

BIRTH CONTROL

HEARINGS
BEFORE THE
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

SEVENTY-THIRD CONGRESS

SECOND SESSION

ON

H.R. 5978

Serial 2

JANUARY 18, 19, 1934



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1934

COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

Seventy-third Congress, Second Session

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BIRTH CONTROL--H.R. 5978

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Thursday, January 18, 1934.

The committee met at 10 a.m., Hon. Hatton W. Sumners, chairman, presiding, in the hearing room of the committee on the Judiciary, but, owing to the size of the crowd, the hearing was immediately transferred to the caucus room in the old House Office Building.

The CHAIRMAN. The committee will come to order.

Ladies and gentlemen, the arrangement here is somewhat difficult. We had not anticipated so large an attendance. The purpose was to have the hearing in the room of the Committee on the Judiciary, and it was very evident that those interested exceeded the capacity of that room, so we came here. The arrangement is not entirely satisfactory, of course.

I do not know whether those persons most interested would like to have their people grouped together on one side or the other. I do not suppose that there is any other reason for keeping you separate. [Laughter.] I assume, however, that the arrangement is satisfactory so far as seating the personnel is concerned.

The Chair would like to be advised as to who is going to control the time of those who favor this proposed legislation, and of those who oppose it.

Mr. PIERCE. On the presentation of those favoring the legislation, Mrs. Hepburn will have charge, after I speak briefly.

The CHAIRMAN. Mrs. Hepburn, I understand that you will be in charge of the speakers who are in favor of this legislation, and will limit them.

I suppose that you are all advised that the committee found itself able to allocate 3 hours to those who favor and 3 hours to those who oppose this proposed legislation.

I do not know how much time those who favor the legislation desire to use in chief.

Mrs. HEPBURN. We would like to use 2 hours and 15 minutes.

The CHAIRMAN. That was the arrangement that the chairman was going to suggest, that you put your case on, as we lawyers say, in 2 hours and 15 minutes, and those who oppose then will have 3 hours.

We are getting a little late start today. We are going to try to get the permission of the House, if there is nothing very important there that would suggest to the committee that it ought not to be done, to sit during the session of the House, and to try to close this hearing tomorrow.

Mr. MARTIN L. SWEENEY. Mr. Chairman, I would like to ask if I may proceed out of order, and ask the privilege of putting a statement on the record.

The CHAIRMAN. Not now. We are going to afford some opportunity, probably at the conclusion of this hearing, for such purpose.

Mr. SWEENEY. The reason I asked is because I am called home on account of sickness, and I want to make this observation—

The CHAIRMAN. No; we cannot entertain it.

Mr. SWEENEY. I will submit the statement to the committee. I make this unusual request because of unforeseen circumstances.

The CHAIRMAN. You appreciate that there will be other people making similar requests, which we will not be able to grant.

I understand that Mr. Pierce is to proceed first.

[H. R. 5978, 73d Cong., 1st sess.]

A BILL To amend sections 211, 245, and 312 of the Criminal Code, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 211, 245, and 312 of the Criminal Code, as amended, are each amended by adding at the end thereof the following:

"The provisions of this section shall not be construed to apply to any book or information relating to the prevention of conception, or article, instrument, substance, drug, medicine, or thing designed, adapted, or intended for the prevention of conception for use (1) by any physician legally licensed to practice medicine in any State, Territory, or the District of Columbia, or by his direction or prescription; (2) by any medical college legally chartered under the laws of any State, Territory, or the District of Columbia; (3) by any druggist in filling any prescription of a licensed physician; or (4) by any hospital or clinic licensed in any State, Territory, or the District of Columbia."

STATEMENT OF HON. WALTER M. PIERCE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON

Mr. PIERCE. Gentlemen of the committee, I introduced at the special session, House Bill No. 5978, which is not a prohibitive statute, but one modifying, to the extent that will be hereafter indicated, the existing law.

Section 211 of the United States Penal Code prohibits sending or receiving by or from the United States mails, information or supplies pertaining to the prevention of conception. There are no exemptions.

Section 245 of the United States Penal Code also prohibits sending or receiving, by or from an express company or other common carrier, information or supplies pertaining to the prevention of conception. There are no exemptions.

Sections 311 and 312 affect the territories and districts of the United States, and are even more rigid in their prohibition, as they forbid even the possession of any article intended for the prevention of conception. There are no exemptions.

This bill that was introduced by me in the House provides that the following section shall be added to the existing law:

"The provisions of this section shall not be construed to apply to any book or information relating to the prevention of conception, or article, instrument, substance, drug, medicine, or thing designed, adapted or intended for the prevention of conception, for use

"(1) by any physician legally licensed to practice medicine in any State, Territory, or the District of Columbia, or by his direction or prescription;

"(2) by any medical college legally chartered under the laws of any State, Territory, or the District of Columbia;

"(3) by any druggist in filling any prescription of a licensed physician;

"(4) by any hospital or clinic licensed in any State, Territory, or the District of Columbia."

The present law is absolutely unenforceable, and is on all fours with our prohibition situation. When I was Governor of the State of Oregon, I made a desperate effort to enforce the prohibition law, and I asked the legislature for new legislation. I made a desperate effort to control the situation, but liquor still came in.

Then the State of Oregon voiced its sentiment, for repeal. I am a real prohibitionist, personally and politically, but, nevertheless, my State voted for the twenty-first amendment, and so did the Nation almost unanimously, because, in my mind, that law was being broken because it was absolutely unenforceable.

This statute as it stands today upon the books is unenforceable. All over this country, there is bootlegging in these articles sold to prevent conception, and the legally licensed physician, the clinic, and the hospital are not able to give out information that they should be able to give, but which is acquired so easily via the bootleg route. There is hardly a high-school boy or girl in our land who does not know more about this harmful bootleg trade, I dare say, than you gentlemen seated around this table.

There is an article published in the New Republic in the last issue bearing on this matter that I would like to have each member of this committee read, and after reading it I am sure that you will agree that the right thing to do is to bring this traffic out into the open, so that the legally licensed physician and the hospital and the clinic may give the information that is desired to mothers who need it and are asking for it.

Understand, this is not a law to grant the right of abortion, and it is not to take life, but to prevent life.

We are in a peculiar condition in this country today. There are millions at work on the Civil Works projects, and you and I, as Members of the House, know full well that it is a grave question how long they can continue to work by our piling up bond issue upon bond issue. In a few weeks they will be thrown back, and there will be no place for them in industry, and there have been more than 12 million on the Government relief rolls last year, with more than 5 million 500 thousand children under the age of 16 years on Government charity today, and, with these facts facing us, why deny to these families, more than 3 million of them, the right to go to the proper place and get the information that they want, that others are now getting by the illegal and bootleg route.

This legislation is in keeping with the repealing of prohibition and the passing of the twenty-first amendment. It is not to bring about race suicide.

I am the father of six children. I am the proud grandfather of seven grandsons, and the lady who will have charge of this hearing is the mother of six children, but we know what is going on through the country and we know that there is a necessity for the modification of these statutes which prevent the legally licensed physician from doing what is done by the bootlegger, and that is the object of this statute.

There are letters coming to our association from all over this Nation, some as far as 3,000 miles, and one came from a lady yesterday who said that she had five children in her family, and that they were unable to eat, and she asked us to please tell her how, to send

her the information, and that if we had to be tried for it, to send her the information after our trial.

Under the law, I or anyone else cannot send her that information or tell her where she can get it, but the bootlegger does, and much of what is being bootlegged today is harmful.

I now turn you over to Mrs. Hepburn, of Connecticut, who will take charge of the presentation of our side and who will introduce to you the various experts who are here, and I beg of you to give careful consideration to this bill and to give us a chance to bring it up on the floor of the House, where it can be seriously and honestly discussed and adopted. [Applause.]

Mr. TARVER. Mr. Chairman, before Mrs. Hepburn starts—

The CHAIRMAN. May I make the suggestion to the members of the audience here in attendance that, if you want your case presented, it will be better to restrain yourselves from applauding and taking that much of the time assigned to your side.

Mr. PIERCE. I will place in the hands of each member of the Judiciary Committee a copy of the New Republic, and I beg of you to read that article.

Mr. TARVER. On account of my engagement with the Administrator of Public Works, I ask leave of absence from the committee for a reasonable time. I will return after I get through with that.

The CHAIRMAN. Will you ask the House, on behalf of the committee, for the privilege of sitting during the session?

Mr. TARVER. I will.

Mr. OLIVER. I note that the chairman has made a ruling that there should be no photographs taken during the course of this hearing. A lot of people are interested in these pictures, on both sides of the question, and the pictures are taken without smoke or the nuisance that used to attend the taking of these pictures.

Mrs. HEPBURN. As far as we are concerned, we would rather not have photographs. I rather think that the chairman is right.

The CHAIRMAN. I do not believe that we have ever permitted pictures to be taken when a hearing is in progress.

Mr. OLIVER. I have seen such pictures in moving-picture houses.

The CHAIRMAN. I will put it to the committee.

Mrs. HEPBURN. We are not connected with any commercial business.

The CHAIRMAN. Will you permit the chair to determine this question of pictures or no pictures?

Mrs. HEPBURN. Why bother with pictures? It is a matter of complete indifference to me.

The CHAIRMAN. The committee will decide that in about half a minute. We do not want these fellows "butting in" here all of the time.

Mr. HEALEY. May we have some information as to the procedure, as to the time allotted any particular witness.

The CHAIRMAN. This lady will control the time of her witnesses.

Mr. HEALEY. Have you any rules regarding interrogation by members of the committee?

The CHAIRMAN. We have not any rules, no, sir.

Mr. HEALEY. Will that time be taken out?

The CHAIRMAN. We will see how it drifts along, and any time consumed in interrogation will be taken out of the time of either side.

Mr. HEALEY. As a general rule, I think the questions and answers are taken out of that time.

The CHAIRMAN. The chair will be disposed to do that.

STATEMENT OF MRS. THOMAS N. HEPBURN, LEGISLATIVE CHAIRMAN, NATIONAL COMMITTEE ON FEDERAL LEGISLATION FOR BIRTH CONTROL, HARTFORD, CONN.

Mrs. HEPBURN. I just want to say one thing, and that is that we are not in any way connected with any commercial interests.

Margaret Sanger has worked for 20 years because she believed in birth control. She was a trained nurse, and the pathetic cases she saw among the people where they had too large families for their incomes and the mothers' health made her feel that the most important reform in the world was for women to be able to control the size of their families.

The theory that it is going to bring about race suicide is absolute nonsense, because of the strong maternal instinct in women. Women want children, but they want children that they can properly take care of, children that they can afford, both physically and economically. They do not want children to the extent that the younger children are going to practically destroy the lives of the first ones.

So that when we come to all of the academic and ridiculous discussions that you undoubtedly will hear as the hearing goes on, I think you want to be very careful to get down to the simple, basic fact, that women have a strong maternal instinct. Almost all women want children, if they can possibly afford it, and almost all women want to get married if they possibly can, and we know that, and all the talk that you will hear about the dangers of allowing the mother to decide how many children she is going to have, all of that talk is just ridiculous, just as ridiculous as the talk used to be when we were working for the vote and people said if women went to vote, it would destroy the home and they would be attacked at the polling booths.

Now, the first speaker that I want to introduce to you is Mrs. Sanger. As I say, she has worked for 20 years. She has given her life to the cause because of her convictions in this matter and not because of any pecuniary interest of any kind.

Our association is supported entirely by voluntary contributions from men and women and women who believe that the present law is wrong and against the best interests of the women, of the children, of the men, and of the whole community, and I herewith submit the names of our officers and medical advisory committee.

NATIONAL COMMITTEE ON FEDERAL LEGISLATION FOR BIRTH CONTROL, INC.

Officers.--President, Mrs. Margaret Sanger, New York City; vice presidents, Mrs. Walter Timme, New York City, Dr. John Randolph Haynes, Los Angeles, Calif., Mrs. Dexter P. Rumsey, Buffalo, N.Y., Mrs. S. Foster Hunt, Providence, R.I.; treasurer, Mr. J. Noah H. Skee, Washington, D.C.; assistant treasurer, Mrs. Frances B. Ackermann, Bronxville, N.Y.; secretary, Mrs. Alexander C. Dick, New York City; legislative chairman, Mrs. Thomas N. Hepburn, Hartford, Conn.; legislative secretary, Mrs. Hazel Moore, Washington, D.C.; chairman, eastern regional States, Mrs. Ethel Clyde, Huntington, L.I.; chairman, middle western States region, Dr. John H. J. Upham, Columbus, Ohio; chairman, western regional States, Mrs. Verner Z. Reed, Denver, Colo.; chairman, southern regional States, Mrs. Louise B. Hill, Nashville, Tenn.

Federal Medical Advisory Committee.—J. Dellinger Barney, M.D., Boston, Mass.; John R. Caulk, M.D., St. Louis, Mo.; Ross McC. Chapman, M.D., Towson, Md.; Robert L. Dickinson, M.D., New York City; John F. Erdmann, M.D., New York City; John Favill, M.D., Chicago, Ill.; Francis R. Hagner, M.D., Washington, D.C.; John Hartwell, M.D., New York City; Frank Hinman, M.D., San Francisco, Calif.; J. Shelton Horseley, M.D., Richmond, Va.; Clarence B. Ingraham, M.D., Denver, Colo.; Smith Ely Jelliffe, M.D., New York City; James R. McCord, M.D., Atlanta, Ga.; Stuart McGuire, M.D., Richmond, Va.; Adolf Meyer, M.D., Baltimore, Md.; William Allen Pusey, M.D., Chicago, Ill.; Alexander Randall, M.D., Philadelphia, Pa.; W. F. Shallenberger, M.D., Atlanta, Ga.; John H. Stokes, M.D., Philadelphia, Pa.; Fred J. Taussig, M.D., St. Louis, Mo.; Norris W. Vaux, M.D., Philadelphia, Pa.; William H. Welch, M.D., Baltimore, Md.; Ira S. Wile, M.D., New York City; Milton C. Winternitz, M.D., New Haven, Conn.

STATEMENT OF MRS. MARGARET SANGER, NATIONAL CHAIRMAN, COMMITTEE ON FEDERAL LEGISLATION FOR BIRTH CONTROL

Mrs. SANGER. Mr. Chairman and members of the committee, in the brief time allotted to me, I simply want to discuss the effect of this law as it stands today on the various institutions and upon women receiving contraceptive advice which they may receive legally in their various States, and also to tell you just what this bill proposes to do, what it will do as we see it.

The law today is directed entirely to the United States mails and to common carriers. It makes it a crime, punishable by 5 years in prison and \$5,000 fine, to send any information, printed or written, through the mails, or to send any devices that may be designed for the prevention of conception.

Please do not misunderstand us as to our position on the present obscenity law; we want those provisions as to obscenity to remain, and we only have an interest in the present law to the extent that it deals with the prevention of conception.

We believe that this whole subject does not belong in the obscenity clause. It was put there nearly 60 years ago, when there was no knowledge of this question, or of its effects or results on the community or on the population, and we are simply taking that out of the law, not by repeal, but by amendment, and placing it in the hands of persons who are responsible and qualified to disseminate it.

We believe, that this question of receiving contraceptive information should be the woman's right, that it should be the mother who should have the right to receive information, but we believe in limiting who should give it. That is the difference.

We believe that the doctors who have a knowledge and understanding of anatomy and physiology should be the ones to dispense, to give out that information, but today there is no exemption in that law for anyone, for it says that no one shall give such information. It does not exempt scientific books or medical books, and while there are scientific and medical books sent through the United States mail, there is no reason why there should be, if the law is really enforced.

The law also says that anyone who tells anyone else where such information may be obtained is also guilty under the law. Now, this condition means that there are 47 States in which a physician may give information as he sees fit, with the exception of the New York State law, where he can give information only for the cure or

prevention of disease, but most of the other States allow the physician (who would naturally give this information orally) also to give any device that may be necessary for the woman to prevent conception. There are 157 clinics that are legally operated for birth control throughout the country, and yet the physicians who have a right under their State laws to advise these women in these clinics have to bootleg their supplies from New York or Chicago, or wherever there is a concern providing these articles, in order properly to give the advice to their patients which is legal under their own State laws.

