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Letter of Support from Whitehead to A.J. Priddy

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PENNSYLVANIA,
DELAWARE,
MARYLAND,
VIRGINIA,
WEST VIRGINIA, AND
DISTRICT OF COLUMBIA

BALTIMORE, MD.

Dear Doctor

I mailed you the orders you
sent me and only wrote you a short note
as I did not have time ^{to write at length} ~~to write at length~~
got them to you all the first mail
I don't think you need give yourself any
uneasiness about this matter, because
aside from the legal right to sterilize inmates
of this colony, these two cases are so palpably
"bold" & without merit that no court
would permit a verdict to stand ^{was} if all
was given by a jury. To start with we have
the consent of the parties. If they claim
that they could not consent by reason of
being inmates of the institution - our
answer will be that their legal status
has not been changed and if they had no
power to consent they have no power in
law to sue. Secondly: The operation was
a necessity and their health has been
promoted instead of being impairing

They have been benefited and their lives
perhaps saved. This is a splendid
case to test the law. no better could
have been selected, for even if the
Court should hold that under the law
the Colony could not "sterilize" persons not
affected with diseases of the testes - yet
it would be obliged to hold that
it was the duty of the Colony & its
physicians to perform operations
which ^{would} promote the health of the patients.
In this case the facts are all one way
If knowing the facts as you did from
your examination of the patient - you
had failed to operate & the patient
had died for lack of such operation
you would have certainly been held
guilty of the grossest negligence.

The patient being in the institution with no
power to act for himself, placed an
unusual obligation on you, and it was
your clear duty both as a physician & an
officer of the State to perform such
operation as in your honest best judgment
would relieve the patient of the disease &
promote his health.