

BIRTH CONTROL REVIEW

Children of Choice, Not of Chance

February 1930

THE NEW YORK LAW

A Survey by

WILLIAM J. McWILLIAMS

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Overpopulation in Porto Rico

Birth Control Clinics at Work

Banning Birth Control from the Air

Birth Control Review

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BIRTH CONTROL REVIEW

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Birth Control — a Constructive Force

I AM THE mother of two children, have been pregnant three times and taught school two years for our living all in seven years of married life. I love these baby boys with all my heart and I want to give them opportunities to get an education and become useful citizens, but I don't want other babies, one a year until I am too worn out to live or die. My husband is only a renter-farmer, and my help with babies is very small indeed, and with the bare necessities the babies had to have I haven't had a new coat in five years, nor a dress decent for church wear in three. So if it is at all possible and I believe you can tell me, will you please tell me a safe healthful method of preventing pregnancy until we are able to support more children, with fairly good health to myself?

PLEASE read this letter through (even if it is long) and help me, for I need your help. I have just been married. My husband's business has wonderful possibilities but at present we need my added income to get along. I know you might say, "why didn't we wait," but we have been sweethearts since we were kids—for five years—and we didn't want to waste all our youth in waiting.

And now, the fear and bugaboo of all young married persons is upon us — the fear of unwanted pregnancy — a thing which would definitely ruin us.

We went to our family doctor, but he gave us no satisfaction, practically told us that abstinence was the only sure way. But we are young and very much in love, so that method is practically impossible.

I shall pay gladly for any information which you may be willing to give me and if you are not permitted to send it through the mails, I shall be more than grateful if you will permit me to call for it at any time or place convenient to you. Please don't disregard this letter. You will add an-

These letters come from thinking young people, asking for help before it is too late, asking that knowledge be given them to build for themselves and their children, decent, self-respecting, happy lives. They are typical of many received day in and day out by the American Birth Control League. Perhaps even more than the cry of anguish and despair from poor, ill and hopeless mothers, they show the need for Birth Control.

other to the list of marriages which I am sure you must have saved.

Won't you please help me?

OUR DOCTOR is absolutely against Birth Control, and with our family of four — and I am expecting another confinement in June — you can see what my life would be. I am only twenty-three. We have been married seven years and have a fine start farming.

Both my husband and I think we have a nice family

and can care for them, but if we can't find any help it will make hard sledding. Times are hard out here anyway. Education costs so much and you can't get far without it.

You can see my position, and if you can obtain help for us you shall never know how grateful we'll be. Later on I shall send a fee. Right now our cows are dry and funds are low. I think it would be wonderful for people to be able to know where they are at, but it may be a long time yet.

WE have been married three years. We have no children, not due to the use of contraceptives (it should be) but through partial abstinence. We want children in a few years, we are saving money for their birth and education now, but if we had them now we would be under a financial strain, unfair to the child and us. We want to live without fear of unwanted pregnancy. This sounds somewhat "booky" but true nevertheless.

I realize in asking for information, that you can't give it. But can you direct me to any reliable source?

I HAVE been married for eight years and I have been very happy. I am the proud mother of four lovely children. Of course I love my children very dearly but I do not feel that I am able physically to bear another child nor do my husband and myself feel that we can afford another child.

Editorial

EACH annual meeting of the American Birth Control League marks a step onward in the march towards a universal acceptance of the principle of Birth Control — the principle that conception should be a matter of thought, responsibility and free choice, and not a mere happening by chance whether the coming child is desired or dreaded. This year the gathering at the Hotel Woodstock was particularly memorable. The announcement that the American Birth Control League was prepared to endorse the bill for the amendment of the Federal law so as to permit the mailing of contraceptive literature or information between doctors, and between doctors and patients, marks the cordial relations of the League with Mrs Sanger's Federal Committee. The presence of so many members of the League, old and new, tells of growth in strength and numbers, and the speeches at the luncheon looked back and forward — back with a sort of wonderment that conditions in the quite recent past should have been so different, and forward with hope that the goal of the League is not now very distant.

In regard to the past, the reminiscences of Mrs Minturn Pinchot were particularly instructive. Mrs Pinchot has long been one of the main supports of the Maternal Health Committee, which for many years has conducted quiet research work, and has been influential in gaining the support to the Birth Control cause of many members of the medical profession. Mrs Pinchot went back to her first vivid interest in Birth Control, which was stirred by the prosecution of William Sanger, husband of Margaret Sanger, who was sentenced to thirty days in jail for generously giving out, in the privacy of his home, a copy of a pamphlet by Margaret Sanger which contained contraceptive information. This incident was even earlier than Mrs Sanger's prosecution for giving information in the clinic she opened in Brownsville, Brooklyn. This trial resulted in the sentencing of Mrs Byrne, Mrs Sanger's sister and of Mrs Sanger. Mrs Sanger appealed, but

later served her sentence. Mrs Byrne began her sentence at once, but went on hunger strike and after eleven days was released, in a condition near collapse, by order of Governor Whitman. Mrs Sanger's appeal served to widen the general interpretation of the law which permitted physicians to give contraceptive advice for the cure or prevention of disease. It had been rather generally understood that this clause applied only to venereal disease, against which there had for some years been an active campaign. In the opinion of the court there was no such limitation in the law, and it is under this opinion that clinics are now able to do the partial Birth Control work that is going on in New York. When one recalls that these early events happened only about fifteen years ago, one can easily realize the immense progress made in the stormy campaign for Birth Control. One can also sympathize with the spirit of jubilation which marked the eighth annual meeting of the American Birth Control League.

WHEN Kitty Marion sails for England on February 22nd, she will have completed thirteen years of constructive service in the cause of Birth Control. Miss Marion has been a well known figure on the streets of New York, working with indefatigable energy and faith. Believing that there was a basic need for reaching "the man on the street", she undertook as her chosen task the selling of the REVIEW. In the early days this was not the comparatively simple job it is today. There were police complaints, arrests, jeers. But she kept steadily on, and has sold to date over ninety thousand copies. With a word, a smile, a phrase of encouragement, a witty rejoinder, she has brought a very real and very worthwhile human touch into the movement. Countless thousands know about the Birth Control fight, because Kitty Marion stood untiringly on the street corner, year in and year out, spreading the truth as she saw it.

Miss Marion came to America after a re-

markable record of pluck and courage in the English Suffrage movement. She is going to England to take part in the ceremony of the **unveiling** of a statue to Mrs. Pankhurst on **March 6th**. The Board of **Directors** of the **American Birth Control League** will give Miss Marion a **testimonial** luncheon on **February 11th**. The best of luck to you, Kitty Marion.

THE welfare of children, their health, mental and **physical**, their happiness and opportunities for development are among the most important factors in the development of the race. President Hoover, in a recent speech said: "If we want civilization to march forward toward higher economic standards, to moral and **spiritual** ideals, it will march only on the feet of healthy children." The child of **tainted** heredity, the undernourished child of poverty, the child whose coming is deplored, whose advent is a tragedy, whose early years are blighted, whether by lack of love, or by hunger and overwork, cannot **carry** on the torch of progress.

The President's famous Bill of Rights for Children has been commented on before. Earnest workers for child betterment in diverse fields quote its **ringing** phrases. But its inferences for Birth Control, self-evident and obvious as they seem to be, are **willfully**, or, let us say, psychologically overlooked.

ACCORDING to Dr. R. H. Crowley, senior medical officer of the **British Board of Education**, there are **now in England** about **75,000** mentally defective children, in addition to some **30,000** imbeciles and idiots. "The evidence," said Dr. Crowley, in an address to the **Teachers' Association of Oxford**, "tends to show that the number is **increasing**." It is this fact — the increase of the defectives — that is the most serious danger to both **Britain** and **America**. In one **Connecticut** city that has been a pioneer in the education of the subnormal boy and girl, it is reported that children **trained** in the special schools to such a degree as to be able to earn a living are now married and are **bringing** to the school **their** own children who are **fully** as subnormal as themselves. In one family

Lord Buckmaster, member of Parliament, and one of the leaders of the Birth Control movement in England, sent the following message to the eighth annual meeting of the American Birth Control League

No cause can be put to a more severe test than that furnished by seeing with what earnestness and conviction its supporters retain their faith, by no cause has that test been more triumphantly sustained than by that of Birth Control, and by nobody has that cause been more earnestly advocated than by the American Birth Control League and its admirable paper.

To get the best out of the world, the best must be put into it, and the best retained, and this is impossible if children are to crowd one another like sickly weeds struggling for light, and women are to be ruined beyond repair by the strain of excessive child-birth.

The cause is **gaining** ground everywhere and every day, and what is now needed is the concentration of scientific minds on the problem of how best to secure the control of birth. When this has been done, and not until then, will man be man, and master of his fate.

LORD BUCKMASTER

January 1st, 1930

where this has happened, the special school trained eight members of one family, and is now already at work on several members of the **next generation**. It may be pointed out that without the **training** given these children it is unlikely that they would have been able to **marry** or to support, even inadequately, children of their own. This work of **training**, therefore, however beneficial to the immediate recipients, is a **distinct** danger to the race, unless measures are taken to prevent the **multiplication** of these unfit men and women. A careful teaching of Birth Control would in many cases be effective. In other cases, in the interests of society, there should be sterilization of those needing special care and **training**, and obviously mentally subnormal, before they are allowed to go **out** into the world as more or less responsible citizens. Here surely is work for the Eugenists.

Banning Birth Control from the Air

By FORREST BAILEY

An address delivered at the Annual Meeting of the American Birth Control League, January 16th

WHEN we deal with the censorship in any of its many forms, we are dealing with prejudice. If we are to deal with it wisely, we must be careful to avoid approaching the subject from the angle of our own prejudices. Perhaps it will be a little more chantable to our more obstinate opinions if we call them prepossessions and save the word "prejudice" for those with whom we disagree.

BAN CONTRARY TO PUBLIC GOOD

I propose to discuss the banning of Birth Control from the air with reference to realities and with as little reference as possible to my own prejudices. I am not on this occasion going to advocate the broadcasting of information on contraceptive methods. So far as I know, that has not yet been attempted and has not yet become an issue. I believe I could put up a pretty good argument for it if I had to, but I do not conceive such an argument to be a part of my present job. For the sake of being concrete and realistic, I mean to confine my remarks to the kind of ban on free discussion that was exemplified by the recent refusal of a great company to allow its equipment to be used for the broadcasting of the addresses delivered at the National Birth Control Conference in this city. My contention will be that this refusal resulted from a policy that ought to be condemned as narrow, unprogressive, unintelligent, and contrary to the public good. Perhaps I shall not arrive at a justification of every one of these rather imposing adjectives, but I hope to be able to make good on the general condemnation. If I succeed in that, I shall have established the proposition which I have in mind as fundamental — that the subject of Birth Control is a perfectly proper one to put upon the air to be picked up by any receiving-set that happens to be tuned in at the time.

Now let us not deceive ourselves at this point as regards the right of any broadcasting company to reject this or any other subject that is offered for radio communication. If we bear in mind that the various broadcasting agencies are private commer-

cial enterprises that must support themselves and produce profits, we are forced to admit that they themselves have a perfect right to determine what subjects shall and shall not go over the air from their stations. Of course that right is not unrestricted, as they are responsible to the Federal Radio Commission for compliance with the conditions under which their licenses are granted and their wave-lengths assigned. But that is not a serious limitation. Generally speaking, they are free to govern themselves in such a way as to sell their commodity — broadcasting hours — to the best possible commercial advantage. Necessarily the character of their programs is to them a matter of the utmost importance. Just as newspapers and magazines must exercise editorial discretion to see that nothing gets into their columns that would be offensive to the big purchasers of advertising space, so the broadcasting companies must look to it that the programs they carry for the entertainment or instruction of radio-users shall not irritate or alienate those who pay (and pay heavily!) for tune on the air. This is not a gratifying situation from the point of view of the public, but it happens to be the situation that exists. There seems to be little that we can do about it besides grumble. The reason the situation exists is to be sought in the competition for profits under the system of private ownership and control. But this is hardly the time and place to argue for the socialization of the entire radio industry. I mention it only in passing as an alternative to the proposal offered the other day by Mr. Owen D. Young, when he said with characteristic candor and courage that the remedy for the confusion in the radio world is monopoly under private ownership.