That is the situation that we are trying to change; and, furthermore, while the mothers in the States have a legal right to obtain information from their physicians if they know where to go for it, they cannot know of it because there is no way of letting them know about this, and yet they may really be next door to a birth-control clinic, what good does it do to those particular women? They will write to me, or their nurses will, or someone, asking where it can be obtained, and we subject ourselves to the law by merely sending the woman the address of a qualified physician or legal clinic, a physician or a clinic that has been qualified in her own State to give her that information.

It seems, and it undoubtedly is, an absurd situation, and we are trying to change the law so that persons, especially those persons who have the right to have such information, may be able to obtain it properly.

There are in the country today, 26,170,756 married women between 15 and 49 years, of the child-bearing age. Now, it seems to me, and I honestly believe, that every adult, normal woman not only wishes to have children, but has a responsibility toward those children, toward bringing them up. Those women that want to have children, often want to have a few children and want to do well by them, and in the last few years I have received over a million letters, since I have been in this work, and nearly every one of those letters the mother says: "Yes, I love children, but I want to give them a better chance than I have had."

For example, here are just two of the letters, to give you an idea why we feel as we do about this—and I consider that these women are really the forgotten women of this Nation. No one knows much about them. They are ignored. They are not given the consideration that they should have. They may have their children's teeth taken care of in clinics, or their children's adenoids removed in hospitals, and the children may have free lunches at the schools—all of these considerations are given to them, but when it comes to this particular question, when a woman says "Doctor, what can I do so that I won't have any more? I have enough. My husband is out of work, and he is sick, and the last child that I have had is not very well; give me a chance", there is this peculiar atmosphere created about this, as if it is something horrible that she is asking for, and her request is refused.

Here is one letter:

I just passed my twenty-first birthday on August 10. I am already the mother of 5 children, the oldest 6 years of age and the baby 3 months. My husband has been out of work for over a year and a half now. We would have starved long ago but for the relatives, who among them gave us \$5 a week. It is awfully hard to live like this, and my husband was so blue when he found that I was that way again that he wanted to go to another place.

My children are well, but I am awfully weak, only weighing 90 pounds. I do all of my work, and if I could get some consideration and not get any more babies, I would be happy and so would my husband.

Won't you do all that you can and give me the advice that I need?

That is the type of letter that I have received nearly a million of—in fact, over a million, because I stopped counting them when we got to a million.

Another letter states, and I would like to analyze this with you:

I am only 34 years of age, and I have given birth to 12 children, only 3 of these being alive. They died so quickly after they were born that it seems that they did not have the strength to live on. My husband is a good, hard-working man, but the most he made is \$1.50. We are poor people, and the coffins of the last three have not been paid for yet. It is hard to see them go like that, but if I did not have any more for a while, I could keep the three that I have got.

That woman is 34 years old. She has not finished with child-bearing yet. She has perhaps 12 years still to be anxious about more children that she cannot take care of.

Now, 12 times has that woman gone down into the shadow of death, to bring forth three living children for the State. When you analyze this, as to what it means, it means that that woman was in pregnancy 9 times for those dead children, and it means 8 constant years, night and day, in this state of pregnancy for 9 dead children.

It is barbaric. It is not civilized for this woman to ask for advice and not be able to get it. It is absolutely unfair that she cannot be told what she wants to know.

If this woman asks me what to do for her pigs to make them fatter, or if she asks me what to do with her cows so as to get more milk, or if she should ask advice about her chickens, so that she could get more eggs, we could send to the Department of Agriculture, and Uncle Sam would give her so much literature that it would take her the rest of her lifetime to read it; but when she says, "What can I do to prevent having more children that are born dead, or that do not survive", we have to ask ourselves if we want to put ourselves in jeopardy and be subject to a \$5,000 fine or 5 years imprisonment in order to tell her what she asks.

My position is that I would not want to send through the mails any device, or any information for that woman, but what we do want to do is to tell her where she can go so that she can get proper information in her own community. We do not want to use the mails to give that information; we want the physicians to have a right to give the information and to get the materials from the manufacturers, and they, in turn, can give information wherever they see fit under their own State law.

We have found that all women differ in the advice given. We have a clinic in New York where we had over 35,000 women who have come to us in the last 6 years, and so we know what we are talking about. We know whether these things are injurious, or bad, or whether they will cause cancer or sterility. We know. We are not guessing any more.

As I said, we know that women differ in their physical needs, and that there is no particular means or method that will suit every one. Women who have had a large number of children, and had good care, are in a different physiological and gynecological condition than women who have had no care, and so it is important for these women, if we are going to protect them, not to act in a hit-or-miss fashion on

this. If a woman's life is in jeopardy, we should give her the best scientific information for her protection.

So, for those reasons, we make this information individual, just as individual as having eyeglasses fitted to the individual's eyes.

So we want this in the hands of the medical profession, where it properly belongs, and I ask you to consider this bill favorably for the sake of these millions of child-bearing women, women who have to consider themselves for the future and who have to consider their children for the future. [Applause.]

Mrs. HEPBURN. All of this applause, as the chairman said, is taken out of our time.

The next speaker is Dr. Bossard, of the University of Pennsylvania, Department of Sociology.

STATEMENT OF DR. JAMES H. S. BOSSARD, DEPARTMENT OF SOCIOLOGY, UNIVERSITY OF PENNSYLVANIA

Dr. BOSSARD. Mr. Chairman and members of the committee, I am moved to appear before this committee in support of the bill for three reasons, which I am going to state as briefly as I can.

The first of these has to do with the very large and very rapidly increasing amounts of money that are being spent today for relief and for various social-welfare purposes, which leads us directly to the point that we ought to be interested in any sound or constructive proposal which will be helpful in reducing those expenditures.

I became interested in this money side of the problem about 6 years ago. In 1928 a number of us gathered the best evidence that we could from public and private agencies engaged in social work in an effort to find out how much we were spending all over the United States for social-welfare purposes.

Our conclusions on that, that were published at the time, were very conservative, and they were that we were spending then, from public and private sources of all kinds for social-welfare purposes, approximately 5 billion dollars a year.

When we published those figures, they were criticized by the people most familiar with the financial side of this work, generally on the ground that they were too high. I accept the criticism, and my first point is whether that was a billion too high or too low, if 5 billion dollars comes anywhere near being the truth for 1928, then it is apparent that since the depression, our expenditures for these purposes have come to be a very important factor in our public and social progress.

Next, we are all familiar in general with what has happened since 1929. There has been a very great increase in all kinds of welfare and charitable organizations. I have endeavored to piece together the various publications of the Government, of the States, and of private sources as to what has been happening since 1929, and for the period from 1929 to 1932, this is conservatively what has happened: Our expenditures for relief have increased in a geometrical ratio; that is, the expenditures for 1930 were twice those of 1929; for 1931 they were twice those of 1930; and for 1932 they were twice the expenditures for 1931.

Now, it is recent history for us to go into detail with respect to the expenditures of the administration that came into power in March 1933. You are familiar with the \$500,000,000 appropriation of the

Federal Government, and I do not know whether we ought to add any or all of the 4 billion dollars of the civil works as being indirect relief and various other costs of the "new deal."

You are all familiar with the expenditures for 1933. They are going to probably carry forward in the geometrical ratio which I have pointed out has been going on since 1929.

Now, of course, our expenditures have been greater—I am sure that we all appreciate that—than this mere summary of the amount of dollars spent would indicate, because we all know that during this whole period we have had a constantly rising value of the dollar, so that the actual expenditures have been greater than the dollar comparisons would show. While the relief expenditures have been increasing at this tremendous rate, all of your ordinary expenditures for social-welfare purposes have been going on. For instance, the annual cost of the maintenance of the mental hospitals in 1931 was, in round numbers, \$209,000,000. When the White House conference met here in Washington a short time ago, the Federal Children's Bureau estimated that the cost of mothers' pensions was \$34,000,000 in 1930, and we are adding to that the increasing cost of blind relief, which is today between \$3,000,000 and \$4,000,000, and the cost of old-age pensions, which is approaching \$16,000,000 now, and the cost of the care of the indigent and the sick in the hospitals for the feeble minded, and other groups. All of those have been going on while the relief expenditures have been increasing at that rapid rate.

Now, purely as a matter of dollars and cents, this thing has been increasing so rapidly that we come to a point where it seems we ought to be interested in any constructive proposal which will help us to meet the problem, that is, merely on the financial side.

I believe that birth control is such a proposal, and I take it that some of the other men and women who will testify this morning will speak on that point.

My second point has to do with psychology, the psychology of mass relief. Last March there were on relief, according to the Federal reports, 4½ million families, in round numbers. Today I understand that there are still over 3 million families, and you will notice that we are citing families, not individuals.

Now, among those families I am sure that we will all agree that there are millions of people that are accepting relief for the first time, and I venture to suggest that the most serious part of this whole business is not the financial side to which I have already alluded, important as I think that is, and important as I think all of us must agree that it is, but it seems to me that more important than the financial side is the effect which the acceptance of relief has upon millions of people who never accepted relief before.

From that follow other questions. What about the family life of these people on relief? Are they to add further to their misery, and further to their loss of self respect and loss of morale, and further to their changing conception of themselves and their relation to other people? And are they to continue that by having children at public expense, or are they to become the benefactors of the New Deal? It seems to me that likely, under the law as it stands, one or the other of those alternatives must follow.

Now, I have heard a great many people say, "Not all of these families want this information." Well, I have the utmost respect for the

opposition to this bill; I number among my friends many people that are opposed to it, but there is nothing compulsory about it.

I am reminded of a story of a philosopher who was invited to a horse race. He said that he was not interested in horse racing, that he already knew that one horse could run faster than another.

It is that way with these families. Some of them want this information, and some do not, but the thing that we are emphasizing is the right of people who want that information, particularly decent, self-respecting people on relief today for the first time in their lives, to have that information if they want it; and that is my second reason for appearing here in support of this bill.

My third reason is one that is perhaps less popular today, and perhaps less emphasized, and that is the matter of relative rights and duties here. I am going to try to make that clear with an illustration.

In a suburb near the city where I work, there are three families that I know very well. They are decent, hard-working, law-abiding, industrious families of what we call the middle class. Their contributions last year, and their taxes, amounted to \$3,200, a modest amount in comparison with the billions that I was talking about.

Around the corner, three blocks down the street, is an Italian family with 12 children, and the thirteenth is in process of arrival. That family has been on relief since 1929, and 4 of the children are known to the social agencies of that suburb, and 2 more are problems to other neighborhood agencies.

Now, there has been all of this thought for a number of years on the duty of people to pay their taxes, and on the duty of the more fortunate to make their contributions, and we are all agreed on that. Nothing that I want to say should be construed in any way as denying that, but the question that we want to raise is this: Suppose that we have a little bit more emphasis upon the other side of the story.

Here are these three families that are paying \$3,200 in taxes and contributions, and, if that is their duty, what is the duty of the Italian family?

There has been all of this talk about the right to relief, but what about the rights of contributors and the rights of taxpayers? It is not a one-sided story, gentlemen. I appreciate that this may be somewhat unpopular, but it seems to me that it is tremendously important. There has been so much talk of what people can get from America and from the State, and what their rights are, their right to relief and their right to this and their right to that, but it seems to me that when this country is supporting between 3 and 4 million families on relief, increasing the duties on us, we have the right, and, I think, the duty, to increasingly ask the same thing about the rights and duties turned around from the way that they have been ordinarily presented, and that is about the duties of the people on relief, and what are the rights of the taxpayers and the rights of the contributors.

Nothing that I have said do I want to be construed in any way as saying or intimating that there should be a denial of help to people that are in need. I am not saying that. I would not deny the necessity of reconstructing social circumstances which weigh unduly or heavily upon anyone. I am opposed to any stacking of cards in the game of life, by which some are destined to win and others are destined

to lose, but I do insist that life is not all "take"; it is also some "give", and that the poor people have some duties as well as rights.

We are engaged today publicly on the greatest relief job probably in the history of the world. If it is going to be a mere doling out of money, then we have learned nothing since the days of the Roman Empire, when they publicly fed and amused the populace. If we are going to deny decent, self-respecting people out of work the right to adjust the number of children to the circumstances of their life under present circumstances, then it seems to me that we are denying the whole philosophy by which man has moved up from the jungle.

I thank you very much.

Several statements are incorporated in the record as follows:

STATEMENT OF DEPARTMENT OF ECONOMICS AND SOCIOLOGY, BELOIT COLLEGE,
BELOIT, WIS.

This legislation is sound sociologically. Especially in these days of depression it must be apparent to all who think clearly:

First.—That the time has come when we must be concerned with the quality of our population rather than its quantity;

Second.—That any measure which will relieve the pressure of want and suffering must be rigorously pursued;

Third.—That it is criminal to bring unwanted children into being, especially when they will be sentenced before birth to a life of hopeless handicap;

Fourth.—That birth-control information must be dispensed by those who are competent if it is to be effective;

Fifth.—That sound public policy demands some restriction upon the bootleg information, and the poisonous drugs that are now being freely and most profitably given at the drug stores. This is a form of exploitation that must be stopped in the name of public health.

LLOYD V. BALLARD,
Head of Department.

STATEMENT FROM MR. H. L. LURIE, DIRECTOR BUREAU OF JEWISH SOCIAL
RESEARCH (INC.)

Bill H. R. 5978 has my unqualified endorsement. It is a minimum step in progress toward giving legislative sanction for a medical service based upon the highest considerations of social welfare, family well-being, and professional ethics. I hope that by this time Congress is convinced that a majority of enlightened opinion is favorable to such a measure.

H. L. LURIE.

ALFEE M. TOZZER, PROFESSOR OF ANTHROPOLOGY AND CHAIRMAN OF THE
DIVISION OF ANTHROPOLOGY, HARVARD UNIVERSITY

As a student of sociology and anthropology, I desire to point out my warm recommendation of the birth-control measures before Congress. From my study of primitive peoples and the social background of many of the groups in our own populations, this bill should pass. Birth control is not, of course, a panacea for all our evils as some would have us think, but its passage would certainly contribute toward the social and financial betterment of our population.

STATEMENT OF OWEN R. LOVEJOY, TRUSTEE AND FORMER EXECUTIVE OF THE
NATIONAL CHILD LABOR COMMITTEE

NEW YORK CITY.

In my judgment such information to parents as would enable them to control the production of offspring so that children should be desired and properly cared for would aid tremendously in the building of a stronger, more intelligent and more virtuous citizenship.

My own interest, as you know, has grown out of many years' service as executive of the National Child Labor Committee and a close student of actual conditions in our various industrial communities. In that work I was frequently impressed with the loss of educational opportunity to older children in the family due to the rapid succession of younger children and the reduced vitality of the mother, thus making it necessary for the older children, especially the girls, to become "little mothers" in the home. This daily and nightly care of younger children, while undoubtedly developing a spirit of family loyalty, involved a heavy burden which ought not to be borne by half-grown children.

When to this condition is added the extra economic burden on families of limited resources to care for a multiplicity of children, the practice of thrusting children prematurely into industry in order to eke out the family budget has an obvious and often imperative motive.

I regret to say I have two imperative official engagements on that day or I would have gladly appeared at the Hearing to speak in favor of this legislation.

OWEN R. LOVEJOY.

STATEMENT FROM BATTLE CREEK PUBLIC SCHOOLS

BATTLE CREEK., MICH., May 2, 1932.

Those of us who are working toward the betterment of the human race through the application of eugenic principles look to birth control to aid in solving many vital problems. Better maternal and child health, less marital unhappiness, partial elimination of poverty, dependency, and disease are some of the things to be achieved through sex education and enlightenment. Ignorance of life and its functions very often leads to mistakes and bitter disappointments. Control of conception offers to both individuals and society alleviation from many ills of the past such as improper spacing of children with its detrimental effects on both mother and child, too many children for the family income which imposes physical handicaps on the family through poor living conditions and malnutrition and lack of preparation for life because of poor education, etc.

It is our earnest hope that Congress will pass this bill and thus legally clear up a situation which has hampered a great deal in the past.

(Signed) EDWARD M. BRIGHAM, JR.,
Director.

Mrs. HEPBURN. The next speaker will be Dr. Fred J. Taussig, of Washington University, St. Louis, professor of clinical obstetrics and gynecology.

STATEMENT OF DR. FRED J. TAUSSIG, PROFESSOR OF CLINICAL
OBSTETRICS AND GYNECOLOGY, WASHINGTON UNIVERSITY,
ST. LOUIS

DR. TAUSSIG. Mr. Chairman, ladies, and gentlemen, President Roosevelt has set another example that we hope you may see fit to follow.

