DISTINCTIONS BETWEEN STERILIZATION AND CONTRACEPTION

Confusion results from carelessly coupling eugenic sterilization and “birth control” together, in eugenic discussions. The fact that both diminish fecundity (as do many other measures and conditions) has led some persons to overlook the fact that the differences between them are far greater than the resemblances.

1. Eugenic sterilization is applied, for the most part, by the State, to persons who are irresponsible. Contraceptives are used voluntarily, and successfully only by persons who are responsible.

2. Eugenic sterilization is intentionally irreversible, permanent. Contraception is intentionally reversible, never permanent.

3. Eugenic sterilization carried out properly as under existing state laws, is dependable in results. No unwanted pregnancies or consequent tragedies can occur. Contraceptive methods of birth control depend for success on many variable factors. When not carefully applied under definite instructions from a competent, experienced physician, after examination, they often result in unexpected pregnancies, sometimes in abortions or other tragedies. This is especially true with the young and inexperienced. What succeeds with one person may not succeed with another.

4. Eugenic sterilization is, under the laws and practices of twenty-seven states, ordered or permitted by the State, for the benefit of the State. Contraception is practiced by the individual, on his own initiative, for his own benefit rather than for the benefit of the State or posterity.

5. Society assumes the responsibility in the application of eugenic sterilization. The individual alone assumes the responsibility in the application of contraceptive methods.

6. Eugenic sterilization starts where contraception stops. It is applied primarily to persons without the intelligence, emotional stability, or self-control, to handle contraceptives successfully. In such cases, sterilization succeeds where contraception would fail.

Each measure has its place in modern society, but these places are not the same. In practice they apply to different classes of people and for different reasons. They should not be considered merely parts of one program. The interests of each will be promoted by frank recognition of its own limitations, and of these distinctions.

A Publication of
THE HUMAN BETTERMENT FOUNDATION
PASADENA, CALIFORNIA

HUMAN STERILIZATION

STRONG, intelligent, useful families are becoming smaller and smaller. Irresponsible, diseased, defective parents, on the other hand, do not limit their families correspondingly. There can be but one result. That result is race degeneration.

The law of self preservation is as necessary for a nation as for an individual.

When families that send a child to an institution for the feebleminded average twice as large as families that send a child to the university, it is time for society to act.

What Can Be Done?

There is one outstanding, practical, humane measure which, properly administered, will go far to change this trend toward human deterioration.

This measure is the sterilization, by a harmless surgical operation, of men and women who are so seriously defective that, for the protection of themselves and their families, of society and of posterity, they should not bear and rear children.

This measure is not a novelty. It has back of it a whole generation of successful application. But, because of the lack of general knowledge concerning it, there stil exists even among educated people a great deal of misinformation and misunderstanding about it. Such ignorance is the main obstacle in the way of necessary extension of this humanitarian measure.

The purpose of this pamphlet is to tell briefly what eugenic sterilization is and what it is not; to describe the results to individual and community as demonstrated by a critical study of the first 6,000 operations in California, extending over a period of twenty years.
Not Punishment But Protection

Let this be fully understood at the outset: sterilization as considered in these pages removes no organs or tissues from the body, interferes with no blood or nerve supply, produces no physical change. It merely cuts and seals the tubes through which the germ-cells,—the spermatozoa and ova,—must pass if conception is to result. It does not in any degree unsex the individual, except in making parenthood impossible. Such a result should be and, in the great majority of cases, is welcomed by the persons who are sterilized because it is performed only in cases where parenthood is manifestly undesirable from every point of view.

Sterilization is not a punishment but a protection. It carries no stigma or humiliation. It is a humane measure designed to meet the best interest of all concerned, and for this purpose there is no known measure that can take its place.

The study which demonstrates the truth of these statements and which is here reported briefly, was organized at the beginning of 1926 by E. S. Gosney of Pasadena with the assistance of a group of specialists in various fields. It is embodied in more than a score of technical papers in various scientific journals in which the original data have been analyzed by refined statistical methods and made public. Anyone interested can turn to these original papers and verify the facts for himself.

Patients Are Pleased

The patients sterilized in the California institutions were found in 6 cases out of every 7 to be satisfied with the operation and the results. The exceptions were only such as would be expected in a group of persons who had gone through severe mental illness.

A typical objection would be this: “Sterilization is a wonderful measure and every insane person ought to be sterilized. But of course it was not needed in my case as I was never insane,—just had a little nervous breakdown which has now cleared up,” etc.

