

Eugenical Sterilization in North Carolina

PURPOSE, STATUTORY PROVISIONS, FORMS AND
PROCEDURE

By

R. EUGENE BROWN, *Secretary*
Eugenics Board of North Carolina

MEMBERS OF EUGENICS BOARD

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“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.”

—*Human Sterilization*, Published by Human Betterment Foundation, Pasadena, California.

“We do not know precisely to what extent mental defects and psychopathic conditions are inherited. But we do know that on the whole, feeble-minded and insane persons who are permitted to propagate their kind, raise families in a most unfavorable home environment.”

—*Eugenics*, March, 1930.

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Eugenical sterilization is a means adopted by organized Society to do for the human race in a humane manner what was done by Nature before modern civilization, human sympathy, and charity intervened in Nature's plans.

Under the ancient law, the survival of the fittest, "only the physically strong and mentally alert could withstand the severe conditions of early life, reach maturity, and become the fathers and mothers of the next generation. But the weak and defective are now nursed to maturity and produce their kind. Under Nature's law we bred principally from the top. Today we breed from the top, the middle and the bottom, but more rapidly from the bottom."⁽¹⁾

Sir Francis Galton, who founded in 1883 the science of eugenics,—the science of improving the offspring of the human race—"set forth two simple principles of eugenic procedure which we have not been able to amplify or to improve, namely: to *increase* breeding among the most desirable human stocks—or positive eugenics, and to *decrease* breeding among the undesirable stocks—or negative eugenics."⁽²⁾

Since Galton developed these principles several methods of limiting or decreasing breeding among the undesirable human stocks have been advocated. Among them are segregation of the unfit; restrictive marriage laws; birth control; eugenic education; and human sterilization.

For centuries sterilization frequently practiced as a means of punishment has been accomplished by the radical method of castration. "The introduction of modern methods of sterilization which do not remove any gland or organ, do not alter any feeling . . . or change in appearance, has been the greatest step forward.

"In 1880 an American, during a Cesarean operation, tied the

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(1) Gosney and Popenoe, Introduction to Sterilization for Human Betterment.

(2) From address of Dr. Clarence G. Campbell, published in *Eugenical News*, July, 1930, Page 95.

(Fallopian) tubes to prevent possibility of future conception; in 1891 a Frenchman combined these two operations by tying and cutting the tubes, thereby introducing the method of sterilization which is now standard. In 1897 a German took up the operation as a means, not merely of preventing further Cesarean sections, but of sterilizing a woman who for any reason ought not to bear more children.”⁽³⁾

Thus the modern method of sterilization of the female, known as salpingectomy, may be said to date from the year 1897.

“Sterilization of the male is also the successor of castration. In 1894 a Swede introduced the practice of cutting and tying the vas deferens, the slender tube that carries the spermatozoa . . . as a method of treatment in cases of disease of the prostate and the operation quickly became popular.”⁽⁴⁾

This simple operation now known as vasectomy was first used for the purpose of eugenic sterilization in 1899 by Supt. Harry Sharp of the Indiana reformatory, although Indiana at that time had no statutory provisions either authorizing or prohibiting such operations.

In 1907 Indiana enacted into law the first sterilization law to be passed in the United States. Other states followed this example and at present thirty states have legalized the practice of sterilization.

Under these statutes more than 27,800 operations have been performed to January 1, 1938. The Virginia Statute which was enacted in 1924 is important because it is the first sterilization statute to be carried to the United States Supreme Court and to receive the decision of this Court that the particular law is constitutional. This simply means that it is within the power of any state, unless specifically forbidden by its own constitution, to enact a sterilization law, “which will conform to all of the requirements of the Bill of Rights and at the same time meet its eugenical purposes.”⁽⁵⁾

In the Virginia case, the case of Buck vs. Bell, where a feeble-minded woman who had a feeble-minded mother and a feeble-minded child, was to be sterilized against her will, Justice Holmes in handing down the decision said,

“We have seen more than once that the public welfare may call upon the best citizens for their lives. It would be strange if it could not call upon those who already sap the strength of the State for these lesser sacrifices, often not felt to be such by those concerned, in order to prevent our being swamped with incompetence. It is better for all the world if, instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind. The principle that sustains compulsory vaccination is broad enough to cover cutting the Fallopian tubes. Three generations of imbeciles are enough.”

In 1919 the General Assembly of North Carolina enacted a law (Chapter 281, Public Laws) which was undoubtedly intended to serve as a sterilization law although the word sterilization does not appear in the text of the act. So far as can be ascertained no sterilizations were performed under this statute.

The 1929 Sterilization Act was sponsored by Mr. H. L. Milner, Senator from Burke County and a member of the Burke County Board of Public Welfare from 1919 to 1933. Under this law 49 persons were sterilized.

In February 1933 the North Carolina Supreme Court held that the North Carolina statute was unconstitutional because there was no provision in the law for notice of hearing or right of appeal; the Constitution of the United States declaring that no state shall deprive any person of his life, liberty or property without due process of law, or deny them the equal protection of the laws; and the Constitution of North Carolina providing that no person shall be deprived of life, liberty or property but by the law of the land.

North Carolina's new sterilization law, Chapter 224, Public Laws of 1933, was introduced by Representative W. A. Thompson of Beaufort County, at that time a member of the Board of Directors of Caswell Training School. The bill was prepared by Dr. John S. Bradway, Director of the Duke Legal Aid Clinic with the assistance of Mr. R. H. Wettach, of the University of North Carolina Law School, Dr. H. W. Crane and R. Eugene Brown of the State Board of Charities and Public Welfare, after considerable study of the Virginia Statute, other sterilization statutes in use, and the model statutes set forth in “The Legal Status of Eugenic Sterilization” prepared by Dr. H. H. Laughlin of the Eugenics Record Office as a supplement to the Annual Report of The Municipal Court of Chicago for the year 1929. This act provides for notice of hearing, ample opportunity to be heard and opportunity for appeal to the courts. It is believed, therefore, to be constitutional and also to fulfill the requirements

(3) Gosney and Popenoe, Sterilization for Human Betterment. Pages 70-71.

(4) Ibid. Page 77.

(5) H. H. Laughlin, The Legal Status of Eugenic Sterilization Page 7.

of a good eugenical sterilization law. The full text of the 1933 law as amended by the 1935 and 1937 acts of the General Assembly may be found on pages 15-21.

The Eugenics Board of North Carolina consists of the Commissioner of Public Welfare, the Secretary of the State Board of Health, the Chief Medical Officer of the State Hospital at Raleigh, the Chief Medical Officer of an institution for the feeble-minded or insane not located in Raleigh to be designated from time to time by the other four members, and the Attorney General of North Carolina.

The Board is authorized to appoint a secretary not a member of the Board to conduct the business of the Board between meetings, receive all petitions, keep records, call meetings, and act as executive of the Board in such matters as may be delegated to him by the Board.