MORAL OBLIGATION SHOULD BE GUIDE

It will occur to some of my listeners at this point that I have given away my whole case — that in the absence of any millennial solution like socialization, there is nothing whatever to say on the side of those who are opposed to banning Birth Control from

the air That is not my view We can at least plead with the commercial censors to exercise their **discretionary** power with reasonable regard to the interests of the public We can point out to them that they have moral obligations in **this** respect that are quite independent of their legal **right** to be arbitrary and **unintelligent**

CONTROVERSIAL SUBJECTS **MOST** INTERESTING

The reason urged last **November**, by a **high official** of the company concerned, for banning the **conference-discussions** from the air was that the subject is a highly controversial one on which great **representative** sections of the **religious** world have not yet been able to agree A **proposition** like that **gives** some scope for the exercise of sweet reasonableness I think I could mention several other controversial subjects in which there **is** difference of opinion It **is** difference of opinion that makes subjects controversial It is their controversial nature that makes them interesting to the **public** Surely the great broadcasting agencies do not take the **position** that the only subjects fit for **being** put on the air are those on which there is a general uniformity of opinion I am sure I have heard other subjects than these pouring out of the loud speaker For instance, the subjects that are broadcast **from** the **Foreign Policy Association** luncheons are most of them distinctly **controversial** I recall at least one in which the **sensitivities** of persons attached to the doctrines of a powerful section of the **religious** world must have been rubbed most irritatingly

SHOULD RADIO CATER TO REACTIONISM

One cannot help **wondering** whether the explanation offered by that suave official was quite complete It certainly appears that he must have had something else in the back of his **mind** I believe that the real explanation is that he was showing a very **special** regard for that class of people **who** hold that any subject related to **sex** **is** inherently obscene Such people have a professional abhorrence of Birth Control If they are logical, they abhor also biology, social hygiene, life itself, as all equally unfit for the attention of pure minds It is possible that the sections of the public that are dominated by **this** psychology are powerful enough to exert a compelling influence over men whose business it is to compete for profits in the sale of broadcasting hours

I confess that I have not the patience to argue

against this point of view I submit **without** argument that **it** is a medieval point of **view** which science and the accumulated **experience** of the race confute and reject The very cause of **enlightenment** and sane **living** requires that it should be challenged at all times and in all places It is **manifestly** absurd that any human agency that has control over the transmission of thought from man to man should allow this point of **view** to **dictate** the selection or rejection of what may be transmitted Such surrender to ignorance and intellectual reactionism is stupid and anti-social

A PUBLIC **SERVICE** INSTITUTION

What I have just **said** carries with it by implication the **principal** argument against the ban on **Birth Control** and other controversial subjects It should not be **forgotten** that the radio is a public service institution This fact is **recognized** in the **wording** of the act of Congress which created the Federal Radio Commission and gave it authority to grant licenses and assign wave-lengths It is not unreasonable to demand that corporations whose very **existence** commits them to an enterprise of **serving** the public should be **willing** to extend themselves in the **direction** of cultural advancement There **is** no other form of public **service** that is more important There is no surer way of **serving** the cause of enlightenment than in helping the public to knowledge of the facts in those fields where knowledge is yet obscured by doubt and uncertainty Cultural advancement is a process of **transferring** matters of **opinion** to the realm of knowledge It is a slow process and involves much **discussion** How, then, can a public **service** agency that has such tremendous potentialities of **service** as the radio justify its existence if it fails to **seize** on the occasions that offer for the discussion of vital controversial subjects? It **is** **difficult** to **think** of any other subject that has greater social importance at the moment than Birth Control The **radio** companies have moral **obligations** that are quite **independent** of their legal **right** to be arbitrary and **unintelligent**

But I am really skeptical about our power to make the companies recognize their obligations in this **regard** At least I think they **will** have a long way to go before they reach the relatively advanced position that has been taken by the great newspapers of the land I cannot help **coming back** to the **millennial** solution — the **socialization** of the entire industry

Overpopulation in Porto Rico

By JOSE C ROSARIO

THE Lord said to Adam and Eve, "Be fruitful and multiply and replenish the earth" But even in His infinite wisdom He seems to have overlooked the fatal consequences of geometrical progression

When the Spaniards settled in Porto Rico they found some 60,000 Indians living simply and happily on this generous and bountiful island. There were no wild animals to attack them. Fishing and hunting were abundant. Corn and yuca could always be had plentifully. They had a well organized society in which property rights were as much respected as in the most civilized countries today. Their dances gave them the necessary entertainment. Their religion, as simple as that of the jibaros (hill-billies) of today, provided every one with the explanation of the incomprehensible. Stones offered the raw material for works of art, and so furnished an outlet for the expression of the aesthetic sense.

These were the people who confronted the 200 Spaniards who settled in Porto Rico in 1509, bringing with them the point of view of a nation that had been at war with the Arabs for eight centuries. In these settlers the student of history will recognize many of the characteristics developed in Americans during the process of snatching away the land from the French and the Indians. They possessed the individualism of those who have frequently depended upon their own unaided efforts to solve their problems, the spirit of superiority of those who have fought well and long with a powerful foe and have defeated him, and the cruelty of a people who for a long period of time have been forced to be cruel with a cruel enemy.

INDIANS DEPLETED BY CONQUERORS

The Spaniards distributed the Indians to extract the gold from the mines, and drove them to hard and enervating work. Very soon the Indians began to feel that their efforts were never enough to satisfy the greed of the Spaniards, and between dying like slaves and dying like free men fighting, they preferred to fight. But they could do little with their arrows, which they did not even poison as did the Canbys, against the firearms of the Span-

iards. When in 1519 Emperor Charles V, thanks to the efforts of Padre Las Casas, ordered the freedom of the Indians, only 664 remained to benefit by this edict.

The population of Porto Rico remained stationary for a long time. The hostility of neighboring Indian tribes, the attacks of English and French, and the rivalries of the colonists themselves, stopped its growth. In 1541, San German, the second most important settlement, could command only 71 men to repel the attack of the French Corsairs that were besieging the city. In 1641 there were only 500 families in San Juan.

DEVELOPMENT OF JIBARO CLASS

By this time the descendants of the Cid had exhausted the mines, and scattered themselves through the land to dedicate themselves to agriculture. Unhappily these illustrious forefathers adapted themselves to their environment instead of adapting the environment to their conveniences, as the English in North America did. Were there no roads? Very well, the first horse loaded with ginger would leave a path which others might follow. Schools were superfluous. It was not necessary to know how to read and write to water the seed beds or to cut off a bunch of bananas. The guava fruit cut into halves could be used as dishes, and divided into smaller pieces might do for spoons. The larger the number of children in each family, the more "hands" there would be to take part in the daily work. It is not strange that population began to grow by leaps and bounds. All these factors contributed to develop the jibaro class which, forming as it does a majority of the population, and remaining so backward, is the greatest handicap to island progress.

In 1765 Marshall O'Reilly, in his report for Charles III, stated that there was a population of 44,833. Don Pedro de Cordoba in his "Memorandum about all the Branches of the Administration" notes that in 1782 there were 81,000 people and, in 1799, 153,000, an increase of 90% in 17 years. Since then the wave of population has continually increased until it threatens to bury the little ship in a sea of poverty, disease, and ignorance. In 1860

there was a population of 583,000, **thirty** years later there were 813,000, in 1899, 953,000, in **1925, 1,398,000**, and **with all certainty**, the census of 1930 will show a population of one and a half million

Since Porto Rico has an area of 3,435 square miles, there were in 1925 an average of 407 inhabitants per square mile. Among all the states that form the Union, only Rhode Island and New Jersey have a relatively larger population than Porto Rico, but 78 4% and 97 6% respectively of the population of these states is urban, while only 22% of Porto Rico's population lives in towns and cities

It is clear that in the cities where the population does not depend upon the land for its sustenance, the number of people is never excessive merely because of a larger or smaller area, but in a country where 78% of the inhabitants depend directly on the products of the land, a population of 407 inhabitants per square mile constitutes a most pressing and difficult problem

Among the states of the Union having a large percentage of rural population, not one has even one-aeventh as large a population per square mile as Porto Rico

State	Percentage of rural population	Inhabitants per square mile.
Porto Rico	78	407
South Dakota	84	83
South Carolina	82 5	55 2
North Dakota	86 5	9 2
North Carolina	80 8	52 5
New Mexico	82 0	2 9
Nevada	80 3	7
Mississippi	86 6	38 6
Arkansas	83 4	33 4
Alabama	78 3	45 9

The law of diminishing returns asserts that after a certain limit is reached, the use of a larger amount of capital or labor in a certain work will produce a smaller proportional income

This economic law points out clearly the evils of an excessive population. Wherever the limit of production has been reached, if the population keeps on increasing, the individual income will necessarily diminish. An important reason why Porto Rico's rural population is so poor is that there are ten people working where only five are necessary to get the maximum return

Another evil of excessive population is that the *jibaros* are compelled to work the poorest lands,

and this necessarily lowers the average income of these country laborers. One need not be very old to remember the time when only the best lands were cultivated in Porto Rico, the rest being left wild where the children played or gathered wild fruits. But the ever increasing population has forced the island to cultivate a larger and larger amount of land even when the income derived from it is only enough to keep the workers from actual starvation

TWO SUGGESTED REMEDIES

What are the remedies offered in the case of Porto Rico for the evil of excessive population? Emigration is the first because it has been the most widely advocated. Would emigration solve the problem? Apparently yes. "If there are too many people in Porto Rico, let us send away the excess." The remedy cannot be simpler. But it is impracticable — first, because the island's population increases at the rate of 24,000 inhabitants a year, and if this number were to migrate annually it would not be long before there would not be any more demand for them and the island would find itself within a few years facing the same situation, and second, because it would be extremely poor business to support the children through their parasitic stage, and provide them with some trade or profession, so that when they reached the age of production they would go to produce for others. It is the same case as that of a fruit grower, who finding that he has no more place in his farm for fruit trees, goes on making seed beds and giving to neighbors the grown trees in order to make room for transplanting the seedlings. This action, which seems so ridiculous in a fruit grower, is of exactly the same character as the proposed emigration.

The second most popular remedy is that of industrializing the island. "Increasing the industries, there would be in the island a larger and larger urban population, and there would not then be an excessive number of inhabitants." This is another palliative similar to emigration, but it is certainly not a remedy. It would solve the problem for a year or two, but never indefinitely unless the number of factories kept increasing with the growing population.

What is then the remedy for the evil? There is one and only one. Birth Control.

If Porto Rico were successful in limiting the number of births, the standard of living of the country laborers would immediately rise, since with the same production there would be a larger in-

dividual return. Schools could **improve education** at the same cost. **Nutrition** of the **children** would be better, **since** parents could, **with** the same money, **give** as much food to three **children** as they give now to **six**. Health would increase because a room **occupied** now by three people would then be used by one or two.

This is not a new **idea**. In recent years the **population** of France has become **stationary**. During the last century France increased **its population** only 5076, while the population of Germany was **increasing** about 200%, Russia 300%, and Porto Rico 600%.

Almost all the **social evils** of Porto Rico would be **eliminated** by **limiting** the number of **births**. If, through a movement started by a truly **patriotic**

group of people, next year the **island** were to have only 20,000 **births instead** of 58,390 as **it** had last year, **within** one year **it** would have 38,390 fewer **parasites**.

