ohio, where such men will be treated. I am thoroughly satisfied that when we have this institution, some such law will be passed in Ohio as has been enacted in Indiana.

Dr. Horace G. Rend, Indiana—The position taken by Mr. Bingham, that this operation should be a matter of punishment adjudged by the courts, is the same as my own originally; but

after a little conversation with Mr. Whitaker, I saw the danger of allowing this to become a sentence of the court. It is not meant to be a punishment, but rather a protection to society and the race. It would be unsafe in the hands of the courts. It is safeguarded in the institution by the appointment of two expert surgeons who must be consulted before the operation is performed. In no case must it be performed unless it is the judgment of these experts and the Board of Managers that the case is unimprovable. The scope of the bill is much broader than appears on first reading. The performance of this measure for the protection of the human race is in the hands of all institutions having in their care and custody idiots, imbeciles, rapists and confirmed criminals. Before the passage of this act, we enacted a law defining a confirmed criminal. Any one convicted of a felony the third time is a confirmed criminal, and I believe should be sentenced to life imprisonment. So there is no danger of complication in regard to that class. As to the rapist, it is not intended to apply only to the vicious, the rapist in the true sense. Recently a man was sent to our State Prison who was guilty of rape upon every member of his family. Why he should be allowed to propagate his species I cannot see. I can see every reason why the power should be taken from him. It is human. It is right.

We have near the city of Fort Wayne an institution for the feeble-minded, in which there are confined more than one thousand boys and girls, some of them forty years old. The superintendent assured me last year that fully twenty per cent. of that population might be sent away from the institution, where they would be self-supporting, if it were not for the danger of propagation. This bill does not apply to the man alone and should not.

Our Board of State Charities has very wisely advised the cautious enforcement of this law. I have not spoken from a legal standpoint; I have only attempted to show that the law is sound. I see no reason why society has not the right to protect itself.

Mr. Bingham—I think my suggestion was to some extent mis-

understood. This thought is not original with me, that the constitutionality of such a law is doubtful. The suggestion comes from the report of your Committee on Criminal Law Reform, prepared by Judge Roby, which I will read this afternoon. I think there is force in the suggestion. Society does have a right to protect itself, but the soundness of a law which authorizes the performance of an operation of this kind without a written request you will find is a pretty grave question.

Dr. Sharp—I wish to bring out the point that this is simply a medical measure. It is in no way intended to punish a man. I talked with Judge Roby quite extensively upon this measure before it was enacted into law, and he was heartily in favor of it. He perhaps sees some legal defect that may endanger the law. So far there is no danger of this ever reaching the court, unless some lawyer wishes to create trouble. In the 223 cases I have operated upon, I have not received a protest. Some of the men have gone out of the institution on parole, have served their time and have been discharged. Some have gone out of the institution upon the expiration of sentence. It seems to me their silence is sufficient evidence, if nothing else, because they are a class that would rather make trouble if they thought they had been wronged.

A Delegate—If we have the right to deprive a man of his liberty, I think we have equally as good a right to deprive him of the power of propagation. This bill was drawn along the lines of one that was presented to the English Parliament, which failed to pass. The English are a very conservative nation and look after the rights of individuals, I think, perhaps, better than any other nation on the globe. What we need to do is to eliminate sentiment and simply sit down and figure out the good of the commonwealth.

General Garcia—We cannot do anything along this line in Cuba except through legislation or through the written consent of the parties, but we have consulted the inmates for the last six months and all of them, male and female, are willing, with the condition that they may be allowed to marry. This paper of the doctor will lead us to consider the matter further.

W. H. Whittaker, Indiana—A careful study of this law will show you that the doctor is absolutely restricted. First, he must select those who he thinks need this operation and report them to the Board of Managers. After the Board makes an examination it appoints a committee of two expert surgeons who, with the institution physician, pass upon each case and report back to the Board of Managers, recommending the kind of operation to be performed. The institution physician is not allowed to perform any operation he may wish; that rests with the Board of Managers. If the Board decides that the operation is to be performed and enters an order to that effect, then the physician is permitted to go ahead. The object of the law is to deter crime as well as to protect society by prohibiting propagation among the unfit. I have given this matter very careful thought and have investigated every case that has been operated on in the Reformatory, and I want to testify to the good work that in my judgment it does. After the operation is performed, the man gains in weight, he gets color in his face, he sleeps well and yields better to discipline. This is not an outrageous operation. The law gives the physician the right to cut off a man's hand in order to preserve his health. This is an operation to return a man to his normal condition rather than anything else, and I cannot see why sentiment should play any part either in favor of or against the law.

Judge Henry V. Freeman, Chicago—It seems to me unfortunate that there should be any confusion in the minds of the audience as to the distinction between the measure itself and the propriety of the act in question. The propriety of the thing is clear to my mind. As to the law, I am somewhat in doubt about it. It is said to have a deterrent effect on those confined in the institution. The deterrent effect would be still greater if the penalty was inflicted by the court. Aside from that there is the question of the constitutional right of a commission to inflict this penalty without the judgment of the court.

Following some announcements by Dr. Henderson concerning the noon hour, the session adjourned.