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THE BIRTH CONTROL REVIEW

Dedicated to the Cause of Voluntary Motherhood

TRAPPED!

By Margaret Sanger

**BRITISH HEALTH OFFICIAL ADVOCATES
WORLD WIDE BIRTH CONTROL**

LEGAL BARRIERS OF STATE AND NATION

By Judge J C Ruppenthal

THE BIRTH CONTROL REVIEW

104 FIFTH AVENUE, NEW YORK CITY

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TRAPPED!

By Margaret Sanger

KITTY MARION, a devoted laborer for the cause of Birth Control, has been arrested for imparting information concerning contraceptives. She will come to trial in New York, October 10th.

Arrest has no terrors for this woman consecrated to the freedom of her sisters. An actress, she left the London stage to become one of those militants who fought by the side of Emmeline Pankhurst for the enfranchisement of English women. For that cause she went to prison.

In prison, Kitty Marion went on a hunger strike. Of the horrors she endured while incarcerated, one hundred and twenty eight forcible feedings constitute but a single item.

Her spirit strengthened rather than broken by these experiences, she kept up the fight in England until the coming of the World War put an end to the struggle for suffrage, through an understanding between representatives of the English government and the militants. Then she came to America to resume her stage career.

Birth Control, as a means of bringing women relief from the economic and physical slavery of large families, appealed to her as a more immediate and effective emancipation of woman than suffrage. To Birth Control she gave and is still giving the same single minded devotion that she gave to the militant's battle. For this she has once more laid aside personal ambition, home and even many of the comforts of life.

Only through such a devotion could Kitty Marion have been trapped. For trapped she was—trapped by one of those creatures who profess high ideals and practice baseness as a lucrative profession, one of the sort that shouts for war for democracy, but keeps clear of men with guns, preferring to stay at home and trap for hire women who have staked their all in a struggle for the freedom of their sex.

After all, there is something to be said for Judas. To earn his thirty pieces of silver, he betrayed a strong man, not an over generous woman. Afterwards, he had the decency to hang himself. Bamberger, of the misnamed Society for the Suppression of Vice, betrayed a woman to whom he came whining for aid for another woman, and he will appear in court to testify against her. This appalling brazenness is due doubtless to the fact that he will not receive his pieces of silver until he has sworn to the "criminal" generosity of Kitty Marion and thereby to his own shame.

IN ORDER TO snare this woman who has placed her all upon the altar of woman's freedom, Bamberger played the agent provocateur. Fortunately, this abhorrent term is not as familiar to American ears as it is to those of the oppressed of other countries. The agent provocateur is the shamed and shameless, disowned and uncondemned spawn of the vilest tyranny the world has ever witnessed. Known

wherever oppression flourished he attained the height of his vulturous activities in the reign of the unlamented czar who quaked in his hidden chambers while he bargained away an enslaved people to titled parasites, to foreign plutocrats, and finally, in spite of his agreements with his allies, to the Kaiser.

Conscienceless, prostitute in honor, gorging upon human misery, this creature earned alike the hate of those whom he betrayed and those whom he served for the monetary offal of his filthy trade. In America, the ironically called Society for the Suppression of Vice, has brought into play the native specimen of this monstrous instrument of dead and dying tyrannies.

This is the same Society that, in the persons of one Sumner and of Bamberger, who with too credulous contributors constitute its being, has devoted its quasi legal activities to suppressing fearless literature, inspired works of art and movements for the betterment of mankind. It is the same Society who, in the person of the same Sumner, was pilloried recently by Frank Harris in a series of magazine articles as yet unanswered, though they contained charges that would have brought sleepless nights to clean men.

It was upon the first day of August that the agent provocateur called upon Kitty Marion. He came, as his kind always comes, with a story of misfortune, with a plea to save a woman, his wife, from hardships unendurable. He came again, a week later. Still again he came, on the fifteenth day of August, repeating his tale of misery and appealing for aid for his wife. And then, having procured with great difficulty the information desired for the fictitious woman, Kitty Marion imparted the information. Her arrest followed—on the nineteenth day of August.

LET IT BE SAID so plainly that none can misunderstand it—we have no apology to make for the act of Kitty Marion. We glory in her deed. It was born of a brave generosity, of an unfaltering determination to mitigate human suffering. It came from a heart consecrated to the freedom of woman—it was the fruit of a motive too fine, too holy for the understanding of a trapper of women.

Let it also be said that neither this arrest, nor those which have been made before, nor all the arrests that can be made, will for a moment deter us from this fight to which we have committed ourselves.

Agents provocateur may ply their obscene trade, misguided, masculine minded Puritans may oppress, the authorities may fill the jails with women, but this fight will go on. For every woman you jail, we will raise up ten for this struggle. Woman's right to control her own destiny is being established for all time and it is being established by women, in and out of jail.

MEDICAL JOURNALS ADVOCATE BIRTH CONTROL

BY LEAPS AND BOUNDS the movement for Birth Control grows. Individuals, organizations and agencies which yesterday were indifferent, fearful or antagonistic, to day declare themselves openly in favor of voluntary motherhood as a matter of social justice and racial improvement.

In our last issue we made public a letter from Judge J. C. Ruppenthal, of the Twenty third Judicial District of Kansas, who is also a member of the State Commission on the feeble minded. He came out unequivocally for Birth Control.

On another page of the present issue will be found the story of a fearless advocacy of Birth Control by Dr. C. Killick Millard, a British scientist and health official of international repute, who lends the weight of his fame and his official position to the cause.

Now comes the Medical World of Philadelphia, which for more than a third of a century has been one of the strongest, most conservative voices of the medical profession in America, declaring in favor of making Birth Control legal. Moreover, it incorporates in its own editorial one from the Texas State Journal of Medicine, making a similar declaration.

The Medical World's leading editorial in the July issue not only demands that the subject of Birth Control be divorced from the obscenity statutes, but that laws permitting the use of contraceptives and the imparting of information to patients be enacted.

THE MEDICAL WORLD, naturally enough, deals primarily with the problem as it confronts the physician. There are a number of viewpoints in the editorial that we do not agree with, but it marks such an important step in advance for journals of this type, and is so sure to be followed by similar declarations upon the part of like publications, that we reproduce it in full.

The fight for the right of mothers to decide the size of their families is not yet won, but it is being won more rapidly than most of us realize. It is to be won, when all is said and done, by those most interested, the wives and mothers of workers. But the advocacy of Birth Control by men of high standing and of official position and the espousal of the cause by conservative professional journals are straws which show which way the winds blow. The rate at which these straws are increasing in number indicates a gale, a whirlwind of woman's freedom.

Here is what the Medical World says:

"WE ARE PLEASED to be able to present in this issue a digest of the laws of the United States, our various States and Territories, and the Province of Ontario, Canada, on the subject of the dissemination of information concerning birth control. Judge J. C. Ruppenthal, of the Twenty third Judicial District of Kansas, has very kindly and carefully prepared this digest for us and written his comments thereon. As will be seen by a perusal of them, these laws were enacted with the praiseworthy object of preventing obscenity, lewdness, indecency, abortion, and such things. Many of the laws are not very specific and leave to the court the determination of the offense. The object of the laws as above given are highly commendable and embody good motives, and

therefore should be continued. *Birth control does not belong among such laws, and should be given separate consideration and enactment. It is now time to consider the matter and arrange for this separation.*

"We agree with the object desired by these laws quoted by Judge Ruppenthal. Indecency, abortions, and such things should be suppressed. Many of the State laws refer to drugs to be used for the purpose of producing abortion. That is quite a different matter from the use of methods to prevent conception. We are all agreed that abortion should not be performed except, if ever, as a last resort to save the life of the mother, although even this exception is opposed by some people. It should not otherwise be done. Laws for the purpose of preventing criminal abortion should remain in force.