When faced by a difficult situation, he has sought the opinion of experts on that subject.

I am here to assure you that those experts in the medical profession, the obstetricians and the gynecologists, who are most proficient in matters dealing with motherhood, are almost a unit in the support of birth control and the repeal of the laws that at present restrict it.

The American Gynecological Society, which is a branch of experts on maternity in the American Congress of Physicians and Surgeons, and the section composed of specialists in maternity in the American Medical Association, have both gone on record as favoring the giving of birth-control advice under medical supervision.

Thus, those who are in the best position to be a judge in these matters in the two largest and most representative medical organizations in this country are definitely in favor of this movement.

May I further quote the opinion of the late Prof. Whittredge Williams, acknowledged by all to have been the leading man in his specialty in the present generation, and for many years head of this department and dean in Johns Hopkins University?

Professor Williams said:

I feel very strongly that our State and national laws should be amended so as to make it possible for physicians to prescribe contraceptive means with the same freedom and decency as any other prophylactic or medical device, and I resent very strongly the attempt of the Government to interfere in this respect, as I regard it as an unwarranted aspersion against the integrity and good faith of the medical profession.

My personal interest in this movement was largely fostered by an investigation made in connection with the White House Conference on Child Welfare in 1931. Since the health of the mother so directly influences the health and well being of the child, and since abortion is the largest single factor in the increase of the maternal death rate, I was asked to study this subject of abortions.

Gentlemen, that study brought out evidence that more mothers are this day losing their lives from abortions than from childbirth itself. Over two thirds of these abortions were illegal or induced abortions. In the past 30 years abortions have increased at an appalling rate.

At this American Conference on Birth Control and National Recovery, I presented evidence that 811,000 abortions occur annually in this country. The two most vital factors in bringing about this increase were the reduction in infant mortality, leaving more children living to be provided for, and the increased economic distress of the present time. The increase of abortions is noted primarily in families of the poor, with three or more children. Only one out of seven abortions were in the unmarried mothers.

In several hundred thousand families, every year there arises the problem of an unwanted pregnancy. A large proportion of these unwanted pregnancies occur in those three million families now dependent on the Government for relief. How are these young mothers meeting this situation? Is it a wonder that many of them already overburdened in providing a bare existence for their children, seize in despair upon any measures, medical or instrumental, that may rid them of this undesired pregnancy? The risk of life and health seems less to them than to bear this added burden. Only too often the young mother dies from such an abortion, and the children are left to grow up without her loving care.

How much better would it have been to have prevented the pregnancy, but unfortunately the law prevents her from getting the necessary medical advice for this purpose. So this plague of abortion continues to sap at the roots of our existence, taking annually the lives of thousands of our young mothers in the prime of life.

The control of abortion by legislation and criminal prosecution has failed in every country where it has been tried. The only means at hand to correct this condition is to prevent the occurrence of the unwanted pregnancy, through birth control, and our first step in reaching this goal lies in the repeal of those laws that now prevent the medical profession from giving this much needed advice to suffering humanity.

I have here some medical statements on this matter.

Mr. LEHR. May I ask the doctor a question?

You mentioned the American Medical Association, or referred to members of it. Is it not a fact that the American Medical Association has not favored this legislation recently, or, at least, that it has been so recorded officially?

Dr. TAUSSIG. I thought that that was clearly stated.

That group of men who have made a special study of maternity meet in a section, and that section has taken definite action in favor of these measures, but the American Medical Association, composed of physicians of all ranks, and who have not given this matter particular study, have not as yet taken definite action.

Mr. LEHR. As a matter of fact, they have taken negative action on it when the matter was presented to them, have they not?

(Cries of "No.")

Mr. LEHR. Is it not true that the American Medical Association, at its meeting in New Orleans some 3 years ago, disapproved by formal action the adoption of any resolution in favor of birth control?

Dr. TAUSSIG. I think you should appreciate the difference between the opinion of a large mass of the medical profession—

The CHAIRMAN. But, Doctor, the member of the committee has asked you a question. Did they or did they not do as he asks?

Mr. LEHR. I refer to the American Medical Association itself.

Dr. TAUSSIG. They have never taken favorable action as yet.

Mr. LEHR. But my question was, did they not in May 1932 formally disapprove taking action, and vote against a resolution in favor of birth control?

Dr. TAUSSIG. I think that the resolution was not accepted.

My understanding of the action was not that they took definite action against it, but that they were unwilling at that time to accept it.

Mr. LEHR. The action was that the committee disapproved the adoption of the resolution in favor of birth control—is that not correct?

Dr. TAUSSIG. Refused the acceptance.

Dr. CREDDICK. I can tell you about that. A committee on obstetrics was submitted to the house of delegates of the American Medical Association, at a meeting in New Orleans, a proposal to study the problem, and that resolution was defeated by a tie vote in the house of delegates.

No action has been taken by the American Medical Association. The motion was as to a study of the problem.

Mr. CONDON. I think the hearings will be more orderly and that the testimony will appear to better advantage in the printed copy if we do not have any interruptions and the giving of answers by other witnesses to questions proposed to the witness addressing the committee.

The CHAIRMAN. The chair hesitates to rule that, if any member wants to ask the witness a question, he may not do it. The policy is a good one, I believe, to let the witness conclude his or her statement, but sometimes it occurs that a question asked at a particular time would be helpful.

Mrs. HEPBURN. The next witness that we wish to offer is Mr. Frederick A. Ballard, a member of the bar of the District of Columbia, who has given considerable attention to the legislative and legal features of this proposed legislation.

(The following statements are submitted:)

A. N. Creadick, M.D., assistant professor of obstetrics and gynecology at Yale University.

WHEN IS ADVICE CONCERNING THE PREVENTION OF CONCEPTION JUSTIFIABLE?

By J. Whitridge Williams, M.D., professors of obstetrics, Johns Hopkins University, obstetrician-in-chief to the Johns Hopkins Hospital, Baltimore, Md.

[From the Journal of the American Medical Association, Oct. 27, 1928, vol. 91, p. 1241]

Where should we stand as medical men? To my mind there can only be one answer, and that is that we must give contraceptive advice whenever it is medically indicated, but that it must depend on our conscience as to what advice should be given under other conditions. I hold that it is just as much our duty to give such advice when medically indicated as it is to advocate the employment of any other prophylactic measure.

We must advise the multiparous woman suffering from chronic nephritis not to become pregnant, and the same applies to tuberculosis and serious heart disease. Consequently, if we feel that such advice is necessary we must give directions as to how it can be made effective, for if we do one without the other we are failing in our duty as physicians and in great part are wasting our time.

I likewise feel that similar advice is indicated when we see a patient steadily going downhill as the result of pregnancies recurring at too close intervals, as well as in certain neurotic and maladjusted women whose entire life is disturbed by a constant dread of pregnancy. Indeed, the list of indications might be considerably increased if time and space permitted.

In my experience, contraceptive advice will usually accomplish its purpose among the so-called intelligent classes, but it is almost useless among the ignorant, feeble-minded, and brutal, and it is in the latter particularly that we must go still further and effect sterility by operative means when necessary. Of course, it may be argued that even in the latter class continence is the true solution, and that if it cannot be attained the matter is out of our hands. If men were angels, such advice might hold; but even among the most intelligent and well meaning I hesitate to recommend continence for too long a time, as I know from experience what it means to give advice which may lead to a blasted marriage.

For these reasons I give contraceptive advice whenever I feel that it is medically needed, as I consider it far less serious than to induce a therapeutic abortion or a premature labor, which so often becomes necessary when a patient is told not to become pregnant but is not instructed as to how to avoid it. Moreover, when I give such advice, I always regret that the means at our disposal are not more efficient, that it often must imply a certain feeling of degradation on the part of the person securing them from semibootleg sources. I feel very strongly that our State and national laws should be amended so as to make it possible for physicians to prescribe contraceptive means with the same freedom and decency as any other prophylactic or medical device, and I resent very strongly the attempt of the Government to interfere in this respect, as I regard it as an unwarrantable aspersion against the integrity and bona fides of the medical profession.

(From Committee on Federal Legislation for Birth Control, 17 West Sixteenth Street, New York.)

Deaths in the registration area of the continental United States. Rates furnished by Dr. Ambrose J. Fahy from as yet unpublished statistics of the Bureau of the Census.

Abortions

[Number and percentage per 100,000 estimated population]

	1931	1930	1931	1930	Estimated total	
					1931	1930
140. Abortion with septic conditions	2,105	2,009	1.8	1.7	2,610,200	2,475,088
141. Abortion without mention of septic conditions (to include hemorrhages).....	666	685	.6	.6	825,840	843,920
Total abortions with and without septic conditions.....					3,436,040	3,319,008

Note.—Estimated population of the continental United States 1931, 124,070,000; 1930 123,191,000.¹

¹ Taken from Growth of the Registration Area, Bureau of the Census, Department of Commerce Washington, D. C. (Apr. 19, 1933, bs).

Method of figuring.

124,070,000=1,240 (×100,000), therefore 1,240 ×2,105, or 2,610,200, is the number of 1931 abortions (140).
 123,191,000=1,232 (×100,000), therefore 1,232×2,009, or 2,475,088, is the number of 1930 abortions (140).
 1,240×666=825,840=1931 abortions (141).
 1,232×685=843,920=1930 abortions (141).

NATIONAL COMMITTEE ON FEDERAL LEGISLATION FOR BIRTH CONTROL, JANUARY 8, 1934

PARTIAL LIST OF MEDICAL ORGANIZATIONS AND OFFICIALS ENDORSING THE FEDERAL AMENDMENT OR THE GENERAL PRINCIPLES OF BIRTH CONTROL

National, medicine and surgery

Section on obstetrics, gynecology, and abdominal surgery of the American Medical Association, May 29, 1925.

American Gynecological Society, May 5, 1925.

Association for the Study of Internal Secretions, July 14, 1930.

National Association for the Study of Epilepsy.

The Medical Woman's National Association, June 22, 1930.

The American Neurological Association, May 1931.

National Committee on Maternal Health, Inc., April 6, 1932.

District and county medical societies and officers

North Texas Medical Society (14 counties), December 6, 1933.

Women Physicians of Southern Medical Association, November 15, 1933.

Northwest Wyoming Medical Society, May 5, 1932.

Honolulu, Hawaii Territorial Medical Association, May 22, 1931.

Cebu Medical Society (Dr. C. Camomot, secretary), Philippine Islands.

Southern Oregon Medical Association, May 10, 1932.

Los Angeles County Medical Society (Pasadena Branch), May 13, 1930.

Garfield County Medical Society (Colorado), May 10, 1932.

Mesa County Medical Society (Colorado), June 30, 1930.

New Castle Medical Society (Delaware), February 10, 1931.

DeKalb County Medical Society (Illinois), May 9, 1932.

Adams County Medical Society (Iowa), May 29, 1930.

Bourbon County Medical Society (Kansas), May 20, 1930.

Garrard County Medical Society (Kentucky), May 10, 1930.

Aroostook County Medical Society (Maine), May 31, 1930.

Calvert County Medical Society (Maryland), May 13, 1930.

Calhoun County Medical Society (Michigan), June 6, 1932.

Kent County Medical Society (Michigan), May 25, 1932.

Menominee Medical Society (Michigan), May 16, 1930.

Schoolcraft County Medical Society (Michigan), May 13, 1930.

Kandiyohi Swift County Medical Society (Minnesota), May 3, 1932.

Issaquena-Sharkey-Warren Counties Medical Society (Mississippi), May 19, 1932.

Jasper County Medical Society (Dr. E. D. Hatcher) (Missouri), May 12, 1930.

- Chaves County Medical Society (Dr. C. F. Beeson) (New Mexico), May 17, 1930.
- Chautauqua County Medical Society (New York).
- Nassau County Medical Society (Rockville Center, N. Y.), May 29, 1925.
- Buncombe County Medical Society (North Carolina), May 2, 1932.
- Iredell-Alexander County Medical Society (North Carolina), March 1, 1932.
- Auglaize County Medical Society (Ohio), May 12, 1930.
- Delaware County Medical Society (Ohio), May 12, 1930.
- Jefferson County Medical Society (Ohio), May 12, 1930.
- Muskogee County Medical Society (Oklahoma), May 12, 1932.
- Portland City and County Medical Society (Oregon), May 14, 1932.
- The Union County Medical Society of Oregon (LaGrande), May 31, 1932.
- Greenville County Medical Society (South Carolina), July 10, 1930.
- Marion County Medical Association (Tennessee).
- Matagorda County Medical Association (Texas), May 12, 1930.
- Albemarle County of Virginia Medical Society, August 4, 1932.
- Iowa County Medical Society (Wisconsin), May 14, 1930.
- Marinette-Florence Medical Society (Wisconsin), May 16, 1930.
- Richland County Medical Society (Wisconsin).
- Natrona County Medical Society (Wyoming), May 4, 1930.
- Honolulu County Medical Society (Honolulu, Hawaii), June 6, 1930.
- President, Arizona Medical Association, Dr. James Madison Greer.
- Former President, Butts County Medical Society (Georgia), Dr. White, May 10, 1930.
- Former President, American Medical Association, Dr. Wm. Allen Pusey.
- Secretary, the American Physical Therapy Association, February 12, 1931.
- Dr. C. C. Vinton (New York).
- President Pacific Coast Society of Obstetricians and Gynecologists, Dr. Albert Matthieu, August 30, 1933.
- Secretary, Oregon State Medical Association, Dr. Holman, August 30, 1933.
- Portland Society of Obstetricians and Gynecologists (Oregon), September 27, 1933.
- President, Utah State Medical Society, Dr. McHugh, August 10, 1933.

Deans—Schools of medicine

- Dean Winternitz, Yale University School of Medicine (Connecticut), May 20, 1930.
- Dean Bass, Tulane University School of Medicine (Louisiana), May 14, 1930.
- Dean of American Medicine, Dr. William H. Welch, Johns Hopkins (Maryland).
- Dean of Minnesota University (Dr. E. P. Lyon Medical School), January 1930.
- Dean of Ohio State University Medical School (Dr. H. H. J. Upham), 1930.
- Dean, University of South Dakota School of Medicine, May 12, 1930 (Dr. G. R. Albertson).
- Dean, School of Medicine, West Virginia University (Dr. J. N. Simpson), February 24, 1930.
- Dean, Medical School, University of Wisconsin (Dr. C. R. Burdeen), February 15, 1932.

Departments of health and health officers

- Floyd County Board of Health, Dr. B. V. Elmore, commissioner, Rome, Ga., December 15, 1933.
- Delaware State Board of Health, February 1931.
- State health officer, Dr. J. N. Baker, Montgomery, Ala., February 8, 1932.
- Territorial commissioner of health, Dr. DeVighe, Juneau, Alaska, May 12, 1932.
- Health officer (all health work in Los Angeles County), Dr. J. L. Pomeroy, February 1931.
- Acting director State Bureau of Health (Maine), Dr. C. F. Kendall, May 3, 1932.
- State health commissioner of Michigan, Dr. C. C. Stemons, June 20, 1933.
- Executive officer State Board of Health of Mississippi, Dr. Felix Underwood, February 6, 1932.
- State health officer of Texas (member State and national society), May 5, 1932.
- President and executive officer Board of Health, Territory of Hawaii, Dr. F. E. Trotter, May 13, 1932.

Organizations on maternal health, tuberculosis, medical clinics, clubs, nurses' organizations, etc.

Maternal Health Association of Missouri, March 22, 1933.
 Maternal Health Clinic of San Francisco.
 Mothers Clinic of Los Angeles, June 21, 1929.
 Weld Country Maternal Hygiene Committee of Greeley, Colo., April 29, 1932.
 Mothers Health Committee of Miami, March 1932.
 Maternal Health Society of Easton, Pa., May 4, 1932.
 Denver Maternal Hygiene Committee, April 23, 1930.
 Sonoma State Home, Eldridge, Calif., November 26, 1932.
 Alabama Tuberculosis Association (executive secretary), May 1932.
 Atlanta Tuberculosis Association Medical Staff, May 10, 1932.
 Tuberculosis Association of North Carolina (secretary, Dr. McBrayen).
 Colorado Foundation for Research in Tuberculosis, April 28, 1932.
 The Lancet Club, Harvard Medical School, Boston, April 25, 1932.
 Medical Board of Babies Hospital, Medical Center, New York City.
 Muhlenberg Hospital Alumnae, Plainfield, N.J., January 28, 1932.
 1935 Nursing Division Pasadena Junior College, December 3, 1932.
 Kentucky State Association of Registered Nurses, October 18, 1933.
 Graduate Nurses Registry Association, Plainfield, N.J., January 19, 1932.
 Texas District Graduate Nurses Association, December 7, 1933.

