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THE SUPREME COURT ON STERILIZATION

The importance of the Supreme Court decision upholding the validity of Virginia's Sterilization Law lies in the fact that such legislation has already gone further in the United States than any other part of the world. In 1925 alone laws for the sterilization of imbeciles or certain criminals were passed in Oregon, Idaho, Utah and Minnesota. California within a few years sterilized 635 insane persons. Some Middle Western States have made almost equally extensive use of the practice. These State enactments have been contested upon the ground that they deny an equal protection of the laws, or (when applying to criminals) that they provide a cruel and unusual punishment. Now the decision handed down by Justice Holmes specifically disposes of the first contention.

Believers in the utility of "eugenics" legislation will make much of Justice Holmes's declaration that society is not only justified but wise in preventing manifest imbeciles or degenerates from continuing their kind. But it will be well for them to note the emphasis he also lays upon the meticulously careful provisions of the Virginia law to obviate any abuse. These provisions include mandatory public hearings, the reduction of all evidence to writing, appeal to the County Circuit Court, and finally appeal to the highest court of the State. Because of these safeguards, and because the steps in the case under review were taken after months of observation, the court decided the plaintiff had enjoyed due process of law. A statute or a procedure less careful might not be upheld.