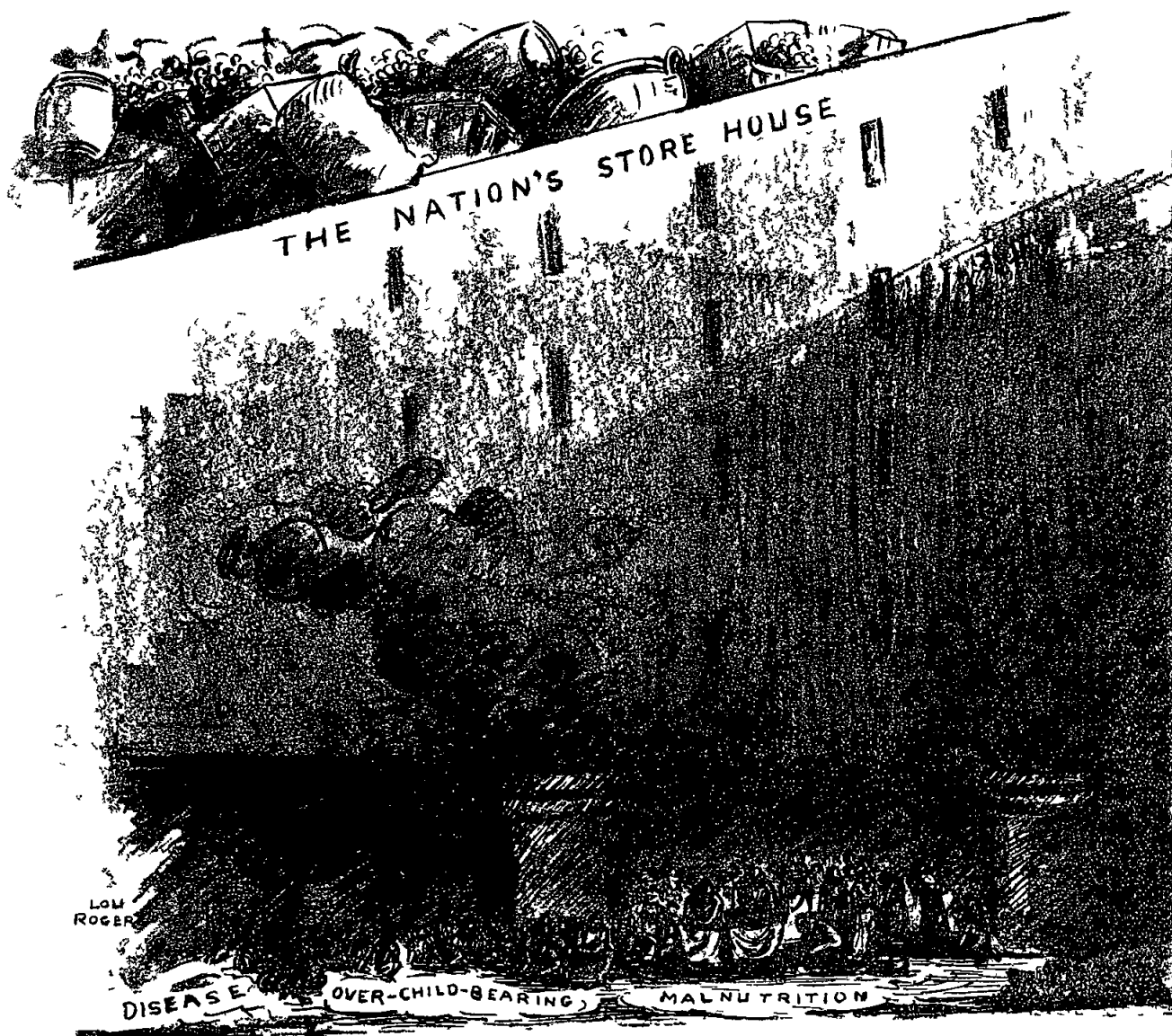
"Many people are calling for the rescinding of the laws concerning the prevention of conception. There is no question that there are instances where the information is needed by women, some because they have too many children and are unable to care for more, others because they cannot afford to keep more, others should not fear more children for physical reasons, etc. It is admitted by the laws quoted that the physician in his discretion may tell his patients such things if he have just cause. It stands to reason that the physician would not desire to have his patients childless, for he is paid for attending the mothers in childbirth and the families in illness. The physician makes his living by treating sickness, and without a good reason he would not tell his patients how to avoid pregnancy.

"The question of the advisability of birth control is part of the problem. It has been urged that children born of parents late in life are heir to greater intellectual advancement and business acuity than those born of younger parents. For this reason some men oppose the use of contraception. But those born of younger parents are more likely to be endowed with a healthier body than those born of older parents, as we all, in general, are healthier in our early adult life than after we have endured the strenuous life for a few decades. We have heard it said, and also vigorously disputed, that the child born of old parents is not the equal of those of younger ones. The question may hinge more on the qualities of the parents other than their age, such as ancestry for years, training, business sagacity, diseases, such as those of the ductless glands, syphilis, tuberculosis, leprosy, epilepsy, alcoholism, etc.

"EUGENICS AIMS TO secure better babies. As a means to this end some people who are giving thought and attention to this matter suggest the idea of fewer and better babies. It stands to reason that if a family is to raise children well and carefully there must be a limit to the number requiring care, otherwise the end cannot be accomplished, for the more children in the family, the less care each individual can receive. If a mother gives birth to a child every year or eighteen months, she soon becomes physically weak, sometimes a physical wreck, as a result of the strain of pregnancy, labor, accidents of labor, puerperium, lactation, and the work of rearing the children. In such conditions the best nurture,

(Continued on page 14)

THE BREEDERS OF THAT SEVENTH BABY



"One child in seven born in the United States dies from malnutrition or from some disease directly traceable to poverty. So the 'save 100,000 babies' movement has for its slogan, 'Save that seventh child'."

"We confess to finding this a ghastly mockery and an intolerable piece of irony."

"What is the matter with making Birth Control information free and open to all, so that seventh children shall not be born in an age when food, shelter, clothing and wholesome air are at a premium?"—September Birth Control Review

EDITORIAL COMMENT

By Jessie Ashley

EVERYBODY KNOWS it is a bad thing to break the law, at least it is a bad thing to break some laws, but we can take comfort in the fact that those who break the laws (some laws) will be swiftly or slowly brought to justice, and punished as they deserve, often, more than they deserve. But what can be said of those who deliberately induce others to break the law, while remaining quite safe themselves, even in some cases, receiving a salary for their efforts? Is there any one so mean as to condone such meanness? Yet we have in our midst a Society which deliberately sets out to induce people to break the law. Incites them to do so, uses fraud to trap the victim, pitifully appeals to the best feeling of the unwary and then when the victim falls from grace, presto the hard luck story man turns out to be merely an agent of the Society for the Suppression of Vice, actively engaged in the trade of being vicious. Thus fell Miss Marion, of the staff of the Birth Control Review. Thus triumphed the agent for the Society for the Suppression of Vice. He—it was a he—came to Miss Marion with a tale of his wife's needs, of his own poverty, urgently begging for information that one may not legally give. The victim withstood temptation. But the agent was not satisfied, he knew the frailty of women and he was determined to induce this one to break the law. So he returned with his story grown more harrowing than before. Alas, alas—let us draw a veil over the sad scene. Suffice it to say that now Miss Marion faces a trial and perhaps jail, because she tried to help a man and his wife out of misery. She is a law breaker. But what is he, this agent of the Society for the Suppression of Vice? Is it for the good of any community to allow fraud to go unchallenged? Is it for the good of any community to allow agents of any Society to tempt people to break the law? The community wants the laws obeyed not broken, at least so we say. What good thing can be accomplished by such contemptible methods? To our minds such things are demoralizing, they teach methods of deception that are harmful, they set up false standards of conduct. Any organization that tolerates them should itself not be tolerated.

WE FREQUENTLY READ the New York *Tribune*. It is a good paper. Until recently it used to quote at some length speeches made by labor leaders, or socialists, or pacifists. It does not do this now because it has discovered that people read these things when they are printed in perfectly good loyal papers like *Tribune* or the *Times* and that is unfortunate. But we still frequently read the *Tribune* and we repeat it is a good paper. In to day's issue, September 26th there is a list of books that they say should not be read by men in the army or navy or in the air. Judging from the titles few would want to read most of them. Who would care to read "Understanding Germany," by Max Eastman when everyone knows Max is only good at poetry. Can you imagine anyone sitting down to read "Origin of the War" in this year of our Lord nineteen hundred and eighteen? The

list is like the *Tribune*, good with qualifications and again like the *Tribune* a little surprising. However, we think it would be a good idea for THE BIRTH CONTROL REVIEW to follow suit and print from time to time a list of books its readers had better leave alone. And we might go the *Tribune* one better and tell why the book is undesirable. Whether it is untrue, whether it is stupid, whether it is too frank or what not. For instance, there is one book on the market that we consider distinctly harmful. It is a novel, a French story Englished under the name of "You No Longer Count." It is being rather widely read and praised by the critics. It is said to have had a big success in Paris. Yet this book gives the most distressing picture of neurotic conditions among civilians due to the war of any book we know. Compared to it "Under Fire" (included in the *Tribune* list of undesirables) is of real cheer, for it shows an under current of belief among the men in the trenches of future good, of equality wrested from out of the fire. But in this book there is only bewildered, hopeless wretchedness. For example, Mme de Blauve has a daughter between fifteen and sixteen who has much charm. She has just become engaged to the delight of her mother who speaks (in part) as follows:

"To be sure my daughter would have liked to be the wife of a soldier who remained a soldier—but wives must be found for the less favored who have been checked in their career—"

"Don't tell me that he is badly—"

"Oh this is not the time to think about things that girls used to care for, the question is to save our men by giving them wives so that they may be in a position to found a family."

"What is the matter with him?"