It would be absurd to advocate compulsory **Birth Control**. But of the 58,000 children born in Porto Rico last year, not more than 20,000 were wanted. The others came because there **is kept in** force the **biological** law of **reproduction** meant for an old world in which **survival** was **possible** only through numerous offspring. **Society** today must rebel and declare **this** law null and **void**. Those who do not **wish** to have children should have their **wish granted**. At present **this is** the case **with** the so-called better classes. Why not extend the same advantages to the *jibaros*?

Propaganda — As I See It

By MARY WINSOR

PROPAGANDA requires study of the public, its habits of thought and its capacity for receiving new ideas. The chief difficulty is the gigantic scale on which it must be planned and the insufficient resources of its advocates. They are generally tired out by the time they can qualify as experts, like an actress experienced enough to fill the role of Juliet but too old for the part.

It should never be forgotten that the object of propaganda is to make converts. Outside of the group already instructed, the public's understanding of Birth Control is limited — something hard for those who have been in the movement for years to remember. It might be well for a speaker or writer after preparing his material to ask himself the question "If I knew nothing about Birth Control what would this convey to me?" A brilliant speech may be over the heads of an audience and the BIRTH CONTROL REVIEW so scholarly that it will be useless in bringing us recruits. The results of the latest scientific research should be made available, yet one should not omit the emotional touch. "Letters from Mothers", describing the sufferings which brutal anti-contraceptive laws inflict on American womanhood, are not merely pathetic appeals to sentiment but valuable human documents. If no such cases existed the cause would lose its *raison d'être*.

We should find out what objections are sticking in people's minds. They may be well founded or foolish, but should be answered. "If we get the vote, will we lose our womanhood?" was the pathetic query once heard from a timid lady in a suffrage meeting. When I explained that womanliness was something deep-seated, inherent, not at all like an umbrella which might be mislaid unless one were careful to hold it tight, my questioner was satisfied and joined the feminist cohorts. Not a valuable acquisition maybe but if a legislature is to be influenced quantity counts as well as quality.

If suffering humanity is to be liberated in our day, we should move forward rapidly even at the risk of shocking some of our conservative adherents. Perhaps the secret of success is mass production. Federal laws and the laws of at least half the States must be amended. It is necessary to reach vast numbers of voters. The ballots cast in the last Presidential election totalled approximately 18 million, over 3 million in Pennsylvania alone, so we need the co-operation of the press. We cannot hope to rival the achievements of the suffragists, from 1909 to 1920 practically never a week went by without publicity for them, often on the front page of the newspapers, but we Birth Controllers should at least diversify our activities so that "custom will not stale our infinite variety."

We ought to be always in pursuit of the unconverted and hhe a stone thrown into water, our circle should be an **ever-widening** one

We cannot afford to neglect the man and woman in the street, for **multitudes** of those whom we want to attract **will** not come to meetings Year in and year out a lone figure — Kitty **Marion** — stood on the sidewalks of New York selling the **BIRTH CONTROL REVIEW** There ought to be a band of Kitty **Marions** in every city "Soap Box Colleges" would bring our cause before the voter, also **Birth Control** caravans¹ to tour the country **districts** as they do in England I find the movement somewhat **academic** and old-fashioned, lacking fresh air and the open road **Undignified** do you say? It is never **undignified** to educate our **fellow-citizens**, **even** the humblest and meanest No good **American** sneers at such efforts

WHAT SUPPORTERS WILL DO

In order to estimate the **different kinds** of **propaganda** we are able to supply, we must see what our supporters **will** do for us Some will **give** their names, some will also **give** money Others want to be up and doing, and **it is vital** to keep such persons busy In Pennsylvania we have a typewritten list of activities which we hand out to **friends** who ask how they may help These include **addressing** envelopes, **distributing** leaflets, **raising** money, interviewing key persons, getting **audiences** for our speakers, endorsements from **organizations** and subscriptions to the **BIRTH CONTROL REVIEW**, **acting** as librarian, collecting books for our **library**, **pledging** one day a week to be spent in the office, etc (Any Pennsylvania volunteer **will please write** to the **Pennsylvania Birth Control Federation**, Room 928, 1700 Walnut Street, **Philadelphia**)

There are many elements to draw on, to be studied, and enlisted **First** come the **feminists**, such as Margaret Sanger, to whom the freedom of woman, her right to command her own life, **is** the breath of **their nostrils**, and peace-lovers who **realize** that over-grown populations lead to war We have **patriotic** Americans, anxious for a better grade of citizens Also the **religiously-minded**, **unlike** our Roman Catholic opponents — paying **homage** to an enlightened **Deity** who does not look

¹Our readers must not lose sight of the fact that there are no legal restrictions in England Birth Control caravans would be illegal in many states, and would not be permitted.

—ED NOTE

complacently on a moron population **either** in this world or the next

If it be thought that I misrepresent our **adversaries** let me refer you to Archbishop (now Cardinal) Hayes' Pastoral Letter of 1921 "Even though some **little** angels in the flesh, through the moral, mental or physical deformity of parents may appear to human eyes hideous, **misshapen**, a blot on **civilized** society, we must not lose **sight** of the Christian thought that under and **within** such **visible malformation**, there lives an immortal soul, to be saved and **glorified** for all **eternity** among the blessed in Heaven " This **pious sentiment** might be embalmed in a hymn

Little morons? Let them **come**!
Welcome **idiots**, deaf and dumb,
Sickly, **syphilitic**, **blind**,
Frail in body and **in** mind,
Passing on to Heaven's gates
Via the United States

Surely, gentle **ridicule** **is** not **misplaced** in meeting such arguments!

Last but not least among us is the **physician**, at once our **mainstay** and drawback There is a **conservative minority** still **inclined** to hang back, **saying** "Let the **laity** alter the law and then we will open **clinics**," but many are **convinced** that **this** movement should be supported by **physicians** and that **without** the **authority** and prestige of their adherence the objectionable **legislation** which is crushing the lives of thousands of mothers, financially **exhausting working** class fathers, burdening the taxpayer and **filling** our country **with** hordes of robots **will** never be repealed

A different point of view about propaganda will be presented in the March issue by Dr C C Little

Among those in the vanguard of the fight for **Birth Control** in all groups, there is almost no one who regards Birth Control as the sole and only method of **combating** misery and poverty But **it** does appear, to an ever increasing number of **enlightened**, socially minded persons, as one means among others, to obviate and **relieve** present misery and poverty

Birth Control is concerned **with making** available to men and women, those methods of **reproduction** which correspond to our present state of culture, and which serve the **higher** development of the race

DR HELENE STOECKER.

Mental Health and the Wanted Child

By JAMES L. McCARTNEY, M.D.

FUNDAMENTALLY, all men and women marry with the purpose and hope of having children. They may not put it that way, may not acknowledge it even to each other or to themselves, but if married people find that they cannot reproduce it is a source of unspeakable regret. A barren woman, if she is truly human, greatly mourns her inability, and an impotent man will be practically despised by all who are aware of his incompetence. And yet, though all normal men and women desire to have children it is evident that they should have children as they want them and when they want them and not whenever a child may happen to come. Sensible and thoughtful people, who plan definitely for the future, want to make the coming of children a deliberate arrangement and not a matter of chance. Experience in mental hygiene clinics, and especially work with problem children, have clearly proved the value both of voluntary parenthood and of the knowledge of being a "wanted" child.

HUNGER AND SEX INSTINCTS

The many primitive instincts that man is heir to may all be included in the two great motives which give impulse to human activities. One is the preservation of the individual and the other is the perpetuation of the race. The chief instinct of the one is hunger, and of the other is sex. Upon these the progress of the race depends. Without the former there would be no industry, no commerce—the world would starve, without the sexual instinct the race would die. It is the force which has made art, poetry, philosophy and religion, and without it the world would be cold and dull. It is the foundation of the whole social system. Whatever the sex function may have been in man's subhuman ancestors, in man it became something more than an act undertaken for the sole purpose of begetting progeny or for the relief of merely physical craving. With the advance of civilization the sexual appetite and its satisfaction have become transformed into a symbol of that mutual surrender, tenderness, boundless trust and affection which are the essence of true marriage and an indication of mental stability. The sexual instinct enters also into all the complexities of the love relationship

between those that are not married, it is the source of high endeavor and great ambition. No one is free from its influence. No wonder then, when the individual has not solved this problem in a rational way, or when this instinct has not had a normal expression, that forces arise from the subconscious to create an unstable condition in the mind. The sexual instinct presents a problem of vital insistence, and one which the mental hygienist finds most difficult to face.

SEX PROBLEM MUST BE SOLVED

Although we do not conclude that all nervous disorders have a sexual origin, nevertheless, there is little doubt that the sexual factor is one of the most important causes of the numerous nervous troubles which affect men and women, both married and single. The single life is abnormal under any circumstances, and there is no question but that marriage is the proper expression for the parental sexual instinct. Normal sexual gratification is impossible for a single person, but the impulse cannot be wholly suppressed, and it inevitably seeks expression, if not consciously, then subconsciously. This expression may take on a most symbolic form. Some express their sexual impulses, perhaps unknowingly, in homosexual reactions. This tendency in itself may be the reason why they are not married. Some are auto-erotic, satisfying their sexual desires on themselves. No person is free from the powers of sexual desire and one may become mentally unbalanced because of the attempt at repression of these impulses.

The intensity of the sexual impulse varies with different people, their environment and their powers of resistance, and thus the results may vary. Nevertheless, it is true that eccentricity and crankiness may be the result of thwarted sexual and parental instincts. On the other hand many have sublimated these instincts into social welfare work and deeds of love and sacrifice. Many a saintly woman, instead of giving her life to a family, has given it to the world in high and holy deeds, in art, in music and in literature, in religion or social service. The single life is abnormal but it is not necessarily neurotic. Whether it will be auto-erotic, homo-

sexual or **altruistic** depends on how the sexual problem is solved. It **is** for the specialist to understand these **conditions** so as to guide the lives of such people into safe channels and help them to a normal sexual life.

In **married life** the attainment of the normal **is** difficult if the couple are nervous **individuals** to **begin with**. It **is still more difficult** if no assurance of voluntary parenthood **is** granted the parties, and the **procreation** of children is left to chance. In a great many families these problems are not solved **satisfactorily**. Some **think** they should not have children for **prudential** reasons. Among the very **religious** there are those who believe that sexual **satisfaction** is wholly carnal and destroys **spirituality**. Many desire **children** but feel that they can take care of a **limited** number only. Others set no **limit** and suffer the **privations**, worry and misery of **bringing** unwelcome **children** into the world. The married couple that is well adjusted mentally, emotionally and physically, and able to enjoy **normal** sex relations, is happy only when there are no more children than can be **provided** for comfortably.

DANGERS OF CONTINENCE

It may be stated that absolute continence is one sure way to prevent conception, but actually it **is difficult** and can seldom be **maintained** by **ordinary** married people. Those who **abstain** from **religious** motives, **thinking** to free themselves from what they think is a carnal sin, frequently fall into the more grievous **sins** of unhealthy **mindfulness**, malice, jealousy, meanness and false **pride**.

Where one of the **individuals** of a married couple **desires**, and the other refuses to **reciprocate** because of a fear of pregnancy, nervousness almost always follows in each or both parties. When the **wife** refuses motherhood and the normal response to the sexual act, strong maternal and sexual **instincts** are repressed. Because she feels she is not doing her duty she suspects her husband **is** not faithful. Jealousy comes. **While** no moral law is broken by a **wife's** jealousy, still she **will** probably quarrel **with** her husband, **with** the object of her jealousy, and with her neighbors. **Finally** comes nervousness and **in** many cases, a nervous breakdown. If the husband's sexual **instinct** **is** not **satisfied** he may seek the society of other women, and consequently develops the feeling of **guilt**, or may bury himself in his work, become an **unsocial** being, and finally end up in an **institution**.

