

for the Care and Training of Feeble-minded Children, and of Convicts in the State Prisons, approved April 26, 1909," approved June 13, 1913, is hereby amended to read as follows:—

"Section 1.—Before any person who has been lawfully committed to any such hospital for the insane, or who has been an inmate of the Sonoma State Home, and who is afflicted with mental disease which may have been inherited and is likely to be transmitted to descendants, the various grades of feeble-mindedness, those suffering from perversion or marked departures from normal mentality or from disease of a syphilitic nature, shall be released or discharged therefrom, the State Commission in Lunacy may in its discretion, after a careful investigation of all the circumstances of the case, cause such person to be asexualized, and such asexualization, whether with or without the consent of the patient, shall be lawful and shall not render the said Commission, its members, or any person participating in the operation, liable either civilly or criminally."

Section 2.—Whenever in the opinion of the resident physician of any State prison it will be beneficial and conducive to the benefit of the physical, mental, or moral condition of any recidivist lawfully confined in such State prison to be asexualized, then such physician shall call in consultation the General Superintendent of State Hospitals and the Secretary of the State Board of Health, and they shall jointly examine into the particulars of the case with the said resident physician, and if in their opinion, or in the opinion of any two of them, asexualization will be beneficial to such recidivist they may perform the same: Provided that such operation shall not be performed unless the said recidivist has been committed to a State prison in this or some other State or country at least two times for rape, assault, with intent to commit rape, or seduction, or at least three times for any other crime or crimes, and shall have given evidence while an inmate of a State prison in this State that he is a moral or sexual degenerate of pervert; and provided further that, in the case of convicts sentenced to the State prison for life who exhibit continued evidence of moral and sexual depravity, the right to asexualize them as provided in this section shall apply whether they have been inmates of a State prison in this or any other country or State more than one time or not; provided further that nothing in this Act shall apply to or refer to any voluntary patient confined or kept in any State hospital of this State.

Section 3.—Any idiot, if a minor, may be asexualized by or under the direction of the Medical Superintendent of any State hospital with the written consent of his or her parent or guardian, and if an adult, then with the written consent of his or her lawfully appointed guardian; and upon the written request of the parent or guardian of any such idiot or fool the Superintendent of any State hospital shall perform such operation, or cause the same to be performed, without charge therefor.

Section 4.—An Act entitled "An Act to permit Asexualization of Inmates of the State Hospitals and the California Home for the Care and Training of Feeble-minded Children, and of Convicts in the State Prison," approved April 26, 1909, is hereby repealed.

The Penal Code of the State of California also provides as follows:—

STATUTES 1923, CHAPTER 224.

AN ACT to add a New Section to the Penal Code, to be numbered Six Hundred and Forty-five, relating to Prevention of Procreation of Persons convicted of Carnal Abuse of Females under the Age of Ten Years.

(Approved May 25, 1923.)

Section 1.—A new section is hereby added to the Penal Code, to be numbered six hundred forty-five, and to read as follows:—

"645. Whenever any person shall be adjudged guilty of carnal abuse of a female person under the age of ten years the Court may, in addition to such other punishment or confinement as may be imposed, direct an operation to be performed upon such person for the prevention of procreation."

The numbers sterilized up to the end of 1925 were—						Insane.	Feeble-minded.	Total.
Male	..	..	..	..	..	2,234	384	2,618
Female	..	..	..	..	..	1,362	557	1,919
						3,596	941	4,537

This represents a yearly average of 302 for the fifteen years during which the law has been in operation, but the vast majority of the cases have been done in the last few years. At Sonoma these operations are now so frequent that the hospital has two operating-days weekly. Sonoma has 2,210 inmates, of whom about 900 were on probation to the care of friends at the time of my visit. These patients include all classes of the feeble-minded, epileptics, and social misfits, and it has recently been decided that all the insane under fourteen years of age are to be admitted there instead of to the hospitals for the insane. The general rule is that no patients are discharged unless they have been sterilized, but exceptions are made in certain cases where the friends enter into a bond of \$1,000 that the patient will not become a charge on the State. It is not necessary to have the consent of the relatives, but in practice this is done, and this presents no difficulty because, according to Dr. Butler, the relatives appreciate the desirability of the operation once it has been explained to them, and in fact some people come to the institution for the sole purpose of being sterilized, and then return home.

There is no proper system of registration of the feeble-minded in California, but it is estimated that the sixteen thousand in State institutions represents about half the total. Until the law is extended to bring the uncertified cases within its provisions it will be difficult to arrive at any accurate conclusion as to the efficiency of the measure in diminishing the incidence of the mentally enfeebled.

Arguments against Sterilization.—The opponents of sterilization hold—

- (1) That there is considerable uncertainty in the diagnosis of these feeble-minded and insane persons who are likely to beget feeble-minded or insane progeny, and that this difficulty is especially great in that higher-grade class which is the greatest menace—the moral imbecile and the moron.
- (2) That the feeble-minded, &c., do not all come from feeble-minded parents; that a proportion are accidental—e.g., due to injury at childbirth, encephalitis, and other preventible circumstances—and that the mental deficiency in these cases is not transmissible. It is also believed that many of these children came from parents who are normal but who are "carriers" of defect.