"Oh it is very sad—his face—how can I tell you—lacks everything except the passages that are necessary for eating and breathing." And this is to be the fate of a beautiful child of sixteen. Later the poor child becomes pregnant and "is obliged to put the strongest restraint upon herself in order not to show her aversion for her husband." Motherhood debased and brutalized, became an honor to woman—"she feels a sort of apprehension at the sight of her husband." The poor mother of this young wife "appeared unnerved. She had grown thin, her eyes were sunken, she was evidently suffering." Whether the book is intended as a huge protest or is merely a picture of what the author sees or thinks he sees we do not know. But it has been lauded as fine sacrificial patriotism. But surely no nation can be strong or civilized that is based upon unhappy, shuddering motherhood. This shattering of fine young bodies and crushing of fine young spirits is an immoral prostitution of a nation's youth. It is a picture of degeneration such as we hope may not be the real outcome of the war. If only this little world of ours would learn something about women it would see that no amount of birth control information could so injure the race as the propaganda contained in "You No Longer Count."

ALL TOGETHER—NOW!

Dear Co Workers —

Birth Control is breaking through. The barriers against which we have been dashing ourselves are beginning to fall. No one who has read the last few issues of The Birth Control Review can doubt that we have made even greater progress than we had realized toward the emancipation of woman.

This number is the record of a significant success and of a strong counter attack. You will find in it the stories of the unprecedented indorsement of our movement by staid old medical journals and by hitherto silent or antagonistic officialdom. You will find also an account of the arrest of Kitty Marion.

We are in a battle—every foot of ground we win moves the reactionaries to a fresh effort to wipe out all we have done.

Recently when an issue of this publication was held up by the postal authorities, we met that interference with the declaration that instead of receding we would issue a bigger, better and more fearless magazine. With your help, we are making good.

In this issue we are saying to that odorous organization left behind him by Anthony Comstock that for every woman jailed, we will raise up ten women to devote their lives to this fight for free womanhood. With your help we can keep this promise too.

We need more women—more women actively and consciously at work for this cause. Two out of five wives in the United States now practise and privately approve of Birth Control. We want these women to come into the open and stand courageously for the liberation of their less fortunate sisters.

The quickest way, the best available way to enlist new champions of this movement is to place in the hands of your neighbors The Birth Control Review. First, see that your copy does a maximum of service—pass it on to your friends and tell them to pass it on to theirs.

Next, see that at least three of your acquaintances subscribe for The Review. Explain to them that this publication is not conducted for profit, that neither editors nor stockholders get a cent out of it—that it exists only for the betterment of the condition of women.

Every new subscriber means several new readers. Every new reader means the possibility of another woman consecrating herself to this work.

Women alone can win this fight for women. You are both soldier and recruiting agent in the army battling for Birth Control. The times are full of hope and full of danger. Do your part now!

Margaret Sanger

Famous British Health Official A

“WE MAY NOW SUMMARIZE some of the principal conclusions to which our survey of the subject has led us —

“1 The fall in the human birth rate is a world wide international movement which has come to stay

“2 It is not due to diminished natural fertility but to the adoption and spread of birth control principles

“3 It is not a symptom of national decadence, but a mark of advancing civilization

“4 It is the civilized substitute for those natural checks to population scarcity, disease and war—which have always operated in the past

“5 Rapidly growing populations in countries with circumscribed territories are a fruitful predisposing cause of political unrest and war

“6 Internationally, a competition in birth rates is compared to a competition in armaments, and both are undesirable

“7 The prosperity of this country is absolutely dependent upon an abundant supply of cheap coal. The more rapidly the population of this country increases the sooner will a commencing exhaustion of our coal fields manifest itself

“8 The birth control movement is a natural ally of the maternity and child welfare movement. A low birth rate is closely correlated with a low rate of infant mortality and vice versa

“9 Birth control is an essential factor in the campaign against poverty. It is calculated to reduce the supply of unskilled labor, to increase efficiency, to raise wages, and to encourage a higher standard of life

“10 Detailed knowledge of birth control is not readily available for the very poor by whom it is most urgently needed

“11 Birth control encourages early marriage by removing the fear of a large family. It is, therefore, an important factor in the campaign against immorality and venereal disease

“12 Properly used, and not abused, birth control is a valuable eugenic instrument, capable, by restricting the multiplication of the least fit, of greatly raising the quality of the race”

THESE CONCLUSIONS are not those of a fanatic. They did not emanate from the brain of an agitator, a reformer, nor even a special pleader. They are the scientific conclusions of Dr C Killick Millard, one of the most eminent British physicians, a health official and a scientist of the first order. Birth control, in the opinion of this man, is one of the prime necessities of English society. He also believes that it is indispensable to the well being of the rest of the world. Thus again does the dispassionate scientific mind, after years of investigation and deliberation, bear witness to the soundness of the contention of the radical and the bitter need of the change for which the radical contends.

Dr Millard is Medical Officer of Health and Chief Administrative Tuberculosis Officer for Leicester, Medical Superintendent of the Borough Hospital and Sanatorium, Medical Officer to the Municipal Infants' Milk Depot, Vice Chairman of

the Leicester Health Society, Honorary Secretary of the Leicester Branch of the National Council for Combating Venereal Diseases and President of the Leicester Literary and Philosophical Society, one of the most famous bodies of its kind in Great Britain. While an American physician of similar views and equal prominence might have feared, because of our national hypocrisy and Puritanism, to have taken such an unflinching stand, this famous English scientist, has no hesitancy in announcing to his profession and to the world that his unusually wide experience as a scientist, physician and medical officer has compelled him to espouse the cause of the Birth Control.

The announcement was made in Dr Millard's annual presidential address before the Leicester Literary and Philosophical Society, the prestige of that organization thus being added to the great weight which his own name bears among his colleagues in the English speaking world.

WHATEVER THE LAW may say of Birth Control whatever Puritans and lewd minded persons may urge against it, whatever the upper strata of society may do to prevent the women of the masses from obtaining knowledge of the roving beings, the privileged classes practice that which they pretend to regard as evil when practiced by the workers. Dr Millard strikingly illustrates this point by quoting the following tables from the report of the Birth Rate Commission of the British National Council of Public Morals:

SOCIAL CLASS	Birth per 1,000 married
	males aged under 55 years including retired
1 Upper and Middle Class.....	119
2 Intermediate	132
3 Skilled Workmen	153
4 Intermediate	158
5 Unskilled Workmen	213

The infant mortality in these same groups follows the same order viz 76.4 106.4 112.7 121.5 152.5 i.e. the death rate among infants is twice as high in the group where the birth rate is highest as in that where the birth rate is lowest.

Thus, among the upper classes, who make the laws and regulate the morals of the workers, Birth Control is practised to the extent of limiting the birth rate approximately to one half of the birth rate among those who are by law and social custom denied the knowledge which is within reach of the well to do. Judging by these tables, the governing and privileged classes regard Birth Control as a necessity for themselves but a sin for the men and women who are looked to to keep up the world's supply of wage slaves.

Dr Millard, however, boldly asserts that it would be a better thing for his country and the world at large, if the families of the laboring classes had fewer children.

“IT SEEMS OBVIOUS,” he says, “that anything that reduces the supply of labor and especially the superabundant supply of unskilled and inefficient labor will tend to

icates World Wide Birth Control

raise the wages of labor. Now unskilled labor is chiefly recruited from the large families of the very poor. Birth control is capable of affecting the supply of unskilled labor in two ways:

"(1) It would directly reduce the size of the family and thereby diminish the number of potential recruits for the unskilled labor market.

"(2) Smaller families would enable the parents to give such children as were born a better start in life with more chance of becoming skilled, thus still further reducing the supply of unskilled labor. A skilled workman is of course worth much more to the country than an unskilled, but apart from that it is the surplus supply of unskilled labor which is one great cause of low wages, poverty, casual employment, sweating, and many other evils at present troubling the community. If we could abolish this surplus of unskilled labor it would certainly be a very good thing both for unskilled labor as a class, and for the community as a whole."

Once more the voice of science bears witness to the soundness of the contentions of the maligned radical. Before such voice as Millard's, entrenched in respectability, and speaking from the bulwark of official position, even the professional jingoes, junkers and Puritans must pause. After all, what is good for labor is good for society at large and is the highest patriotism, internationalism, altruism or any other idealistic name you want to call it by. And as Millard points out, Birth Control is the salvation of labor.

Not only is Birth Control the salvation of labor, in Dr Millard's opinion, but it is the hope of a war-torn world.

"IT WOULD APPEAR," he says, "that most nations have an inherent desire to increase and become greater as compared with their neighbors, and if necessary at the expense of their neighbors. This feeling is usually taught to the young as patriotism, although it is really *pseudo patriotism*, and it is a sentiment which is certainly fraught with danger to the peace of the world. Undoubtedly the Teuton race, from this point of view, is intensely patriotic, and bad for the world has it been that it is so. All through the world's history, ever since the herdsmen of Lot strove with those of Abraham, one of the fundamental and predisposing causes of war, apart from immediate and personal causes, has been the pressure of increasing populations and the desire for national expansion. As the Birth rate Commissioners state in their Report (p. 431) 'A pressure of population in any country brings as its chief historic consequence overflows and migrations into neighboring or other accessible countries, not only for peaceful settlement, but also for conquest and for the subjugation and exploitation of weaker peoples. This always remains a chief cause of international dispute and wars.'

