

1918

Sterilization of Criminals

William A. White

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

William A. White, Sterilization of Criminals, 8 J. Am. Inst. Crim. L. & Criminology 499 (May 1917 to March 1918)

This Article is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

STERILIZATION OF CRIMINALS

(Report of Committee "F" of the Institute, and a Minority Report)¹

WILLIAM A. WHITE, Chairman.

Your committee is confronted with the necessity of making another report on the question of the sterilization of criminals without their having accumulated during the past year any additional evidence sufficient in kind or quantity to modify the opinions of its several members from what they have heretofore expressed. The complexities of the problem are very great; they involve matters touching questions of heredity, questions of surgery, of law, of morals, religion and sociology, about which divers views are held, not only by people in general, but by the members of the committee in particular, and as in the past it has been found impossible to unite upon any common ground that was sufficiently definite to be of value. One member of the committee (Mr. Hart) says that he has "no faith in sterilization as a remedy in dealing with the problem of the criminal."² His review of the situation in California and Indiana to which he refers, and his reference to the general "reluctance on the part of the responsible authorities to proceed under the law," indicate that there is no evidence in his possession which makes it possible to come to definite conclusions. Another member of the committee (Dr. Gordon) very properly calls attention to the fact that it is first necessary to discover "whether criminal tendencies are inherited directly or not." Of course this opens the whole question of the theory of heredity, and also the whole question of criminology.

Another member of the committee (Mr. Bleecker Van Wagenen) says definitely, and this opinion is held by very many, including your

¹The membership of this Committee is as follows: William A. White, M. D., Government Hospital for the Insane, Washington, D. C., Chairman; Joel D. Hunter, Juvenile Court, Chicago; Hon. Edward J. Gavigan, Supreme Court, New York City; Bleecker Van Wagenen, 443 Fourth Ave., New York City; T. D. Crothers, M. D., Hartford, Conn.; H. H. Laughlin, Cold Springs Harbor, N. Y.; H. H. Hart, Russell Sage Foundation, New York; John W. Melody, Washington, D. C.; William T. Belfield, M. D., Chicago; Peter O'Callaghan, Washington, D. C.; Alfred Gordon, M. D., Philadelphia.

²Mr. Hart's views are expressed in a publication from the Department of Child Helping of the Russell Sage Foundation under the title "Sterilization as a Practical Measure."

chairman, that "I do not believe in inherited criminality as a trait," and follows with the natural corollary "and therefore see little use of studying sterilization as a remedy for crime independently of its association with true mental defect; i. e. inherited or inheritable."

Another member of the committee (Mr. Hunter) says, "The more I find out about it the stronger my feelings become against the sterilization of criminals as such."

One member (Dr. Crothers) is very much in favor of sterilization and thinks the committee should go on record as very definitely in support, while Dr. Belfield, the surgeon, raises certain surgical issues and particularly what he considers an erroneous impression, namely, "that vasectomy is a cruel and unusual punishment." In further correspondence, Dr. Belfield says with reference to this preliminary report presented that it "is so distinctly opposed to my conception of the problem that I must beg the privilege of submitting a minority report."

Mr. Laughlin writes, "I think the committee should insist that it be excused from writing further opinions not based upon research," and goes on to state that they of the eugenics office believe that "criminality as a unit trait is not inherited," but they do believe that certain factors that go to make anti-social individuals are inherited, and he cites as examples wanderlust, specific types of feeble-mindedness, lack of sex-control, and the lack of other moral inhibitions.

From the above citations it is quite evident that there is no unanimity of opinion among the members of the committee. There is all the way from an absolute assertion of the necessity for supporting unreservedly sterilization legislation to the conviction that there is no adequate scientific foundation for such legislation, and apparently all the way from the belief in its unconstitutionality based upon its being a cruel and unusual form of punishment to the absolute contrary.

Your committee is, therefore, of the opinion that no common ground of agreement which will be of value can be reached unless definite research work can be carried out upon a considerable scale. This it does not conceive is the proper work for the committee. Your committee, therefore, believes that there is no further necessity for being continued until scientific, statistical and social work has been completed by the various agencies now engaged therein to a sufficient extent to provide a sufficient basis of facts upon which some definite action may be erected.