STATEMENTS, RESOLUTIONS, AND RECOMMENDATIONS BY MEDICAL SOCIETIES

THE NEW YORK ACADEMY OF MEDICINE (APRIL 1931)

1. The New York Academy of Medicine, as a medical organization, should be concerned solely with the medical and public health aspects of birth control, and not with its economic considerations.

2. The contraceptive clinics already in existence in the various hospitals, and operating within the law solely in the interest of the health of the individual, should be continued, and all institutions in which this service is required should organize similar clinics as integral parts of dispensary and hospital service.

3. All extramural clinics, when their existence is temporarily justified, should have a medical personnel of competent physicians with especial training in gynecology; the clinics should secure the services of local gynecologists and obstetricians of recognized standing and authority to serve in an advisory capacity and to formulate and enforce suitable rules and regulations concerning the medical indications for the giving of contraceptive advice and to make regular inspections to see that these rules are observed. Efforts should likewise be made on the part of these extramural clinics to obtain the services of experienced physicians in the several branches of medicine to aid the staff in diagnosis and conduct of the more difficult cases. The extramural clinics, if so safeguarded and supervised, should receive support of the medical profession only until a sufficient number of hospital clinics have been developed to meet the public health demand.

4. A movement should be begun to include in the curriculum of medical schools, instruction in modern contraceptive measures and in the indications therefor. The hospital clinics should likewise be asked to offer similar instruction to practicing physicians.

THE AMERICAN MEDICAL ASSOCIATION, 1925 (SECTION ON OBSTETRICS, GYNECOLOGY, AND ABDOMINAL SURGERY)

As both our Federal and State laws in differing degrees hamper physicians in giving contraceptive advice to their patients, the following resolution was submitted and passed by the section on obstetrics, gynecology, and abdominal surgery, in 1925:

"Resolved, that we hereby recommend the alteration of existing laws wherever necessary, so that physicians may legally give contraceptive information to their patients in the regular course of their practice."

STATEMENT FROM HENRY FORD HOSPITAL, DETROIT, MICH.

APRIL 30, 1932.

In writing my impression of this legislation to you, I feel that I am not only speaking for myself but representing the feeling of a large number of physicians, when I state that it seems most important that information concerning birth control to be given to the proper persons in a much more general way than is now possible.

The serious conditions brought about by the present depression have emphasized the need for birth-control education more than anything previously known. Among the many applicants for assistance from public welfare, many do not desire more children, but since they lack information concerning birth control they go on reproducing, adding to the unfortunate list. This, in addition to the many of the physically unfit who would be glad to avoid bringing further unfortunates into the world, led us to see the importance of giving to this class of people information which is so well known by the more well-to-do.

J. P. PRATT, M.D.,
Surgeon in Charge Division of Gynecology and Obstetrics.

STATEMENT FROM BLODGETT MEMORIAL HOSPITAL, GRAND RAPIDS, MICH.

APRIL 30, 1932.

I wish to record strongly my favorable attitude toward this bill and to say that I believe action favoring the giving of sound contraceptive advice under medical guidance to be a fundamental necessity in meeting the present acute problem of social relief. The obstetrical staff of this hospital is unanimously in accord with this conviction.

D. M. MORRILL, M.D., *Director.*

STATEMENT FROM CLINICAL MEDICINE AND SURGERY (A PUBLICATION), NORTH CHICAGO, ILL.

With all the talk about poverty and unemployment which is filling the newspapers and the magazines these days, it strikes me as an example of shortsightedness that more stress is not being laid upon one of the most important, if not the most important, long-time preventatives of these difficulties and dangers. I mean the general dissemination of information regarding birth control under the direction and supervision of the medical profession.

The present archaic and practically unenforceable laws regarding the giving of such information are now seriously hampering the efforts and activities of those who would be glad to assist in this humanitarian and civilized piece of work. Such information cannot be given in a scientific and satisfactory way until it is possible to teach the techniques in our medical schools, discuss them in our medical meetings, and print articles about them in our medical journals. Sections 211, 245, and 312 of the Federal laws now prevent this.

GEO. B. LAKE, M.D., *Editor.*

STATEMENT MADE BY DR. EHRENFEST, CHAIRMAN OF SUBCOMMITTEE 4, WHITE HOUSE CONFERENCE ON CHILD HEALTH AND PROTECTION, 1930, SECTION 1 B, PRENATAL AND MATERNAL CARE

There remains another large group of women whose physical condition leaves no doubt in the mind of the consulted physician that its further deterioration could be reasonably or definitely expected from impregnation within a given time. It seems logical that on request he should give to them information in regard to known contraceptive methods and always with the added warning that no fully dependable method is known to the medical profession. From this viewpoint contraception must be regarded as an item of no mean importance in the desirable elimination of factors which play an important role in maternal and infant mortality and morbidity.

SECTION A, SUBCOMMITTEE 1 ON OBSTETRIC TEACHINGS AND EDUCATION OF PHYSICIANS, NURSES, MIDWIVES, SOCIAL WORKERS, AND LAITY

It is the opinion of the committee that instruction should be given to the student body in contraceptive methods and the therapeutic indications thereof. Moreover, it is the opinion of the committee that the students should be given special instruction in the management of abortions.

(Reference to above statements contained in article by Dr. Palmer Findley on The Undergraduate Teaching of Obstetrics, American Journal of Obstetrics and Gynecology, June 1931, p. 805.)

Section 4. The handicapped. Care of dependent children away from home (p. 518, preliminary report). About 1,500 institutions and 350 child-placing agencies cared for approximately 250,000 different children during the past year, one third of the children being in foster families.

They expended a total of approximately \$60,000,000.

STATEMENT OF NATIONAL COMMITTEE ON MATERNAL HEALTH, INC., NEW YORK CITY, N. Y.

JANUARY 16, 1934

The National Committee on Maternal Health officially endorsed the bills S. 4436 and H.R. 11082 which were before the Seventy-second Congress and the same endorsement is given to S. 1842 and H.R. 5978, now before the Seventy-third Congress, and upon which a hearing is to be held before the Judiciary Committee of the House of Representatives, on January 18 next.

ROBERT L. DICKINSON, M.D., *Secretary.*

WASHINGTON, D.C., *January 17, 1934.*

Mrs. MARGARET SANGER,
Mayflower Hotel, Washington, D.C.:

Brush Foundation reaffirms its endorsement of bills as last year.

T. WINGATE TODD,
Brush Foundation, Cleveland, Ohio.

STATEMENT OF FREDERICK A. BALLARD, ATTORNEY, OF CUTHELL, WHITE, HOTCHKISS & CLARK OF WASHINGTON, D.C.

Mr. BALLARD. Mr. Chairman and members of the committee, it is with entire confidence from a professional standpoint that I respectfully submit to you, purely from the angle of legislative technique in its broadest sense, that it is your duty to act favorably on the bill that you have before you. Our office has gone as exhaustively and as dispassionately as human beings can into the legal aspects of this question, and I ask leave to file with the committee this memorandum on those phases of the problem.

The CHAIRMAN. You may.

(The memorandum referred to was filed with the clerk of the committee and is printed at the end of Mr. Ballard's testimony.)

Mr. BALLARD. Obviously this is not the place to go into a detailed legal discussion of the decisions and of State laws as well as foreign laws involving this problem, although I should be very glad indeed to answer any questions.

The CHAIRMAN. I doubt that the committee would desire instruction along that line.

Mr. BALLARD. I beg your pardon?

The CHAIRMAN. I doubt that the committee would desire very much instruction along the line of the purely legal aspects.

Mr. BALLARD. In that case, I will merely state the conclusions, which we have set out at length, with cases fully cited, and with full excerpts from the legislative history of these laws, and with a full analysis of the State laws and an appendix to this memorandum.

The CHAIRMAN. Very well.

Mr. BALLARD. The conclusions that we reach are three:

First, as a matter of legislative history, it appears beyond question that when these laws appeared on the statute books for the first time in 1873, Congress had not the slightest inkling that it was legislating on the subject of birth control.

Secondly, the Federal Courts have unmistakably indicated that they read into the statute which this bill would amend the exemption which this bill would legislate into it in a much more orderly fashion.

Thirdly, the State laws, in a great majority of our States, permit the oral prescription by physicians and the filling of those prescriptions by druggists of contraceptive material.

In the Wilson law of 1890, and in the Webb-Kenyon Act of 1913, and in the wording of the 1921 amendment, Congress has seen fit to lend the facilities of the Federal Government for the protection of the laws and public policies of the various States.

It seems extraordinary to see a reversal of that process, by which the Federal laws in effect nullify the laws of a great majority of the States, because this material which physicians in most States can legally dispense within certain limitation must, because of these statutes, be bootlegged from patently bootleg sources.

Finally, it is perhaps not foreign to a lawyer's province to state that it is not a theory or a hypothesis that you are confronted with. It is an existing reality, and it is high time, we submit, that the Federal laws were put in conformity with the state of public opinion, a state of public opinion which is becoming increasingly more solidified every day. I thank you.

Mr. CELLER. May I propound a question?

Mr. BALLARD. Certainly.

Mr. CELLER. Does your brief contain a list of European nations or other nations, relative to their laws concerning the dissemination of this knowledge?

Mr. BALLARD. It does.

Mr. CELLER. Does it give anything as to the experience of those nations in the enforcement of those statutes?

Mr. BALLARD. I have gone into that a little bit with the English experience.

(The brief referred to is as follows:)

FEDERAL LEGISLATION ON BIRTH CONTROL: LEGAL ASPECTS AND LEGISLATIVE HISTORY

This memorandum contains the available legislative history of the Federal statutes which the present bill would amend; surveys the field of legislation on contraception in the States and in other countries; and analyzes the existing legal situation.

I

LEGISLATIVE HISTORY

Contraception first appeared on the Federal statute books in an act of March 4, 1873¹ entitled "An act for the suppression of trade in and circulation of obscene literature and articles of immoral use."

Section 1 of that act was substantially identical with present section 312 of the Criminal Code² forbidding the manufacture, sale, or advertisement of contraceptive devices in any place within the exclusive jurisdiction of the Federal Government.

¹ 17 Stat., 598, c. 258.

² U.S.C., Title 181, sec. 512.

Section 2 was for present purposes substantially identical with present section 211 of the Criminal Code³ closing the mails to contraceptive devices and information.

Section 3 forbade the importation from abroad of contraceptive devices and information. It was in part the forerunner of present section 245 of the Criminal Code;⁴ but principally of section 305 (a) of the tariff laws⁵ which is not affected by this bill. The prohibitions now contained in section 245 of the Criminal Code against interstate carriage came into the law in an act of February 8, 1897.⁶ Their constitutionality was upheld by a Federal District Court in *United States v. Popper*, 98 F. 423 (1899).

Section 4 provided penalties for the aiding and abetting by Federal officers of violations of the act. A similar provision is now found in the United States Code, title 18, section 190.

Section 5 provided for the search and seizure of the material denounced by the act. Corresponding provisions now appear in the United States Code, title 18, section 19; title 19, section 136.

It thus appears that except for the provisions relating to interstate carriage the present statutes reflect substantially the original act of 1873. It is consequently relevant to consider the circumstances and purposes of the passage of that act as they appear from the legislative history and other authoritative sources.

The act was the result of a bill introduced in the Senate on February 11, 1873, by Senator Windom of Minnesota, and referred to the Committee on Post Offices and Post Roads.⁷ This bill was reported out by the Committee on February 18⁸ in a form substantially identical with that of the act as passed, except that in section 1 (referring to territory exclusively within the jurisdiction of the Federal Government) after the reference to contraception or abortion are these words:

"Except on a prescription of a physician in good standing given in good faith * * *." If this language had been kept in the bill the necessity of the present bill as to section 312 of the Criminal Code would have been eliminated. On February 20, however, the exception was removed by an amendment offered by Senator Buckingham, in charge of the bill. The nature of the amendment was not explained to the Senate;⁹ Senator Conkling remarking that the amendment "might just as well be regarded as agreed to as to be voted upon, for I think no Senator is able to get an intelligent idea of the substance of this amendment as contrasted with that which it is to take the place of."

The bill was passed by Senate on February 21;¹⁰ on February 22 it was sent to the House¹¹ and passed by that body on March 1. The sole contribution of the official records to an understanding of the purpose of this legislation is to be found in an extension of remarks in the House by Mr. Merriam, the sponsor in the House.¹² These remarks, set out in full in the appendix of this memorandum, demonstrate conclusively (what social history corroborates) that the sole object of the legislation was to stamp out a wide-spread traffic, particularly among school children, of pornographic literature. There is included in the remarks by Mr. Merriam the complete quotation of a letter written to him by Anthony Comstock, the leading advocate of the bill. From this it appears that even Mr. Comstock had no thought of birth control. There is no reference to contraception by Mr. Merriam; and the only reference by Mr. Comstock is an incidental one in connection with the practice, by those distributing the objectionable literature among school children, of accompanying it with devices for masturbation and contraception.

It consequently appears beyond question that the statutes which the present bill seeks to amend were passed without the slightest intention on the part of Congress to legislate upon the subject of birth control.

³ U.S.C., Title 18, sec. 331.

⁴ U.S.C., Title 18, sec. 396.

⁵ U.S.C., Title 19, sec. 1305.

⁶ 29 Stat., 612.

⁷ S. 1572; Congressional Globe, 42d Cong., 3d sess., p. 1240.

⁸ Congressional Globe, supra, p. 1436.

⁹ Complete excerpts from the proceedings are contained in the appendix to this memorandum, pt. 1.

¹⁰ Congressional Globe, supra, p. 1571.

¹¹ *Ibid.*, p. 1638.

¹² See Congressional Globe, supra, p. 2005. These remarks are contained in full in appendix, pt. 2, of this memorandum.

II

LAWS OF THE STATES AND FOREIGN COUNTRIES

[Summaries of the State and foreign legislation, with references, appear in the appendix to this memorandum, pt. 3]

States.—Contraception seems not to have been mentioned in any State statute until in 1869 Anthony Comstock secured the passage in New York of an act similar in form and purpose to the Federal act of 1873. Following the Federal act the legislatures of all States, except North Carolina and New Mexico, passed in quick succession statutes of similar intent and in many cases of similar form. Under Federal precedents hereinafter mentioned contraceptive material is not embraced by general obscenity statutes when sold to physicians; there is no evidence that the State laws have been differently interpreted. The statutes of 24 States¹² specifically refer to contraception. Of these States 12¹⁴ expressly exempt medical practice; 8¹⁵ referring specifically to physicians, and 4 referring to medical education. New Jersey's prohibition stipulates "without just cause", which apparently would be interpreted to exempt physicians. Connecticut forbids only use. Of the remaining 10 States which refer to contraception, all but that of Mississippi are apparently so worded as to permit the oral prescription by physicians to their patients. It has been said that this exemption would apply also to the druggists who fill the prescriptions.¹⁷

That these laws have actually not been enforced against physicians is a fact of common knowledge of which this committee will no doubt take judicial notice.

"* * * the laws have not been enforced, even where they were enforceable, so far as the medical practice of contraception is concerned. But even so, the association in our law books of the prevention of conception with abortion on the one hand, and with indecent books, stories, and pictures on the other, has effectually blocked all attempts to amend or repeal the laws in the interest of public health.

"Legislators have been frightened away from a subject made so unsavory, and other public leaders have been so intimidated that impartial consideration by professional or lay groups has been immeasurably retarded."¹⁸

B. Foreign countries.—There seems to have been no legal restrictions on the dissemination of contraceptive information abroad until after the American act of 1873. Since that time France and Italy have enacted measures modeled in some respects on our law. It is understood that there is also some restriction in Belgium. Elsewhere no restrictions have been found. In England it was established by the famous Bradlaugh-Besant trial in 1877 that contraceptive information is not embraced by the general obscenity law. Since the time of this trial the British Parliament and courts appear to have put no obstacles in the way of dissemination of scientific information on contraception, and instances have been recorded of its judicial encouragement.