"We may recall, also, how Julius Caesar explained the causes of invasion 'proper hominum multitudinem agrisque inopiam' (because of hordes of men and need of land).

"Can anyone say that this has not been a most important predisposing factor in the causation of the present frightful

world war? Did it not originate in the Pan German dreams of national expansion and world supremacy, and were not these dreams fostered and encouraged by the rapid growth of population due to the high birth rate which prevailed in Germany until recent years?

"Is it not probable that if the decrease in the birth rate had set in Germany 25 years earlier, the deadly doctrine of Pan Germanism would have been sapped at its roots? A country with a nearly stationary population like France can scarcely be aggressive or dream of world supremacy.

"THE BIRTH RATE Commissioners were of opinion that it is possible that the birth rate will continue to fall in all civilized countries until ultimately a condition of equilibrium is established between the birth rate and the death rate, as is now nearly the case in France, and the population becomes stationary. Whether the forecast is justified or not I cannot say, but from the point of view of a world peace surely it would be a good rather than a bad thing. If certain countries are to continue increasing rapidly in population whilst their neighbors remain nearly stationary, it will not inevitably introduce a disturbing element and be likely to upset any international arrangements which may be made for the peace of the world. And let us remember, as Mr. Asquith said the other day 'The attainment of peace' (i.e., the permanent peace of the world) 'is at this moment the supreme interest of mankind'.

That hypocrisy which practices Birth Control in the realms of wealth and ease and which denies the knowledge of it in the homes of the poor is pitilessly held up to scorn by this health official.

"It does seem to me something approaching hypocrisy for the educated classes—the so-called better classes," he says, "to be quietly and privately availing themselves of the knowledge and means which science—Providence some would say—has placed at the disposal of mankind, in order to escape from what they regard—and with good reason—as the evil of overchildbearing, and yet to join in a conspiracy of silence to keep this same knowledge from reaching the poor who need it so very much more.

"IT IS CRUEL for us to tell the poor that if Providence sends more mouths he will also send the food to feed them with. The poor see no evidence of this. Moreover, is it not merely a figure of speech to say that children are 'sent'? The educated classes have discovered that the size of the family is largely a matter within their discretion, and they act accordingly.

"There was a time, not so very long ago, when certain worthy people disapproved of the use of chloroform for women in labor on the ground that labor pains were 'sent,' and that it was wrong to thwart the Divine Will. Happily that old idea about chloroform has been swept away, and there is little doubt that the one we are now considering is destined soon to follow it."

LEGAL BARRIERS OF STATE AND NATION

"Criminal Statutes on Birth Control"—from *The Medical World*

By Judge J C Ruppenthal

IN THE UNITED STATES, laws relating to birth control seem to have been developed since about 1873. Congress and the legislatures of eighteen States and Porto Rico have enacted statutes that clearly and definitely refer to the prevention of conception in women as a practice to be declared a crime by such laws. In Canada, at least Ontario has such law. Twenty-two more States of the Union and also Hawaii have statutes which the courts with liberality of construction or strictness may hold to apply or not apply criminally to the matter of birth control, at least through prevention of conception, or "contraception." The District of Columbia, and the States of Rhode Island and Florida have kindred enactments, relating in the States to causing miscarriage of a pregnant woman and in the District to abortion. Five States, Georgia, New Hampshire, New Mexico, North Carolina and Washington, and also Alaska, appear to have no legislation that either certainly or possibly may be held to apply to birth control. All the forty-six sets of enactments referred to are found in the statute books under "obscenity" and "of offenses against morals," as headings. In most cases the phraseology relating to contraception is found imbedded among many clauses relating to pornographic or non-mailable matter, to indecent and immoral printing, writing, painting and the like. Colorado, Indiana and Wyoming mention "self-pollution," and Massachusetts names "self-abuse" along with abortion and prevention of conception.

CLEAR and definite laws on contraception are found on the statute books of the States of Arizona, California, Colorado, Connecticut, Idaho, Indiana, Iowa, Kansas, Massachusetts, Minnesota, Montana, New Jersey, New York, Nevada, North Dakota, Oklahoma and Wyoming—eighteen—as well as Porto Rico, Ontario and the United States federal government. The federal laws are quite full in expression, and perhaps served as model for most of the States.

If a court regards written matter relating to contraception or means to accomplish this as "obscene, vulgar and indecent," then laws apply also in the states of Alabama, Arkansas, Delaware, Hawaii, Illinois, Kentucky, Louisiana, Maine, Maryland, Michigan, Mississippi, Missouri, Nebraska, Pennsylvania, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia and Wisconsin—twenty-three in number. In some States a limitation is "if they manifest a tendency to corrupt the morals of youth" or morals generally.

"Articles and instruments of immoral use or purpose" are denounced, but no specific purpose or object of such is set out in the laws of Connecticut, Illinois, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Oregon, Pennsylvania, Rhode Island and Utah. In Maryland "obscene and indecent" books are mentioned, and "obscene" matters in South Carolina, with no more specific designation. In Ontario the law very widely includes the assertion or warranty of the offender, as the language is "any article intended or

represented as a means of preventing conception or causing abortion." To make prosecutions more easy, Idaho provides that the complaint need not set out any portion of the language alleged to have been unlawfully used. To aid in capture of contraband articles, instruments and literature or other things, search warrants or seizure or both, are authorized in Arizona, California, Colorado, Idaho and Nevada.

WHERE ADVICE OR information as to abortion is forbidden, though some States as Minnesota and New York, carefully discriminate against "unlawful abortion," others, as Kansas and Iowa, say "procuring abortion" with no intimation that such could in any case be lawful. Kansas, however, in another statute, as to manslaughter of a woman pregnant or her child, excepts "when it shall be necessary to save the life of the mother," and thus inferentially distinguishes acts as of two classes.

While some statutes are word for word alike in several States, most of them vary in scope. Among the forbidden acts, in connection with articles, instruments, books, papers, etc., are to "exhibit" (United States law and Colorado), "bring into the State" (Alabama), "import" (Hawaii), "buy," "sell," "lend," "keep for sale," "have in possession" (Iowa), "have in possession with intent to sell," "have possession with or without intent to sell" (Indiana), "advertise," "distribute" (New York), "manufacture" (Missouri, New York), "has possession with intent to utter or expose to view or to sell," "for gratuitous distribution" (in Ohio, drug or nostrum, in Kansas, literature), "conveying notice, hint or reference to," under "real or fictitious name" (Rhode Island), "give information orally" (New York, Minnesota, Indiana), "write, compose, or publish" (notice or advertisement, in Arizona), "manifesting a tendency to the corruption of the morals of youth or of morals generally" (Hawaii), "cautions females against its use when in pregnancy" (Ohio), "drug or nostrum purporting to be exclusively for the use of females" (Ohio). To meet the ingenuity of evasive devices New Jersey includes all persons "who shall in any manner, by recommendation against its use or otherwise, give or cause to be given or aid in giving any information how or where any of the 'literature, instruments, medicines, etc.' may be had or seen or bought or sold. Whatever is prohibited directly to anyone is usually expanded in terms to include aiding in any way toward the forbidden end.

A few exceptions from the sweeping provisions are incorporated. In Ontario the offense must be "knowingly, without lawful excuse or justification," in New Jersey, "without just cause." In some States the law provides that it "shall not be construed to affect teaching in medical colleges" (Colorado, Indiana, Ohio), "nor standard medical books" (Colorado, Indiana, Kansas, Ohio), "nor the practice of regular practitioners of medicine and druggists (Colorado) in their legitimate business" (Ohio), "nor works of scientific character, or on anatomy, surgery or obstetrics" (Kentucky), "article

or instrument used or applied by physicians is not indecent" (New York) In Connecticut possession of the things forbidden is unlawful "unless with intent to aid in their suppression or in enforcing the provisions" of the law

Almost everything denounced under any of these laws is non mailable under the laws of the United States, Colorado, Illinois, Indiana, Iowa, Missouri, Nebraska, Ohio and New York Delivery of such to express or railroad companies is forbidden by the United States, Illinois, Indiana and New York Besides forbidding the deposit of such matters in the mails, Colorado adds, "or with any person"

From the foregoing it may be seen that no general principle runs through the statutes of all the States, etc As with laws everywhere that impinge upon sex matters in any way, there is more of tabu and superstition in the choice and chance, the selection and caprice, the inclusions and exclusions of these several enactments than any clear, broad, well defined principle or purpose underlying them Without such principle well defined and generally accepted, the various laws must remain largely haphazard and capricious

ABSTRACT OF THE CRIMINAL LAWS

of the United States, the Several States Thereof, and Ontario, Canada, Relating to Birth Control