THE UNWANTED CHILD IS EXPLOITED



—National Child Labor Committee

The **chance child** **is** also frequently the **victim** of "nerves", and often upsets the mental **equilibrium** of the parents. Frequently this **child** **is** the center of stress in **its** attempt to gain the **affection** of **either** parent, and may be **definitely** rejected by the parents because it acts as an unwelcome **handicap**. The social unpleasantnesses and unwholesome mental states **arising** therefrom are well known. **This strain** on **family** relations **is** of course exaggerated by the **living conditions** that are found **in** most of our big cities. It must be remembered that parenthood **is** undoubtedly capable of **either increasing** or decreasing the neurotic tendency of the **individuals** concerned, and too much care and **consideration** cannot be **given** to the assumption of parenthood and all that goes **with** it.

Enlightened people are **coming** to understand that the sex **impulse**, instead of being repressed and **disciplined** out of existence, should produce **invaluable reactions**, physical, emotional, mental and **spiritual**, that **unconscious, irresponsible** procreation produces domestic **misery**, half-starved **children**, and **brings** man down to the level of the **brute**, while conscious and voluntary **procreation** elevates man towards **perfection**. Scientists today are **realizing** that we **are** only on the outskirts of **discovering** the wonderful value of the reactions **obtained** from sex **relations** apart from **reproduction**, these **reactions** can be a far **reaching** stimulus for all that **is** best and most **inspiring** in human life. But as long as human laws **besmirch** the whole subject, so long **will** we be **handicapped** in **securing** the healthy state of mind that is desired by all.

The use of contraceptives has become part of the common practice of all civilized nations, and cannot now be eradicated **BERTRAND RUSSELL.**

Laws of New York and Birth Control

A Survey

By WILLIAM J McWILLIAMS

AN attempt to amend the laws of the State of New York which in direct terms govern **contraception** or **Birth Control** immediately suggests the question "What are the present New York statutes and how have they been **applied** by the courts?"

Figuratively speaking, the great-grandfather of the present statutes **dealing** with contraception appeared as Laws of 1868, chapter 430, entitled "**An Act for the suppression of trade in and circulation of obscene literature**" **This** enactment banned contraceptives, but almost all of the act had to do with obscene literature. By the Laws of **1872**, chapter 747, the law of 1868 was repealed and chapter 747 enacted in its place. The new act was an enlargement of the old one, but it omitted all reference to contraceptives. From May 1872 until June 1873 there was no **restriction** upon **contraceptives**. However, an amendment was added to the act of 1872 by Laws of 1873, chapter 777, **restoring** the ban on contraceptives and otherwise **enlarging** the act to **substantially** the present form of the **penal** law on the subject. In 1881 the Penal Code **was** passed but **did** not materially alter the text. In Laws of 1887, chapter 692, the penal laws **dealing** with contraceptives took their present form by the **addition** of a short but **significant** amendment **which** will be referred to later.

This brief survey unfortunately could not include the **historical** factors **leading** up to these **legislative** enactments. It is interesting to note in passing that the fines to be collected under the acts of 1868 and 1872 were to be **divided** in shares among the informer, the county school fund, the Female **Guardian** Society of New York City, the Homeopathic Dispensary, the Brooklyn Homeopathic Hospital, or an orphan asylum according to the **varied** directions of the laws.

The sudden **stirring** to life in this State of legal **questions** produced by the **impact** of the Birth Control movement on the law is reflected in the fact that in **1929** "**Birth Control**" took its place in the **index** of New York's most **comprehensive** digest of law cases. It is there for the first **time**, and more-

over it is elaborated **into** several subdivisions such as **Constitutional** Law, Theater, War.

The present New York statutes touching directly upon contraception or Birth Control are Penal Law, Section 1142 (**forbidding** the manufacture or **distribution** of contraceptives or **information** thereof), Section 1143 (**forbidding** mailing or **transportation**), Section 1144 (**providing** for destruction of the **articles**), Section 1145 (**containing** important **exemptions** to **physicians**) and Education Law, Section 1264 (2e) (**revoking** licenses of physicians who **violate** Section 1142).

The pivotal statute among the above named is Section 1142 of the Penal Law. The **title** of this section is "Indecent Articles." The **wording** of the **section** is involved. For clarity it may be abstracted in parts. Under this section it is a misdemeanor

- (1) to sell, lend or give away any instrument or article, or any recipe, drug or medicine for the prevention of conception or purporting to be for the prevention of conception,
- (2) in any manner to exhibit or offer to sell, lend or give away any of the aforesaid things, or have them in possession with intent to sell, lend or give away, or to advertise or offer them for sale, loan or distribution,
- (3) to advertise or hold out representations that any of the said things can be used or applied to prevent conception, or to advertise or hold out any such description as will be calculated to lead another so to use any of them,
- (4) to write or print or cause to be written or printed a card, circular, pamphlet, advertisement or notice of any kind, or to give information orally, stating when, where, how, of whom, or by what means the aforesaid contraceptive articles can be purchased or obtained.
- (5) to manufacture the said articles

The penalty upon **conviction** is not less than ten days nor more than one year imprisonment and a fine of not less than fifty dollars, or both, for each offense.

In *Halstead vs. Nelson*, (1885) 36 *Hun* 147, a slander suit, the court held that **mailing** a **circular** **containing** **information** about contraceptives to the defendant was a **misdemeanor**, under the sections of the old Penal Code which now compose **Sections** 1142 and 1143 of the Penal Law, and that an untrue statement that the **plaintiff** was circulating such a **pamphlet** would be slander per se.

In *People vs Spier* (1907) *120 App Dw* 786, there is an interesting observation about the meaning of the phrase "or purporting to be for the prevention of conception" which appears in Section 1142. The court said, "If the things sold were bread pills and yet were sold purporting to be for the unlawful purpose, the offense denounced by the statute would be committed."

It is hard to define the scope of Section 1142 because of the lack of cases. Interpreting it and the wide meaning of its wording.

At the outset, however, it is plain that the use of contraceptives does not come within its provisions. Judge Cropsey in *People vs Byrne* (1917) *99 Misc I*, said, "this section is not directed against the use of such articles or drugs. It merely prohibits their manufacture and distribution."

It is also clear that mere possession of contraceptives without intent to sell, lend or give them away is not an offense.

The amendment of 1887 added to Section 1142 the clause "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" (See part 3 of abstract above). When considering this part of the statute one must bear in mind the next part of the section (see part 4 of the abstract above) whereby printed matter or oral information stating how or by what means contraceptives may be obtained is prohibited.

Taken together these two parts of the statute lay down a sweeping ban with no exception for &-dactic or scientific treatises or memoirs, nor do they take into consideration the purpose of the person holding out the representations (*People vs Hager* (1917) *181 App Dw* 153).

Perhaps the full scope of the act was not perceived when it was passed, but in view of the antagonism surrounding a movement such as that of Birth Control, it cannot be taken for granted that the restrictions would not be fully enforced.

Obviously a person delivering a public lecture on contraceptives commits an offence under this statute. But it comes as a surprise to find that a physician who gives or lends a medical or scientific treatise containing contraceptive formulas and information to a person outside of the medical profession violates Section 1142 regardless of the purpose or standing of the recipient.

A prominent clergyman recently discovered this when he sought such information to make a thor-

ough study of the question of Birth Control. His object was one of study and of public welfare. Nevertheless he was refused, because of the possibility that if someone had taken the matter up with the Education Department, the doctor supplying the information might lose his license under Section 1264 (2e) of the Education Law, for violating Section 1142 of the Penal Law. A bio-chemist wishing to pursue a scientific investigation, or a lawyer preparing a case, would not be a lawful person to whom the physician could give the information.

Even the physicians themselves and their books are protected from the drastic provisions of Section 1142 merely by an inference drawn from certain exemptions given physicians under Section 1145, and are not protected by the direct terms of Section 1142. This lack is more clearly shown by contrast with the fact that such protection by means of an exemption clause is accorded in a neighboring section of the penal law dealing with quacks (see Section 1142 a).

Persons who are not physicians and not acting under physicians' direction must keep to themselves information about contraceptives, or else commit a crime, and their purpose in giving information about means of preventing conception is no defense to a charge under Section 1142. The extent to which physicians, or those under them, may give such information will be discussed later, in connection with Section 1146.

In *People vs Hager*, *181 App Dw*, the court upheld the conviction of a physician under Section 1142. It was conceded that the pills he delivered to one of the two decoy women detectives were not capable of producing an unlawful effect, and could be purchased legally and freely anywhere. The physician testified that he prescribed them for another purpose. "But" said the court, "the gravamen of this provision of the statute (referring to the clauses added to Section 1142 by the amendment of 1887) is not the character of the drug, nor the purpose of him who proffers it, but the representations made," and the court refused to overturn the finding of guilt brought by the trial court, even though the evidence showing representations was slight.

Judge Blackmar in a vigorous dissenting opinion pointed out how a reputable physician was placed at the mercy of unscrupulous persons if such slight evidence prevailed. But while he questioned the sufficiency of the evidence, he did not

(Continued on page 61)

B I R T H C O N T R O L

One of the most interesting sessions at the recent National Conference was the one on "Birth Control." We give herewith replies received from seven clinics to a questionnaire sent to them. Reports of the work of the Clinical Research Bureau, New York, and

QUESTION	Bureau of Contraceptive Advice, Baltimore (DR BESSIE L MOSES)	Maternal Health Clinic, Cleveland (DR RUTH ROBISHAW)	Mother's Clinic, Detroit (DR B BOUDANA SHERMAN)
Numbers of patients treated to date	416 (time not stated)	367 (time not stated)	600 (two years)
Social status	Large percentage dispensary type No statistics yet	144—income under \$25 9—income more than adequate	Practically all cases referred through social and nursing agencies
Are you reaching the lower strata of society?	Decidedly	Yes	Lower, yes, but not lowest. These do not know enough to come, and cannot use contraceptives. They are clearly cases for sterilization.
Are people of low mentality able to use the methods successfully?	A certain percentage No definite information ready yet	A detailed analysis of cases not following instructions shows 38% of failures due to carelessness	No
Do you have a follow-up?	Yes	Yes	Partial. Half the cases are revisited by Detroit Visiting Nurses Society.
What is your percentage of success?	Not ready to report on this for several years	—	No definite figure yet. But percentage is high.
How far is your center self-supporting?	Partially supported by patient's fees	Patients' fees barely cover supplies	About 10%
Average cost per patient	No figures available	\$20.87	\$12.00
Cooperation of social agencies, and how secured?	Excellent cooperation. Notices and reports sent to agencies.	Majority of patients referred from social agencies.	Complete cooperation.

CLINICS AT WORK

the meeting on "Achievements and Plans of Birth Control Organizations" at by the American Birth Control League, and presented at that meeting Maternal Health Centre, Newark, will appear in the March REVIEW

<i>Mother's Clinic, Los Angeles</i> (DR. ETTAGRAY)	<i>Mother's Health Clinic: Alameda County Birth Control League</i> (DR. MAY E. WALKER)	<i>Illinois Birth Control League</i> (DR. RACHELLE YARROS)	<i>Mother's Guidance Clinic Pasadena</i> (DR. NADINA KAVINOKI)
3,800 (time <i>not</i> stated)	155 (amen months)	5,376 (<i>five years</i>)	132 (<i>time not</i> stated)
Middle and lower class	All classes	All classes	Poor white , colored, Mexican
Very few	Half from lower strata	Yes	Yes
Seldom	No statistics available yet	No general answer possible	Yes, about 90%
No follow-up by paid worker. Some patients return	Plan to follow-up	Yes , by correspondence	Yes
85% , approximately	No statistics	98%	86%
50%	50%	About 50%	About 50%
\$4.50 including supplies	\$11.00	Cost different in each of six clinics	\$115
Excellent cooperation	Active cooperation. Personal contact and educational work	Excellent cooperation. Personal contact	Good cooperation. Most cases referred from agencies

POPULATION SECTION

Three Papers by Sir George H. Knibbs

By MALCOLM H. BISSELL

THE first two of these papers¹ are similar in scope and content. Originally published in technical statistical journals, they make free use of higher mathematics and of the methods of statistical analysis, hence it is hardly necessary to add that they were not written for the layman. The conclusions arrived at, however, are of interest to all persons who have given serious thought to the problem of population.