III

EXISTING LEGAL SITUATION

A. It appears that in any State except (possibly) Mississippi, physicians may lawfully prescribe (orally) and probably druggists may lawfully dispense, upon prescription, the material which they cannot receive through the mails or from abroad under the words of the present Federal statutes.—A dispassionate interpretation of the State laws seems to indicate that a physician may lawfully give oral advice on contraception to a patient in every State except Mississippi. (See analysis of State laws.) The New York Court of Appeals has said that an express exemption of the physician extends to the druggist acting under the physician's direction.¹⁶ No cases have been discovered in any State holding that a druggist could be convicted for filling a prescription. It is common knowledge that such druggists are not

¹² Arizona, California, Colorado, Connecticut, Idaho, Indiana, Iowa, Kansas, Louisiana, Massachusetts, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, Ohio, Pennsylvania, Washington, Wyoming.

¹³ Colorado, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, Nevada, New York, Ohio, Pennsylvania, Wyoming.

¹⁴ Colorado, Indiana, Iowa, Minnesota, Nevada, New York, Ohio, Wyoming.

¹⁵ Kansas, Missouri, Nebraska, Pennsylvania.

¹⁶ *People v. Sanger*, 222 N. Y. 192.

¹⁷ Dickinson and Bryant, "Control of Conception", 1932, issued by the National Committee on Maternal Health, Inc.

¹⁸ *People v. Sanger*, 222 N. Y. 192, 195.

prosecuted; and the practical construction of a law by the officials charged with its enforcement is admittedly entitled to considerable weight.

It results that the Federal Government prevents physicians and druggists from obtaining material which in general they may lawfully dispense under their State laws. The Federal Government has in the past, particularly with reference to intoxicating liquor, enacted laws intended to lend its facilities to the States for the protection of their own laws. Such acts were the Wilson law of 1890;¹⁹ the Webb-Kenyon Act of 1913,²⁰ and the Reed Amendment of 1917.²¹ The twenty-first amendment is so worded. It seems most extraordinary to see a reversal of this process by which the laws of the States are not protected but are in effect nullified by the Federal law.

B. *It is probable that the present Federal statutes would not be construed to apply to physicians and druggists.*—There are no cases holding squarely that contraceptive devices or information may be sent through the mails to physicians and druggists, who are legally dispensing it, or for other legal use. It would seem, however, that the courts would so hold if the question were now presented. There have been vigorous dicta in decided cases which so indicate.

In several cases dealing with indictments for mailing "obscene" matter under section 211 the courts have recognized that what is "obscene" may depend upon the character of the addressee, and the manner of distribution, although there is nothing in the statute (apart from the elasticity of the word itself) to support such a qualification.²²

It has been held that books on contraception may not be excluded from the country as obscene under section 305 of the Tariff Act of 1930.²³

Again in a case²⁴ involving an indictment for mailing information on abortion, Judge Mack said:

"* * * Its [abortion] inclusion in the statute governing the use of the mails indicated a national policy of discountenancing abortion as inimical to the national life. Though the letter of the statute would cover all acts of abortion, the rule of giving a reasonable construction in view of the disclosed national purpose would exclude those acts that are in the interest of the national life. Therefore a physician may lawfully use the mails to say that if an examination shows the necessity of an operation to save life he will operate, if such in truth is his real position. * * *"

Finally, in *Youngs Rubber Corp. v. C. I. Lee & Co.*,²⁵ the Circuit Court of Appeals for the Second Circuit unmistakably indicates the opinion that the word "illegal" may be read into the statute preceding the word "contraceptive", so that to prove a case against the sender of contraceptive material it would be necessary for the Government to show that the sender intended the material to be used for an illegal contraception. The court says,²⁶ after quoting the words of section 211 and section 245 of the Criminal Code:

"Taken literally, this language would seem to forbid the transportation by mail or common carriage of anything 'adapted', in the sense of being suitable or fitted, for preventing conception or for any indecent or immoral purpose, even though the article might also be capable of legitimate uses and the sender in good faith supposed that it would be used only legitimately. Such a construction would prevent mailing to or by a physician of any drug or mechanical device 'adapted' for contraceptive or abortifacient uses, although the physician desired to use or to prescribe it for proper medical purposes. The intention to prevent a proper medical use of drugs or other articles merely because they are capable of illegal uses is not lightly to be ascribed to Congress. Section 334 forbids also the mailing of obscene books and writings; yet it has never been thought to bar from the mails medical writings sent to or by physicians for proper purposes, though of a character which would render them highly indecent if sent broadcast to all classes of persons. See *United States v. Chesman*, 19 F. 497, 498 (C.C.E.D.Mo.); *United States v. Clarke*, 38 F. 500, 502 (D.C.E.D.Mo.); *United States v. Smith*, 45 F. 475, 478 (D.C.E.D.Wis.); *United States v. Dennett*, 39 F. (2d) 564, 568 (C.C.A. 2). It would seem reasonable to give the word 'adapted' a more limited meaning than that above suggested and to construe the whole

¹⁹ Act of Aug. 8, 1890, 26 Stat. 313, c. 728.

²⁰ Act of Mar. 1, 1913, 37 Stat. 699, c. 90.

²¹ Act of Mar. 3, 1917, 39 Stat. 1068, 1069.

²² *United States v. Chesman*, 19 F. 497, 498 (1881); *United States v. Clark*, 38 F. 500, 502 (1881); *United States v. Smith*, 45 F. 475, 478 (1891); *United States v. Dennett*, 39 F. (2d) 564, 568 (1930).

²³ *United States v. One Obscene Book*, 38 F. (2d) 821 (1931); *United States v. One Book Entitled "Contraception"*, 51 F. (2d) 525 (1931).

²⁴ *Bourse v. United States*, 729 F. 960, 964 (1915).

²⁵ 45 F. (2d) 103 (1930).

²⁶ P. 108.

phrase 'designed, adapted, or intended' as requiring an intent on the part of the sender that the article mailed or shipped by common carrier be used for illegal contraception or abortion or for indecent or immoral purposes. See *Bours v. United States*, 229 F. 960, 964 (C.C.A. 7). However, we do not find it necessary to decide this question in the present case."

No complete survey has been made of prosecutions under these statutes.

APPENDIX

PART I

Proceedings in the Senate on February, 20, 1873, representing the entire consideration given by that body to the act of 1873. (Congressional Globe, 42d Cong., 3d sess., p. 1524 et seq.)

[Senator Buckingham asked permission to take up the bill "believing that every Senator will be in favor of it." By unanimous consent Senator Buckingham was given an extension to the morning hour of 10 minutes for the consideration of the bill.]

"Senator BUCKINGHAM. I move to amend the amendment by striking out the first section and inserting the following. [Therein follows sec. 1 of the act as finally passed.]

"The VICE PRESIDENT. This amendment will be regarded as agreed to if there be no objection.

"Mr. CONKLING. I suggest that it might just as well be regarded as agreed to as to be voted upon, for I think no Senator is able to get any intelligent idea of the substance of this amendment as contrasted with that which it is to take the place of.

"Mr. BUCKINGHAM. I will say to the Senator that there is no material alteration in the section. It is rather to strengthen it than otherwise.

"Mr. CONKLING. Will my friend be kind enough to point out, without going into particulars, what the respects are in which it is strengthened or altered?

"Mr. BUCKINGHAM. The words in the thirteenth line are stricken out. I cannot give the details without looking at the bill. I will say that it meets the approval of the gentlemen near me who have examined this bill in the Committee on Post Offices and Post Roads.

"Mr. CASSERLY. I made an objection to this bill the day before yesterday on the ground principally that it seemed to me not sufficiently guarded, and that it failed in some respects to meet the object in view, and that was an object that recommended itself to us all; and upon the suggestion of the Senator from Connecticut, who has charge of the bill, I prepared some amendments. One of them is the section which has just been read. I prepared it after consulting and comparing the English statute drawn by Lord Camden as the result of his experience as a magistrate in regard to this very subject. It seems that in England the evil was very great and of very wide extent. The changes made are either to make the bill more efficient by providing for cases such as the exhibition of the evil pictures or representations, omitted in the bill as presented by the committee, or they were changes made for the purpose of defining exactly the power and jurisdiction of the court and officers over the subject.

"It would be rather a long business to go through the detail of the changes made, but that general statement, I think, fairly represents the character of them. A portion of the first section as reported by the committee was not very distinct as to what was intended to be provided for, and in those respects I labored to make the section more definite. I need not inform the Senator that the whole subject, while it is one that addresses itself to our best feelings and strongest convictions, is one that requires to be dealt with carefully in legislation.

"The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment of the committee."

The amendment to the amendment was agreed to.

(Mr. Buckingham then proposed in similar fashion amendments, here irrelevant, to sec. 3 and sec. 5 of the bill, which were passed.)

"Mr. HAMLIN. I think the Senate had better take the bill precisely as it came from the committee, and let this outside work go where it belongs, out of the Senate. After a committee have examined this question and have reported a bill

to this body, it may be presumed that they know a part of what belongs to the subject; and this kind of legislation, of tinkering by a single Senator with a subject so important to the country as this, is one which does not meet my approbation, and I hope it will not meet the approbation of the Senate. Let the Senate take the bill as it has been reported and pass it. The country demands it.

"Mr. CONKLING. This bill has reached a point now where nobody seems to have any other suggestion to make about it, and I propose, if it be acceptable to the Senator having it in charge, that it shall now be printed as amended in order that we may know something at least of what we are voting upon. For one, although I have tried to acquaint myself with it, I have not been able to tell, either from the reading of apparently illegible manuscript in some cases by the Secretary, or from private information gathered at the moment, and if I were to be questioned now as to what this bill contains, I could not aver anything certain in regard to it. The indignation and disgust which everybody feels in reference to the acts which are here named at may possibly lead us to do something which, when we come to see it in print, will not be the thing we would have done if we had understood it and were more deliberate about it. Now I think the bill had better be printed as it stands, and it will be on our tables tomorrow morning, and then my friend from Connecticut will have no difficulty in obtaining a vote upon it.

"Mr. BUCKINGHAM. Very well.

"The VICE PRESIDENT. The 1st minutes allowed this bill have expired * * *."

[Congressional Globe, 42d Cong., 3d sess., vol. III, p. 188, appendix]

OBSCENE LITERATURE

SPEECH OF HON. C. L. MERRIAM OF NEW YORK IN THE HOUSE OF REPRESENTATIVES,
MARCH 1, 1873

On the bill (S. No. 1572) for the suppressing of trade in and circulation of obscene literature and articles of immoral use

Mr. MERRIAM. Mr. Speaker, the purposes of this bill are so clearly in the best interests of morality and humanity, that I trust it will receive the unanimous voice of Congress. It is terrible to contemplate that more than 6,000 persons are daily employed in a carefully organized business stimulated to activity by all the incentives that avarice and wickedness can invent, to place in the schools and homes of our country, books, pictures, and immoral appliances of so low and debasing a nature that it would seem that the brute creation itself would turn from in disgust.

I am sure this American Congress will not only give all the aids of legislation for the annihilation of this trade, but that the outraged manhood of our age will place in the strongest possible manner its seal of condemnation upon the low brutality which threatened to destroy the future of this Republic by making merchandise of the morals of our youth. Recent revelations have convinced us that no home, however select, has been safe from these corrupting influences. The purity and beauty of womanhood has been no protection from the insults of this trade.

It may be doubted, Mr. Speaker, if war, pestilence, or famine could leave deeper or more deadly scars upon a nation than the general diffusion of this pestilential literature. The history of nations admonishes us that even our fair Republic will be of but short duration unless the vigor and purity of youth be preserved.

Philosophers and legislators have stood bewildered before the revelations of crime and depravity in this our day when every incentive of religion and education that circles about our civilization ought to ennoble and elevate mankind. No revelation, until the unearthing of this scandal upon our age, has solved the mystery. The pride of our people in their schools may well be humbled over the revelations presented by one young man in New York—whose hand with determined and commendable energy is falling heavily upon the workers in this detestable business—he exhibits to us more than 15,000 letters seized from the dealers and publishers in New York City; letters written by students of both sexes throughout our land ordering obscene literature. Fathers and mothers have

rested secure in the consciousness of performed duty while unbeknown to them their children in some of our best schools were students of a debasing literature, thrust upon them by insidious and cowardly hands—a literature, the very nature of which would be hidden by the young from the eyes of the teacher and parent—a literature which kindles and inflames the brute forces born in man, and over which religion and education strive to obtain the mastery. By examinations into the accumulations at "the Dead Letter Office" and the seizures in New York City, we find that the dealers in obscene literature have organized circulating libraries, which are under the charge of the most vicious boys in the schools, boys chosen and paid by the venders, and who circulate among the students, at 10 cents a volume, any of the 144 obscene books heretofore published in New York City.

Fortunately most of the stereotype plates of these books have been recently destroyed. The existence of this literature has been traced to schools in the very Capital of our Nation, where its pernicious influence has sent to positive destruction some promising boys, who, but for the deadly poison instilled into their young minds might have developed into wise and good men. This species of literature has also been found in some of the best schools of New York City and Brooklyn, in the colleges of Pennsylvania, and in the colleges and seminaries of Ohio. No State or Territory is exempt from the presence of its pernicious influence.

Among the seizures made in New York are found 20 separate orders recorded on the books of the dealers, coming from the librarian of a public school in one of our proudest western States.

It is not surprising, Mr. Speaker, that these revelations have amazed and alarmed members of Congress. The masses of our people, doubtless as ignorant hitherto as ourselves, of the nature and extent of this fearful evil—will not wonder that their Representatives have consented to enter upon an investigation of a most disagreeable and sickening nature, nor would they pardon us should we fail to put an end to this nefarious and diabolical traffic—a traffic so profitable to the dealers that more than one person has accumulated a fortune of half a million dollars in the business. It is of the highest importance to the suppressor of this trade, that all available information upon the subject be placed before Congress and the country. The following letter has been received in the course of our investigations, and its author deserves the thanks of all good men:

Since the destruction of stereotyped plates of old books, secret circulars have been discovered of a notice to dealers that "12 new books are in course of preparation and will soon be ready for delivery."

I believe the calling of the attention of the country to this monstrous crime, and determination of the Representatives of the people in Congress to go to the farthest constitutional point within their power of legislation for its annihilation, will incite every State legislature to enact similar laws for its final destruction.

The victims of this traffic have filled the prisons and madhouses of our land; hence every instinct of political economy demands prompt and vigorous action from good men everywhere. The Prison Association of New York says:

"Good men have ever lamented the pernicious influence of a depraved and perverted literature; but such literature has never been systematically and widely diffused as at the present time. This is owing to two causes; its cheapness, and facility of conveyance by steamboat and rail car. A very large proportion of the works thus put in circulation are of the worst character, tending to corrupt the principles, to enflame the passions, to excite impure desire and to spread a blight over all the powers of the soul. Brothels are recruited from this more than from any other one source. Those who search the trunks of convicted criminals are almost sure to find in them one or more of these works; and few prisoners who can read at all fail to enumerate among the causes which led them into crime the unhealthy stimulus of this depraved and pernicious literature."

We read in an English journal that—

"The English Society for the Suppression of Vice has destroyed 129,681 indecent prints, 16,220 illustrated books * * *."

Another influential newspaper, alluding to this subject, says:

"It seems that the same terrible evil though not in a form as gross, yet perhaps for that very reason more dangerous is found in England * * *."

Englishmen deal less tenderly than we in what tends to demoralize their youth. Long ago the filthy publications of New York were suppressed in London. A leading New York paper says:

"It is the duty of every parent and every teacher to be continually on the alert to thwart the introduction of this moral leprosy among those intrusted to

their guardianship. It is a startling but too well established fact that no child who goes to a school of any kind in this vicinity, or even passes along the streets with other children, is safe from the sly distributors of these pestilent publications. In repeated instances of late the most careful parents and instructors have been shocked to find such books and pictures in possession of children of 9 or 10 years, who had received them as gifts, with an injunction to keep them concealed, and particular information as to where others might be bought. Such agencies of pollution operate so rapidly in soiling the purity of children's minds and corrupting their lives, that teachers and parents cannot possibly be too vigilant in guarding against these baits of the devil."