UNITED STATES

U S "EVERY OBSCENE, lewd, or lascivious book pamphlet, picture, paper letter, writing, printing or other publication of an indecent character, and every article or thing designed or intended for the prevention of conception or procuring of abortion, and every article or thing intended or adapted for any indecent or immoral use and every written or printed card letter circular book, pamphlet, advertisement or notice of any kind giving information directly or indirectly, where or how or of whom or by what means any of the hereinbefore mentioned matters, articles or things may be obtained or made, whether sealed as first class matter or not, are hereby declared to be *non mailable matter* and shall not be conveyed in the mails, nor delivered from any post office, nor by any letter carrier, and any person who shall knowingly deposit, or cause to be deposited for mailing or delivery, anything declared by this section to be non mailable matter and any person who shall knowingly take the same, or cause the same to be taken from the mails for the purpose of circulating or disposing of or of aiding in the circulation or disposition of the same, shall for each and every offense be fined \$5000 or sentenced to five years' imprisonment or both"—Act of June 8, 1872, amended March 3, 1873, amending act of Congress Sept 26 1858 Laws of Postal Service, section 3893 Revised Statutes of the United States Considered by courts in case *Bates v U S* 10 Federal 92, *Grim v U S* 156 U S 604

U S "Every person who, within the District of Columbia or any of the territories of the United States or other place within the exclusive jurisdiction of the United States, sells or lends or gives away or in any manner exhibits or offers to sell, or to lend, or to give away or in any manner to exhibit or otherwise publishes or offers to publish in any manner or has in his possession, for any such purpose any obscene book, pamphlet, paper writing advertisement, circular print picture drawing or other representation, figure, or image, on or of paper or other material or any cast, or instrument or other articles of an immoral nature, or any drug or medicine, or any article whatever * for the prevention of conception, or for causing unlawful abortion or who advertises the same for sale, or writes or prints or causes to be written or printed, any card, circular, book, pamphlet advertisement or notice of any kind, stating when where, how or of whom, or by what means any of the articles in this section hereinbefore mentioned can be purchased or obtained or manufactures draws or prints or in anywise makes any of such articles shall be imprisoned at hard labor in the penitentiary not less than six months nor more than five years for each

offense, or fined not less than \$100 nor more than \$2000 with costs of court"—Act of Congress March 3, 1873 Rev Stat §5389 †

U S "It shall be unlawful for any person to deposit with any express company, or other common carrier for carriage from one State or territory of the United States or the District of Columbia, to any other State or territory or District of Columbia, any obscene, lewd or lascivious book, pamphlet, picture, paper letter, writing, print or other matter of indecent character, or any article or thing designed or intended for the prevention of conception or procuring of abortion or any written or printed card, letter circular, book, pamphlet, advertisement or notice of any kind giving information, directly or indirectly, when, where, how or of whom, or by what means any of the hereinbefore mentioned articles matters or things may be obtained or made, and any person who shall knowingly deposit or take from, etc with intent to sell, distribute or circulate, etc (fine of not over \$5000 or five years prison or both) — Act of Congress, February 8, 1897, 29 Statutes at Large, 512, Chapter 172

ALABAMA "Any person who brings or causes to be brought into this State, for sale, or advertise or prints or sells or offers to sell or receive subscriptions for any indecent or obscene book pamphlet, print picture or paper, must on conviction be fined" (\$50 to \$1000) —Act of Dec 3, 1884, Section 7428, Code of 1897, Alabama.

ALASKA Alaska does not seem to have any laws upon the subject of birth control or that can be construed as such

ARIZONA Every person who writes, composes, prints, publishes, sells, distributes, or keeps for sale, gives or loans to any person or exhibits any obscene or indecent writing, paper or book, etc or writes, composes or publishes any notice or advertisement of any such is guilty of a misdemeanor (such) may be seized and destroyed — Section 313, Revised Statutes of Arizona of 1913

Every person who wilfully writes, composes or publishes any notice or advertisement of any medicine or means for producing or facilitating miscarriage or abortion, or for the prevention of conception, or who offers his services by any notice, advertisement or otherwise, to assist in the accomplishment of any such purpose, is guilty of a misdemeanor —Sec 318 Rev Stat Arizona, 1913 Cp California, §317, Montana, §8399

ARKANSAS The sale, circulation or attempted circulation etc of obscene, vulgar and indecent papers, books and periodicals in which are illustrated any indecent or vulgar pictures is forbidden —Sec 2099, Kirby's Digest of Statutes of Arkansas, 1916

Every person publicly exhibiting any obscene or indecent picture or figures shall be deemed guilty of misdemeanor —Sec 2103, *ibid*

CALIFORNIA Penal Code of California 1915 section 311 is similar to Arizona, §313 and was enacted Feb 14, 1872 The act was amended by "Code Amendments, 1873-4" by omitting 'or any notice or advertisement for producing or facilitating miscarriages

Sec 317 Code Amendments 1873-4 is the same as §318 of Arizona except as to the penalty attached for violation of the act

COLORADO Whoever exhibits, lends, gives away, sells or offers to or in any manner publishes or offers to publish or has in his possession for any such purpose, any obscene, lewd or indecent or lascivious book pamphlet circular paper drawing print picture writing advertisement circular, or other representation figure or image for procuring abortion, or for self pollution or for preventing conception (then follows language similar to U S Rev Stat, §5389, and a penalty of \$20 to \$2000 or one month to one year in prison or both and a further limitation that the law shall be) "not construed to affect teaching in regularly chartered medical colleges, or the publication and sale of standard medical books, or the practice of regular practitioners of medicine or druggists in their legitimate business"—Act of 1885 §1 Colorado Statutes §1777

Sec 1179 *ib* makes it a crime to deposit in the mails or with any person any of the things denounced in §1777

Sec 180 authorizes search for such forbidden matter with a search

warrant for authority and the destruction of the material when found

CONNECTICUT Every person who shall buy advertise, give, lend, offer or show or have in his possession with intent to sell, etc containing obscene indecent or impure language, or any picture of indecent or immoral use or purpose unless with intent to aid in their suppression or in enforcing the provisions hereof, etc (punishable by sentence of not over two years, or fine up to \$1000, or both) —General Statutes of Connecticut 1902, Section 1325

Every person who shall use any drug, medicine article or instrument for the purpose of preventing conception shall be fined not less than \$50 or imprisoned from 60 days to one year or both—Gen Stat, 1902 Connecticut, Section 1327, being act of 1879, revision of 1888, §1539

DELAWARE Whoever prints etc a book etc containing obscene or indecent picture or any description tending to corruption of the morals of youth, is guilty of a misdemeanor—Sec 2231 Rev Statutes Delaware 1915

DISTRICT OF COLUMBIA Forbids "obscene books pamphlets etc, and articles of indecent or immoral use or any drug, etc, intended to produce abortion —Sec 872 Meyers' Code 1911 Dist of Columbia

FLORIDA Books papers etc for the purpose of causing or procuring the miscarriage of any woman pregnant with child" punishable in State prison up to one year or fine to \$1000—Compiled Laws of Fla 1914

GEORGIA Parks Annotated Code of Georgia 1914 seems to contain nothing relating to birth control directly or indirectly

HAWAII Importing, printing publishing selling offering, etc obscene pictures manifesting a tendency to the corruption of the morals of youth or of morals generally such 'is a common nuisance'—Penal Code of Hawaii 1896 Revised Statutes Hawaii, 1915, section 4129

IDAHO Idaho revised code of 1908 sec 7695 (same in Rev Stat 1887), provides that in proceeding in court against this class of of fences the complaint "need not set forth any portion of the language, etc

Idaho Rev Code, sec 6840, of 1908 (same as Rev Stat 1887), is the same as California Penal Code of 1872, and Arizona Code except that clause 4, after 'or' omits the provision about miscarriage

Idaho Code, 1908, sec 6841, provides how officials "may seize any obscene or indecent writing paper, book, picture print or figure found in the possession of or under the control of a person so arrested (for violation of the preceding section) and to deliver same to the magis trate before whom the person so arrested is taken

Idaho Code 1908, sec, 6843 is like Rev Stat Arizona, sec 318

ILLINOIS Forbids to 'bring in or sell etc, any book pamphlet etc, instrument or article of immoral use or (that states) where such indecent or obscene articles and things may be purchased' —Illinois Statutes Annotated 1913 sec 3861

Sec 3862, *ibid*, forbids to 'deposit (such) in postoffice or in express office or with a common carrier

INDIANA Whoever sells or lends or offers to give away or in any manner exhibits or has in his possession with or without intent to sell, lend or give away, any obscene, lewd, indecent or lascivious book pamphlet, paper drawing lithograph, engraving, picture daguerreotype, photo, stereoscopic picture model cast instrument or article of indecent or immoral use or instrument or article for procuring abortion or for self pollution or medicine for procuring abortion or preventing conception or advertising the same or any of them for sale or writes or prints any letter circular handbill card, book, pamphlet advertise ment or notice of any kind, or gives information orally, stating when how, where or by what means or of whom any of the obscene, lewd indecent or lascivious articles or things hereinbefore mentioned can be purchased, borrowed, presented, or otherwise obtained, or are manu

factured, or whoever manufactures, draws, prints," etc (such things) shall be fined \$10 to \$5000 and may be further imprisoned ten days to six months but this shall not affect teaching in regularly chartered medical colleges" etc —Burns Annotated Indiana Statutes 1914, section 2359