In general, these two papers constitute a critique of the so-called "logistic curve" method of representing and forecasting population growth. This method is based on the assumption that for every area there is an ultimate limit of population and that the relative change of population is always proportional to the relative remaining possibility of population. In other words, it assumes that the inherent impulse to increase is constant, except for the check imposed by the increasing density of population.

The logistic curve in many cases shows a remarkably close agreement with actual curves of population growth, and this fact has led to its use in forecasting ultimate limits of population. The validity of these forecasts is challenged by Knibbs, who shows that the theory of the logistic curve is not in conformity with facts, and that the agreement between this curve and the actual curve of population growth is purely artificial and arbitrary. The assumption that the impulse to increase is affected only by the ratio between the actual and the maximum population takes no account of social and economic factors, such as a change in the standard of living, and is consequently not justifiable.

A careful study of data leads Knibbs to the conclusion that there is no general relation between population density and the birth rate or the rate of natural increase. On the other hand it cannot be

doubted that the standards of living prevailing in some countries limit the possibilities of their population growth.

With a general increase in world population, Knibbs foresees the necessity for increasing cooperation and intelligence in human affairs. This will involve, among other things, the reduction of hostile collisions to a minimum, the inclusion of every country as an integral element in world-effort, and the adoption of constructive Birth Control as a world-ideal, with the submission of all populations to its discipline.

The third paper² is of a more popular nature. In it Knibbs surveys the general trend of population changes and of social and economic forces with a broad and far-seeing view. He sees grave problems of food supply, raw materials, race relations, eugenics. The issues raised by Malthus confront the world in new forms today. The final and all-important question is: Can man rise above greed and prejudice to bring intelligence and a spirit of cooperation to bear on the solution of these vast and threatening problems?

A kind of courageous hope runs through the paper. The difficulties are great, but so are the possibilities. Great economic adjustments need to be made, but intelligence and a spirit of world friendship can bring them about.

Constructive Birth Control is a necessity. "The new Malthusianism will aim at adjustments of birth-conditions so that the new-born will be ushered into a healthier world than now. The aim everywhere will be to raise common intelligence to so order the rate of human increase that it can be adjusted to local and world conditions."

A splendid and stirring humanitarianism is the keynote of the paper. When such a spirit becomes more common, one may indeed hope for the solution of the menacing problems that confront the world.

¹The Laws of Growth of a Population. Reprinted from the Journal of the American Statistical Association, December, 1926 and March, 1927.

The Growth of Human Populations and the Laws of Their Increase. Reprint from *Metron*, Vol. 6, No. 3, 1926.

²The New Malthusianism in the Light of Actual World Problems of Population. Reprint from *Scientia*, December, 1926, pp. 379-388.

International Union for the Scientific Investigation of Population Problems

OBJECT OF THE UNION AND CONDITIONS OF ADMISSION

Excerpt from the *Bulletin*,¹ Vol. 1, No. 1

1 The purpose of the Union is to develop scientific studies pertaining to the problems of population, and particularly

- (a) To initiate and organize researches which depend upon international cooperation, to provide for the scientific discussion of the results of such researches, and to publish them without duplicating the publications of existing international statistical agencies
- (b) To facilitate the establishment of common standards for the collection, tabulation, and analysis of data regarding human populations, including not only demographic, but also agricultural, economic, sociologic, and biologic data in the broadest sense
- (c) To serve as a clearing house for the inter-

change of information about population, for the purpose of facilitating research

- (d) To cooperate to the fullest extent with other organizations of a scientific character having similar objects
- (e) The Union confines itself solely to scientific investigation in the strict sense, and refuses either to enter upon religious, moral, or political discussion, or as a Union to support a policy regarding population, of any sort whatever, particularly in the direction either of increased or of diminished birth rates

2 The admission of national groups to the Union shall be by two-thirds vote of the General Assembly. The national groups of the following countries shall be considered members without further validation, provided they form National Committees and elect delegates to the first or second meetings of the General Assembly hereinafter provided for: Argentina, Australia, Belgium, Brazil, Canada, Czechoslovakia, Denmark, France, Germany, Great Britain, Greece, Holland, Italy, Japan, Norway, Poland, Russia, Spain, Sweden, Switzerland, United States of America.

¹The Bulletin is issued from the office of the President of the International Union, which is The Institute for Biological Research of the Johns Hopkins University, Baltimore, Md.

Social Work Futile Without Birth Control

A PARTICULARLY vicious and menacing aspect of the religious obstruction of economic progress is to be seen in the opposition to Birth Control. It is generally agreed by well-informed students of economics and sociology that the most important single measure which holds any hope of promoting permanent well-being in society is that of artificial restriction of the birth-rate, particularly among the working-classes. Such devices as social insurance, minimum-wage legislation, labor-organization and the like will prove of no avail if the population far outruns the economic resources and labor demand. Indeed, able students of the population problem like Professor E. M. East predict a return to barbarism unless population growth is effectively checked within a century.

Orthodox Christianity, especially Catholic Christianity, bitterly opposes Birth Control. It is due to this religious opposition that we have our anti-Birth Control legislation in the United States

To be sure, the church is perfectly logical in maintaining this attitude in the light of its premises. To the orthodox Christian the purpose of sex is to create souls. The fact that these "souls" may exist in misery here on earth is of slight importance for their ultimate destiny is heaven. To limit the production of souls is an affront to God and a violation of His expressed command. As long as orthodoxy maintains its hold on modern society, conventional religion cannot be expected to take a favorable attitude towards Birth Control.

Not only will all types of charity and social work prove ultimately futile unless accompanied by a successful campaign of Birth Control, but much of modern charity is hampered in its efficiency through retaining the older Christian attitude of resignation towards social evils as a part of the scheme of Providence.

—HARRY ELMER BARNES in *The Twilight of Christianity*

Book Reviews

ESSAYS IN POPULAR SCIENCE, by Julian Huxley Alfred H Knopf, New York \$4 00

IN the past, man has chiefly concerned himself with his surroundings. Through the taming of nature and her forces, he has sought to better himself. "To do this effectively," says Julian Huxley, "he has had to learn to think scientifically about those forces: the result is epitomized in physico-chemical science and its brilliant application."

But he has neglected himself. In this realm, even the well educated are lamentably ignorant. Most of them learn with almost a shock that they began as a fertilized egg. The majority of them know far more concerning the intimate make-up of radios and automobiles than of themselves. Ask them about those powerful arbiters of their destinies — the chromosomes — and note how blank they look.

"To-day and in the future, man's chief concern must be increasingly with himself. Unless the civilized societies of to-day unprove their organization, unless they invent and enforce adequate measures for regulating human production, for controlling the quantity of population, and at least preventing the deterioration of quality of racial stock, they are doomed to decay and to be submerged in some new barbarian flood. To achieve this man must at last consent to think scientifically about himself and the intimate facts of his life, instead of surrounding every vital problem with taboo or prejudice, and in this task, biology must be his chief servant."

Thus speaks the grandson of Thomas Huxley and Matthew Arnold, and the contents of this volume of essays are calculated to help man take his first steps along this long neglected road.

This highway, as pictured in these essays, makes an extremely interesting journey. Heredity, chromosomes, the inheritance of acquired characters, the dominant sex, biological utopia, the meaning of death, Huxley and religion, birds and the terrestrial system, the tadpole, the frog and biology, the control of the life cycle, and Birth Control are some of the subjects discussed from the standpoint of their relation to the intimate life of man.

In an essay on flat worms, after describing some starvation and feeding experiments in relation to duration of youth, Professor Huxley says "To

grow old means to change internally in a particular way, not to have lived so many months or years, it is Life, and not Time that brings Age." To illustrate this in another way, let us consider the little fruit fly of the banana stands. At 30°C, it lives intensely for 21 days, then dies, but at 10°C, its life is lengthened to 177 days. Still another illustration is that of the rats which, when fed on the wheat protein gliadin, keep their youth both in looks and size for a very much longer period than those given a normal diet.

The essay on "Birth Control" closes with this statement: "A rational Birth Control would right the balance which the differential birth-rate is upsetting, it would give a chance of a reasonable existence to millions of women, whose lives are now made a burden to them by a succession of confinements breaking in on an unending round of domestic overwork, it would improve the physique of the children and give them a better chance in life, and it would slow down the rate of our multiplication so that we might hope that our schemes for social improvement would begin to catch up with the problems with which population increase is always presenting us."

Properly assimilated, this non-technically written volume offers the opportunity for a broad authoritative course in biology.

ORLAND E. WHITE

LIVING IN THE TWENTIETH CENTURY, by Harry Elmer Barnes The Bobbs-Merrill Co., Indianapolis \$3 50

DOCTOR HARRY ELMER BARNES, Professor of Historical Sociology, Smith College, is rapidly gaining fame as one of America's leading scientific expositors. Just as Huxley and Tyndall in England, and John Fiske in America, popularized evolutionary advance in the latter half of the nineteenth century, so Professor Barnes is bringing the latest scientific advances, in his special department, to the large middle class of American readers.

Living in the Twentieth Century tells of the marvelous changes which have taken place in the last seventy-five years. More epoch-making inventions have come into daily use since Abraham

Lincoln lived in the **White House** than in the thousands of years **preceding**

In a manner **which** the layman can understand, Dr Barnes **explains** these changes so as to force our finest **activities into** play. Unfortunately, "our **thinking and feelings** do not change so **readily** as our **circumstances**" because we **continue** to think of new **things** in old ways. **Despite** the fact that over ninety per cent of our **leading** scientists accept the theory of **evolution**, most of our **middle class citizens still believe**, as did the members of the 1926 Tennessee **Legislature**, that God **dictated His "revelation to Moses in the faultless English prose of the King James version of the Bible"**

This volume **brings** our **thinking up to date by explaining modern viewpoints on various subjects**. Take, for example, **Birth Control**. If the world continues to **increase in population** there **will be insufficient food to supply mankind**. Therefore, "some **form of Birth Control** must well become, as one writer has described it, the pivot of **civilization**"

Professor Barnes has successfully compacted the best **available information** from many excellent books into **this admirable volume**. **Discriminating** readers **will gladly add this book to their own libraries**

RUDOLPH I COFFEE

THE MODERN FAMILY, by Ruth Reed. Alfred A. Knopf, New York, \$3.25

RUTH REED, in her book "The Modern Family", shows first of all that the modern family **is** a definite problem, and a most complex one. She **very systematically** presents the **sociological evolution** of the family, and **terminates** the book **with** examples of measures advocated by social **agencies** and **individuals** to **bring about a satisfactory adjustment of the individual to the present day family unit**

Miss Reed **points out** clearly that the **evolution of the family** from the **matriarchal**, through the **patrilarchal**, through the **Christian ideal** of monogamous **marriage**, has always depended on the particular social needs of the **period**. The **Christian ideal** — monogamy — does not stress the care of children, **it is** much more concerned with conformity to a set social standard. The **economic burden of caring for children** is not recognized at **all**

Inasmuch as the family **in its present form** no longer functions as a **unit** for the purpose of **economic production**, and has no control over **social**

conditions such as **disease, industrial accidents, premature old age and unemployment, families with many children** suffer most. One **is** forced to conclude, as Miss Reed has, that "**family life** should be so adjusted as to relieve poor people of the enormous burdens **which it imposes** upon them. **Rearing** a large number of children **is** now not only a form of **involuntary servitude** for them, but of **dubious value to society**. **Motivated by their instinctive impulses** to marry young, the poor have **neither** the knowledge nor the restraint necessary for the **limitation of their families** to a number that can live in decency on the wages earned. Repeated **births** for them are a burden sullenly borne, **without** the compensatory advantages and **satisfactions which come with voluntary parenthood**"

In discussing the spread of **Birth Control information**, Miss Reed feels that the **objection to this** at present amounts to an **objection to making this information available** for the poor, **since** for many years the **differential birth rate** has made it clear that the upper **economic classes** have **availed themselves of the information**"

The section "The **Family in America**" is especially interesting in that it portrays our present family **unit** from all angles. The mother's **attitude** toward the family has passed through the greatest change. Miss Reed has made a thorough study of the forces **motivating the evolution** of the mother's place in the **family** from one of utter dependency to her present status in **society**

This book **might be classified** as a **history** of the growth and **disintegration** of the family, for Miss Reed sees the old **importance** of this **institution in relation to society being rapidly usurped** by other forms. She interprets such movements as the **Oneida Community**, the polygamous **ideals** of the Mormons, **companionate marriage**, as social **experiments** to take the place of the family. She concludes that the social **recognition** of parenthood **is** our most important step toward a **solution** of the problem of the modern family

FRIEDA LESCHER

WHOLESOME PARENTHOOD, by Ernest R. and Gladys H. Groves. Houghton Mifflin Co., Boston. \$2.00

EVERYONE is writing endlessly about "parents and children." Volumes are filled **with** research, **ideas and advice**. It is all quite important, though not always quite new. For some rea-

son most of **this information** is **written** so Impersonally and sounds so detached that **it** becomes almost **unconvincing**, instead of being warm and passionate as the subject demands. The trouble **is** that such **impersonal** treatment makes the reader wonder whether the authors have really touched **their** subject first hand. If they have not, much of the talk **is** futile.