In no case was any cogent or rational objection made to the operation. Broadly speaking, it is not too much to say that the best friends of sterilization in California are those who have been sterilized in the state institutions and who know from personal experience what this protection means to them in their own lives.

The families of the sterilized patients likewise approve almost universally of the operation. No one realizes better than they the undesirability of further child-bearing when the parents are unable to support the children or train them properly, and when the children themselves may inherit a handicap that will darken their future lives. If the children are normal, they will suffer by being brought up by a parent who is insane or feebleminded. They may seem to be normal, but later reveal the inherited tendencies. These facts are present in the minds of relatives as the outgrowth of tragic experience.

Homes Are Protected

In no case has the operation broken up a home or disturbed a family relationship. On the contrary, case after case might be cited in which sterilization has been responsible for keeping a family together and allowing the patient to remain in his own home instead of spending the rest of his life in an institution. For these reasons, many of the patients who are sterilized have either come voluntarily to the state hospital or have been brought by their relatives primarily for the purpose of sterilization and for nothing else.

A canvass of the medical officers, probation officers, parole authorities, and social workers of the state who have had close observation of the workings of California’s eugenic sterilization law disclosed that they are virtually unanimous in its support, holding it to be desirable in principle and satisfactory in practice. The criticism most frequently voiced by them is that it is not applied more widely. While nearly all of the feebleminded are sterilized before release from state institutions in California, only 1 in 12 of the insane has been sterilized during the life of this law.

What Happens Afterward

Careful follow-up of the feebleminded patients paroled after sterilization shows that two-thirds of them have made good outside of the institution. Failures have been due to lack of intelligence or to temperamental defects, for the most part.

Many of the feebleminded girls have married after sterilization and these marriages have been reasonably successful in the great majority of cases. Since there are no children, both husband and wife can work out so that, even if neither one is very efficient economically, the joint earnings of the two sup-
port them comfortably. Probably neither one could have carried successfully the responsibility of a family of children,—to say nothing of the prospects of children with such inheritance brought up by such parents.

Whereas three-fourths of these feebleminded girls were sex delinquents before sterilization (a record proving, if any proof were needed, that fear of results is no deterrent to promiscuity with such people), only one in every 12 has been a sex offender after sterilization and parole. This is good evidence that sterilization will not increase delinquency when it is made a part of a well-organized system of probation and parole.

Sterilization in the California institutions is rarely performed without the consent of the parents, husband or wife, or next of kin. While the state has the power to protect itself by compulsory operation when necessary, the consent of the family is so readily given in most instances that this power need not be used. In any event, the patients' individual rights are fully safeguarded. Operation is performed only when the recommendation of the hospital is approved by the Director of the Department of Institutions and the Director of the Department of Public Health and the patient naturally has also the right of appeal to the courts in case he thinks his rights have not been fully protected.

The Need

Experience everywhere demonstrates that the successful application of eugenic sterilization depends largely on an educated public opinion and the conservative administration of sound laws.

The need for conservative, sympathetic, and discriminating use of such a measure in selected cases has been widely recognized as imperative since research began to bring forward more exact facts about the problem which confronts the American people.

Careful studies indicate that there are 6,000,000 in the United States who have been, are now, or at some time during life will be legally committed as insane to state institutions. The number who suffer from equal mental disease sufficient at some time to incapacitate them for work but who are never legally declared insane is about as great, making 10% of the population or 12,000,000 persons subject to mental disease in one of its most serious forms. Altogether apart from the undesirability of perpetuating such forms of mental disease, it needs no argument to maintain that many of this vast number should not have children either for the welfare of those children or for their own welfare, not to mention posterity.

But these 12,000,000 mentally diseased persons are not the whole story. There are 6,000,000 additional who, though not mentally diseased, are so deficient in intellect, with an endowment in this respect that is more than 30% below the average, that they are often described as feebleminded.

Such handicapped persons are subject to exploitation, likely to get into difficulties with law enforcement officers, and certain to contribute more than their quota to the ranks of delinquency and crime, and much more to those of dependency and pauperism.

Many of these defectives will never produce children, from natural reasons. It goes without saying that protection of the individual and of the race by sterilization would apply only to those defectives who are likely otherwise to produce children which they could not care for and who would be incapable of becoming self-sustaining, good citizens. In any humanitarian program for the latter group, that will enable them to find their proper place in the community and keep out of trouble, sterilization will often prove to be indispensable, because practicable, harmless, and certain in its results.