Sec 2360, *ibid*, forbids depositing any of the things denounced in section 2359 in postoffice or express office

IOWA 'Whoever sells or offers to sell or gives away, or has in his possession with intent to sell or give away any obscene lewd book etc, or any instrument or article of indecent or immoral use or any medicine or thing designed or intended for procuring abortion or preventing conception or advertising the same shall be fined \$50 to \$1000 or sentenced to jail not over one year or both fine and jail —Code of Iowa, 1897, sec 4952, being Acts of 21st General Assembly, ch 177, sec 1

Sec 4953 Code Iowa, forbids depositing such things in the postoffice as are forbidden in the preceding section 4952

KANSAS 'If any publisher or other person shall by printing writing, or in any other way publish or cause to be published or expose to sale any obscene pictures, any account, advertisement or description of any drug, medicine, instrument or apparatus used or recommended to be used for the purpose of preventing conception or procuring abortion or miscarriage, or shall by writing or printing in any circular newspaper, pamphlet any advertisement or obscene notice herein recited, or shall within the state of Kansas keep for sale or for gratuitous distribution any newspaper, circular, book or pamphlet containing such notice or advertisement of such drugs medicine, instrument or apparatus named such publisher or other person shall be fined \$50 to \$1000 or 30 days to six months in jail or both Provided That nothing in this act shall be so construed as to prevent the publication and sale of standard medical works —General Statutes of Kansas of 1915, sec 3676, being laws of 1874 chapter 89, section 1

"Every person or persons who shall bring or cause to be brought into the state or shall buy, sell or cause to be sold, or shall advertise lend, give away, offer, show, exhibit or have in his possession with the intent to sell lend give away offer, show exhibit, distribute or cause to be distributed or shall design, copy, draw photograph print etch, or engrave, cut carve, make publish, or otherwise prepare or assist in preparing, or shall receive subscriptions for any indecent or obscene book, pamphlet, paper picture, print, drawing figure, image, or other engraved, printed or written matter, or any article or instrument of immoral use or any book pamphlet, magazine or paper devoted principally or wholly to the publication of criminal news or pictures, or stories of deeds of bloodshed or crime, shall be guilty of a misdemeanor (penalty \$5 to \$300, or not over 30 days in jail or both) '—Sec 3677 Gen Stat 1915 being chapter 101, section 1 laws of 1886

KENTUCKY Section 1352 of Carroll's Kentucky Statutes 1915 forbids the sale, etc of any immoral or obscene book, etc 'or any article or instrument of indecent or immoral use' (No allusion is made to the purpose of such article or instrument) —Act of Jan 27 1894

Sec 1355 provides that the preceding sections do not apply to works of a scientific character or an anatomy, surgery and obstetrics or other scientific publications, nor prevent issuing and selling such books

LOUISIANA Marr's Annotated Revised Statutes of Louisiana, 1915 (act 111 of 1884) section 2088, makes it a misdemeanor to "bring into the state books papers article or instrument of indecent or obscene use (No purpose of such instrument is pointed out)

MAINE Revised Statutes of Maine, 1916, chapter 126, section 23 forbids publications tending to corruption of the morals of youth Section 24 authorizes seizure of such when an arrest is made

MARYLAND Public General Laws of Maryland, 1904, article 27 section 339 forbids to "bring into the state, sell, lend etc, obscene or indecent books etc (No specific purpose is mentioned)

MASSACHUSETTS Chapter 212, section 20, Revised Statutes of Massachusetts, 1902, penalizes "whoever imports, prints etc., any book, paper, pamphlet, etc., tending to corrupt the morals of youth."

Chap 212, sec 26, penalizes "whoever sells, lends, gives away, etc., any instrument or article for self abuse, or any drug, medicine, instrument or article whatever for preventing of conception, etc."

MICHIGAN Howell's Michigan Statutes, 1913, chapter 406, section 14785, prohibits anyone to "import print, etc (matter) tending to corrupt the morals of youth"

Section 14786 authorizes a search warrant to seek such Section 14787 refers to 'Prints instruments,' etc., but no specific purpose thereof is denounced

MINNESOTA Section 8705 General Statutes Minnesota 1913 is the same as California, section 311

Sec 8706 makes it a crime to sell, lend etc., have in possession to sell, advertise to sell, or distribute, any instrument or article, or any drug or medicine for the prevention of conception or for causing unlawful abortion or to give oral information where such can be obtained or who manufactures such articles, etc

MISSISSIPPI Hemingway's Annotated Code of Mississippi of 1917, section 1025, forbids persons to sell, lend, etc., articles, etc., of indecent or obscene use, but names no specific purpose of such articles, etc

Section 1026 is the same as Section 8706 of Minnesota

MISSOURI Revised Statutes of Missouri, 1909, section 4737, forbids to manufacture, print, publish, buy, sell, etc., indecent or immoral articles, etc (but names no specific purpose of such articles)

Section 4738 penalizes the deposit of any such forbidden things in the postoffice

MONTANA Section 8399 of the Revised Statutes of Montana, 1907, is the same as Arizona, §318, and California, §317

NEBRASKA Whoever sells, etc things of obscene or immoral nature is punishable, but no special purpose of such articles is named—General Statutes of Nebraska, page 777, Annotated 2289

Laws of 1887, page 672, penalize deposit of such things in a post office

NEW HAMPSHIRE The Public Statutes of New Hampshire 1901 appear to contain nothing in relating to birth control

NEW JERSEY "Any persons who without just cause shall utter or expose to view of another, or have in his possession (with such intent) or to sell, any obscene or indecent book, pamphlet, etc or any instrument medicine or other thing designed or purporting to be designed for the prevention of conception or the procuring of abortion or shall in anywise advertise the same or in any manner by recommendation against its use or otherwise, give or cause to be given, or aid in giving any information how or where any of the same may be had or seen or bought or sold, shall be guilty of a misdemeanor"—Compiled State Laws of New Jersey, 1911, page 1762, P L 1898, page 808

NEW MEXICO New Mexico Annotated Statutes, 1915, appear to contain no enactment relating to birth control or kindred matters

NEW YORK. Consolidated Laws of New York, 1909, volume 4, section 1141, forbids anyone to sell, lend, etc anything immoral, etc., but names no especial purpose of such thing forbidden

Section 1142, same statute of New York "A person who sells, lends, gives away, or in any manner exhibits or offers to sell lend or give away or has in his possession with intent to sell, lend or give away, or advertises, or offers for sale loan or distribution, any instrument or article, or any recipe, drug or medicine for the prevention of conception, or for causing unlawful abortion, or purporting to be for the prevention of conception, or for causing unlawful abortion, or advertises or holds out representations that it can be so used or applied, or any such description as will be calculated to lead another to so use or apply any such article, recipe, drug medicine or instrument, or who

writes or prints, or causes to be printed, a card, circular, pamphlet, advertisement orally stating when where, how, of whom or by what means such an instrument, article recipe, drug or medicine can be purchased or obtained, or who manufactures any such instrument, article, recipe, drug or medicine, is guilty of a misdemeanor, and shall be liable to the same penalties," etc—Sec 1142

Sec 1143 penalizes depositing any such thing etc., in a postoffice, express office, or with a common carrier

Sec 1145 "Any article or instrument, used or applied by physicians lawfully practicing or by their direction and prescription, for the care or preventing of disease, is not an article of indecent or immoral nature or use within this article The supplying of such articles to such physicians or by their direction or prescription is not an offense under this article

NEVADA Revised Statutes of Nevada 1912, section 6461, is the same as the laws of Arizona and California in general on these matters

Section 7069 provides that, in prosecuting the exact language used by the defendant need not be set out in the complaint, etc

NORTH CAROLINA Pell's Revisal of North Carolina Statutes 1908, appears to contain no law on matters like birth control

NORTH DAKOTA Section 9652 Compiled Laws North Dakota 1913 is similar to the California Statute

OHIO "Whoever sells, gives away or keeps for sale or gratuitous distribution a secret drug or nostrum purporting to be exclusively for the use of females, or for preventing conception or procuring abortion or miscarriages shall be fined' not over \$1000, or sentenced to six months, etc—Page & Adams' Annotated Ohio General Code 1912 section 13033

Section 13034 of same statutes forbids printing or publishing any advertisement of things denounced in sec 13033, under fine which is applicable also if such printing etc., cautions females against its use when in a pregnant condition

Sec 13035 penalizes also any 'whoever sells etc., any book etc or drug to prevent conception'