For whom is sterilization advocated? Sterilization is intended for those who are feeble-minded and the mentally diseased, who would be likely to transmit their defects to their children or who are entirely incapable of rearing children. Under the provisions of the North Carolina Statute any mentally diseased, feeble-minded, or epileptic inmate or patient of the State or county institutions, or any mentally diseased, feeble-minded or epileptic resident of a county, not an inmate of a public institution may be sterilized when the provisions of the law have been complied with if it is believed to be for the best interest of the mental, moral or physical improvement of the patient, inmate or non-institutional individual; or when it is believed to be for the public good; or when such patient, inmate or non-institutional individual would be likely, unless sterilized, to procreate a child or children who would have a tendency to serious physical, mental or nervous disease or deficiency.

Other statutes in the United States contain similar provisions although some are more inclusive. Dr. E. A. Whitney writing on "Selective Sterilization" in the April 1933 Birth Control Review states that the "present valid statutes in the United States provide for the human sterilization of the following groups of people:

32	affecting the feeble-minded,
18	" " insane,
18	" " idiots,
18	" " epileptics,
16	" " imbeciles,

7	"	"	rapists
7	"	"	moral degenerates,
7	"	"	hereditary recurrent insanity,
6	"	"	habitual criminals,
2	"	"	hereditary criminals."

The German Sterilization Statute includes the following:

"I. Whoever is afflicted with a hereditary disease can be sterilized by a surgical operation, if—according to the experience of medical science—there is a great probability that his descendants will suffer from serious bodily or mental defects.

Hereditary diseases under this law are:

1. Hereditary feeble-mindedness,
2. Schizophrenia,
3. Manic depressive insanity,
4. Hereditary epilepsy,
5. Huntington's Chorea,
6. Hereditary blindness,
7. Hereditary deafness,
8. Serious hereditary bodily deformities.

"II. Furthermore those suffering from alcoholism can be sterilized."⁽⁶⁾

Numerous cases might be given to illustrate the type of persons who should be sterilized. Classic illustrations are the Kallikak family in which the illegitimate son by a feeble-minded woman headed five generations, 480 offspring, only 46 of whom were known to be normal; the Jukes family with 1,200 defectives in six generations and the Nam family with 90 per cent feeble-minded. A study made of the descendants in the Jukes family showed that up to 1915 the cost of this group to the State of New York in institutional care alone was over \$2,000,000.

To bring the matter nearer home the *Wake Family* may be cited; a family studied by the State Board of Public Welfare a few years ago and designated the "Wake" family because of the location of the family originally in Wake County.

Joe Wake, probably feeble-minded, married Mary, a feeble-minded woman in 1895. They had 8 children, 5 of whom were known to be feeble-minded. The record of another indicates that he also was feeble-minded.

The father's record is as follows:

Two years in the county work house,
An inmate of the county home for a time,
A police court record,
Three months in the county jail,
Always a regular patron of Associated Charities and aided by church,
Died of paresis in the State Hospital at Raleigh,
Buried through public funds.

(6) Eugenical News, September-October, 1933.

The mother, whose mental age was 8 years:

Served numerous jail sentences,
Arrested 24 times between 1914 and 1922,
Always a regular patron of Associated Charities and church aid,
Died a dope addict in State Hospital, Raleigh,
Buried through public funds.

First child died in infancy.

Second child, Sam, served several jail and work house sentences.

Served sentence in State Prison for burglary. Location at present not known.

Third child died in infancy.

Fourth child, Sue, was sent to Children's Home Society in Greensboro for placement in 1910. Tried out in 3 private homes. In 1912 returned to parents. Later arrested and served 19 months in county home. Sent to Salvation Army Home in South Carolina in 1916. Arrested in Army Camp in 1918 and sent to Massachusetts reformatory. Transferred to Caswell Training School at Kinston in 1919 where she remained until 1930 when she ran away.

Fifth child, Anne, sent to Children's Home Society, 1910. Efforts at placing her in foster homes failed. Sent to Caswell Training School in 1914 where she is now.

Sixth child, Bess, sent to Children's Home Society in 1910. Sent to Caswell Training School in 1914 where she is now.

Seventh child, Tom, sent to Children's Home Society in 1910. Placed in foster home in South Carolina where he stayed until 1920. Then sent to South Carolina Training School for feeble-minded where he is now.

Eighth child, Jesse, given away in 1911 at the age of 3 years. In 1922 he was living with a family on a farm near Raleigh. Examination showed that he was feeble-minded when examined by State Psychologist.

At the end of 1922 it was found that the family had cost the public at least \$20,000.00. The present estimate based on the cost of institutional care shows that they have cost the public of Wake County and North Carolina not less than \$30,000.00.

For the cost of around \$100.00 the father and mother of these children could have been sterilized.

There are many misconceptions of the purposes of eugenical sterilization. There seems to be a notion that sterilization will solve behavior problems, particularly sexual delinquencies, and there is also an idea that sterilization is or should be a punishment for such delinquencies. Such claims are not based on facts and any proposal to make sterilization a punishment for crime would only serve to jeopardize the cause of eugenical sterilization.

While the words "criminals" and "delinquents" do not occur in the North Carolina statute, it does provide definitely for the

sterilization of inmates of penal and correctional institutions who are found to be feeble-minded, epileptic or mentally diseased.

The following conclusions reached by the Human Betterment Foundation after having made a survey of the effects of sterilization as practiced in California will serve to make clear the purposes of eugenical sterilization:

1. That sterilization has one effect only—it prevents parenthood.
2. It is not a punishment; it is a protection; and therefore carries no stigma or humiliation.
3. It in no way unsexes the party sterilized.
4. Sterilization is approved by the families and friends of the sterilized.
5. It is approved by the medical staffs, probation officers, and social workers generally wherever they have come in contact with these patients.
6. It permits patients to return to their homes and friends who would otherwise be confined to institutions during the fertile period of life.
7. The records show that many moron girls paroled after sterilization have married and are happy and succeeding fairly well. They could never have managed and cared for children, to say nothing of the inheritance and fate of such children.
8. Homes are kept together by sterilization of husband and wife in many mild cases of mental disease, thus removing the dread by the normal spouse of the procreation of a defective child and permitting normal marital companionship.
9. There is no discovery vitally affecting the life, happiness and well being of the human race in the last quarter of a century about which intelligent people know so little, as modern sterilization. The operation is simple, it removes no organ or tissue of the body. It has no effect on the patient except to prevent parenthood. Under conservative laws, sanely and diplomatically administered, as they have been in California, these discoveries developed by the medical profession now offer to these classes the greatest relief possible and the greatest protection to the defenseless child of the future. It offers one, humane, practical protection against threatened race degeneracy.

INSTITUTING STERILIZATION PROCEEDINGS

Procedure: In institutional cases the executive head of the institution or his duly authorized agent shall act as petitioner and in non-institutional cases the petitioner is the county Superintendent of Public Welfare. In county institutional cases the Superintendent of Public Welfare is also authorized to act as petitioner in instituting proceedings. The County Superintendent of Public Welfare may act as prosecutor or petitioner in instituting sterilization proceedings in the case of any feeble-minded, epileptic, or mentally diseased person who is on parole from a state institution, and in the case of any such person who

is an inmate of a state institution when authorized to do so by the superintendent of such institution.