America's Burden

This, then, is the situation which America faces now: 18,000,000 persons who are or at some time during life will be burdened by mental disease or mental defect, and in one way or another a charge and tax upon the rest of the population.

It challenges every thoughtful person.

The misery resulting from this insanity and feeblemindedness provides the first reason for grappling with the problem. No stratum of society is immune from such suffering.

The economic burden is tremendous and steadily growing worse. A billion dollars a year would be a low estimate of the cost of caring for these unfortunates; either in or out of institutions. The cost to the community of those who are not cared for,—who are furnishing a large part of the staggering crime bill and the losses due to accidents,—is much greater.

Finally, what sort of a government can be expected,—what progress can be looked for,
—when so large a part of the voters are mentally abnormal?

**Is There Any Alternative?**

A community can follow one of three courses in dealing with the problem of parent-hood among its mentally diseased and mentally deficient members who are not able to control their own fecundity.

1. It may do nothing at all. That is what most communities are now doing. The results are not satisfactory either to the community or to the patients. They are disastrous in their effect in future generations.

2. It may keep such patients under lock and key for the rest of their lives, or at least for the rest of their reproductive lives. Such a policy is too expensive to reach more than a minority, and is therefore impracticable. Even if possible, it would in many cases be an unnecessary hardship or cruelty to the patient.

3. It may use sterilization in selected cases, as an adjunct to a careful system of parole and supervision, which will aid patients to live in the community, to be self-supporting, and at the same time not put a new burden on society or pass on their handicaps to posterity.

Eugenic sterilization is no panacea, but it is one of the many tested and dependable measures that will help reduce the burdens and increase the happiness and prosperity of the population in this and future generations. As such, it is one among many indispensable procedures in any modern program of social welfare. If recognized as an integral part of a broad system of protection and supervision of those unable to meet unaided the responsibilities of citizenship in a highly competitive industrial system, it can be productive only of good. Moreover, modern knowledge of heredity has shown that the spread of constitutional defect can be prevented only by preventing the transmission of the defective genes which produce it.

**The Law in Twenty-seven States**

Twenty-seven states in the Union now have eugenic sterilization laws on their statute books. They are as follows, with the year in which the first law was adopted:

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Wisconsin    | 1913

Many of the states have made little use of these laws. This has been chiefly due to a lack of public education as to the need for such a measure; partly to the fact that some of the earlier laws were badly drawn and not easily workable.

When actual experience, now abundantly available, was lacking, the legislatures of many states were obliged to proceed on theory, and sometimes enacted laws which were crude, indefinite, and unworkable. Several such acts were held unconstitutional by state courts.

In a general way, and without unnecessary faultfinding, we have condemned such laws and all unreliable, unnecessary, or punitive practices contemplated under them. Investigation shows that the statutes of most states could be much improved in the light of recent experience and research and of the court decisions which, condemning certain proposals and practices, have upheld eugenic sterilization laws when they safeguard the rights of the individual as well as the public and posterity.

In this connection we would call special attention to the case of Buck vs. Bell, appealed from Virginia to the United States Supreme Court. The plaintiff was a feebleminded woman, daughter of a feebleminded mother and herself the mother of a feebleminded, illegitimate child. In upholding the Virginia law, and the general principle it contained as constitutional, the court, in a strong decision written by Oliver Wendell Holmes, declared: "Three generations of imbeciles are enough." In time of war, it pointed out, the state calls on the fittest of its citizens to lay down their lives for the common good. In time of peace, shall it not be able to call on some of the most unfit of its citizens, not to sacrifice their lives, but to make a far lesser sacrifice,—one which in most cases is regarded by them not as a sacrifice at all, but as a benefit to themselves,—the renunciation of parenthood, when they are manifestly unfit for it?
The particular form of statute needed in any state must depend upon the organic laws and institutions of that state, and upon the degree of advancement of public opinion. Here are two steps, however, that each state must take in the near future, if it is to keep abreast of the progress of science in the protection of its own citizenship.

1. Provide for the sterilization, compulsory if necessary, (though this provision will rarely be required), of those patients legally committed to state institutions as insane or feebleminded who, if not sterilized before release, would probably have defective children. The procedure should be outlined in detail in the statute and the patient's rights to a hearing in court specifically safeguarded.

This law should also apply to inmates of such institutions as poor farms, prisons, and reformatories, who are found to be insane, feebleminded, or to have other serious hereditary defects.

In the administration of such a law there will always be found borderline and doubtful cases. In such cases sterilization should never be performed except with consent.