Sec 13036 makes it an offense to deposit any such matter in a post office

Sec 13037 limits these acts to not apply to medical colleges or medical books, or regularly licensed practitioners or druggists'

OKLAHOMA Section 2463 Revised Laws of Oklahoma 1910, is substantially the same as the laws of Arizona, omitting a clause after 'or as to miscarriage

OREGON Lord's Oregon Laws, 1910, section 2094, being Laws 1864, sec 637, forbids importing printing etc., obscene or immoral articles, but does not state any object of such articles

PENNSYLVANIA Act of May 66, 1887, section 365 Purdon's Digest of Pennsylvania, 1905 forbids to bring into the state or sell etc indecent or immoral but does not name any special object of such articles, etc

PORTO RICO Revised Statutes of Porto Rico 1911 1913 section 5725, is the same as California laws on matter of birth control, omitting after "or" the clause as to miscarriage

RHODE ISLAND Chapter 347, section 13 page 1277, General Laws of Rhode Island 1909 forbids importation, etc., of articles and things to corrupt the morals (but gives no particulars)

Sec 24, page 1279, of the same General Laws says Every person who shall advertise, print, etc book paper etc., containing words or language giving or conveying any notice, hint or references to any person, from whom, or to any place house shop or office where any thing whatsoever or any advice, direction, information or knowledge, may be obtained for the purpose of causing or procuring the miscarriage of any pregnant woman, shall be imprisoned not over three months"

(Continued on page 16)

MEDICAL JOURNALS ADVOCATE BIRTH CONTROL

(Continued from page 4)

training, education, etc., are not possible of attainment. When the mother's health has deteriorated, the children she bears suffer proportionately. And it follows that where such ideal conditions exist, it is a very unhappy state for all the family, parents and children. To make the matter worse, in this state of affairs some men might possibly shirk their parental duty by staying away from home as much as possible, throwing all the burden on the wife, and wife and children thereby suffer the more. Children uncared for are a menace to their own health, that of their parents, and to the community. Therefore philanthropy requires that this matter be considered on its merits as concerning everyone and worked out to a successful conclusion.

"In this connection the following editorial, that appeared in the *Texas State Journal of Medicine* last September, brings up the point at issue which we wish to emphasize. It is the situation that confronts physicians frequently. Were it settled everywhere as easily as in Texas it would undoubtedly prevent the necessity of women importuning their physician to prescribe emmenagogues. A short time ago a physician was convicted of sending by mail a prescription of an emmenagogue to a patient, and was sentenced to prison. Another physician recently had his license revoked in Pennsylvania after conviction for a similar offense. Proper information given beforehand would have avoided these troubles for both the patients and the doctors. The editorial is as follows:

BIRTH CONTROL

"THE OTHER DAY a patron handed us the following letter, written by his family practitioner:

DEAR DOCTOR I am sending you Mr. _____ and pregnant wife and two children, there are four more. Mr. _____ is a tenant farmer, badly in debt and has had nothing but sickness in his family since marriage nine years ago. All the children are scrawny and nervous. I suspect syphilis, but there is no history. Look them over and tell me what to do. Will the law allow me to instruct the mother in methods of prevention of conception? Fraternally yours,

"The members of this family all gave three or four positive Wasserman reactions. The history pointed to congenital maternal infection.

"We wish to send broadcast through this state the information there there is no law in Texas, so our attorneys tell us, which makes it illegal to instruct the public in methods of prevention of conception, nor which debar the sale of articles and appliances necessary to that end. For distributing information on this subject through the mails, Section 211 of the U. S. Criminal Code provides a penalty of five years in prison, or a fine of five thousand dollars, or both.

"The knowledge of methods of limiting offspring is not an unmixed blessing, it is liable to misuse. Life itself, love, religion, politics, opium and firearms are not unmixed blessings, but for use with discretion and wisdom. Without imparting a knowledge of the methods of birth control how can we do our duty to parents like the above, to the poor with swarming broods, to wrecks from coitus interruptus, to the

deformed, to the epileptic, to the mother who constantly aborts, to the chronic eclamptic, to the consumptive, to those to whom pregnancy means death?

"Rarely do we find a physician who does not admit the desirability of the dissemination of knowledge along these lines, but even medical literature, as well as letters and pamphlets dealing with such matters, are not allowed in the mails. This law reflects the tenets of some of our strong Christian denominations, and was placed on our statute books by influences which were not controlled by humane, intelligent medical opinion. In 1912, Dr. Abraham Jacoby in delivering the presidential address before the American Medical Association advocated the instruction of the people on the best means of the limitation of offspring. This presented a magnificent opportunity for the physicians of America to demand the repeal of an inhumane and undesirable statute. From time to time we read of individuals serving penitentiary sentences for the dissemination of such information through the mails. It is high time the medical profession rise and demand justice in the name of suffering humanity."

"IMPROVEMENTS IN SOCIAL organization would solve the problem admirably by providing for each person according to his needs. Thus, in a family with ten children there would be provided clothes, food, games, house, fuel, furniture, amusement, etc., for all, and the same would be done in a family with two children, and other families in proportion. The wants of each one would be provided for. But this method is not in existence, and the problem must be settled according to the present day possibilities.

"It seems a fitting time now to consider laws whereby the dissemination of the necessary information for the limitation of families is permitted. What restrictions may be needed have yet to be formulated. Possibly an act permitting the dissemination of the knowledge among married women only would meet the objections of all parties for and against the matter of birth control by the use of contraceptives.

"What is needed is a revocation of state laws forbidding the giving of information along the lines suggested—the use of contraceptives, and to permit the inclusion of the matter in books disseminated thru the mails. The state laws permit medical books to contain the information, but the nonmailing clause of the federal government makes it hazardous to be very specific in the descriptions and prevents the dissemination even among physicians.

"We wish again to emphasize our position in this matter. Laws permitting the use of contraceptives and the dissemination of the necessary information to patients should be enacted, and at the same time the sections of other laws that forbid this should be repealed, but the laws forbidding criminal abortion, indecency, lewdness, obscenity, fornication should still remain in force."

It is taken for granted that those who oppose Birth Control never mean the exclusion should take place on themselves. Their great concern of morality is always and ever for others.

THE NATIONAL BIRTH CONTROL LEAGUE

EXECUTIVE COMMITTEE

CHAIRMAN
MRS MAXWELL HYDE
TREASURER
MISS JESSIE ASHLEY
EXECUTIVE SECRETARY
MRS MARY WARE DENNETT
MRS AUGUSTA CARY
MRS WALTER CHAMBERS

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MRS AMOS PINCHOT
MRS MARION N RAWSON
MRS LILLIAN R SIRE
MRS JOHN H WILLIAMS

200 Fifth Avenue New York City Telephone, Gramercy 3139

OBJECTS

1 To secure the repeal or amendment of all laws prohibiting the giving out of information concerning methods of birth control through the prevention of conception

2 To collect and distribute facts in regard to the legal status of birth control education in the United States and other countries

WHAT TO DO NEXT? If you want to help prepare for the campaign in Congress to remove the ban on contraceptive information, do for your own city what a fine group of Chicago citizens did for theirs. They got well known signatures to the following statement, which was then given to the papers:

Note the advantages of this procedure. The names are not made public till a certain specified number are secured. This gives convinced, but timid people the chance to "stand up and be counted" in a group instead of alone. It is dignified. It is influential. The newspapers can not ignore the significance of the well known names.

Begin now. A small committee of three, or even one, can secure the signatures. Get them as quickly as possible. And when you give them to the local papers give the name and address of the chairman, so that interested people can connect themselves with the movement. Report results to us, and send clippings.

A STATEMENT BY THE CHICAGO CITIZENS COMMITTEE ON FAMILY LIMITATION

We believe that the privilege of having children carries with it responsibility for the happiness and welfare of each child. We contend, however, that it is inconsistent to preach the importance of healthy, well developed families to parents who are denied the knowledge whereby they can determine the size of the family for which they are to care. All too frequently, as a result of parental ignorance or helplessness, undesired children are born to ill health and misery, or are destroyed before birth by parents who feel themselves driven in desperation to this terrible recourse. Owing to fear of legal restrictions, real or fancied, and to general misunderstanding as well, the knowledge which might remedy these evils is withheld from great numbers in the community.

We believe that such knowledge, properly imparted and properly acted upon, and supported by the sanction of public opinion, would lead to a higher standard of family life. It would protect the health of the mother, by sparing her the exhaustion of uninterrupted child bearing or the risks of bearing children when on account of physical disability maternity is attended with serious danger to life. It would safeguard

the health of the children by offering them a fair start in life and by reducing the excessive illness and mortality that prevail in recklessly large families—for the largest numbers of children raised to maturity are not always found in those families where the largest numbers of children were born. It would help to assure to children reasonable education and opportunity for physical, mental, and moral development. It would in some degree remove the civic menace of a too unequal increase of the different elements or classes of the population, and thereby mitigate the inequality of the opportunities which these different classes now enjoy.