The **impression** gained from reading "Whole-some Parenthood," is a feeling of **futility**. It seems an over-long **dissertation** about **child-training**, **parenthood**, and **education**, always **academically** tabulated, always **without** the **slightest** personal touch. It seems so full of knowledge and **theories** **which** the **intelligent experienced** parent already knows, and **which** the **intelligent inexperienced** parent hardly believes, because he does not **anticipate** the many complications which **will** later clutter up **his** job.

But on second thought the young mother comes to my **mind**. New at the work of parenthood, surrounded **with** young **things** and the problems they create, she would sooner or later turn to just such a volume for **advice**. And she would get the help she wanted. Of course in the limited space of one volume the Groves could not possibly handle the subject exhaustively. But they have handled **it** well. They have followed a **simple** plan, faced many important **manifestations** of the problem between parents and children, and analysed and **advised** in an easy and **concise** style. They have **discussed** and offered **advice on** such subjects as **anger, fear, habit, money, sex and emotional conflicts**. Though they have not been neglectful of the more **conservative contributions** of modern thought and psychology to their subject they have not dwelt unduly upon all the fads and **fancies** **which** are **disguised in** modern terminology, and in **which** more **passionate** students **indulge** so freely. **This** is an asset.

At the end of each chapter they have added an excellent **list** of references to **which** the eager parent can turn **if** he should **desire** to go more thoroughly **into** some **subdivision** of the general **theme**.

EDNA B. MACGOWAN

THE DOCTOR LOOKS AT MARRIAGE AND MEDICINE, by Joseph Collins, M.D. Doubleday, Doran, New York, \$3.00

THE physician, particularly the **neurologist** and **psychiatrist**, has a **position** of undoubted vantage in **studying** the problems that **arise** out of

marnage. It **is** therefore understandable how the author of "The Doctor Looks at **Marriage**" has, in long years of practice, accumulated **sufficient** observations to be the **basis** for some sage aphorisms and epigrams. In parts, **this** book reads like a collection of **epigrams** arranged in a **fairly** natural sequence. Some of these are, of course, quite **generally appreciated** and not very **profound**. For instance in "Woman as **Wife**", the author writes "The best **lubricant** for the wheels of the **matrimonial chariot** **is** **commendation**, the most effective brake **is** **condemnation**, the most effective shock absorber **is** **concession**."

In his discussion of "Woman as Man's **Companion**", there is a somewhat elaborate argument on Birth Control. Dr. Collins **is** very **contradictory**, perhaps because of the natural **conflict** between his **scientific** knowledge and **religious conscience**. His freely concessive statement, "From the **point of** new of **civilization**, world betterment, **it** **is** absolutely true that **Birth Control** **is** most **desirable**" makes his remarks in a subsequent paragraph **ludicrous**. "Birth Control" he states "fosters selfishness, facilitates **egocentrism**, frustrates fecundity, and forces a **responsibility** upon man **which** he has not yet shown himself capable of assuming. Should he show himself capable, he **might** be entitled to **practice Birth Control**."

The book has a good deal of **wisdom in it**, and if the chaff were deleted, **it** would make a **treatise** on **matrimonial** problems to be recommended.

MORRIS H. KAHN, M.D.

Yesterday I was **digging** my garden with a Welsh miner, who, sick of unemployment, had scoured the country for work and finally ended up in **this** little **Devonshire village**. I asked **him** how **it** was that the **birth** rate had fallen so **quickly in** his native country. Before the war, he **said** most people did not marry "until there was something to make them". nowadays, thanks to **Birth Control**, they saw to **it** that there was no such impelling force! Whereas in the old days **families of eight or ten** were quite usual, now there are seldom more than two. "And **what's** more," he added, "even **if** times get better there never will be **again**." Miners are **tired** of dead children and of unemployed youths, and the **ngor** of their lives has taught them that two **well-nourished** children are better than a dozen dead or only half-alive.

JOHN LANGDON-DAVIES,
The American Freeman, Girard, Kansas, Nov., '29

News Notes

UNITED STATES

THE Board of Directors of the American Birth Control League, taking action on Mrs Sanger's congressional bill, at its January 14th meeting, unanimously voted to endorse the bill to be introduced into Congress by Mrs Sanger's Federal Committee. This endorsement is made on the understanding that the bill will be a "doctor's only" measure, and will also permit lay persons to give the addresses of doctors and clinics to people desiring Birth Control information.

The Board of Directors also voted to introduce a bill into the New York State Legislature, amending Section 1145 of the penal law.

The Junior Committee of the American Birth Control League held a successful benefit on February 27th, taking over a block of seats for the play "Children of Darkness." It is hoped that this pleasant way of raising funds will be increasingly used.

Mary Ware Dennett's case was argued before the U S Circuit Court of Appeal, Second Circuit, on January 16th. The Court reserved decision.

Mrs Myra P Gallert, president of the Voluntary Parenthood League, made the following announcement in an open letter to the members of her organization:

The National Conference held by the American Birth Control League was a fine, large, representative and most creditable occasion. The Voluntary Parenthood League for the first time was spontaneously invited to participate, an evidence of fraternity to which your president and Mrs Dennett, as Chairman of the National Council, were heartily glad to respond.

If—and when—the American Birth Control League stands for the clean repeal, it would seem sensible for the Voluntary Parenthood League to disband and join it, as our educational and general aims are practically identical.

President Hoover, in his message to Congress, asked for additional appropriations for the Women's and Children's Bureaus, and urged that "the purpose of the Sheppard-Towner Act be continued through the Children's Bureau." It may be remembered that under the Sheppard-Towner Act a successful program was carried on for seven years

by the Federal government and the states, to reduce the maternal and infant death rate. Since last July there have been no funds for this work. New bills providing for a renewal of the Federal program have been introduced by Senator Jones of Washington and Mr Cooper of Ohio.

The magazine *The Country Home*, formerly called *Farm and Fireside*, has completed a survey on rural attitudes and interests, using a questionnaire which was answered by 13,431 readers. The following contrasts in attitudes on divorce and Birth Control are significant:

19% for granting divorce on grounds of incompatibility

81% opposed to making divorce easier to obtain

67% for making it legal for doctors to impart Birth Control methods to married couples who apply jointly

33% against it

A letter from Alice C Nichols, assistant editor, adds: "That the question of Birth Control is considered of great importance was evidenced by the number of people who not only checked the ballot but wrote additional notes such as this: 'Most married people practise contraception. Therefore, I believe that all should have scientific instruction. Ignorant, criminal practices result in injury, illness and sometimes death.'"

The Western States Conference on Birth Control and Population Problems, organized by Mrs Sanger, will be held at the Hotel Biltmore, Los Angeles, February 20th-23rd.

A ludicrous protest against the National Conference comes from a Catholic paper of London, *The Tab*, which writes:

"Bearing children," said Canon Chase, "gives women a sort of vocation." Instantly there were gales of laughter. Incredible as it may seem to educated people, the Conference took the Canon to mean vacation. The Canon himself does not appear to have guessed that vocation was a fact and an ideal outside the ken of his pitiable hearers.

P S He said vacation.

Indicative of progress in academic freedom, and the weakening of the sex taboo, is the report of a

special committee of the Association of University Professors, appointed to investigate the action of the University of Missouri in regard to a sex questionnaire last April. It may be remembered that two professors, Harmon O. De Graff, and Max F. Meyer were dismissed and suspended. The committee's conclusion is that "for the University to decree the most severe punishment within its power, dismissal and suspension without pay, is a clear breach of the principles of freedom of teaching and research and security of tenure in the university."

The committee, answering charges against the questionnaire, decided from the evidence taken from students and teachers, that

These problems of the sex code of morals, engagement and marriage are frequently discussed frankly, not only in the fraternity and sorority houses but also by the girls with their boy friends

These students do have ideals and convictions about the sexual code and they do discuss their ideals. These students have access to books and magazine articles by the hundreds that deal with the social institutions of betrothal, marriage, fidelity, Birth Control, divorce and other aspects of our sexual code.

In view of these facts the committee finds no "manifest social impropriety," as charged by the University, in the questionnaire.

MASSACHUSETTS A study of 646 dependent families, recently made at Simmons College of Social Work, shows that one out of every four women was pregnant, and that half of the members of the 646 couples were sick. Pregnancy was considered a primary factor in estimating causes of dependency in 11% of the cases, and the most important secondary factor. This study is called to the attention of any one in doubt about the relation between Birth Control and social work.

NEW JERSEY The Millburn unit of the New Jersey Women's Republican Club discussed the topic "The New Jersey Birth Control League", at their January 8th meeting. Miss Henriette Hart spoke.

NEW YORK Birth Control has been much in evidence on the lecture platform during January. Dr. S. Adolphus Knopf addressed the Society of Medical Jurisprudence on January 13th, on the subject of "The Dilemma of the Family

Physician regarding Contraception and Sterilization for Race Betterment." Drs. John G. Coyle, Robert L. Dickinson, C. C. Little, and Frederick C. Holden took part in the discussion.

Mrs. Richard Billings spoke at the home of Mrs. H. E. Adriance, Englewood, New Jersey on January 22nd, and over the DEBS Radio Station on January 21st and February 4th.

A debate on Birth Control was held by the Sunnyside Forum of Brooklyn on January 3rd, with Dr. S. Adolphus Knopf speaking against Dr. John G. Coyle, former State deputy of the Knights of Columbus.

Dr. Cooper addressed the Bronx Free Fellowship on January 19th.

Dr. B. Liber spoke on "Birth Control Viewed from All Angles" at the Brownsville Labor Lyceum, Brooklyn, on January 24th.

RHODE ISLAND The hardy perennial "Her Unborn Child" has once more made its appearance, this time in the form of a talking picture in Pawtucket. We again point out that this play does not present the Birth Control case, though it is invariably advertised as "the truth about Birth Control." It is to be hoped that some one will use the vast publicity possibilities of the stage and screen for a true picture of the meaning and value of Birth Control.

TENNESSEE Rev. Ambrose Smith, in his mission sermon at St. Peter's Catholic Church of Memphis on January 19th, said "Artificial Birth Control is justifiable under no circumstances, not even if the prospective mother is advised that the birth of a child means death. The mother who meets death in the maternal act is the bravest of all history."