Petitions must be properly prepared and executed upon forms provided by the Eugenics Board, copies of which may be obtained from the Secretary of the Board.

The medical and social histories should contain all the circumstances surrounding the person's life in so far as they bear upon the likelihood of the person to procreate a child or children who would have a tendency to serious physical or mental deficiency, or mental or nervous disease.

The operation shall be performed by no one except a duly qualified and registered North Carolina physician or surgeon, and by him only upon a written order signed after complete compliance with the procedure outlined in the act by the responsible executive head of the institution or board, or by the Superintendent of Public Welfare. The name of the surgeon who will perform the operation should be given in the petition for sterilization.

In cases of feeble-mindedness the intelligence quotient or mental age should be given.

In "Record of Defects" the names and relationships of any relatives who have exhibited such defects should be given.

Reasons for requesting sterilization should be briefly and definitely stated.

If no near relative is known, the Clerk of the Court should be requested to appoint a guardian to protect the interests of the patient or inmate during and for the purposes of proceedings under this act. If the patient is a minor and has no living parent or legal guardian, it is necessary that a guardian be appointed to protect the interest of the patient during the proceedings.

Although the sterilization statute is compulsory the consent of the person named in the petition, next of kin or legal guardian should be obtained if possible.

Notice and Hearing: The statute provides that before the Board can issue an order it must hold a hearing in which reasons for and against the operation are heard, and at which time the party to be operated upon may be present or represented.

Notice of hearing and copy of the petition, certified by the Secretary of the Eugenics Board to be a true and correct copy must be served upon the inmate, patient, or non-institutional individual and other parties as designated by the law, at least 15 days in advance of the time set for the hearing.

The notice of hearing must set out the time and place of hearing. The person named in the petition or any party to the proceedings may be present or represented by counsel at such hearing. If no objections are to be made it is not necessary for any of the parties concerned to be present for the hearing.

Under the provisions of the 1935 amendment to Section 9 of the 1933 sterilization law, the usual procedure of having the Sheriff serve a notice of hearing and a certified copy of the petition will not be necessary if consent of the parent, guardian, or spouse or next of kin is given in writing.

If patient is 21 years of age and is not an inmate of one of the three State Hospitals or Caswell Training School and if the said patient has not been declared mentally unsound by a court of competent jurisdiction, the patient's consent must also be obtained.

If consent as here indicated is obtained, the petitioner may have the operation performed as soon as the order of the Board is received.

Action of Eugenics Board: The Board may deny the prayer of the petitioner or make such order as under all the circumstances of the case may seem appropriate. In passing upon a case the Board will consider whether the patient is feeble-minded, epileptic, or mentally diseased and whether the operation indicated in the petition will be for the best interest of the person named in the petition or for the public good.

If the petition is approved by the Board, an order will be made naming the date and the specific operation which is to be performed. This order may be made to the petitioner any time within 15 days after the hearing.

Appeal: After an order is entered by the Eugenics Board any party to the proceedings may within 15 days from date of order give notice of appeal to the Superior Court. In an appeal the person upon whom the operation has been ordered is to be deemed the plaintiff. If the court does not sustain the plaintiff's objections he has 10 days in which to file notice of appeal to the Supreme Court.

Duty to Institute Proceedings: The law states that it shall be the duty of the head of an institution or the Superintendent of Public Welfare to institute proceedings by filing petitions with the Eugenics Board in any or all of the following circumstances:

1. When in his opinion it is for the best interest of the mental, moral or physical improvement of the patient, inmate or non-institutional individual, that he or she be operated upon.
2. When in his opinion it is for the public good that such patient be operated upon.
3. When in his opinion such patient would be likely unless operated upon to procreate a child or children who would have a tendency to serious physical, mental or nervous disease or deficiency.
4. When requested to do so in writing by the next of kin or legal guardian of such individual.
5. When the head of any state or county penal or charitable institution has been requested to do so in writing by any public official or by the legal guardian or next of kin not later than 30 days prior to the date of parole or discharge of such patient. Upon receipt of the signed approval of the Eugenics Board it shall be the duty of the head of the institution to have performed the operation prescribed by the Board upon such patient or inmate before being paroled or discharged.

Liability: No person legally participating in sterilization proceedings under this law shall be liable, either civilly or criminally on account of such participation, except in cases of negligence in performance of the operation.

**NORTH CAROLINA STERILIZATION STATUTE, CHAPTER 224,
PUBLIC LAWS OF 1933 AS AMENDED BY CHAPTER 463,
PUBLIC LAWS OF 1935 AND CHAPTER 243,
PUBLIC LAWS OF 1937**

SECTION 1. The governing body or responsible head of any penal or charitable institution supported wholly or in part by the State of North Carolina, or any subdivision thereof, is hereby authorized and directed to have the necessary operation for asexualization, or sterilization performed upon any mentally diseased, feeble minded or epileptic inmate or patient thereof, as may be considered best in the interest of the mental, moral, or physical improvement of the patient or inmate, or for the public good. *Provided, however,* that no operation described in this section shall be lawful unless and until provisions of this act shall be first complied with.

SEC. 2. It shall be the duty of the board of commissioners of any county of North Carolina, at the public cost and expense, to have one of the operations described in Section 1 of this act performed upon any mentally diseased, feeble minded or epileptic resident of the county, not an inmate of any public institution, upon the request and petition of the superintendent of public welfare or other similar public official performing in whole or in part the functions of such superintendent, or of the next of kin, or the legal guardian of such mentally defective person. *Provided, however,* that no operation described in this section shall be lawful unless and until the provisions of this act shall be first complied with.

SEC. 3. No operation under this act shall be performed by other than a duly qualified and registered North Carolina physician or surgeon, and by him only upon a written order signed after complete compliance with the procedure outlined in this act by the responsible executive head of the institution or board, or the superintendent of public welfare, or other similar official performing in whole or in part the functions of such superintendent, or the next of kin or legal guardian having custody or charge of the feeble minded, mentally defective or epileptic inmate, patient or non-institutional individual.

SEC. 4. If the person upon whom the operation is to be performed is an inmate or patient of one of the institutions mentioned in Section 1 of this act, the executive head of such institution or his duly authorized agent shall act as prosecutor of the case. The County Superintendent of Public Welfare may act as prosecutor or petitioner in instituting sterilization proceedings in the case of any feeble-minded, epileptic, or mentally diseased person who is on parole from a state institution, and in the case of any such person who is an inmate of a state institution when authorized to do so by the superintendent of such institution. If the person upon whom the operation is to be performed is an inmate, or patient of a charitable or penal institution supported by the county, the executive head of such institution or his duly authorized agent, or the county superintendent of welfare or such other official performing in whole or in part the functions of such superintendent of the county in which such county institution is situated, shall act as petitioner in instituting proceedings before

the Eugenics Board. If the person to be operated upon is not in inmate of any such public institution, then the superintendent of welfare or such other official performing in whole or in part the functions of such superintendent of the county of which said inmate, patient, or non-institutional individual to be sterilized is a resident, shall be the prosecutor. It shall be the duty of such prosecutor promptly to institute proceedings as provided by this act in any or all of the following circumstances.