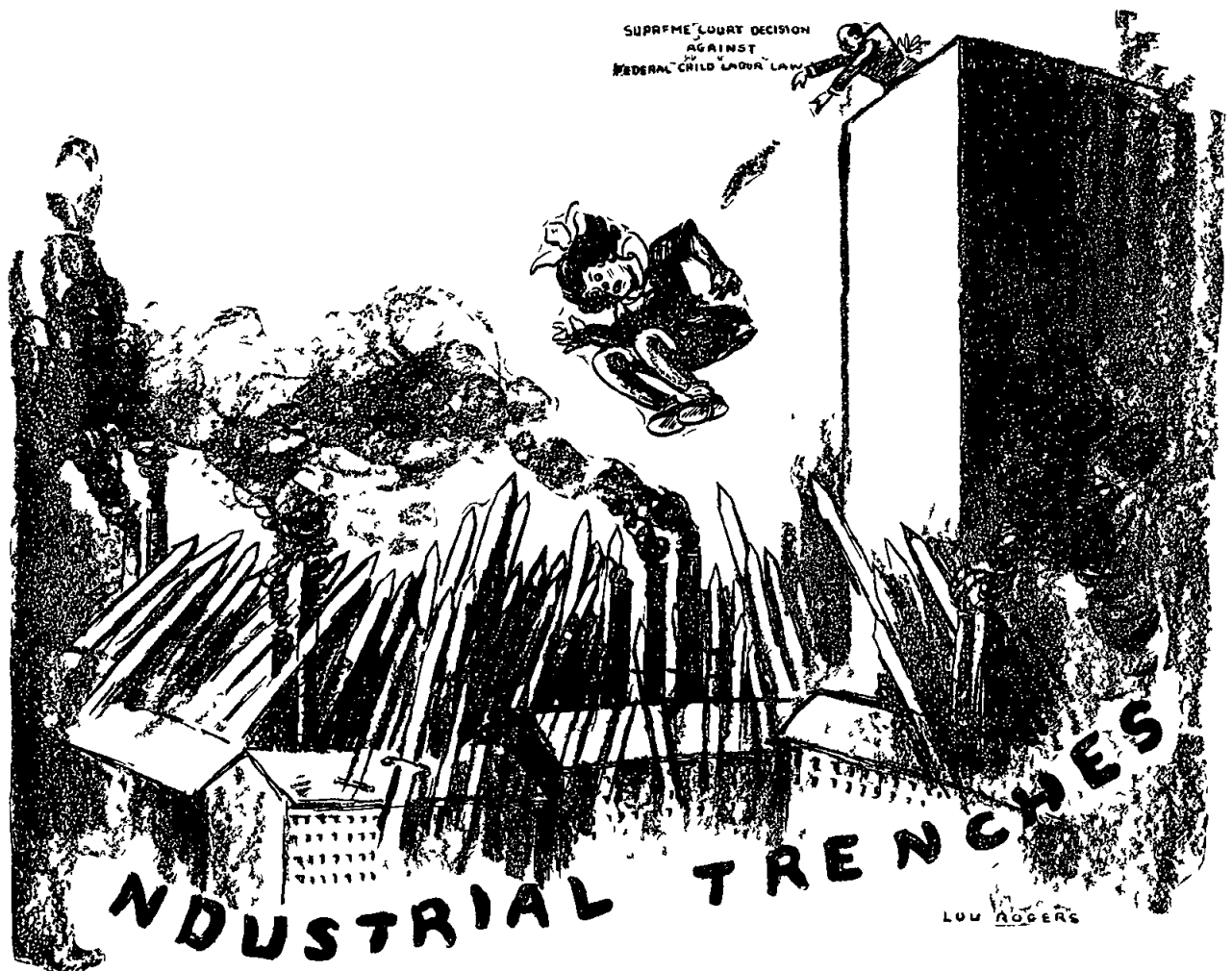
As a step toward the creation of intelligent opinion upon this vital problem we desire, by means of suitable books, articles, and public lectures, to bring about a freer and more scientific discussion of the principle of voluntary parenthood. We recommend that lectures on the general subject be offered under the auspices of institutions of public health and welfare, and that special educational centers be established, where similar lectures may be provided, where approved books may be made available, and where advice concerning family limitation may be had from properly qualified persons, with due regard for the social and moral issues involved.

Dr Isaac A. Abt
The Rev Myron E. Adams
The Rev Edward S. Ames
Dr Charles S. Bacon
Mrs E. W. Bemis
Mrs I. S. Blackwelder
Mrs. Tiffany Blake
Dr Anna E. Blount
Ralph E. Blount
Mrs Joseph T. Bowen
Mr and Mrs Horace Bridges
Mr and Mrs Edward B. Burling
Mrs Benjamin Carpenter
Dr and Mrs Frank Cary
Mr and Mrs William L. Chenery
Dr Frank S. Churchill
Mr and Mrs Samuel Dauchy
Dr J. B. De Lee
Mr and Mrs William F. Dummer
Mrs Joseph N. Eisendrath
Mrs Kellogg Fairbank
Dr John Favill
Prof and Mrs James A. Field

Mrs. Walter L. Fisher
Mr and Mrs Jerome Frank
The Rev and Mrs Charles W. Gilkey
Dr and Mrs Maurice L. Goodkind
Dr Ethan A. Gray
Mr and Mrs E. T. Gundlach
Mrs Alfred Hamburger
Dr and Mrs Ralph Hamill
Dr Alice Hamilton
Mr and Mrs Charles F. Harding
Dr N. Sproat Heaney
Mrs Charles Henrotin
Dr Rudolph W. Holmes
Mrs Leila K. Hutchins
Dr Karl K. Koessler
Mr and Mrs Herman Landauer
Dr W. George Lee
Prof and Mrs Frank R. Lillie
Prof and Mrs J. Weber Linn
Mrs Edwin L. Lobdell
Max Loeb
Judge and Mrs Julian W. Mack
Prof and Mrs. George H. Mead

Dr James H. Mitchell
Mr and Mrs. William S. Monroe
Prof and Mrs Addison W. Moore
Mrs James W. Morrison
Mr and Mrs George Packard
Mr and Mrs Benjamin Page
Mrs Elia W. Peattie
Allen B. Pond
Mr and Mrs James F. Porter
Mrs Julius Rosenwald
Mrs Dunlap Smith
Mrs Henry Solomon
Dr Alexander F. Stevenson
Prof. Graham Taylor
Mrs Harriet W. Walker
Mr and Mrs Willoughby Walling
Mrs George Watkins
Mr and Mrs. Payson Wild
Mrs. Wilmarth
Dr Rachelle Yarros
Victor S. Yarros
Mr and Mrs Sigmund Zeisler

"SUFFER LITTLE CHILDREN"



LEGAL BARRIERS OF STATE AND NATION

(Continued from page 13)

SOUTH CAROLINA South Carolina, Code 1912, criminal code, sec 931 denounces with penalty the corruption of youth

Chapter 33 sec 391 denounces the corrupting of youth Chapter 33, section 371 penalizes certain obscene or indecent matters but does not specifically indicate for what special object such articles must be designed

TENNESSEE Code of Tennessee, 1896, section 6770, forbids obscene books etc., that tend to corrupt morals

TEXAS Vernon's Criminal Statutes of Texas, 1916, article 508 forbids printing, etc., designed to corrupt the morals of youth

UTAH Compiled Laws of Utah 1907, section 4247, penalizes one who writes, etc., obscene, immoral, indecent etc but no special purpose of the articles, things or instruments condemned is named

VERMONT Public Statutes of Vermont, 1906 section 5894, for bids import print etc any book, etc., tending to corrupt morals of youth," he shall be punished, etc.—Virginia Code 1904, Pollard, section 3791

WASHINGTON General Statutes of Washington, 1910 seem to contain no law relating in any way to birth control

WEST VIRGINIA West Virginia, Code 1916, page 1221, chapter 149 section 11 is substantially the same as Virginia law

WISCONSIN Section 4590, Wisconsin Statutes, 1915, is practically like the law of Virginia and others

WYOMING 'Whoever sells, or lends, etc., any book or article, etc., for self pollution or abortion or to prevent conception' shall be punished—Wyoming Compiled Statutes 1910, section 5911 being laws 1890 chapter 73, section 81

Section 5912, *ibid* penalizes the deposit of any such things for delivery by others

CANADA

ONTARIO CANADA Everyone is guilty of an indictable offense and liable to two years imprisonment who knowingly, without lawful excuse or justification offers to sell, advertises, publishes an advertisement of or has for sale or disposal any medicine, drug or article intended or represented as a means of preventing conception or causing abortion—Criminal code sec 179

* A Colorado statute, similar in general here inserts "instruments" also

† "Section, "sec," and § have been used interchangeably throughout these abstracts They all mean the same thing Some law books use one, some another means of designating a section

‡ Idaho in a similar statute omits 'writes composes'