Press Scimitar, Memphis, Jan. 11th

CANADA

The following resolutions dealing with sterilization, Birth Control, and Peace, were passed by the Women's Section of the United Farmers of Canada, Saskatchewan Section, at their second annual convention last June. They will be presented to the general convention of the United Farmers of Canada early this year.

(1) *Whereas* the bringing of mentally defective children into the world is a detriment to the State, and

Whereas almost all **children** from mentally **defective** parents are also **defective**,

Therefore be **it** resolved that we request our Government to pass **legislation providing** for the **sterilization** of the mentally **deficient**

(2) Whereas we **believe** that the **intelligent** use of contraceptives **is** one of the most important steps towards solving the economic problems of the farmers and other **working** classes, and

Whereas we believe that **Birth Control** **is** the only **humanitarian** way of **preventing** a mother from being over-burdened and broken in health with too numerous progeny, and

Whereas we know that in **countries** where **Birth Control** **is** **legalized** are found the **healthiest**, **happiest** and most normal people on the earth, and

Whereas we **believe** that **Birth Control** **is** destined to play the most effective part in **erasing** two of the **biggest** blots on modern **civilization** in all **countries**, namely maternal and **infant** mortality,

Therefore be **it** resolved that the Women's **Section** of the U F C, in **convention** assembled, do forthwith **advise** our Government to **raise** the ban on safe, sane and **hygienic** contraceptives, and

Be **it** also resolved that we **advise** that there be immediately made provision for **training** of all **practicing physicians** in the application of such contraceptives, and

Be **it** further **resolved** that we **advise** that **Clinics** be added to all **hospitals** far and **wide** for the purpose of **dissemination** of such **contraceptive** methods as are found most suitable for each case

(3) Whereas we know that the **right training** of the children of today **is** of the utmost **importance** to the future, and

Whereas **international goodwill** can best be fostered by **teaching** the **children** about peace and not war, and

Whereas the text books used in our **public schools** are filled with war stories, war poems, war **pictures** and war-hero **worship**,

Therefore be **it** resolved that we, the Women's **Section** of the U F C, in **convention** assembled, urge that the **above-mentioned** readers be thoroughly **revised** to **eliminate** all such war **selections** and war **pictures** and **substitute** with suitable selections which would tend to foster **international goodwill** and brotherhood

(4) **Whereas** transmittable disease and defects are **increasing** at an **alarming** rate with each **generation**, and

Whereas no **eugenic** measures have hitherto been adopted in our **Province** to decrease or prevent such **degeneration**, and

Whereas **this** **is** both a grave danger to the present **generation** and a **crime** against the **generations** unborn,

Therefore be **it** resolved that the Women's **Section** of the U F C, in **convention** assembled, strongly urge that no couple be granted a **marriage** license unless both **parties** produce certificates of health including mental and **physical** soundness and **signed** by a competent **physician**

(*Kindly contributed* by W. DIAMOND)

ENGLAND

THE Birth Control Investigation Committee, under the chairmanship of Sir Humphrey Rolleston, has started to gather **material** through a **questionnaire**, on the subject of methods of **Birth Control** in general use, **their** efficacy, and **their** effects upon the mutual health and **happiness** of married couples. The **committee** consists of doctors and **scientists**, who are **assisted** by lay workers. The members **differ widely** in **their** opinions as to the **ethical** problems **involved**, but are united in the **belief** that **scientific investigation** into the prevalence and consequences of **this practice** is more urgently **required**.

ITALY

ACCORDING to a **dispatch** from the Herald *Tribune* Rome Bureau, December 30, **Premier Mussolini** is much alarmed at the fall in the **Italian** birth rate, as **indicated** by the fact that **during** the first eleven months of 1929 there were 29,460 fewer **births** than in the **corresponding period** of 1928. "Without quantity," writes il Duce, "there **is** no quality. Without numbers there **is** no power."

PORTO RICO

MUCH of Porto Rico **is** always hungry, and that hunger has become more acute with increasing **population**. Thus the *Literary Digest* of December 14th, **describes conditions**. The article quotes Col. Theodore **Roosevelt**, the island's new Governor, as follows:

The **basis** of health **is** adequate food, and **this** the **children** of Porto Rico have not had — and do not get to-day. Hundreds of thousands are on **starvation diets**. The Red Cross tells me that **it estimates** that 60 per cent of the children of the **entire island** are undernourished. Of **this** 60 per cent, a large number are literally slowly **starving**.

Readers' Page

We urge our readers to express their opinions for publication on this page. Comments, criticisms, ideas, suggestions, for the REVIEW and for the Birth Control movement, are welcome

LET EVEN COMSTOCK HAVE HIS SAY

To THE EDITOR

Your **publication** stresses the **point** that truth, **fairness, understanding** and, above all, **light** and knowledge should replace **prejudice, hatred, superstition, fanaticism** and **ignorance** prevailing to an **astounding** degree on **this** earth today

In my **opinion** **repressive** laws (whether by church or state) have done more to retard progress on **this** earth than all other causes **combined**. I so **dislike this business** of personal **censorship** and **keeping** facts in the dark that I even **believe** that people patterned mentally after Anthony **Comstock** should be allowed **their** say and to have the **privilege of drawing** as many as they can to **their** belief

The **day** will doubtless come when meddlers, **busybodies, selfish and intolerant** people will be forced to **mind** their own **business** and allow others to pursue **happiness in their** own way, so long as the **rights** of all are **considered**.

G C HART

HONOLULU NEEDSALEAGUE

To THE EDITOR

Will you **kindly** forward any **literature** or **information** you have for **distribution** in regard to the work of the **Birth Control League**

There is no **organization** of **this kind** in Honolulu that I can learn of, and as the field here is **wide**, and the need urgent, I am very **desirous** of **starting** some **interest**. Our leper **situation** alone is one that **requires drastic action**. You may be aware that lepers are allowed to marry, have **children, which children** are taken from them at **birth**, and become an **immediate** and **serious** charge upon the **community**. The homes for non-leprous boys and **girls** of leper parents were **maintained** last year at a cost of more than \$52,000. **Aside** from the monetary cost, there is the **question** of the **social** status of these **children**. Although leprosy is apparently never **transmitted** by blood, nevertheless these **babies** are not the ones that people would first choose to adopt and take **into their** homes

I should like to get a branch league started here. I have **informed** our **United Welfare Bureau** that any money I had for **chanty** this year must go to the **Birth Control League**

ADELE KENSINGER

Honolulu, Hawaii, Dec 9th, 1929

BATH TUBS AND BIRTH CONTROL

To THE EDITOR

Were it not for **dissatisfaction** we should not make progress, yet however **unsatisfactory** our **condition** we **stupidly hesitate** to forsake the bad for the good, the good for the better. **This is** a **manifestation** of fear and we always fear most that of **which** we know the least

Only four score years ago the **idea** of the bath-tub, **which** to-day is **considered** such a common **necessity** of life, was sorely **decried** when **introduced in America**. Newspapers, **politicians** and **ministers** thundered **against it**, even doctors **predicted dire** consequences for tub bathers, the owner of the tub was almost sent to **jail**. **Philadelphia** wanted to ban the tub, **Boston** is reported as **having** passed an **ordinance making** tub **bathing** unlawful except upon **medical prescription**. So it was when eye-glasses were **introduced**. Was not the speed of a tram which could travel fifteen **miles** an hour once a **violation** of Nature and of God's **will**? **Still audible is** the echo of those who thundered **their condemnation** of the **airplane** and so it has been **with** all that we now hold as commonplace

It is only natural that such a **progressive issue** as **Birth Control** should meet **with** the same **experience** — why expect **otherwise**? Carry on — truth is **dominant**. Its scorners will pass, **with** the scorners of other days, while those who **persist** will erect an **everlasting** monument to **posterity**

Oppositions are not overcome by **concentrating** our **energies** in attack upon them, but, rather, by **directing** that energy on the **positive side through education**. Christ never spent an ounce of energy on any forces negative to **His** cause. He knew that the **voice** of the people **was** greater than **man-**

made laws, so He educated the **multitudes accordingly**

All power comes from **recognition** of it! The more we harp on **opposing** laws, the stronger we make that **opposition!** Chnst taught that **which** upset the laws and traditions far more than Birth Control ever can. **He** did not fight the **opposing** laws, He taught **his truths**

No law of church or state **is** stronger than the **individual's** acceptance of it! The statutes are heavy **with** chapters **which** passed into **obscurity** long ago because they **did** not represent the will of **intelligent** people under changed **economic** conditions. It was unnecessary to expend vital energy **endeavoring** to get **certain** laws repealed, **modified**, or even **clarified** — **they** met a natural death

In former years **officialdom** may have been responsible for many **conditions**. But today **it** has a very real problem. Almost **irrespective** of what **it** may intend, in the end **it is** public **opinion** which **is** the **governing** factor. **Birth Control** must continue to educate the people, and one day the **restrictive** laws **will** be numbered **with** those that have passed **into obscurity**

Pittsfield, Mass

F RODLAW

ANY AND ALL MAY READ IT

TO THE EDITOR

After **placing** the **REVIEW** on the **reading** table of the Norfolk, Nebraska, Y M C A for the past two **years**, I feel I can say "**Readers from** all walks of **life** enjoy it" It is well **edited**. There have been a few who **tried** to compel me to remove it from the room, since boys from nine years of age have access to **it**. But the **REVIEW** **remains** placed where any and all may read it

JOHN G MOORE, *General Secretary*
Norfolk, Nebraska

WOMEN SHOULD DEMAND, NOT BEG

TO THE EDITOR

In the *Cass City Chronicle* of 1912 I expressed my **idea** about the **workingman's wife** in the near future, as follows: "The **wife** will soon have the **right** to say when and in what **environment** a **child** shall be born. **This** will **give children** a chance to grow **into** healthy manhood and womanhood, physically, **intellectually**, morally and **spiritually**."

Today, seventeen years later, women are **begging** instead of **demanding** a law **giving** them the **right**

to have the knowledge of **scientific** conception control

One way to get such a law passed just before the next election women should carry out a house to house canvass, **distributing circulars** stating "Senator John Doe **is** in favor of Birth Control, **in order** that there need be no more unwanted babies"

F LENZNER

Cass City, Michigan, Dec , 1929

OPPOSITION IN PANS

TO THE EDITOR

Birth Control is **still** anathema in Pans. The secretary of a **distinguished** group of intellectuals asked me to prepare a short paper on the work and aims of the Birth Control Societies — at the same time he asked me to **invite** Mane Stopes, as a well-known **Birth Controller**. **It is** the same group **which in 1928** asked Margaret Sanger to speak and then suppressed the meeting, but **this time**, I thought, they have advanced and really want to understand. So I prepared a careful, sober paper. But all the speakers at **this meeting** supposed to be for the **discussion** of **Birth Control** had the **point** of view **which** makes **discussion impossible** — that sexual intercourse, except for the **procreation** of **children**, is immoral and as a **logical** consequence, **contraception** and **eugenical sterilization** are **immoral** also

There was no **examination** of facts, only **mud-slinging**. One speaker **painted** a **lurid** picture of **America**, **sterilizing** not only **undesirables**, but **foreigners** in order to put the **100% American in possession**. It was not clear whether the speaker thought the process had begun, or was **imminent**. Another drew an equally **lurid** picture of England, where the **professional** prostitute was disappearing because **sterilized** women of other classes took her place. It would have been funny, **if it** had not been **tragic**, to see these earnest **convinced**, elderly gentlemen trying to smother the movement **in** abuse. Pans, *Dec , 1969*

S GREEN

DR WILLIAM ALLEN PUSEY writes

I am thoroughly in sympathy **with** the Birth Control movement, hardly any subject is of more importance for the **happiness** and welfare of **civilized** man. I have the **highest admiration** for those courageous souls who have fought to **bring it into** the open

THE DUTY OF PARENTHOOD

BIRTH CONTROL is a new and major factor in **civilization**. It raises parenthood from animal **necessity** to the status of free **choice** and moral obligation. This new knowledge, **which**, nightly used, can have a freeing and **ennobling** influence on **life**, finds men and women very largely **without** the moral conviction necessary to govern and to **discipline** its use.