1. When in his opinion it is for the best interest of the mental, moral or physical improvement of the patient, inmate, or non-institutional individual, that he or she be operated upon.

2. When in his opinion it is for the public good that such patient, inmate or non-institutional individual be operated upon.

3. When in his opinion such patient, inmate or non-institutional individual would be likely, unless operated upon to procreate a child or children who would have a tendency to serious physical, mental or nervous disease or deficiency.

4. When requested to do so in writing by the next of kin or legal guardian of such patient, inmate or non-institutional individual.

5. In all cases as provided for in Section 20 of this act.

SEC. 5. There is hereby created the Eugenics Board of North Carolina. All proceedings under this act shall be begun before the said Eugenics Board. This board shall consist of five members and shall be composed of: (1) The Commissioner of Public Welfare of North Carolina; (2) The Secretary of the State Board of Health of North Carolina; (3) The Chief Medical Officer of an Institution for the feeble minded or insane of the State of North Carolina, not located in Raleigh; (4) The Chief Medical Officer of the State Hospital at Raleigh; (5) The Attorney General of the State of North Carolina. Any one of these officials may for the purpose of a single hearing delegate his power to act as a member of said board to an assistant, provided said delegation is made in writing, to be included as a part of the permanent record in said case. The said board shall from time to time elect a chairman from its own membership and adopt and from time to time modify rules governing the conduct of proceedings before it, and from time to time select the member of the said board designated above as the Chief Medical Officer of an Institution for the feeble minded or insane of the State of North Carolina not located in Raleigh.

SEC. 6. The Board of Eugenics shall meet at least quarterly in each year in Raleigh for the purpose of hearing all cases that may be brought before it and shall continue in session with appropriate adjournments until all current applications and other pending business have been disposed of. The members shall receive no additional compensation for their services.

SEC. 7. The board shall appoint a secretary not a member of the board who shall conduct the business of the board between the times of the regular meetings. Such secretary shall receive all petitions, keep the records, call meetings, and in general act as the executive of said board in such matters as may be delegated to him by said board.

SEC. 8. Proceedings under this act shall be instituted by the petition of said petitioner to the Eugenics Board. Such petition shall be in writing, signed by the petitioner and duly verified by his affidavit to the best of his knowledge and belief. It shall set forth the facts of the case and the grounds of his opinion. The petition shall also contain a statement of the mental and physical status of the patient verified by the affidavit of at least one physician who has had actual knowledge of the case and who in the cases of inmates or patients of institutions described in Section 1 of this act may be a member of the medical staff of said institution. The Eugenics Board may require that the petitioner submit additional social and medical history in regard to the inmate, patient or individual resident and his family. The prayer of said petition shall be that an order be entered by said Board authorizing the petitioner to perform, or to have performed by some competent physician or surgeon to be designated by him in the petition or by said board in its order upon said inmate, patient or individual resident named in said petition in its discretion that the operation of sterilization or asexualization as specified in Section 1 of this act which shall be best suited to the interests of the said inmate or patient or to the public good.

SEC. 9. A copy of said petition, duly certified by the Secretary of the said Board to be correct, must be served upon the inmate, patient or individual resident, together with a notice in writing signed by the Secretary of the said board designating the time and place not less than fifteen days before the presentation of such petition to said board when and where said board will hear and act upon such petition.

It shall be sufficient service if the copy of said petition and notice in writing be delivered to said inmate, patient or individual resident, and it shall not be necessary to read the above mentioned document to said patient, inmate or individual resident.

A copy of said petition, duly certified to be correct and the said notice must also be served upon the legal or natural guardian and next of kin of the inmate, patient or individual resident. If no near relative is known, the copy and notice shall be sent to the solicitor of the county in which the inmate, patient or individual resident resides, and it shall be his duty to protect the rights and best interests of the said inmate, patient or individual resident.

If there is no next of kin and no solicitor in said county, or if there is no known guardian of said inmate, patient, or individual resident and the said inmate, patient or individual resident is of such mental condition as not to be competent reasonably to conduct his own affairs, then the said prosecutor shall apply to the Superior Court of the County in which the inmate, patient or individual resident resides or to the judge thereof in vacation, who shall appoint some suitable person to act as guardian of the said inmate during and for the purposes of proceedings under this act, to defend the rights and interests of the said inmate, patient or individual resident. And such guardian shall be served likewise with a copy of the aforesaid petition and notice, and shall under all circumstances be given at least 15 days notice of said hearing. Such guardian may be removed or discharged at any time by the said court or the judge thereof in vacation and a new guardian appointed and substituted in his place.

If the said inmate or patient be under 21 years of age and have a living parent or parents whose names and addresses are known or can by reasonable investigation be learned by said prosecutor, they or either of them, as the case may be, shall be served likewise with a copy of said petition and notice and shall be entitled to at least 15 days notice of the said hearing.

Provided that the procedure described in this section shall not be necessary in the case of any operation for sterilization or asexualization provided for in this act if the parent, legal or natural guardian, or spouse or next of kin of the inmate, patient or non-institutional individual shall submit to the superintendent of the institution of which the subject is a patient or inmate or to the superintendent of public welfare of the county in which the subject is residing regardless of whether the subject is a legal resident of such county, a duly witnessed petition requesting that sterilization or asexualization be performed upon said inmate, patient or non-institutional individual provided the other provisions of this act are complied with. Any operation authorized in accordance with this proviso may be performed immediately upon receipt of the authorization from the Eugenics Board.

Sec. 10. The said board at the time and place named in said notice with such reasonable continuances from time to time and from place to place as the said board may determine, shall proceed to hear and consider the said petition and evidence offered in support of and against the same, provided that the said board shall give opportunity to said inmate, patient or individual resident to attend the said hearings in person if desired by him or if requested by his guardian or next of kin or the solicitor.

The said board may receive and consider as evidence at the said hearings the commitment papers and other records of the said inmate or patient with or in any of the aforesaid institutions as certified by the superintendent or executive official, together with such other evidence as may be offered by any party to the proceedings.

Any member of the said board shall have power for the purposes of this act to administer oaths to any witnesses at such hearing.

Depositions may be taken, as in other civil cases, by any party after due notice and read in evidence, if otherwise pertinent.

Any party to the said proceedings shall have the right to be represented by counsel at such hearings.

A stenographic transcript of the proceedings at such hearings duly certified by the petitioner and the inmate, patient or individual resident, or his guardian or next of kin, or the solicitor, shall be made and preserved as part of the records of the case.

Sec. 11. That said board may deny the prayer of the said petition or if in the judgment of the board, the case falls within the intent and meaning of one or more of the circumstances mentioned in Section 4 of this act, and an operation of asexualization or sterilization seems to said board to be for the best interest of the mental, moral or physical improvement of the said patient, inmate or individual resident or for the public good, it shall be the duty of the board to approve said recommendation in whole or

in part or to make such order as under all the circumstances of the case may seem appropriate, within 15 days after the conclusion of said hearings, and to send to the prosecutor a written order, signed by at least three members of the board, directing him to proceed with the operation as provided in this act. Said order shall contain the name of the specific operation which is to be performed and the date when said operation is to be performed.