2. Where the citizens of a state are sufficiently familiar with the subject to support a further measure, a separate law should be adopted authorizing city, county, and state hospitals supported at public expense to accept voluntary patients in legitimate cases for eugenic sterilization, just as they now do when the sterilization is required merely to save the patient's life, as it often is in women whose hearts, lungs, or kidneys make further maternity dangerous. Such a measure would permit those who need sterilization, but who cannot afford to pay for the operation, to get it at public expense without endangering any public or private interest.

The Human Betterment Foundation will gladly aid those interested in legislation, to get full information on this subject. It has published all the facts available, both historical and experimental, on eugenic sterilization, regardless of whether favorable or unfavorable to any individual's claims or expectations. It is concerned with education, not with propaganda. It is not advocating any particular law for any particular state, but urging citizens everywhere to inform themselves, and make up their own minds, as to the issues involved; to adopt sound and workable laws and to amend those that are out of date or badly drawn.

Sterilization
For Human Betterment

The foregoing are some of the principal facts and conclusions reached in a study of the workings of sterilization laws, particularly in California, and set forth in the technical papers above referred to. These findings have been digested and published in more accessible form in a book of 202 pages entitled STERILIZATION FOR HUMAN BETTERMENT by E. S. Gosney and Paul Popenoe. This book can be obtained for $2.00 from The Human Betterment Foundation of Pasadena, from any book store, or direct from the publishers, The Macmillan Company, New York City. (German and Japanese translations have also been published in Berlin and Tokyo respectively.)

In the first part, the results of sterilization in California and elsewhere are set forth in detail with full citations to the original sources, and in the second part such conclusions are drawn from these facts as seem warranted.

A brief history of eugenic sterilization is given with a detailed, but clear and simple, discussion of the operation used for sterilization, namely, vasectomy in the male and salpingectomy in the female. Appendices deal in more detail with bibliography and the statistics of the subject and with its legal status in the United States.

H. G. Wells and Julian S. Huxley in their recent work The Science of Life, after describing sterilization in California say: "It would be difficult to find fault with the results"... "The reader will find an up-to-date account in Gosney and Popenoe's Sterilization for Human Betterment."

Following are a few of many similar comments in reviews of this book:

"A very fair and uncolored account of the situation... well worth reading."—American Journal of Obstetrics and Gynecology.

"An excellent summary of the whole problem... conservative but important."—New England Journal of Medicine.

"It describes the results of a thoroughgoing social experiment in a clear and concise manner and applies keen logic to the discussion."—Psychiatric Quarterly.

"An excellent work, valuable alike to the physician, the jurist, and the legislator."—La Epoca (Buenos Aires.)
The Human Betterment Foundation

The Human Betterment Foundation is incorporated under the non-profit laws of California with twenty-five charter members eminent in a wide range of professional and business activities. The members elect a Board of Trustees who control and direct the work.

The incorporators of this foundation, of which Mr. Gosney is president, are as follows (members of the Board of Trustees being marked with an asterisk):

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This organization is not designed to take up original scientific research work, but rather to investigate the results and possibilities for human betterment by a safe, conservative application of the discoveries made by science, and to give this information to the public. Its first major problem is to take over the investigation of the possibilities of race betterment by eugenic sterilization, heretofore personally directed by E. S. Gosney of Pasadena, California, and to publish the results. In a few years the public will be familiar with the facts and that subject may be dropped. The scope of this foundation is as broad as the name indicates and is restricted only to conservative, preventive work for humanity, as distinguished from ordinary charity relief work, or patch work. Its goal is the constructive, practical advancement and betterment of human life, character, and citizenship in such manner as to make for human happiness and progress in this life.

Sufficient funds have been provided by Mr. Gosney to perpetuate the work indefinitely on a scale as large as or larger than at present and no solicitations for additional funds have been made.

The possibilities of fundamental, constructive, and preventive work along these lines are, however, so wide that they are limited only by the ability and number of workers.

The Human Betterment Foundation is not designed to perpetuate anyone's name or to be a monument to any individual; but to be a center from which effective, constructive work can be carried on by all who feel the importance of such work and are in a position to help, either by the contribution of capital, or by the contribution of talent. The articles of incorporation leave the future free from undue limitations of organization and policy. Eugenic sterilization represents only the first of a series of major problems that will from time to time be taken up.

The officers and trustees will be glad to confer with anyone who would like to aid in the work above outlined or to make use of the opportunities offered by this organization to realize his own ideals in the promotion of race betterment.

The Human Betterment Foundation

321 Pacific Southwest Building

PASADENA, CALIFORNIA