With the passage of this bill I shall have performed a most uninviting duty. No man, even when impelled by a conscientious conviction of official duty, goes willingly down into the gutters of human depravity to act as scavenger to root out moral deformities. He fights to advantage who knows his enemy. The good men of this country who regard their homes as their sanctuaries, warned by this exposure, will act with determined energy to protect what they hold most precious in life—the holiness and purity of their firesides.

PART 2

BROOKLYN, *January 18, 1873.*

DEAR SIR: I have the honor to acknowledge the receipt of your favor of the 12th instant in which you ask for a statement from me in reference to the traffic in obscene literature.

In reply I have been engaged in the suppression of this business since about 1 year ago. At that time I knew only one place where this business was carried on the dealer was arrested, his papers "pigeon-holed" and he continued on in the same business, even letting out these vile books at 10 cents per week to the youths and children of our public schools. In seeking to procure the arrest of this man again I was betrayed by a policeman who has since been dismissed from the service upon my preferring charges against him to our police commissioners. After the Sunday Mercury came out against me, and said "if I was the Christian man I professed to be, I could find plenty of these men in Ann and Nassau Streets and elsewhere." Accordingly, profiting by this hint and by the aid of the numerous advertisements in this same paper, the Days Doings, the New Varieties, and the Illustrated Police Gazette, I have succeeded in unearthing this hydra-headed monster in part, as you will see by the following statement which in many respects, might be truthfully increased in quantity. These I have seized and destroyed:

[Here follows lengthy list of statistics of obscene articles seized by the writer.]

With the exception of one arrest, this has all been done since the second of last March; and with the exception of about three arrests, the whole work has been accomplished by myself or under my own supervision, so that I know whereof I speak.

There are various ways by which this vile stuff has been disseminated. First, by advertising in the above-named newspapers. Some weeks there is not a single advertisement in some of these papers that is not designed either to cheat or defraud, or intended to be a medium of sending out these accursed books and articles. For instance, I have arrested a number of persons, one in particular, who advertised a musical album to be sent for 50 cents. I sent the 50 cents and received back a catalog of obscene books with the following card attached:

"The album is only a pretense to enable us to forward you a catalog of our fancy books. Should you order any of these books your 50 cents will be credited."

It is needless to say I ordered, then arrested him, locked him up in the New Haven jail, and he has been indicted by the grand jury in the United States Court of Connecticut and now is held in bail for trial. In the same way, by advertising beautiful views or pictures of some celebrated place or person these men received answers from innocent persons for these pictures, and among the pictures sent will be one or more of these obscene pictures and catalogs of these vile books and rubber goods. For be it known that wherever these books go or catalogs of these books will you ever find as almost indispensable, a complete list of rubber articles for masturbation or for the proposed prevention of contraception.

Secondly. These abominations are disseminated by these men first obtaining the addresses of scholars and students in our schools and colleges and then forwarding these circulars. They secure thousands of names in this way, by either sending for a catalog of schools, seminaries, and colleges under the pretense of

sending a child to attend these places, or else by sending out a circular purporting to be getting up a directory of all the scholars and students in schools and colleges in the United States, or of taking the census of all the unmarried people and offering to pay 5 cents per name for lists so sent. I need not say the money is seldom or never sent, but I do say that these names, together with those that come in reply to advertisements, are sold to other parties so that when a man desires to engage in these nefarious businesses he has only to purchase a list of these names and then your child, be it a son or daughter, is as liable to have thrust into its hands, all unbeknownst to you, one of these devilish catalogs.

You will please observe that this business is carried on principally by the agency of the United States mails, and there is no law today by which we can interfere with the sending out of these catalogs and circulars through the mails, except they are obscene on their face; and there are scores of men that are supporting themselves and families today by sending out these rubber goods, etc., through the mails, that I cannot touch for want of law. There are men in Philadelphia, in Chicago, in Boston, and in other places who are doing this business that I could easily detect and convict if the law were only sufficient.

There was 1 year ago published in and at New York and vicinity 144 different obscene books. I have seized the stereotyped plates, steel and copper-plate engravings, etc., for 142 of these books. There were four publishers on the 2d of last March; today three of these are in their graves, and it is charged by their friends that I worried them to death. Be that as it may, I am sure the world is better without them. One man, since the year 1842 (according to the account book that I have) has published some 18 or 20 different books and has never to my knowledge been arrested, but has for years been the victim of blackmail by the detectives of New York City and in this manner has been practically licensed by them to do this business.

It is with great pleasure that I state that the refusal of President Grant to pardon those who had been convicted of this offense in the United States courts, and of Governor Hoffman those who have been convicted in this State in the State courts, has sent dismay into the camp of these men, and will go very far toward checking this business.

The district attorney and his deputies are ready to prosecute any and all cases when they are brought to their notice, and there is no question about these men having justice done them if convicted before any of our judges; so that all we want to break up this nefarious business is a broader law. I present these facts for your consideration.

I have the honor to be with very great respect, sir, your obedient servant.

ANTHONY COMSTOCK.

HON. C. L. MERRIAM,
House of Representatives, Washington.

PART 3.—Summary of State laws compiled in 1931 by the National Committee on Maternal Health, Inc.—No substantial changes to date have been discovered excepting Wisconsin

State	Statute effective, 1931— latest code year, ¹ number, abbreviated title	Summary of provisions relating to prevention of conception	
		A. Prohibits—	B. Application to medical practice: Exemptions
Alabama.....	None.		
Arizona.....	1913 title 9, ch. 9, sec. 318: Indecent exposure, ob- scene exhibition, books, prints, and disorderly houses.	Advertisement of means or offer of services.	
Arkansas.....	None.		
California.....	1915 title 9, ch. 8, sec. 317: Unlawful advertisement.	Advertisement of medicine, means, or offer of service.	
Colorado.....	1915 (1) title 6, ch. 28, sec. 99: Advertisement of sub- stances to cure private diseases, etc. 1915 (2) Title 24, ch. 153, sec. 219: Offenses against pub- lic morality, health, and police: Exhibiting or sell- ing obscene books.	Publication, circulation, sale, or advertisement. Exhibition or sale of drug, medicine, or instrument.	Physicians, books, colleges, or drug- gists.

¹ Date refers to code, not to year statute was first passed. Nearly all were actually passed in the 1860's and 1870's.

PART 3.—Summary of State laws compiled in 1931 by the National Committee on Maternal Health, Inc.—No substantial changes to date have been discovered excepting Wisconsin—Continued

State	Statute effective, 1931—latest co-16 year, number, abbreviated title	Summary of provisions relating to prevention of conception	
		A. Prohibits—	B. Application to medical practice: Exemptions
Connecticut.....	1618, ch. 333, sec. 6399: Use of drugs or instruments to prevent conception.	Use of contraceptives.....	
Delaware.....	None.		
Florida.....	Do.		
Georgia.....	Do.		
Idaho.....	1919, title 59, ch. 303, art. 9, sec. 8306: Indecent advertisement.	Advertisement of means or offer of service a felony.	
Illinois.....	None.		
Indiana.....	1926, ch. 5, art. 5: Against chastity and morality. Sec. 2569: Obscene literature, possession and circulation (462). Sec. 2570: Obscene literature, sending (463). Sec. 2572: Drugs for females, advertising (465).	Possession, circulation, sale, advertisement of medicine. Mailing, carrying medicine or advertisement or publication. Advertising, printing, or publication, account or description of drug, medicine, instrument or apparatus; sale or distribution of advertising of secret drug or nostrum.	Physicians, colleges, druggists.
Iowa.....	1927, ch. 592, sec. 13, 190-13, 195: Obscene literature, and articles for immoral use.	Advertisement, sale, exhibition of medicine or articles.	Physicians, colleges, books, druggists, artists.
Kansas.....	1923, ch. 21, art. 11, sec. 1101: Obscene publications, advertising, lotteries.	Printing, writing, publishing; sales of drugs or instrument; sale of secret drugs or nostrums.	Medical books.
Kentucky.....	None.		
Louisiana.....	1920, art. 95: Prohibiting advertisement for use of females.	Printing and publishing advertisement of secret drug nostrum.	
Maine.....	1916 ch. 126, sec. 10.....	Publication, sale, distribution of recipe or prescription or compound.	
Maryland.....	None.		
Massachusetts.....	1921, ch. 372, secs. 20-21: Crime against chastity, etc. (Sale, exhibition, or other distribution of drug or article.)	Advertisement, printing, publication, circulation, or causes such, of any sort of notice of person or place where medicine or instrument or information or knowledge can be obtained.	
Michigan.....	1915, ch. 259, sec. 2 Offenses against chastity.	Publication or sale of recipe or prescription for drops, pills, tinctures, or other compounds.	
Minnesota.....	1913, ch. 98, sec. 8706-8707: Crimes against morality, decency, etc.: Indecent articles and obscene matter.	Sell, loan, give, exhibit, or advertise, instrument article, drug, medicine, or oral information about such articles; and mailing or otherwise transporting same.	Physicians and by implication, druggists.
Mississippi.....	1927, ch.16, sec. 1080: Obscenity—Indecent articles.	Sale, loan, gift, exhibition, advertisement instrument or article, drug, or medicine; or writing, printing, publishing, or giving orally any information as to source of such article or medicine; or manufacturing such.	
Missouri.....	1919, ch. 24, art. 8, sec. 2525: Advertising Secret Drugs, etc.	Printing, publishing, or other advertisement or account of drug, medicine, instrument or apparatus; keeping for sale or free distribution on any secret drug or medicine.	Colleges, books.

PART 3.—Summary of State laws compiled in 1931 by the National Committee on Maternal Health, Inc.—No substantial changes to date have been discovered excepting Wisconsin—Continued

State	Statute effective, 1931—latest code year, number, abbreviated title	Summary of provisions relating to prevention of conception	
		A. Prohibits	B Application to medical practice: Exemptions
Montana.....	1921, pt. 1, ch. 31, sec. 1114: Obscene Literature, etc. Advertisement to produce Miscarriage.	Writing, composing, publishing advertisement or notice of medicine or means; or offer of services.	
Nebraska.....	1922, sec. 9569: Advertisement or sale of Secret Drug, etc.	Printing, writing, publishing account or description of drug or instrument or apparatus; sale or distribution of such notice; sale or distribution of drug.	Colleges, books.
Nevada.....	1912, vol. 2, 6451-6455 secs. 186-190: Crimes against Morality and Agency.	Advertisement or publication any medicine, nostrum, drug, substance, or device for "prevention of human propagation."	Physicians.
New Hampshire.....	None.		
New Jersey.....	1911, ch. 3, sec. 53: Against Public Morals and the Institution of Marriage.	Publication or advertisement, medicine or other thing, or aid in finding same.	Prohibition stipulates "without just cause."
New Mexico.....	None.		
New York.....	1927 art. 106, secs. 1142-1145: Indecent articles, etc.	Sale, loan, gift, exhibition of instrument, article, recipe, drug, medicine; writing, printing, publishing any notice, or giving oral information of source; or manufacturing same; mailing, or other distribution.	Sec. 1145 physicians and supplies for physicians.
North Carolina.....	None.		
North Dakota.....	Do.		
Ohio.....	1912 title 11, ch. 12, sec. 13033-13037: Offenses against chastity.	Sale, distribution, or advertisement of drug or medicine.	Physicians, books, colleges, druggists.
Oklahoma.....	None.		
Oregon.....	Do.		
Pennsylvania.....	1870 P. L. 39, ch. 1, 7633, sec. 2: Obscene advertisement and sale of noxious medicine. 1897 P. L. 63, sec. 2: Indecent and immoral writing, etc. 1920 (Recodification) ch. 1, sec. 7633: Advertisement or sale of medicine to procure abortion or prevention of conception.	Publication or description of article or recipe, or sale or distribution of secret drug. Distribution of advertisement of recipe for material. See 1870 Statute.	Colleges, books.
Rhode Island.....	None.		
South Carolina.....	Do.		
South Dakota.....	Do.		
Tennessee.....	Do.		
Texas.....	Do.		
Utah.....	Do.		
Vermont.....	Do.		
Virginia.....	Do.		
Washington.....	1922 title 14, ch. 6, sec. 2460: Indecent articles.	Exhibition advertisement. Sale, distribution, loan, instrument, article, drug; write, print, distribute any notice of source.	
West Virginia.....	None.		
Wisconsin.....	None.		
Wyoming.....	1920 ch. 454, secs. 7200-7202: Crimes against public morals, obscene literature, private medicine.	Sale, loan, gift, or possession of medicine; or giving oral information on source or mailing same; or advertising drug, medicine, instrument or apparatus.	Physicians, books, colleges, druggists.
District of Columbia.....	None.		

SUPPLEMENTAL MEMORANDUM ON THE LEGAL ASPECTS OF H.R. 5978

FOREIGN LAWS

[See II-B of the principal memorandum]

The most up-to-date survey by an impartial and authoritative source of the foreign laws relating to birth control seems to be the International Year Book of Child Health and Protection, 1928 edition. This work is compiled periodically from official sources. A foreword to the 1928 edition is written by Miss Grace Abbott, of the Children's Bureau of the United States Department of Labor. According to this authority the following is the state of the laws of all countries which have been compiled as of 1928.

Laws favoring birth control or official action encouraging it are found in Mexico, Russia, cities of Vienna, Berlin, Dresden, Hamburg, and Frankfurt, Germany, Aberdeen, Scotland, Canton, China, and States of California, Colorado, New York, and Ohio. It is also stated that the British Government permits the officials of its health centers to arrange for contraceptive advice on medical grounds.

Countries restricting the dissemination of contraceptive information in some way are Belgium, Chile, Colombia, Costa Rica, France, Greece, Irish Free State, Italy, Lithuania, Poland, and Portugal. Possibly the Province of Ontario, Canada. The Dominion of Canada has a restrictive postal law only.

Countries whose laws neither encourage nor restrict contraceptive information, except in some cases with respect to advertisements, are Albania, Australia, Austria, Belgian Congo, China, Danzig, Denmark, Egypt, Esthonia, Germany, Japan, Latvia, Luxemburg, Netherlands, New Zealand, Norway, South Africa, Sweden, Switzerland, and Zanzibar.

On this subject see also Caroline H. Robinson, *Seventy Birth Control Clinics*, 1930, chapter 7.

It is respectfully requested that this memorandum be considered to incorporate by reference in its appendix a legislative note in the Harvard Law Review for February 1932, at page 723, entitled, "Some Legislative Aspects of the Birth Control Problem."

With reference to the legislative history of the present laws (pt. I of the memorandum) see Broun & Leech, Anthony Comstock, 1927, pages 128 to 144.

APPENDIX PART 3

In 1933 Wisconsin passed an act restricting the advertisement or display of contraceptives and their sale, except by licensed pharmacists (secs. 351, 235 of the Laws of Wisconsin).

HARVARD LAW REVIEW, FEBRUARY, 1932

[Page 732]

Some legislative aspects of the birth-control problem.—Since the enactment by Congress of the Comstock bill in 1873,¹ 26 States have passed laws relating to birth control. Varying and often conflicting policies are reflected in these statutes. With the social wisdom of such legislation this note is not concerned. But there remains for consideration the purely legislative problem of how and to what extent the underlying policies can be effectuated.

The State legislation presents no regular pattern. Many of its vagaries are doubtless accidental, but the policies discernible permit classification of the States into four groups. Eight States attempt complete suppression of the practice of birth control, as indicated in one case by a provision making the use of contraceptives unlawful,² and in the over seven by provisions forbidding with-

¹ Obscene literature was made nonmailable in 1865. (13 Stat. 507 (1865); 17 Stat. 302 (1872)). Specific mention of prevention of conception, however, first appears in the comprehensive act of 1873, prohibiting the mailing, importation, and in places subject to the exclusive jurisdiction of the United States, the advertisement, sale, or gift of obscene literature or articles for preventing conception. (17 Stat. 599 (1873)). For the part played by Anthony Comstock in the enactment of these laws, see Broun and Leech, Anthony Comstock (1927) 128-4'; Dennett, birth control laws (1926), 9, 20 et seq. The State legislation is largely patterned after this act. See Broun and Leech, op. cit. supra, at 132; Dennett, op. cit. supra, at 9, 79-80. Attacks on the constitutionality of prohibitive or regulatory laws have been unsuccessful. *United States v. Popper* (98 Fed. 423 (D. Cal. 1889)); *Commonwealth v. Allison*, (227 Mass. 57, 116 N.E. 265 (1917)); *People v. Sanger* (222 N.Y. 192, 118 N.E. 637 (1913)); *People v. Bryne* (99 misc. 1, 163 N.Y. supp. 682 (1917)).