If the board disapproves the petition, the case may not be brought again except on the request of the inmate, patient, or individual resident or his guardian or one or more of his next of kin, husband, wife, father, mother, brother, or sister, until one year has elapsed.

Nothing in this act shall be construed to empower or authorize the board to interfere in any manner with the right of the patient, inmate, individual resident, or his guardian or next of kin to select a competent physician of his own choice for consultation or operation at his expense.

Sec. 12. Any order granting the prayer of the petition, in whole or in part, may be delivered to the petitioner by registered mail, return receipt demanded, to all parties in the case, including the legal guardian, solicitor and the next of kin of the inmate, patient, or individual resident. It shall be the duty of the said guardian, the solicitor and the next of kin to protect, by such measures as may seem to them in their sole discretion, sufficient and appropriate, the rights and best interests of the said inmate, patient, or individual resident.

If the inmate, patient, or individual resident or the next of kin, guardian, solicitor of the county, and guardian appointed as herein provided, after the said hearing but not before shall consent in writing to the operation as ordered by the board, such operation shall take place at the time as the said prosecutor petitioning shall designate.

Sec. 13. If it appears to the inmate, patient, or individual resident or to his or her representative, guardian, parent or next of kin, or to the solicitor, that the proceedings taken are not in accordance with the provisions of this act or that the reasons given for asexualization or sterilization are not adequate or well founded, or for any other reason the order is not legal, he or she may within 15 days from the date of such order have an appeal to the Superior Court of the County in which said inmate or patient resided prior to admission to the institution, or the county in which the non-institutional individual resides. This appeal may be taken by giving notice in writing to any member of the board and to the other parties to the proceeding, including the doctor who is designated to perform the operation. Upon the giving of this notice the petitioner within 15 days thereafter shall cause a copy of the petition, notice, evidence and order of the said board certified by any member thereof to be sent to the clerk of the said court, who shall file the same and docket the appeal to be heard and determined by the said court as soon thereafter as may be practicable.

The presiding judge of said Superior Court may hear the appeal on affidavit or oral evidence and in determining such an appeal may consult the record of the proceedings before the Eugenics Board, including

evidence therein appearing together with such other legal evidence as may be offered to the said Judge by any party to the appeal. In hearing such an appeal the general public may be excluded and only such persons admitted thereto as have direct interest in the case.

Upon such appeal the said Superior Court may affirm, revise, or reverse the orders of the said board appealed from and may enter such order as it deems just and right and which it shall certify to the said board.

The pendency of such appeal shall automatically and without more, stay proceedings under the order of the said board until the appeal be completely determined. Should the decision of the Superior Court uphold the plaintiff's objection, such decision, unless appealed from, will annul the order of the board to proceed with the operation and the matter may not be brought up again until one year has elapsed except by the consent of the plaintiff or his next of kin, or his legal representative. Should the court affirm the order of the board, then, if no notice of appeal to the Supreme Court is filed within 10 days after such decision, said board's recommendation as affirmed shall be put into effect at a time fixed by the original prosecutor or his successor in office and the inmate, patient or individual shall be asexualized or sterilized as provided in this act.

In this appeal the person for whom an order of asexualization or sterilization has been issued shall be designated as the plaintiff, and the prosecutor presenting the original petition shall be designated as defendant.

SEC. 14. The cost of appeal, if any, to the Superior or higher courts, shall be taxed as in civil cases. If the case is finally determined in favor of the plaintiff, the costs shall be paid by the county.

SEC. 15. Any party to such appeal to the Superior Court may within 10 days after the date of the final order therein, apply for an appeal to the Supreme Court, which shall have jurisdiction to hear and determine the same upon the record of the proceedings in the Superior Court and to enter such order as it may find the Superior Court should have entered.

The pendency of an appeal in the Supreme Court shall operate as a stay of proceedings under any orders of the said board and the Superior Court until the appeal be determined by the said Supreme Court.

SEC. 16. Neither the said petitioner nor any other person legally participating in the execution of the provisions of this act shall be liable, either civilly or criminally, on account of such participation, except in case of negligence in the performance of said operation.

SEC. 17. Nothing contained in this act shall be construed so as to prevent the medical or surgical treatment for sound therapeutic reasons of any person in this state by a physician or surgeon licensed in this state, which treatment may incidentally involve the nullification or destruction of the reproductive functions.

SEC. 17(a). That nothing in this act shall, in any way, interfere with any surgeon in the removal of diseased pathological tissue from any patient.

SEC. 18. Records in all cases arising under this act shall be filed permanently with the secretary of the said Eugenics Board. Such records shall not be open to public inspection except for such purposes as the court may from time to time approve.

SEC. 19. This act is severable in its provisions; and the validity of part, section or provision of the same shall not be construed to affect validity of any other part which may be given practical operation effect without the invalid part, section or provision.

Where the inmates, patients, or non-institutional individuals are referred to in this act as of the masculine or feminine gender, the same shall be construed to include the feminine or masculine gender as well. Whenever the term individual resident appears in this act it shall be construed to mean non-institutional individual.

SEC. 20. Before any inmate or patient designated in Sections 1 and 2 of this act shall be released, paroled, or discharged, it shall be the duty of the governing body or responsible head of any institution above mentioned to comply with the procedure set out in this act, whenever a written request for the asexualization or sterilization of said inmate or patient is filed with the governing body or responsible head of the institution in which such inmate or patient has been legally confined. This written request may be made by any public official or by the legal guardian or next of kin of any inmate, or patient not later than 30 days prior to date of parole or discharge. Upon the receipt of the signed approval of the Eugenics Board as described in this act, it shall be the duty of said governing board or responsible head to issue an order for the performance of the operation upon said inmate, or patient, and the operation must be performed before the release, parole or discharge of any such inmate or patient.

**AN ACT TO PROVIDE FOR THE TEMPORARY ADMISSION OF
PATIENTS TO THE STATE HOSPITALS FOR THE
PURPOSE OF STERILIZATION**

Chapter 221, Public Laws of 1937

SECTION 1. That any feeble-minded, epileptic, or mentally diseased person for whom the Eugenics Board of North Carolina has authorized sterilization, may be admitted to the appropriate state hospital for performance of such operation. The order of the Eugenics Board authorizing a surgeon on the regular or consulting staff of the hospital to perform the operation will be sufficient authority to the superintendent of such hospital to receive, restrain, and control the patient until such time as it is deemed wise to release such patient. All such admissions shall be at the discretion of the superintendent of the state hospital and making any agreement with any county or any state institution to perform such operations, the state hospital may collect a fee which shall be greater than the cost of such operation and the cost of care and maintenance for the duration of the operation and the time required for the patient to recuperate.

