

Castration is still used as punishment

DON JACKSON

The castration punishment is still used in California. It was not recently abolished as reported in *Freep* and some establishment media.

What did happen, is the legislature repealed Sec. 2670 of the California Penal Code. Sec. 2670 provided for castration "as an additional punishment," for three classes of prisoners; those who have been twice convicted of a sex offense; those who have been convicted "at least three times for any other offense; and those serving life sentences, even if it is a first offense, and regardless of the crime.

The law said that the bizarre punishment could be imposed whenever prison authorities felt that the prisoner's "physical, mental or moral health" would benefit.

Unfortunately, the repeal of Sec. 2670 will not affect the use of castration, because it is legalized by the immense discretionary powers granted judges under indeterminate sentencing.

According to the California Penal Code, oral copulation even between a lawfully wedded couple, is a felony punishable by fifteen years imprisonment. Sodomy is punishable by one year to life. Masturbation and adultery are also serious offenses.

Under indeterminate sentencing, the parole board sets the sentence of anyone committed to a state prison. The parole board is made up of nine radical rightists. All were appointed by Governor Reagan. All are former prison or law enforcement personell.

One former member, who is now the warden at Soledad, always left the room to wash his hands after dealing with sex offenders at parole hearings. The Parole Board has a policy of never setting the sentence for sex offenders; consequently, sodomists, masturbators, cunt eaters and the like are virtual lifers.

A notorious example is the case of Alex Anderson, who was convicted of sodomy in 1956. In the fifteen years since then, he has been shifted back and forth between the homosexual isolation wing at the

California Men's Colony/Las Padres and Atascadero State Hospital. How many similar cases there are nobody knows. We only know about Anderson because he has filed an appeal in U.S. District Court in Sacramento.

Certain judges, knowing the policy of the parole board, abuse their immense discretionary powers. Judges can either give a defendant probation, or commit him to the Department of Corrections. These judges simply tell the convicted sex offender he must choose between "voluntary" castration and probation of life imprisonment.

San Diego Superior Court Judge Lawrence N. Turrentine boasts of ordering sixty castrations. President Nixon, impressed with Turrentine's anti-sex crusade, recently appointed him to the U.S. District Court. L.A. County Superior Court Judge Frank C. Collier (retired) claims credit for forty-one. Scores of other judges impose the bizarre punishment, but refuse to discuss it.

Former San Quentin Warden Clinton Duffy has an entire chapter on castration in his book "Sex and Crime." Duffy expresses the mentality typical of the castrating judges—that sex is sinful, but castration "helps" men to overcome base desires.

In one case history, Duffy tells the story of a man who "fondled" an eight-year-old girl while she was sleeping in a public campground. The judge asked the defendant if he wanted "probation and castration." The man later told Warden Duffy: "I just heard him (the judge) say probation and I said yes. They took me to a hospital. Then they put me to sleep and when I woke up they had taken seventy-five per cent of my pleasures away from me." Duffy tells the story with sadistic glee. After the man was castrated, the judge changed his mind about probation and sentenced him to San Quentin.

A psychiatrist who is frequently appointed by courts to examine persons suspected of being "Mentally Disordered Sex Offenders," often recommends castration. In a magazine article this shrink boasts

of his ability to coerce men to sign legal papers authorizing castration by injecting them with a hypnotic drug.

In addition to the almost life and death power judges have over sex offenders under indeterminate sentencing, they can also use the Mentally Disordered Sex Offenders Law as a coercion. The MDSO law provides that any person who a judge feels may violate the puritanical anti-sex laws, can be committed to a mental institution for ninety days observation. Once committed, the patient stays locked up until the staff feels he is cured (which is often never).

The "doctors" who "treat" and decide when the "patient" is "cured" are not really doctors, but moralistic social workers and sex hating attendants, many of whom did not even graduate from high school. Under the MDSO law, the person need not be convicted, so the inconveniences of trials, evidence, witnesses and the like are avoided.

Almost anyone can be committed under the MDSO law, but the insane asylums only have room for a fixed number of patients. Consequently the law enforcement-judicial establishment commits only enough people to fill the vacancies.

Although castration has been in widespread use as a punishment for many years, it has received little publicity. The prudish press has refused to discuss the subject because it is "offensive to the readers." Even the victims have remained silent because they are embarrassed to talk about the atrocity. The press, authorities and victims have thus entered into an unspoken conspiracy of silence to keep the public in the dark.

The judges, doctors and other officials have good reasons for silence; castration is defined as "a gross crime against humanity" by the Nuremberg Code, and is prohibited by the Declaration of Helsinki and the Universal Declaration of Human Rights. The Nuremberg Tribunal tried and gave death sentences to doctors, judges and legislators who were responsible for the castration of prisoners in the Nazi concentration camps.

The Nuremberg Tribunal adopted the doctrine of individual responsibility—defendants could not use the excuse that they were merely obeying the law as a defense. Dr. W.A. Dering, a Polish surgeon, was accused of castrating homosexuals at Auschwitz Concentration Camp in 1943. Dr. Dering's defense was that he was obeying a court order issued under German law providing for castration as a punishment for homosexuality. The judge

told Dering: "Did you know that no nation, and no court has a right to pass such a law or make such an order merely because a man was a homosexual?"

In spite of the severe criminal sanctions provided in international law, castration is still in widespread use in California. Doctors at Huntington Memorial Hospital, Pasadena and at U.C.L.A. Hospital, Westwood, still perform the amputation on court order. At U.C.L.A., they are experimenting with a substitute for surgery—a drug that causes atrophy of the testicle.

California is the only state that permits castration as a punishment. A new organization, the Anti-Castration League is forming to militate for the abolition of castration. A.C.L. calls on all citizens to join in planning actions to end what it calls "this barbaric, sacreligious and inhumane atrocity." Among actions being considered are demonstrations against the judges, doctors, lawyers, hospitals and legislators responsible; an appeal to the U.N. to invoke criminal sanctions; and legal actions under the cruel and unusual punishments clause of the U.S. Constitution. Volunteer attorneys are especially needed. Victims should contact the league about damage suits against the state and mal-practice suits against the doctors, hospitals and attorneys involved.

For further information, write Anti-Castration League, P.O. Box 17669, L.A. 90017.