² Conn. Gen. Stat. (1930 sec. 246. Connecticut has no other laws specifically mentioning prevention of conception, but sec. 6244 prohibits the preparation, advertisement, and distribution of obscene literature and "articles of indecent use." Since the use of articles for the purpose of preventing conception is forbidden, this section might well be applied to birth-control literature and materials.

out exception the distribution of contraceptive materials.⁸ Two States sanction the use of contraceptives only "for preventing disease"; accordingly physicians are permitted to prescribe materials for this purpose,⁹ though their distribution is otherwise prohibited.¹⁰ By implication, druggists may be supplied with materials,¹¹ and perhaps information may be furnished to physicians to enable them to prescribe materials intelligently.¹² A third group prohibit only publication of contraceptive information and advertisement of materials¹³ or offering advice or materials in any other manner.¹⁴ The purpose of these provisions is not necessarily to suppress the practice of birth control, since materials may be distributed on request.¹⁵ The provisions against advertising and offering services may be designed in part as protection against solicitation by fraudulent practitioners,¹⁶ but complete suppression of publicity with respect to methods may be motivated in part by a feeling that it is indecent and in part by the view that its prohibition will keep from the immature information likely to lead to immorality. Finally, the laws of several States seem definitely designed to protect the public from unreliable or harmful information and materials rather than to prohibit their use. They permit the publication of information only in "standard medical works," and distribution of materials only by licensed physicians and druggists.¹⁷

There remain 22 States in which there are no laws specifically mentioning prevention of conception. In all except New Mexico, however, there is legislation

⁸ The typical statute forbids the publication of contraceptive information, the advertisement, sale, loan, gift, exhibition, or possession with intent to sell, loan, give away or exhibit of published information or materials, and stating how information or materials are obtainable. Kans. Rev. Stat. (1923) ch. 21, sec. 1101; Mass. Gen. Laws (1921) ch. 272, secs. 20, 21; Miss. Code Ann. (1930) sec. 1057; Mo. Stat. Ann. (1923) sec. 4275; Nebr. Comp. Stat. (1929) ch. 28, sec. 425; Pa. Stat. Ann. (Purdon, 1930) tit. 18, secs. 777, 778; Wash. Comp. Stat. (Remington, 1922) sec. 2460. Mississippi and Pennsylvania also forbid giving oral information, and Massachusetts prohibits the manufacture of contraceptive materials. Kansas, Missouri, Nebraska, and Pennsylvania provide that the publication and sale of standard medical works shall not be affected. Apparently this is not for the purpose of making birth-control information available, because distribution of the materials which would make this information useful is prohibited but rather that medical works containing some contraceptive information shall not on that account be excluded. The exemptions in Missouri, Nebraska, and Pennsylvania also extend to teaching in medical schools.

⁹ Minn. Stat. (Mason, 1927) sec. 10189; N.Y. Pen. Law (1909) sec. 1145; cf. N.J. Comp. Stat. (1910) p. 1762 ("without just cause"). "Prevention of disease" is an elastic phrase, and in New York, a broad one. See *People v. Bryne*, *supra*, note 1, at 8, 163 N.Y. Supp. at 687: "... the physician would be justified in prescribing the prohibited articles if in his opinion the health or condition of the patient required it."

¹⁰ Minn. Stat. (Mason, 1927) sec. 10189 (prohibits publishing birth-control literature, advertising, or distributing literature or materials, or telling orally or in writing where they are obtainable); N.J. Comp. Stat. (1910) p. 1762 (same); N.Y. Pen. Law (1909) sec. 1142 (same). Minnesota and New York also prohibit the transportation of contraceptive materials or information, and provide for the punishment of persons depositing information or materials in the mails or in the hands of another person for transportation. Minn. Stat. (Mason, 1927) sec. 10,189; N.Y. Pen. Law (1909) sec. 1143.

¹¹ See *People v. Sanger*, *supra*, note 1, at 195, 118 N.E. at 638; *Youngs Rubber Corp. v. C. I. Lee & Co.*, 45 F. (2d) 103, 107 (C.C.A. 2d, 1933).

¹² If supplying contraceptive materials to physicians is not illegal, it would be absurd to hold that it was illegal to supply them with contraceptive information. Cf. Ernst, *How We Nullify* (1930) 134 *The Nation* 113, 114.

¹³ Ariz. Rev. Code (Struckmeyer, 1928), sec. 4646; Ark. Acts 1931, p. 413 (forbids possession, sale, or gift of any publication barred from the United States mails); Cal. Pen. Code (Deering, 1931), sec. 317; Idaho Comp. Stat. (1919), sec. 8306; La. Rev. Stat. Ann. (Marr Supp. 1926), p. 385; Me. Rev. Stat. (1930), c. 135, sec. 10; Mich. Comp. Laws (1929), sec. 16884; Mont. Rev. Code (Choate, 1921), sec. 11142; Nev. Comp. Laws (Hillyer, 1929), secs. 10133-37 (physicians excepted); N.C. Code Ann. (Michie, 1931), sec. 4349b (forbidding sale or gift of any publication barred from the United States mails).

¹⁴ See the Arizona, California, Idaho, and Montana statutes cited in note 8, *supra*.

¹⁵ These statutes apply to materials and services for producing abortion as well as for preventing conception, which may indicate that they are intended to prevent the use of contraceptives. Their deficiency for this purpose is obvious, however. As protective rather than prohibitive statutes they are equally bad, since they make contraceptive information unavailable even to physicians.

¹⁶ The rationale appears to be that in matters relating to sex the danger of exploitation by fraudulent practitioners is particularly great; and that in view of the difficulty of discriminating between good advertising and bad it is safer to prohibit all advertising than to expose the public to the solicitation of quacks. Compare the provisions against advertisement of cures for venereal disease, which exist in most States, usually with exceptions for advertisements of Federal or State governments or medical journals. E.g., Calif. Gen. Laws (Deering, 1923), Act 90, sec. 1; Colo. Ann. Stat. (Mills, 1930), sec. 1913; D.C. Code (1929), title 20, sec. 1191.

¹⁷ Colorado, Indiana, Iowa, Ohio, and Wyoming prohibit the manufacture of contraceptive materials and the publication of contraceptive information, their distribution, transportation, and advertisement, and stating orally or in writing how either is obtainable, but provide that teaching in medical schools, the publication and sale of standard medical works, the practice of physicians, and the business of druggists shall not be affected. Colo. Ann. Stat. (Mills, 1930), secs. 1910, 1911, 5728; Ir. I. Ann. Stat. (Burns, 1926), secs. 2569, 2570, 2572 (forbids also possession of materials or literature); Iowa Code (1931), secs. 13190, 13191, 13195 (no provision against manufacturing materials or giving oral information); Ohio Gen. Code (Page, 1932), secs. 13033-13037; Wyo. Comp. Stat. Ann. (1920), secs. 7300-7302 (forbids also possession of contraceptive materials or information). There are no restrictions on the circulation of birth-control literature after publication, or on the persons to whom physicians or druggists may supply materials.

prohibiting the preparation, advertisement, and distribution of obscene literature,¹⁵ or obscene literature and "articles of indecent use."¹⁶ In how many of these contraceptive information or materials would be judicially classed as per se obscene or indecent is a matter of conjecture.¹⁶

Superimposed on this State legislation are Federal laws prohibiting the importation,¹⁷ mailing,¹⁷ or interstate transportation,¹⁸ and, in all places subject to the exclusive jurisdiction of the United States, the preparation, advertisement, and distribution,¹⁹ of contraceptive information and materials. There are no exemptions.

The Federal laws are indispensable to any State attempting complete suppression of birth control. Without them the States could not constitutionally prohibit the receipt of articles shipped from other States²⁰ or sent through the mails,²¹ or even for sale within the State in "original packages."²² On the other hand, they conflict with the policies of all other States by hampering the interchange of ideas and materials among members of the medical profession and thus impeding the development and dissemination of new technique. Proponents of birth control have accordingly centered their efforts at modification on the Federal laws. Various types of bills have been proposed.²³ None, however, suggests the enactment in this field of legislation similar to that which the Webb-Kenyon Act²⁴ established with respect to intoxicating liquors. By making the legality of mailing or interstate transportation of liquor depend on the legality of its receipt in the State of destination, that act gave Federal support to local prohibitive policies without interfering with the nonrestrictive policies of other States. To seek the enactment of similar legislation in this field might be a shrewd move on the part of birth-control advocates. It would remove Federal restrictions over a large part of the country, and by raising the issue of States rights might gain greater support than any of the bills providing for repeal or modification yet proposed.

¹⁵ Ala. Code (Michie, 1928), sec. 5014; Del. Rev. Code (1915), ch. 70, sec. 46; Fla. Comp. Laws (1927), sec. 7581-7584; Okla. Comp. Stat. Ann. (Bunn, 1931), sec. 1884; R.I. Gen. Laws (1923), ch. 399, sec. 12; S.C. Crim. Code (1922), sec. 384; S. Dak. Comp. Stat. (1926), sec. 3394; Tenn. Code (1913), sec. 11190; Tex. Rev. Pen. Code (1928), art. 526; Utah Comp. Laws (1917), sec. 8144; Vt. Gen. Laws (1917), sec. 7021; Va. Code Ann. (Michie, 1930), sec. 4549; W. Va. Code (1931), ch. 61, art. 8, sec. 11; Wis. Stat. (1929), sec. 351.33. These acts do not violate constitutional guarantees of freedom of speech and press. *United States v. Harman*, 45 Fed. 414 (D. Kan, 1891); *State v. McKee*, 73 Conn. 18, 46 Atl. 409 (1905); *State v. Warren*, 113 N.C. 683, 18 S. E. 498 (1893); see Schofield, Freedom of the Press in the United States (1914), 9 Pub. Am. Sociol. Soc. 67, 62.

¹⁶ Ga. Pen. Code Ann. (1926) sec. 385; Ill. Rev. Stat. (Cahill, 1931) c. 38, secs. 455-56; Ky. Stat. (Carroll, 1930) secs. 1352, 1355; Md. Ann. Code (Bagby, 1924) art. 27, sec. 417; N.D. Comp. Laws Ann. (1913) sec. 9854; N.H. Pub. Laws (1926) c. 379, secs. 14-17; Ore. Code Ann. (1930) sec. 14.729.

England has no laws specifically mentioning birth control, but prohibits the importation, mailing, advertisement, sale, or gratuitous distribution of indecent literature or articles. 39 and 40 Vict. c. 36, sec. 42 (1876); 8 Edw. VII, c. 48, secs. 16, 63 (1908); 20 and 21 Vict. c. 83 (1857).

¹⁷ The determination of what constitutes obscenity rests primarily with judges through their power to reverse jury verdicts as unreasonable. E.g., *United States v. Dennett*, 39 F. (2d) 564 (C.C.A. 2d, 1930), see note (1928) 28 Col. L. Rev. 950. Birth-control literature was held to be obscene in *Commonwealth v. Allison*, 227 Mass. 87, 116 N.E. 265 (1917), and *Potter v. Smith*, 2 N.S.W. St. R. 220 (1902); see in re Besant. II ch. D. 503, 514 (1878); *Bremner v. Walker*, 6 N.S.W. St. R. 276, 281, 282 (1885); cf. *Bradlaugh v. The Queen*, 3 Q.B.D. 607 (1878). It was held not to be per se obscene in *United States v. One Book Entitled "Contraception"*, 51 F. (2d) 823 (S.D.N.Y. 1931), and ex parte Collins, 9 N.S.W. St. R. 407 (1888); see *United States v. One Obscene Book Entitled "Married Love"*, 48 F. (2d) 821, 823 (S.D.N.Y. 1931). So determinative are the moral ideas of the individual judge that the cases of one jurisdiction are a poor basis for predicting results in another, or even in the same jurisdiction in a different court. Each case is little more than a decision of particular judges upon the obscenity of a particular book.

¹⁸ Section 305 of the Tariff Act of 1930 includes obscene literature and contraceptive materials among matters whose importation is forbidden, but does not specifically include birth-control information. 46 Stat. 689 (1930). Contraceptive information has been held not to be per se obscene, and hence not subject to forfeiture under this act. *United States v. One Book Entitled "Contraception"*, supra note 15. The applicability of sec. 245 of the Penal Code, which provides for the punishment of anyone who either brings or causes to be brought into the United States contraceptive articles or information was not involved. 41 Stat. 1090 (1920), 18 U.S.C. sec. 396 (1929).

¹⁹ 36 Stat. 1339 (1911), 18 U.S.C. sec. 331 (1928). This section is particularly comprehensive. Non-mailable matter includes every article "designed, adapted or intended, for preventing conception" or "advertised or described in a manner calculated to lead another to use or apply it for preventing conception", and every description "calculated to induce . . . a person to so use . . . any such articles."

²⁰ 41 Stat. 1090 (1920), 18 U.S.C. sec. 396 (1929).

²¹ 35 Stat. 1149 (1909), 18 U.S.C., sec. 512 (1925).

²² *Homann v. Chicago & Northwestern Ry.*, 125 U.S. 465 (1888); *Rhodes v. Iowa*, 170 U.S. 412 (1896).

²³ See Rogers, Postal Powers of Congress (1916), 146.

²⁴ *Leisy v. Hardin*, 135 U.S. 100 (1890); cf. *Austin v. Tennessee*, 179 U.S. 343 (1900).

²⁵ See Dennett, op. cit. supra note 1, at 200 et seq.; Cummins-Vaile bill, infra note 30; Gillett bill, infra note 28.

²⁶ 37 Stat. 699 (1913). This act prohibited the shipment into any State of intoxicating liquor "intended by any person interested therein to be received, possessed, sold, or in any manner used, either in the original package or otherwise, in violation of any law of such State." Its constitutionality was upheld in *Clark Distilling Co. v. Western Maryland Ry.*, 242 U.S. 311 (1917). Compare the Wilson Act, 26 Stat. 313 (1890), which enabled States to prohibit the sale of liquor in original packages, but was held not to permit State interference with interstate shipments before they reached the consignee, or with personal use by the consignee. *Rhodes v. Iowa*, 170 U.S. 412 (1896).

Assuming Federal cooperation, States attempting to suppress the use of contraceptives can diminish the reliability of information and materials available, but to hope for complete suppression would be far too sanguine. Oral information and some circulation of bootlegged publications cannot be prevented. Suppression of materials is even more difficult because of the impossibility of defining the prohibited articles. Prohibiting all antiseptics which can be used for contraceptive purposes is out of the question. Under a less sweeping provision many materials usable for preventing conception remain perfectly legal; and materials intended primarily for contraceptive use may easily be advertised and sold camouflaged as antiseptics or preventives of disease.²⁴ The circuit court of appeals for the second circuit has recently interpreted the comprehensive Federal statutes to exempt such bi-functional articles, thereby permitting virtual nullification.²⁵

If the desirability of birth control is recognized, the best protection against unreliable or harmful materials or information is doubtless ready availability of the best there are. Further safeguards, however, may be thought desirable. Attempts to insure reliability by limiting the distribution of information and materials to reliable sources are not likely to be successful; any statutory definition of permissible sources, if broad enough not to hamper the distribution of good materials and information, is too broad to be selective. Thus, requiring that information to be circutable must be published "in standard medical works"²⁶ or "by a governmental agency, medical school, medical society, or medical journal"²⁷ leaves uncertain what comes within the sources defined, and the sources themselves provide no certain guaranty of quality. So, also, physicians and druggists vary widely in training and ethical standards, and the protection afforded by intrusting them with the distribution of materials²⁸ is correspondingly limited. Requiring the approval of men known to be competent presents an escape from such inevitably vague statutory definitions. Endorsement by any five licensed physicians, as suggested by the Cummins-Vaile bill,²⁹ is too uncertain a test. Certification by the State board of health or board of medical examiners³⁰ might give greater assurance. Unless the dicta of *Youngs Rubber Corp. v. C. I. Lee & Co.*³¹ are followed, no State program of this type can be very successful without modification of the Federal laws. A Federal statute requiring certification by a department of the National Public Health Service³² for the mailing or interstate transportation of information and materials would tend to establish high standards even in States with no protective legislation.³³ If such bureaucratic control be deemed undesirable, prescribing general standards of reliability by amending the Pure Food and Drug Act³⁴ and leaving enforcement to the criminal and penal measures there provided is another solution.