The order of the Eugenics Board and the agreement of the superintendent of the state hospital to admit such patient shall be full and sufficient authority for the prosecutor or the sheriff of the county to detain such patient to the proper state hospital.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

EUGENICAL STERILIZATION IN NORTH CAROLINA

LEGAL FORMS FOR CARRYING OUT PROVISIONS OF NORTH CAROLINA STATUTE

Form No. 1.—Petition for Operation of Sterilization or Asexualization. Inmate of State or County Institution.

NORTH CAROLINA, County. IN RE: STERILIZATION OR ASEXUALIZATION OF	BEFORE THE EUGENICS BOARD OF NORTH CAROLINA PETITION FOR OPERATION OF STERILIZATION OR ASEXUALIZATION
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To the Eugenics Board of North Carolina:—GREETINGS—
YOUR PETITIONER, _____, having made investigation of the case of _____, hereinafter designated as the patient or inmate; and having made a study of the medical history of the said inmate of _____ (Institution), wherein the inmate has been and is at present confined; and having made a study of the social case history of the circumstances surrounding the inmate's life relative to the likelihood of the said inmate to procreate a child or children,

AND WHEREAS, it appears to your Petitioner that (1) it is for the best interest of the mental, moral and physical improvement of the inmate that he (or she) undergo an operation for sterilization or asexualization; (2) that it is for the public good that such inmate undergo such operation; and (3) that said inmate would be likely, unless operated upon, to procreate a child or children who would have a tendency to serious physical, mental, or nervous disease or deficiency;

NOW, THEREFORE, Your Petitioner prays that an order be entered by the Eugenics Board of North Carolina requiring your Petitioner to perform, or to have performed by some competent physician or surgeon as may be designated by the Board in such order, upon _____, the inmate named in this Petition, one of the operations specified in Section 1, Chapter 224, Public Laws of North Carolina, 1933, which in the discretion of the Board, shall be best suited to the interests of the said inmate or to the public good.

Signed: _____
Petitioner

This _____ day of _____, 193_____

VERIFICATION

NORTH CAROLINA,
County.
_____, the Petitioner herein, being duly sworn, says that the foregoing and the following statements made in this Petition are true to his (her) own knowledge, except as to those matters stated upon information and belief, and as to those, he (she) believes it to be true.

Sworn to before me, this _____ day of _____, 193_____

(N. P.; J. P.; or Clerk Superior Court)

(Seal) My commission expires _____

PERSONAL AND FAMILY HISTORY

Name _____ Age _____ Race _____ Sex _____
Home Address _____ County of _____
Present location _____
Date of Birth _____ Place of Birth _____
Legitimate _____ Illegitimate _____
Marital Status: Single _____ Married _____ Widowed _____ Separated _____ Divorced _____
Education: Illiterate _____ Reads _____ Writes _____ Public School grade completed _____
College work _____

GIVE NAMES, AGES AND PRESENT LOCATION OF CHILDREN OF PATIENT (INMA

NAME	AGE	PRESENT LOCATION

Father's name _____ Address _____
If dead give: Age at death _____ Cause of Death _____
Mother's name _____ Address _____
If dead give: Age at death _____ Cause of Death _____
If married give: Name of husband or wife _____
Address _____
If father and mother are dead and subject is not married give: Next of _____
Address _____
Has guardian been appointed for this person? _____ If so give Name _____
Address _____

INSTITUTIONAL RECORD OF PATIENT:

INSTITUTION	CAUSE	DATE ADMITTED	DATE DISCHARGED

Has patient been given mental examination? _____
If so give: Name of Examiner _____
Result of examination _____
If petition is granted, give name and address of physician or surgeon who perform operation: _____

MEDICAL HISTORY
RECORD OF DEFECTS

Check in front of defects exhibited by patient and indicate in space after defect if exhibited by patient's children, brothers, sisters, parents, uncles, aunts or grandparents. If any of these persons have had institutional care and treatment, give name of institution.

	INSANITY
	FEEBLE-MINDEDNESS
	EPILEPSY
	CONVULSIONS
	PARALYSIS
	SEXUAL PROMISCUITY
	SYPHILIS
	GONORRHEA
	TUBERCULOSIS
	ALCOHOLISM
	CRIMINALITY
	SUICIDAL TENDENCY
	PAUPER
	DRUG ADDICT
	CONGENITAL BLINDNESS
	ACQUIRED BLINDNESS
	CONGENITAL DEAFNESS
	ACQUIRED DEAFNESS
	DUMBNESS
	EXTREME NERVOUSNESS
	CHOREA (SYDENHAMS)
	CHOREA (HUNTINGTONS)

What is your diagnosis of the patient's mental and physical condition?.....

Use the following space for any medical history contained in your records not given above:.....

Upon the basis of the information given do you recommend sterilization or asexualization for this patient? Yes. I recommend:.....

AFFIDAVIT OF PHYSICIAN

....., a registered physician of County, North Carolina, being duly sworn says that he has had actual knowledge of the case of (patient or inmate), and says further that the foregoing medical history of (patient or inmate) is true of his own knowledge, except as to those matters therein stated upon information and belief, and as to those, he believes it to be true.

Physician

Sworn to before me, this day of, 193.....

(N. P.; J. P.; or Clerk of Superior Court)

(Seal) My commission expires.....

CERTIFICATE OF SECRETARY OF EUGENICS BOARD OF NORTH CAROLINA, THAT THE COPY OF THE PETITION WHICH IS SERVED WITH THE NOTICE OF HEARING, IS A TRUE AND CORRECT COPY OF THE ORIGINAL.

NORTH CAROLINA, IN RE: STERILIZATION OR ASEXUALIZATION OF County.

I,, Secretary of the Eugenics Board of North Carolina, do hereby certify that the foregoing is a true and correct copy of the Petition for the Operation of Sterilization or Asexualization instituted before the Eugenics Board of North Carolina, by, on 193.....

Signed: Secretary of Eugenics Board of North Carolina.

This day of 193.....

Form No. 2.—Petition for Operation of Sterilization or Asexualization. Non-Institutional Patient.

NORTH CAROLINA, County. BEFORE THE EUGENICS BOARD OF NORTH CAROLINA IN RE: STERILIZATION OR ASEXUALIZATION OF PETITION FOR OPERATION OF STERILIZATION OR ASEXUALIZATION

To the Eugenics Board of North Carolina: GREETINGS—

YOUR PETITIONER,, having made investigation of the case of, hereinafter designated as the patient, who resides at, in the State and County aforesaid; and having made a study of the medical history of the case of said patient, and having made a study of the social case history of the circumstances surrounding the patient's life relative to the likelihood of the said patient to procreate a child or children,

AND WHEREAS, it appears to your Petitioner that (1) it is for the best interest of the mental, moral and physical improvement of the patient that he (or she) undergo an operation for sterilization or asexualization (2) that it is for the public good that such patient undergo such operation; and (3) that said patient would be likely, unless operated upon, to procreate a child or children who would have a tendency to serious physical, mental, or nervous disease or deficiency;

NOW THEREFORE, Your Petitioner prays that an order be entered by the Eugenics Board of North Carolina requiring your Petitioner to perform, have performed by some competent physician or surgeon as may be designated by the Board in such order, upon the patient named in this Petition, one of the operations specified in Section 1, Chapter 224, Public Laws of North Carolina, 1933, which in the discretion of the Board, be best suited to the interests of the said patient or to the public good.

