

1922 Eugenics – New York
Enforcement, Information and Opinions Concerning the
Eugenical Sterilization Law in New York State.

New York

“The statute dates from 1912. Present status (January 1, 1922): Repealed 1920, after having been declared unconstitutional by the lower courts in 1918. Thirty (30) state institutions were subject to the act before its repeal; they performed eugenical sterilizing operations as follows:

1. State Prison, Auburn – 1 Vasectomy

2. Clinton State Prison, Dannemora
3. Sing Sing Prison, Ossining
4. Great Meadow Prison, Comstock
5. Farm for Boys, Valatie
6. Reformatory, Elmira
7. Eastern New York Reformatory, Napanoch
8. Agricultural and Industrial School, Industry
9. Training School for Girls, Hudson
10. Western House of Refuge for Women, Albion
11. Reformatory for Women, Bedford Hills
12. Institution for Feeble-Minded Children, Syracuse
13. Newark State School, Newark

14. Custodial Asylum, Rome – Frank Osborn Test Case for New York Statute

15. Craig Colony for Epileptics, Sonyea
16. Letchworth Village, Thiells
17. Matteawan State Hospital, Beacon
18. State Hospital, Utica
19. State Hospital, Willard
20. Hudson River State Hospital, Poughkeepsie
21. State Hospital, Middletown

22. State Hospital, Buffalo – 12 Salpingectomies

23. State Hospital, Binghamton
24. St. Lawrence State Hospital, Ogdensburg
25. State Hospital, Rochester

26. Gowanda State Hospital, Collins – 29: 24 Salpingectomies; 5 Ovariectomies

27. State Hospital, Kings Park
28. State Hospital, Central Islip
29. Long Island State Hospital, Brooklyn
30. Manhattan State Hospital, Ward's Island, N.Y.

Total to January 1, 1921: (42) 1 Vasectomy; 36 Salpingectomies; 5 Ovariectomies (81)

“Notes on the Enforcement of the Eugenical Sterilization Law in New York.

The State of New York in its Eugenical Sterilization Statute provided for a “**Board of Examiners of Feeble-Minded Criminals and other Defectives,**” and appropriated \$29,825.00 for the execution of the statute. The money appears to have been spent largely for fees and traveling expenses, and no printed report was ever issued, nor, from the detailed reports of institutions, did the **Board of Examiners** ever attempt any serious study or accomplish anything other than to bring a test case before the State courts. It appears also that the law was originally passed, not at the instance of persons interested in eugenics, but for the primary purpose of

creating a commission for “deserving friends.” The statute was copied almost bodily from the New Jersey law, and no effort was made to improve or adapt it. In short, the history of this law in New York State is a record of politics, incompetency and discredit. It has set back eugenical progress among the state’s institutions more than ten years.

The two institutions in this state which practice eugenical sterilization, namely, the **State Hospitals at Buffalo** and at **Collins**, operate under their own responsibility. They did not attempt to use the sterilization statute when it was in force.

(a) Excerpts from correspondence of Hon. Francis M. Hugo, Secretary of State for New York, and from that of Dr. Lemon Thomson, Member of the Board of Examiners of Feeble-Minded Criminals and other Defectives, together with a Statement of Appropriations and Expenditures of said Board furnished by Comptroller Eugene M. Travis:

Hon. Francis M. Hugo, Secretary of State. “We give below the names, addresses, dates of appointment, expirations of terms, etc., of persons who were appointed on the **Board of Examiners of Feeble-Minded Criminals and other Defectives**, which is the Commission you referred to and which was established by Chapter 445 of the Laws of 1912.”

“**Charles H. Andrews**, M.D., of Buffalo, N.Y., appointed August 26, 1912; no expiration of term given.

“**Lemon Thomson**, M.D., of Glens Falls, N.Y., appointed August 26, 1912; no expiration of term given.

“**Charles C. Duryee**, M.D., of Schenectady, N.Y., appointed August 26, 1912; no expiration of term given.

“**John V. Hennessy**, of Albany, N.Y., appointed March 9, 1914, for a term to expire August 26, 1917; *Vice Duryee*, resigned.

“**William J. Wansboro**, M.D., of Albany, N.Y., appointed July 22, 1914; no expiration of term given; to succeed **John V. Hennessy**, M.D., deceased.

“According to our records the present **Members of the Board** are as follows:

“**Charles H. Andrews**, M.D., of Buffalo, N.Y.

“**Lemon Thomson**, M.D., of Glens Falls, N.Y.

“**William J. Wansboro**, M.D., of Albany, N.Y.” February, 1918.

Dr. Lemon Thomson, Glens Falls, N.Y.