Because of this new knowledge, selfishness or failure to see one's own life in **relation** to all **life**—**past**, present and future — has **immediately** more final and more disastrous results. Seldom has any increase in human knowledge created such an urgent need for the **immediate** birth of a new concept of duty and of a new element of moral **conviction**.

The adventure of **life** is not an **individual** matter nor the **affair** of a single generation. Age after age has fought its fight and held its ground, passing on from **generation** to **generation** its **inheritance** of innate **quality** and **acquired** culture.

There can be no gap in this sequence. Other problems may be **laid** aside for later generations, but the duty of parenthood — the duty to save and to **increase** the best that life has **achieved** — cannot be postponed.

The future must build on the past, and **if** the **winnings** of the past — in character, in culture, and in **innate quality** — are cut off, we but leave that long, hard road to be traveled over **again** before other men and women come once more in that quest to where we are today.

The future of the race **is** in the hands of those too uncontrolled or too **stupid** to exercise Birth Control, those under dogmatic **religious compulsion** to have large **families**, those with strong **desire** for parenthood, and those who have the moral **conviction** to carry on in the great adventure of life. Except as these last increase, the **immediate** future is not **bright**.

Among all the ways in which men and women may fail to meet the obligations of life, very few are so far-reaching in their effects as **failure** to **undertake** the responsibilities of parenthood. Desire to **insure** preferred **economic** or social status to one's family does not justify an **approximation** to race **suicide**.

Incentives to parenthood should be provided by the inward **convictions** of **individuals** and not by social disapproval of **childlessness**.

Antioch Notes, December 1st, 1929

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NEW YORK LAW AND BIRTH CONTROL

(Continued from page 47)

object to the rule quoted from the prevailing opinion of the court

What **advertising is permissible** under Section 11427 That is one of the most unsettled questions arising in the interpretation of the statute The terms of the act are **certainly all-inclusive** It forbids printed matter or oral **information stating when, how, of whom, or by what means the contraceptives may be obtained** Would that apply, however, to stating where and when contraceptives could be obtained under lawful **circumstances**, such as at one of the **hospital Birth Control clinics in New York City?** Such an exemption from the **rigor** of Section 1142 could only be based on an inference drawn from the fact that **physicians** under Section 1145 can lawfully use or apply contraceptives for the cure or prevention of **disease** But Judge Crane in *People vs Sanger*, 222 N. Y., 195, while discussing Section 1145, said, "This exception on behalf of **physicians** does not permit advertisements regarding such matters" "Where are we? Did Judge Crane mean to include advertisements or **information given to direct people to lawful clinics?** It would seem strange for the State to say that such **clinics** could be lawfully conducted for the **prevention and cure of disease**, but that **information** about them might not be **disseminated** This whole question of **advertising** remains uncertain until tested by a case, or until the statute is changed

The next section in the Penal Code pertinent to our subject is one that is seldom mentioned, and often overlooked It is Section 1143 entitled "Mailing or carrying obscene prints and articles" Under this section a person who does the following commits a misdemeanor

- (1) **deposits** or causes to be **deposited in** any post office within the state any of the **articles or things specified in Section 1142** or any **circular, book, pamphlet, advertising or notice relating** thereto,
- (2) places the same in charge of **an** express company or common **carrier** or other person for **transportation** or for any purpose except **their destruction**,
- (3) **knowingly or wilfully receives** the same **with intent to carry** or convey them **in** any manner (except in the U. S. mail),
- (4) **knowingly or wilfully carries** or conveys the same in any manner (except in the mail)

The penalty is the same as under Section 1142

If the devil could be caught by a web of words, the draftsman of the statute would bag him Here

we have the **oddity**, that under Section 1142 it is not unlawful to use contraceptives or to possess **them with no intent to distribute**, but under Section 1143 it is unlawful to carry them in any manner

Of course the **limited** exemption in Section 1145, accorded to **physicians** and those **acting** under them, **applies** to Section 1143

Section 1144 deals with the **issuance** of search warrants to the proper **officers**, the safe-keeping of the seized **articles**, and their destruction in event of **conviction**

Various **preceding** references have **mentioned** Section 1145 of the Penal Law This important statute is closely linked by **judicial** interpretation with Section 1142 It is found under the same chapter subhead, entitled "Article 106 Indecency," under which we find Sections 1140 to 1148 **inclusive, covering** a range of subjects from obscene prints, books and photographs to houses of **prostitution** and **pimps** In this distinguished company we find Section 1145 entitled "Physicians' instruments" It reads as follows

"An **article** or **instrument**, used or applied by **physicians** lawfully **practicing**, or by **their direction or prescription**, for the cure or **prevention 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**"

This exempts **physicians** from some, but not all, of the **restrictions** in Section 1142 The scope of the exemption is indicated in *People vs Sanger*, 222 N. Y. 198, in which Judge Crane said

"This exception in behalf of **physicians** does not permit **advertisements** regarding such matters, nor **promiscuous advice** to **patients irrespective of their condition**, but it is broad enough to **protect the physician who in good faith gives help or advice to a married person to cure or prevent disease** 'Disease,' by Webster's **International Dictionary**, is defined to be 'an **alteration in the state of the body, or of some of the organs, interrupting or disturbing the performance of the vital functions and causing or threatening pain and sickness, illness, sickness, disorder**'

"The **protection** thus afforded the **physician** would also extend to the **druggist**, or vendor, **acting** upon the **physician's prescription** or order"

The terms of the statute do not **limit** the **physician** to "married persons" as Judge Crane did in his rule There is no case testing this precise point

The defining of the limits of Section 1145 was not necessary in order to **arrive** at the **decision** in *People vs Sanger* Consequently this precedent is not **binding** upon the court Future cases in the Court of Appeals may go further The **wording** of the statute "for the cure or **prevention of disease**" is capable of a wide **interpretation**

One court **did** go further Judge Cropsey in *People vs Byrne*, 99 *misc* 1, said

"The defendant maintains that this (Section 1145) is not an exception as it does not permit physicians generally to use articles when necessary, but only to work a cure or prevent a disease. We read this section otherwise. Under it a physician would be justified in prescribing the prohibited articles or drugs, if in his opinion the health or condition of the patient required it" (*People vs Byrne*, N Y L J, Dec 5, 1916)

It is under the protection of Section 1145 that all the Birth Control clinics in New York State are conducted. All nurses and other persons giving contraceptive information under the direction of physicians lawfully practicing within the terms of this law are protected to the same extent as the physician (*People vs Sideri et als*, an unreported case in Magistrate's Court, Second Dist., Manhattan, May 14, 1929)

In the case just named Magistrate Rosenbluth points out in his written opinion that the prosecution rested its case without evidence to challenge the diagnosis of the defendant physician, and that since the physician said she acted in good faith on that diagnosis to prevent disease, the burden was upon the prosecution to negative the good faith of the doctor.

Magistrate Rosenbluth further said "Good or bad faith is of the very essence to determine guilt or innocence under the statute."

The defendants were discharged.

There is no case arising under Section 1145, deciding whether the burden of showing bad faith on the part of the doctor was still upon the prosecution in the event that the accused did not testify.

By inference it would seem that manufacturers of contraceptive articles must necessarily come under the protection of Section 1145 along with the druggists and vendors mentioned by Judge Crane, as long as the manufacturing is solely for the purpose of supplying these articles to physicians lawfully practicing in accordance with the statute.

Similarly it would seem that the circulation exclusively among physicians and medical students of medical treatises and books containing information about contraceptives would be allowed, for since the supplying of instruments and articles to the lawfully practicing physician is not an offence, then supplying information about their proper use ought not to be an offence. However the failure of Section 1145 to exempt scientific and medical treatises from the provisions of 1142 and 1143 puts the matter in doubt.

That uncertainty is accentuated by the fact that drug manufacturers and dealers in the state of New York do not advertise contraceptives with plain terms and description among physicians, because such advertisements are not considered free from the ban of the state and federal law.

It is hard to distinguish in principle between a medical book containing formulas for contraceptives and an advertisement describing a contraceptive compound when both things are directed exclusively to physicians.

The physician is exposed to a special tribunal and penalty if he in any manner or by any ways or means whatsoever undertakes or engages to violate Section 1142 of the Penal Law. Under Section 1264 (2e) of the Educational Law (a part of what is commonly known as the Medical Practice Act) the Education Department after due hearings may revoke his license for so doing. Section 1142 of the Penal Law is distinctly specified in this part of the Education Law, but no reference is made to the existence of Section 1145.

In the light of Judge Crane's remark about advertising of contraceptives not being permissible, and the coupling of advertising in the same clause with the holding out of representations and descriptions concerning contraceptives, it does seem as though the physician is far from being fully protected by Section 1145 from a zealous enforcer of Section 1142. Such confusion in criminal law is worse than confounding, and exposes reputable doctors to undue risk in their lawful practice under Section 1145 unless they know the fine distinctions of the law.

In 1929 the Remer bill was introduced into the Legislature to amend Section 1145 of the Penal Law with the following wording:

"An article or instrument, used or applied by physicians lawfully practicing, or by their direction or prescription, for the contraceptive treatment of married persons or for the cure or prevention of disease" (Matter in italics new. The remainder of the bill followed the present wording of Section 1146)

This was the only amendment offered to the statutes which touched upon the prevention of conception.

The involved wording of the present statutes, their conflicts in meaning and ambiguities in word and in intent, leaving so much to inference and judicial interpretation, create, especially in the case of criminal laws like these, a real need and reason for amendment.

It is suggested that the **following** matters should be **considered in drafting** the amendments

Under Section 1145, the good **faith** of the physicians should be deemed established **without evidence** until the prosecution clearly **negatives it**

The right to **give** information directing persons to lawfully conducted Birth Control **clinics** should be made clear and secure

Scientific, didactic and medical **treatises** and the like, and book reviews of the same, should be at least **partially** exempt from the **sweeping provisions** of **Section 1142 and 1143**. A suggestion as to a way to do this can be found **in the exception** placed in **Section 1142 (a)**. The **right** of reputable drug manufacturers and dealers to advertise contraceptives among **physicians** should be clearly **established**

Advice and **information** in addition to treatment **might** be specifically allowed **with** reference to married persons. (See 1142 (a) for the **suggestion**)

Section 1264 (2e) of the Education Law ought at least to include a reference to **Section 1145** of the Penal Law. It might be better to repeal subdivision (2e) of **Section 1264** as being unnecessary in view of other **subdivisions** where **conviction** for any felony or misdemeanor is ground for **proceedings** to revoke a doctor's license

The very list of suggestions indicates the **difficulties involved** in amending the law. Of course the deleting of all reference to prevention of **conception** in **Section 1142** of the Penal Law would solve all the **ambiguities** and difficulties

If it is deemed wise to **limit** contraceptive care to **physicians' prescriptions**, a separate and new statute can be written, to be passed at the same time **that** all reference to prevention of **conception** was taken out of **Section 1142**

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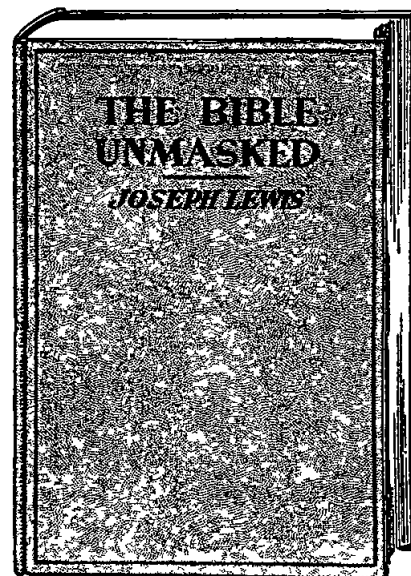
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