Signed: Petitioner

This day of, 193.....

VERIFICATION

NORTH CAROLINA, County.

....., the Petitioner herein, being duly sworn says that the foregoing and the following statements made in this Petition are true to his (her) own knowledge, except as to those matters stated upon information and belief, and as to those, he (she) believes it to be true.

Petitioner

Sworn to before me, this day of, 193.....

(N. P.; J. P.; or Clerk Superior Court)

(Seal) My commission expires.....

NOTE.—The remaining part of Form 2 is identical to Form No. 1.

Form No. 3.—Notice of Hearing.

NORTH CAROLINA, WAKE COUNTY. IN RE: STERILIZATION OR ASEXUALIZATION OF

BEFORE THE EUGENICS BOARD OF NORTH CAROLINA NOTICE OF HEARING (To Patient and Next of Kin or Guardian)

To patient.

TAKE NOTICE, that there has been instituted before the Eugenics Board of North Carolina, by (Petitioner) a Petition, (copy of which duly certified by the Secretary of the Eugenics Board of North Carolina to be correct, is attached to this Notice), which prays for an order to be entered by the Eugenics Board of North Carolina requiring the said Petitioner to perform, or that said Petitioner have performed by some competent physician or surgeon as may be designated by the Board in such order upon you patient, one of the operations specified in Section 1, Chapter 224, Public Laws of North Carolina 1933, which in the discretion of the Board shall be best suited to the interests of you, the said patient or to the public good.

Take further notice therefore, that on at o'clock, at, in Raleigh, Wake County, the aforesaid Petition shall be presented to the Eugenics Board of North Carolina, at which time and at which place, aforesaid, the said Board will hear and consider the Petition and evidence offered in support of and against the same, and will upon the same. You are hereby given notice that you will be given opportunity if desired, to attend the said hearing in person, and that you may be represented at such hearings by counsel.

Signed: Secretary of the Eugenics Board of North Carolina.

This day of

OFFICER'S RETURN SERVICE OF PETITION AND NOTICE OF HEARING

SERVED 193....., by delivering a copy of the aforesaid Notice, together with a copy of the "Petition for Operation of Sterilization or Asexualization" to

Asexualization," certified by the Secretary of the Eugenics Board of North Carolina to be a correct copy, to each of the following:

(Patient or Inmate)
(Legal or Natural Guardian or Next of Kin of Patient or Inmate)
(If no guardian or next of kin; to the solicitor of the county in which the inmate or patient resides.)

Signed _____ Sheriff of _____ County

Note: The attached copies of this notice and petition must be served not less than 15 days before the time set for hearing. After service fill out "Officer's Return" and forward this entire sheet to Secretary of Eugenics Board, Box 1262, Raleigh.

Form No. 4.—Order for Operation of Sterilization or Asexualization.
NORTH CAROLINA,
WAKE COUNTY.
IN RE: STERILIZATION OR ASEXUALIZATION OF
BEFORE THE EUGENICS BOARD OF NORTH CAROLINA
ORDER FOR OPERATION OF STERILIZATION OR ASEXUALIZATION

WHEREAS, on _____, a Petition for Operation of Sterilization or Asexualization to be performed upon _____ was instituted with this Board by _____, the Petitioner, and

WHEREAS, on _____, the Secretary of the Eugenics Board of North Carolina, did issue a Notice of Hearing in this matter, which Notice together with a certified copy of the Petition was duly served upon the patient: _____ and others, to wit: _____

together, with a copy of the aforesaid Petition certified by the Secretary of the Eugenics Board to be a true and correct copy; and

WHEREAS, this Board, at the place and time designated in the aforesaid Notice of Hearing, did consider the said Petition, and a medical history of the patient, a social case history of the circumstances surrounding the said patient's life relative to the likelihood of the said patient to procreate a child or children, and did hear and consider various other evidence duly offered in support of and against the said Petition, and patient not being present or represented,

AND it being the opinion and judgment of this Board that this case falls within the intent and meaning of one or more of the circumstances mentioned in Section four, Chapter 224, Public Laws of North Carolina, 1933, and that an operation of asexualization or sterilization will be for the best interest of the mental, moral and physical improvement of the said patient, and/or for the public good.

NOW THEREFORE, IT IS CONSIDERED, ADJUDGED, and ORDERED THAT the Petitioner, _____ proceed to have performed upon _____ (patient), on any day between _____

such operation to be performed by _____, the operation of _____ provided that nothing in this order shall interfere in any manner with the right of the patient, or his guardian or next of kin to select competent physician of his own choice for such operation at his own expense.

Signed: _____

Members of the Eugenics Board of North Carolina.
This _____ day of _____, 193_____.

CERTIFICATE OF SURGEON

This is to Certify that I have this day sterilized, or asexualized (Name of Pati _____) by doing a (Type of operation) _____, M

Date _____ Signed _____
NOTE:—File with Secretary of Eugenics Board of North Carolina, Box 1 Raleigh, N. C.

Form No. 5.—Authorization of Petitioner to Surgeon.
NORTH CAROLINA, _____ County.
IN RE: STERILIZATION OR ASEXUALIZATION OF _____
BEFORE THE EUGENICS BOARD OF NORTH CAROLINA
LETTER OF AUTHORIZATION TO SURGEON

In accordance with the provisions of Section 3, Chapter 224, Public Laws of North Carolina and of the order of the Eugenics Board, I hereby authorize (Name of Surgeon) _____ to perform the operation of _____ upon said _____ on any day between _____ and _____

Signed _____ Title _____
Date _____ Petitioner

Form 6-A.—Consent for Operation of Sterilization.
NORTH CAROLINA, _____ County.
In Re: Sterilization of _____
BEFORE THE EUGENICS BOARD OF NORTH CAROLINA
CONSENT OF PARENT, GUARDIAN, SPOUSE, OR NEXT OF KIN

I, the undersigned _____, do hereby petition (Name and relationship to patient.)

(Name and title, as Supt. of Public Welfare or Supt. of State Institution where patient is inmate.)
to institute proceedings before the Eugenics Board of North Carolina for sterilization of _____, and I do hereby give my consent to the performance of such operation, said operation to be performed in accordance with the authorization of said Board.
Signed: _____

VERIFICATION

NORTH CAROLINA, _____ County.
_____ being duly sworn, deposes and says that (or she) has read or has heard read the foregoing petition and knows the content thereof; that the same is true of his (or her) own knowledge except as to those matters and things therein stated upon information and belief, as to those (or she) believes it to be true. Deponent furthers says that the above was signed of his (or her) own free will and accord.