“I regret to state that our work on the board of examinations of feeble-minded, etc., resulted in a total fizzle. We spent more time with the Legislature to get an appropriation to carry on the work than we were spending on the work itself. Finally we got a case before the court for a legal decision, and it is now more than two years since the closing of the case. Attorneys failed to put in their briefs, consequently we had no hope of getting a decision. A little more than a year ago, having become disgusted with the whole affair, I wrote to the Secretary of the Governor as to whether **Governor Whitman** favored further investigation in that direction. Not hearing from the Governor’s Secretary, I threw up the whole matter in disgust, as I did not feel like spending my money on work in which we could not get a decision. It is a disgrace to the State that they have taken no amount of interest in the same.

As to reports I do not know where to put my hand on them, but if they would be of any service to you, I will gladly look up same and forward them to you, but we did not get so far as to have any printed reports.”
February, 1918. (82)

(b) National Christian League for Promotion of Purity (New York). Elizabeth B. Grannis, President, March 9, 1921, writes:

“Some people should be segregated, but not more than one-quarter or one-third of those who now occupy public institutions, and are supported by public funds. If the economic phase of this question could be properly understood a multitude of sensible people would come to the front in behalf of sterilization.

“We have had a number of cases that ought to be known to every intelligent individual. One young man whom I took out of the idiot asylum on **Randall’s Island**, pronounced incurable (there was nothing the matter with him but silly, contemptible parentage who didn’t know enough to manage him) - he was given to self-indulgence, and pronounced by the boy doctors, incurable. In a few weeks after I took him out he was sterilized, and in a very few weeks became so self-responsible and self-respecting, no longer a cowered, machine-made nervous wreck that he had been, * * * we obtained a position for him with the **Remington Typewriter Co.**, at \$3.50 per week. His salary was raised every few weeks until within a very few months he was getting seven dollars a week. He is now a full-fledged United States soldier, with never a symptom of any feeble-mindedness having occurred to any federal authority who examined him. Another young man who had been in the **Binghamton Asylum** five years is now in camp with excellent record, having been pronounced incurable by the young doctors, and in my repeated correspondence it was stated by the superintendent that it was not probable that he could ever become self-supporting. The first position he obtained was as elevator man with \$40.00 a month income for his service. Today both of these young men are attending night school, but both in camp, displaying wholesome ambition, with promises to fit themselves for business and to be always a credit to those who helped in securing their discharge. The one who was in five years attended one of our meetings in which he made an address, stating, ‘Today I am a free man, walking the streets like any other citizen instead of being behind bars and locked in, with no freedom of individual action.’

I could mention a case of a young woman sent home from every boarding school for improper conduct. Sterilization settled her, and prevented serious distress and misfortune.”

“(c) In response to inquiries the following information and opinions were given:

(Institutions 3, 4, 5, 8, 17, 18, 19, 24, 25 and 29 did not supply historical comment.)

3. Sing Sing Prison, Ossining; 4. Great Meadow Prison, Comstock; 5. Farm for Boys, Valatie; 8. Agricultural and Industrial School, Industry; 17. Matteawan State Hospital, Beacon; 18. State Hospital, Utica; 19. State Hospital, Willard; 24. St. Lawrence State Hospital, Ogdensburg; 25. State Hospital, Rochester; 29. Long Island State Hospital, Brooklyn.

1. Auburn State Prison, Auburn, (a) Dr. Frank L. Heacox, Physician.

“The State Commission made a special study of a few cases, but no recommendations were made as to the cases investigated. One operation of double vasectomy was performed on one patient at his own and his family’s request. The patient was a youth twenty years of age, who was suffering from tubercular testicles.”

Dr. Heacox stated that, in his opinion, the medical value of the statute was very little, but that eugenically it was invaluable. March, 1918.

(b) “Our one case of eugenical sterilization was a voluntary one.” January, 1921.

2. Clinton State Prison, Dannemora. Dr. John R. Ross, Medical Superintendent.

“There is no doubt in my mind that this operation, if carried out extensively among the insane, feeble-minded and certain of the criminal type, would be of great eugenical value. I feel, however, that it would be impossible to perform this operation to any extent until there has been an educational campaign among the public.” February, 1918.

6. New York State Reformatory, Elmira. Frank E. Christian, Superintendent.

- (a) "Several cases were examined by the Commission, but nothing more accomplished. Medically the statute was excellent in selected cases, and eugenically it was a good measure." January, 1918.
- (b) "The New York Sterilization Law, now repealed, was never popular enough to be enforced. A number of our segregable defective delinquents ought to come under the jurisdiction of a practical sterilization law. We believe it to be practical in cases of extreme degeneracy." January, 1921.

7. Eastern New York Reformatory, Napanoch.

- (a) **Dr. W. N. Thayer, Jr., Physician**, reported that no operations had been performed there, that the institution had never been visited by the **Committee**; that he would not care to offer an opinion concerning the medical value of the statute, but that its eugenical value was good, if applied to cases of feeble-mindedness and recurrent insanity. **Dr. Thayer** did not consider crime hereditary. January, 1918.
- (b) "Eugenical sterilization is not necessary in cases requiring permanent custody but it should be done in cases of feeble-minded individuals not in custody." January, 1921.