Signed _____
Sworn to and subscribed before me, this _____ day of _____

(Seal) My commission expires _____ N. P.; J. P.; or Clerk Superior Court

NOTE: Under the provision of the 1935 amendment to Section 9 of the 1933 sterilization law, the usual procedure of having the Sheriff serve a notice of hearing and a certified copy of the petition will not be necessary if consent as provided for on this form is obtained.
 If patient is 21 years of age and is not an inmate of one of the three State Hospitals or Caswell Training School and if the said patient has not been declared mentally unsound by a court of competent jurisdiction, the patient's consent must also be obtained.

Form No. 6-B.—Consent for Operation of Sterilization.

NORTH CAROLINA, _____ County. } BEFORE THE
 In Re: Sterilization of _____ } EUGENICS BOARD OF NORTH CAROLINA
 _____ } CONSENT OF PATIENT

I, the undersigned _____ patient, do hereby petition
 (Name and title, as Supt. of Public Welfare or Supt. of State Institution where patient is an inmate.)
 to institute proceedings before the Eugenics Board of North Carolina for my sterilization; and I do hereby give my consent to the performance of such operation, said operation to be performed in accordance with the authorization of said Board.
 Signed: _____

VERIFICATION

NORTH CAROLINA, _____ County. _____ being duly sworn, deposes and says that he (or she) has read or has heard read the foregoing petition and knows the contents thereof; that the same is true of his (or her) own knowledge except as to those matters and things therein stated upon information and belief, as to those he (or she) believes it to be true. Deponent further says that the above was signed of his (or her) own free will and accord.
 Signed: _____

Sworn to and subscribed before me, this _____ day of _____

N. P.; J. P.; or Clerk Superior Court

(Seal) My commission expires _____

NOTE: Under the provisions of the 1935 amendment to Section 9 of the 1933 sterilization law, the usual procedure of having the Sheriff serve a notice of hearing and a certified copy of the petition will not be necessary if consent as provided for on this form is obtained. If patient is 21 years of age and is not an inmate of one of the three State Hospitals or Caswell Training School and if the said patient has not been declared mentally unsound by a court of competent jurisdiction, the patient's consent must also be obtained.

Form No. 7.—Supplement to Petition for Sterilization or Asexualization.

NOTE: Use this form as a supplement to petition for sterilization or asexualization. Copies of this form will not be served on patient or relatives.

Name of Patient _____
 Social and economic status in community _____

BEHAVIOR: Give any evidence of abnormal or anti-social behavior or harmful habits: _____

COURT RECORD

NAME AND LOCATION OF COURT	DATE	CHARGE	DISPOSITION

Give in full reasons for requesting sterilization or asexualization: _____

What is the attitude of patient toward operation recommended? _____

What is attitude of parents, husband, wife, etc.? _____

Additional history or remarks _____

(The back of this sheet or other sheets may be used for additional history if necessary.)

Submitted by _____
 Date _____

**LEGAL FORMS FOR CARRYING OUT PROVISIONS OF
NORTH CAROLINA STATUTE**

Form No. 1.—Petition for Operation of Sterilization or Asexualization. Inmate of State or County Institution.

NORTH CAROLINA, IN RE: STERILIZATION OR ASEXUALIZATION OF	BEFORE THE EUGENICS BOARD OF NORTH CAROLINA PETITION FOR OPERATION OF STERILIZATION OR ASEXUALIZATION
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To the Eugenics Board of North Carolina:—**GREETINGS**—
 YOUR PETITIONER, _____, having made investigation of the case of _____, hereinafter designated as the patient or inmate; and having made a study of the medical history of the said inmate of _____ (Institution), wherein the inmate has been and is at present confined; and having made a study of the social case history of the circumstances surrounding the inmate's life relative to the likelihood of the said inmate to procreate a child or children,

AND WHEREAS, it appears to your Petitioner that (1) it is for the best interest of the mental, moral and physical improvement of the inmate that he (or she) undergo an operation for sterilization or asexualization; (2) that it is for the public good that such inmate undergo such operation; and (3) that said inmate would be likely, unless operated upon, to procreate a child or children who would have a tendency to serious physical, mental, or nervous disease or deficiency;

NOW, THEREFORE, Your Petitioner prays that an order be entered by the Eugenics Board of North Carolina requiring your Petitioner to perform, or to have performed by some competent physician or surgeon as may be designated by the Board in such order, upon _____, the inmate named in this Petition, one of the operations specified in Section 1, Chapter 224, Public Laws of North Carolina, 1933, which in the discretion of the Board, shall be best suited to the interests of the said inmate or to the public good.

Signed: _____
Petitioner

This _____ day of _____, 193_____

VERIFICATION

NORTH CAROLINA, _____ County.
 _____, the Petitioner herein, being duly sworn, says that the foregoing and the following statements made in this Petition are true to his (her) own knowledge, except as to those matters stated upon information and belief, and as to those, he (she) believes it to be true.

Sworn to before me, this _____ day of _____, 193_____

(N. P.; J. P.; or Clerk Superior Court)

(Seal) My commission expires _____

PERSONAL AND FAMILY HISTORY

Name _____ Age _____ Race _____ Sex _____
 Home Address _____ County of _____
 Present location _____
 Date of Birth _____ Place of Birth _____
 Legitimate _____ Illegitimate _____
 Marital Status: Single _____ Married _____ Widowed _____ Separated _____ Divorced _____
 Education: Illiterate _____ Reads _____ Writes _____ Public School grade completed _____
 College work _____

GIVE NAMES, AGES AND PRESENT LOCATION OF CHILDREN OF PATIENT (INM)

NAME	AGE	PRESENT LOCATION

Father's name _____ Address _____
 If dead give: Age at death _____ Cause of Death _____
 Mother's name _____ Address _____
 If dead give: Age at death _____ Cause of Death _____
 If married give: Name of husband or wife _____
 Address _____
 If father and mother are dead and subject is not married give: Next of kin _____ Address _____
 Has guardian been appointed for this person? _____ If so give Name _____
 Address _____

INSTITUTIONAL RECORD OF PATIENT:

INSTITUTION	CAUSE	DATE ADMITTED	DATE DISCH

Has patient been given mental examination? _____
 If so give: Name of Examiner _____
 Result of examination _____
 If petition is granted, give name and address of physician or surgeon who perform operation: _____

MEDICAL HISTORY

RECORD OF DEFECTS

Check in front of defects exhibited by patient and indicate in space after defect if exhibited by patient's children, brothers, sisters, parents, uncles, a or grandparents. If any of these persons have had institutional care and treatment, give name of institution.

	INSANITY
	FEEBLE-MINDEDNESS
	EPILEPSY
	CONVULSIONS
	PARALYSIS
	SEXUAL PROMISCUITY
	SYPHILIS
	GONORRHEA
	TUBERCULOSIS
	ALCOHOLISM
	CRIMINALITY
	SUICIDAL TENDENCY
	PAUPER
	DRUG ADDICT
	CONGENITAL BLINDNESS
	ACQUIRED BLINDNESS
	CONGENITAL DEAFNESS
	ACQUIRED DEAFNESS
	DUMBNESS
	EXTREME NERVOUSNESS
	CHOREA (SYDENHAMS)
	CHOREA (HUNTINGTONS)