9. Training School for Girls, Hudson.

Dr. Hortense V. Bruce, Superintendent. "We have never attempted to do anything under the authority of the Sterilization Law as we understood that the matter would have to come into the courts. In fact, the **Commissioners** sought to have us select a patient only in order to have a test case to bring into court. Therefore, this institution has nothing but a negative report." February, 1918.

10. Western House of Refuge for Women, Albion. Dr. D. E. Ollswang, Physician.

"I think that the Sterilization Law is excellent, and certainly ought to be carried out in all institutions of this nature. It would greatly decrease the number of feeble-minded and inferior children born." January, 1918.

11. Reformatory for Women, Bedford Hills.

(a) **Mary C. Conant, Physician.** While four cases were reported, **Dr. Conant**, resident physician, states that "none of the four cases were primarily for sterilization. In the first case tubes were diseased, and the other three cases were Caesarian sections for contracted pelvis. Under the circumstances sterilization seemed desirable." Doubtless these operations would have been performed under due course of professional practice, regardless of the so-called Sterilization Law.

Superintendent Helen A. Cobb writes: "My understanding of the Sterilization Law in this state is that it has not got beyond the statute books in Albany. No operations primarily for this purpose have been performed in this institution." January, 1918.

(b) **O.M. Grover, M.D., Resident Physician.** "I think all mental defectives who are custodial charges should be sterilized." January, 1921.

12. Institution for Feeble-Minded Children, Syracuse. Dr. O. H. Cobb, Superintendent.

- (a) "The medical and eugenical values of the sterilization statute are nil." January, 1918.
- (b) "We have done none of this at this institution and from our viewpoint this procedure is not practicable in New York State at this time." January, 1921.

13. Newark State School, Newark. Dr. Ethan A. Nevin, Superintendent.

"The **State Commission** made some preliminary investigations but no cases from this institution were recommended for operation. I understand, through the failure of the legislature to provide funds for this commission, that it has practically become extinct. I have not had sufficient evidence presented to me to convince me that this is a wise method of dealing with this proposition." February, 1918.

14. Custodial Asylum, Rome. Dr. Charles Bernstein, Superintendent, from whose institution the test case for the New York statute arose, reported that there had been no operations under the law in his institution; that he could not in the ordinary course of professional practice perform any operation under this law that would be forbidden or illegal without it; that, in his opinion, "there was no medical value in the statute; and that, instead of being of eugenical value, the statute was a eugenical hindrance." January, 1918.

15. Craig Colony for Epileptics, Sonyea. Dr. Wm. T. Shanahan, Superintendent.

"The **Commission** visited the Colony, but nothing was done in the way of attempting to enforce the Act."

Dr. Shanahan reported that, in his opinion, the statute was of doubtful medical and eugenical values. January, 1918.

16. Letchworth Village, Thiells. Dr. Charles S. Little, Superintendent.

"The Sterilization Law in this state has not been put in practice, and I doubt if it ever will be, although I do not know of any good reason why it should not be done, if public sentiment would be favorable to it." February, 1918.

20. Hudson River State Hospital, Poughkeepsie. Dr. Walter G. Ryon, Superintendent.

"No cases have been sterilized on account of the prejudice existing against the operation on the part of patients and their relatives. The hospital's policy is not to antagonize them. Some have been given the alternative in seeking discharge, but have not accepted it." Superintendent Ryon gave it as his opinion that if an operation is for purely sterilizing purposes, he could under the law perform operations which would be illegal without it. In answer to inquiry concerning the medical and eugenical values of the statute he wrote: "The eugenical value is great. The medical value consists in increasing the propriety, and therefore, the frequency of paroling and discharging convalescent insane." February, 1918.

21. State Hospital, Middletown. Dr. M. C. Ashley, Superintendent, reported that while they had not performed any operations in his hospital because funds had not been provided for the purpose, still, in his opinion, both the medical and eugenical possibilities of the statute were excellent. January, 1918.

22. State Hospital, Buffalo.

(a) Dr. Arthur W. Hurd, Superintendent, in answer to inquiries, reported that he was doubtful whether the law, as it stood before tested in the courts, was applicable to inmates of the hospitals for the insane. He stated also that in reference to the medical value to the institution: "That it may be of a great deal of value in selected cases, as child-bearing, for instance, brings on recurrent attacks of insanity. Eugenically the statute is of much value in preventing the propagation of defectives."

"* * * Since 1912 six sterilizations have been done in this institution on women to produce sterility on account of the mental condition, which made it unwise that the patients should have any more children, and in two instances where the mental condition was in unmarried insane women and was accompanied by immoral tendencies. In each one of the cases we obtained the written consent of the relatives, which was filed in the case before such an operation was undertaken. We have always felt that indiscriminate sterilization among the insane was not indicated, but believe very strongly in it, and think it is of very great value in decreasing the number of people who would be born with a bad heredity, and also in saving the strength of women, for instance: If continued child-bearing would weaken the system, and in that way increase the tendency to mental breakdown." February, 1918.

(b) F. W. Parsons, Superintendent. "There have not been any untoward mental or physical effects resulting from our cases of salpingectomy, as the menstruation has continued uninterrupted. Before operating we obtain and file the written consent of husband, parent or guardian. Several defectives of bad moral tendencies

were sterilized before they were allowed to go on parole, also a number of insane women with good intelligence and who had repeated attacks of insanity during pregnancy or the puerperium.

"The sterilization act is not in force in New York State. The hospital assumes the responsibility." January, 1921.

23. Binghamton State Hospital, Binghamton. Dr. Charles G. Wagner, Medical Superintendent.

(a) "We have never performed any operations for sterilization and do not contemplate any such operations. You, of course, appreciate that the State Hospital Commission with headquarters at Albany, N.Y., has charge of all of the State hospitals in New York State and we have received no instructions from the **Commission** regarding the application of eugenical sterilization statute to which you refer." February, 1918.

(b) "Approve of the theory but the practice has not been applied in this state." January, 1921.

26. Gowanda State Hospital, Collins. Dr. C. A. Potter, Superintendent.

(a) In answer to inquiry concerning the medical and eugenical values of the statute, **Dr. Potter** replied: "If properly amended, the law would be of very great value in preventing recurrence of attacks of insanity, one of our cases has proven this conclusively. If enforced, after amendment, its eugenical value would be greater than any law of recent years which applies to institutions." February, 1918.

(b) "We note that several of our patients who have been sterilized have had no mental breakdown since the operation and have been able to fill their places in the household since they have not been exposed to pregnancy. Those cases which became insane on account of child-bearing or have a bad heredity but who could remain outside if not exposed to frequent child-bearing, are selected for sterilization and written consent is obtained from the husband or legal guardian, or nearest relative, the whole process and reasons therefor having been thoroughly explained.

The public should be shown that insane, epileptics, feeble-minded and criminals have no right to procreate, from an economic standpoint as well as from the point of eugenics. The insane, feeble-minded, epileptics and criminals of child-bearing age should be sterilized." January, 1921.

27. State Hospital, Kings Park. Dr. Wm. A. Macy, Superintendent (deceased).

(a) "I am not familiar enough with the statute to form a positive opinion as to its medical value, but a statute of this sort is of value only when public opinion is educated to an appreciative point. With sufficient public support behind a law it should prove of value, especially in paroled or discharged cases of chronic insanity, mental deficiency and frequently recurring cases of mental disorder." January, 1918.

(b) **Wm. C. Garvin, Superintendent.** "(1) Sterilization of patients in institutions seems superfluous. (2) In extramural cases or in cases about to be paroled or discharged we have not been able to convince ourselves that compulsory sterilization would be justified in the absence of indications for commitment to an institution." January, 1921.

28. State Hospital, Central Islip. Dr. G. A. Smith, Superintendent, writes that no surgical sterilization of inmates has been performed in his institution, and that he is uncertain as to whether in the ordinary course of professional practice he could perform any operation under the sterilization law which would be forbidden or illegal without it. He responded, also, that in his opinion the law had no direct medical value, but that it was of eugenical value in cases of idiots, imbeciles, mental defectives and epileptics confined in institutions. March, 1918.

30. Manhattan State Hospital, Ward's Island, New York City.

(a) Dr. Marcus B. Heyman, Superintendent, stated that, in his opinion, there was no medical value in the sterilization statute, but that its eugenical value consisted in the possibility of preventing procreation by constitutionally defective individuals. February, 1918.

(b) “There has never at any time been any patients in this hospital sterilized with a view to eugenics. It is not the policy of this hospital to make such recommendations. This question does not seem to be a medical question but rather a moral and ethical question. “I am of the opinion that the New York State Law authorizing sterilization was repealed, although I am not positive of this. In any event the law was so cumbersome that it was impractical.” January, 1921.” (84-87)

SOURCE: Reprinted from *Eugenical Sterilization in the Untied States*, Harry Hamilton Laughlin, D.Sc., Assistant Director of the Eugenics Record Office, Carnegie Institution of Washington, Cold Spring Harbor, Long Island, New York, and Eugenics Associate of the Psychopathic Laboratory of the Municipal Court of Chicago. Published by Psychopathic Laboratory of the Municipal Court of Chicago, December, 1922, Pages 81, 82, 84-87.