²⁴ See, e.g., (1932) 20 True Confessions, no. 115, 63; (1932) 87 Love Story Magazine, no. 6, VIII. The usual provision of the existing State laws is against advertising or selling articles "designed for preventing conception" or "to be used for the purpose of preventing conception." E.g., Colo. Ann. Stat. (Mills, 1930), sec. 1910; Kans. Rev. Stat. (1921) c. 21, sec. 1101; Mass. Gen. Laws (1921) c. 272, sec. 20, 21. They might easily be held inapplicable to anything which might be used for a purpose other than preventing conception. See *Youngs Rubber Corp. v. C. I. Lee & Co.*, supra note 6, at 108, where it is suggested that if articles can be used for preventing disease, their shipment is not illegal under the Federal statutes unless an intent is proved on the part of the sender that they be used for contraception not necessary to prevent disease. Compare the definition of "prevention of disease" in *People v. Byrne*, supra note 4. See Ernst, loc. cit. supra note 7.

²⁵ See statutes, supra note 12.

²⁶ See Gillett bill (S. 4582), hearings before a subcommittee of the Committee on the Judiciary, 71st Cong., 2d sess. (Feb. 13, 14, 1931) 1. This recent proposal for amendment of the Federal laws would permit free circulation of information published either within or without the United States by any governmental agency, medical society, medical school or medical journal, or reprinted after such publication. Information not so published would be importable, mailable, and transportable only if sent by one physician, hospital or clinic to another, or to a patient. Contraceptive materials would be importable, mailable or transportable only if sent either to a bona fide dealer in medical supplies or a physician, hospital or clinic, or by a physician, hospital or clinic to a patient. The administrative objections to such a statute are obvious. Compare the earlier proposed bill discussed in Dennett, op. cit. supra note 1 at 212 et seq.

²⁷ See statutes, supra note 12, and the Gillett bill, supra note 28.

²⁸ H. R. 6542, § 2290. See joint hearings before subcommittees of the Committee on the Judiciary, 68th Cong., 1st sess. (Apr. 8, May 9, 1924) 1.

²⁹ Certification by city health commissioners or county boards of health are other possibilities, though they may be less well informed. Of 17 birth-control clinics in California, 11 are controlled by county public health departments. See Gillett bill, hearings, supra note 28, at 24.

³⁰ Loc. cit. supra note 26.

³¹ It has been suggested that the Department of Medical and Chemical Research might perform such a function. See Dennett, op. cit. supra note 1, at 236.

³² Information and materials which did not come up to Federal standards, and hence could not be mailed or circulated outside the State, would have difficulty competing with those which did.

³³ 34 Stat. 768 (1906), 37 Stat. 736 (1913), 21 U. S. C., sec. 1-15 (1926). This act, which prohibits the importation and interstate transportation of misbranded or adulterated drugs, would in its present form be applicable to all contraceptives containing drugs or chemicals. See Dennett, op. cit. supra note 1, at 235. A bill providing that it be amended to apply to all contraceptives might meet with less opposition than one which would give the Government so active a part in the distribution of materials as certification by a Federal administrative body would require. States might effectuate protective policies by similar amendment of laws prohibiting the manufacture or sale of misbranded or adulterated drugs. E.g., Kans.

A further policy of making information and materials available only to certain classes of persons³⁶ is far less likely to be successful. Their distribution may be prohibited except to physicians and by physicians to members of the favored classes.³⁷ But all the difficulties of complete suppression are here presented, greatly accentuated by the necessity of making good information and materials available to those who are entitled to them. Assuming that some laws are advisable, the real choice seems to lie between complete suppression and protective legislation such as that suggested.

Mrs. HEBURN. Our next speaker will be Dr. J. S. Klumpp, of Huntington, W. Va., surgeon and gynecologist.

STATEMENT OF JAMES S. KLUMPP, M.D., F.A.C.S., OF HUNTINGTON, W.VA.

Dr. KLUMPP. Mr. Chairman and gentlemen: As a physician, I am interested in birth control from three aspects, that of the factors affecting maternal health, the economic status of the family, and a proper psychologic and physiologic conception between husband and wife of the rights and privileges of marriage. Let me briefly discuss the subject under these three divisions.

Medical authorities are agreed that the presence of any one of several diseases affecting the prospective mother, constitutes a definite indication against pregnancy. Among those most commonly encountered are tuberculosis, syphilis, heart, and kidney disease. Tuberculosis is a disease which may affect divergent body tissues, but in this phase of the discussion, we are interested primarily in the pulmonary type. Tuberculosis is a wasting disease. Its presence in an active state markedly decreases the ability of the body to excrete wastes and to absorb the much needed oxygen necessary to the normal functioning man or woman. At one time it was thought that pregnancy had a beneficial effect upon tuberculosis, inasmuch as few women died of the disease during pregnancy, and delivered healthy babies; but with continued observation we are generally agreed that the effect is almost always harmful. In addition to the extra load carried during the 9 months of pregnancy, the added strain caused by delivery and nursing usually hastens the final result. In the presence of an active or quiescent pulmonary tuberculosis, we insist upon our patients avoiding pregnancy until they have been symptom-free for 2 years. In view of the fact that tuberculosis usually becomes exaggerated during pregnancy or after delivery, it is a general procedure to terminate conception in its presence, although the ideal way would be toward the prevention of pregnancy rather than termination.

In the presence of a known maternal syphilis, pregnancy is contraindicated for two reasons: First, because of the danger of transmitting the infection to the unborn child, and second, because of the fact that this disease is the most common cause of repeated abortion or premature labor.

In discussing the effect upon cardiac disease by pregnancy, we must first of all recognize the fact that there are changes produced by pregnancy in the normal circulatory apparatus. This is evidenced by a limitation in the normal response of the heart to exercise,

Rev. Stat. (1926), c. 65, secs 601-613; Ky. Stat. Ann. (Carroll, 1930) sec. 2060; N.H. Gen. Laws, 1929, c. 46. Protection against obscene written information would then be afforded by obscene literature statutes. Protection against information which was merely unreliable would perhaps be unnecessary.

³⁶ See statutes, supra note 5.

³⁷ Compare the statutes in notes 5 and 12, supra; the Gillett bill, supra note 28; Dennett, op. cit. supra note 1, at 81.

by changes in rhythm and rate, by the tendency to stagnation of blood flow in the lower extremities, and by the production of a marked pulsation in the veins of the neck. These changes in the normal circulatory system are certainly evidence of what may occur to a damaged heart in the pregnant woman. The death rate in heart disease complicating pregnancy varies from 28 to 60 percent according to different observers. It is our opinion that no woman with the slightest degree of decompensated heart disease should be subjected to pregnancy. We might go further and state that evidence of decompensation occurring after conception is very often a direct indication for the termination of that pregnancy.

During pregnancy a double load is placed upon the maternal urinary excretory organs, and in the presence of chronic or acute disease of the kidneys, health and even life itself is frequently threatened. This danger may be evidenced in several degrees from that of headache, disturbance in vision, and swollen extremities, to occurrence of convulsions and coma, occurring at any time during pregnancy, sometimes during labor, and at intervals, following delivery. The presence of any type of kidney disease which is activated by pregnancy is a contraindication of the same.

In the interest of maternal health it is essential that we, as physicians, be given the legal right to advise these women in controlling conception according to the physical needs of the individual case.

At this time I wish to present to you gentlemen a specific instance of how birth-control work is affected by the present state of economic distress. I live in a city of 75,000 people, which is about the average size American city, so I think the conditions as I present them to you will be indicative of conditions very general throughout the country.

In discussing the economic phase of this problem, I might state that since July 1, 1932, I have had a very interesting experience with the class of people who, due to economic distress, have been dependent upon either public or private relief for the barest sustenance. I will submit at the conclusion of my statement a report of over two hundred cases, all of the so-called "charity class", who were sent to me for contraceptive advice between July 1, 1932, and December 31, 1933. During this 18-month period I saw 212 patients. The average age of husband and wife was 36 and 33 years respectively, the average number of living children in each family was 4.7, the number of children dead was 1.1 per family, and the number of abortions averaged 1.4 per family. In the entire series, there was a pregnancy occurring every 14 months. Nine months of pregnancy and labor; 4½ to 5 months to nurse her baby; and then another pregnancy. Now, of this total of 212, the supporting member of 88 families had been without work for an average of a little more than 2 years. The remaining 124 had averaged two days weekly only since the inception of R.F.C. relief. Gentlemen, the citizens of our community were the sole support of these families, either by direct donation, subscription to community chest and other welfare organizations, or through local or Federal taxation. These parents had not the means, nor was the amount of relief afforded them sufficient, to feed and clothe themselves and four children, let alone care for the additional baby which was being born every 14 months. I might state at this point that during these times of economic stress the birth rate in our indigent classes always tends to in-

crease, because of the fact that a man accustomed to working 8, 10, or 12 hours a day is usually much physically fatigued at nighttime and his sexual instincts are not as strong as when he is out of work, when because of lack of work, with no funds to spend for enjoyment and relaxation elsewhere, he spends most of his time at home, with one result—an increase in sexual activity, and an increase in birth rate.

This, gentlemen, is the problem we are faced with today, and I think the inception of the C.W.A. and P.W.A., with an average wage of \$50 per month for a laborer, does not allow the expense of unlimited propagation in these classes. In the 212 cases just reported, there have been no unwanted or unneeded children for the community to support, but at the same time, this control of conception has been practiced in such a way as to improve the psychic and physiologic elements of marriage, rather than to increase the misery and unhappiness so prevalent in many families.

The solution of this problem, which is distinctly economic in its nature, is of direct interest to every taxpayer. The citation of 212 cases in the city of Huntington gives but a slight conception of the situation as a whole. In the year 1933 there was a peak load of over 6,500 families upon the relief rolls in our city. Although not all of these 40,000 people were confronted with the problem of control of conception, either by reason of physical condition or age, by far a large majority fall within the age limits of sexual activity, and this activity, unless controlled, always results in an increased birth rate. I might state that in nearly 90 percent of the cases mentioned some form of birth control had already been attempted, but because of ignorance or faulty technique, the proper results, either as concerns the physical or psychic health of the parents, were not obtained. What we did in these cases was to substitute a sane, safe, and satisfactory procedure for the previous unsafe, unhealthy, and unsatisfactory methods.

Gentlemen, my last point brings out the unfairness of the law as it now stands. In order to carry on this work, I am classed as a criminal in the eyes of the Federal Government, with no more legal status than the bootlegger and the kidnaper. All we, as physicians, ask is that we be given an opportunity to carry on in our obligations to mankind, in such a way as to retain our respect for ourselves and for the laws of this Nation. I thank you.

Mr. CONDON. Did I understand you to say that the birth rate had increased during this period of unemployment?

Dr. KLUMPP. In the indigent classes.

Mr. CONDON. Where did you get those figures?

Dr. KLUMPP. From my own personal record of cases.

Mr. CONDON. You have no figures from official statistics, gathered by any Government agency, Federal or State, on that point, have you?

Dr. KLUMPP. I am discussing the situation on an economic basis only as it concerns my own community.

Mr. CONDON. And not the situation throughout the country?

Dr. KLUMPP. Those figures are given to me by the family welfare society, tuberculosis society, Huntington Baby Clinic, the Salvation Army, together with what I know from my own private practice.

Mr. BROWNING. The information you gave out, with regard to contraception, was within the rights that you had under your State law, was it not?

Dr. KLUMPP. I can give the information, I can give the patient advice. I cannot sell or give things to them; I break the law when I obtain them from the manufacturer.

Mr. BROWNING. You cannot write a letter to them?

Dr. KLUMPP. No, sir. I appeared before the Senate committee on May 12, 1932, regarding the same legislation, and mention was made of it throughout the country, in the press. About 10 days later I received a letter, written on just 5-cent stationery, from a lady in Louisiana, who said she had picked up a paper in the post office, the New Orleans Times-Picayune, and read the names of some of these men who had testified in Washington, and inasmuch as our community was closer she wrote to me. She was 34 years of age and had 11 children, and her husband had had no work for the best part of 2 years. She said, "For God's sake, doctor, can't you tell me what to do?" I had to write back and tell her: "I am sorry, madam, but the law forbids me to give you information of any kind." I could not even refer her to a doctor in New Orleans.

Mr. CONDON. You would not professionally assist anyone through the mail?

Dr. KLUMPP. I cannot, in this matter.

Mr. CONDON. No; but you would not on anything, would you?

Dr. KLUMPP. Yes, sir.

Mr. CONDON. You would?

Dr. KLUMPP. Yes, sir. I very often have patients from out of the city, and when they are released from treatment and sent home, I ask them to report back.

Mr. CONDON. People that you have never seen?

Dr. KLUMPP. Oh, no.

Mr. CONDON. Well, I say you would not advise them professionally?

Dr. KLUMPP. No; but I would have referred this woman to a physician near her had it not been against the law to send her name of physician giving birth-control information.

Mr. HEALEY. As a matter of fact, we have had a decline in birth rate of about 30 percent in this country in the last decade?

Dr. KLUMPP. It is in two classes, decline in birth rate and increase in marriage rate.

Mr. HEALEY. The figures which are quoted and published by official Government sources show about 28 percent decline in the birth rate, and also that there were less children under 5 years of age in 1930 than in 1920. Don't you believe that that trend will point toward a stationary population in the next two decades?

Dr. KLUMPP. I am not an expert on that sort of proposition; I am just a plain pill-peddler. But it seems to me it is a question of pyramiding; that is, you are either getting increases in individual families, or an increased birth rate in a number of families, and you reach the same peak by one of two methods.

Mr. HEALEY. Now, this bill does not prevent this information being imparted to unmarried persons, does it? In other words, if it is passed, this information may be given to unmarried persons, too?

Dr. KLUMPP. Most people have a certain amount of respect for the family physician, and they respect him because he is essentially honest in his actions toward his patients, and to the public at large. You gentlemen gave the physicians the right to prescribe alcohol and whisky in the treatment of their patients. Certainly this would seem to be

much more a prerogative that belongs to the profession than something of that type; and we have to depend on a certain degree of integrity on the part of the profession.

Mr. HEALEY. You do not believe it would have a very good moral effect on the community if this information and these devices were open to unmarried people?

Dr. KLUMPP. I will tell you the effect upon the community in Huntington. There are 9 drug stores in the downtown district, in a radius of 3 blocks. In 7 of those drug stores, you, or any man or woman, boy or girl, can go and buy contraceptive supplies. In all 7 of those stores, at some time of day, in the past year or so, a display of those supplies has been made in the window with advertising placards. Now, in my own practice I use three different types of contraceptive devices, from 5 to 8 size. It takes a detailed examination to determine the actual needs in each individual case. These people go right in the drug store and get these devices. An unmarried girl or a bride might require one type or one size, but she does not know what to ask for, and she is handed one that is taken from the stock at random, and expected to get results from it. To get away from the bootleg traffic in these things, is one reason why we would like to keep it under the control of the medical profession.

Mr. CONDON. The enactment of this law would not do it?

Dr. KLUMPP. Not any more than the enactment of the twenty-first amendment would prevent bootlegging.

Mr. CONDON. Those are not parallel cases.

Dr. KLUMPP. Our condition at present is very much parallel to conditions under the prohibition law.

Mr. HEALEY. You have told us about the effect in your community, and the display in drug-store windows there. Would not this result in a display of all these things in similar places throughout the country?

Dr. KLUMPP. Well, we are not perfect. We will have a certain amount of disrespect for law, but I do not think that ought to prevent the enactment of a proper law. I think we should enact a law which would result in the most good to the greatest number.

(Several statements by authorities follow:)

REPORT OF CLINICAL RESEARCH BUREAU

HUNTINGTON, W.VA., June 1, 1932, to December 31, 1933.

Average age of mother.....	years..	33.6
Average age of father.....	do.....	36
Number of patients with R.F.C. employment, average 2 days weekly.....		124
Number of patients without employment of any kind.....		88
Average number of children living.....	per family..	4.7
Average number of children dead.....	do.....	1.1
Average number of miscarriages.....	do.....	1.4
Pelvic pathology present in.....	cases..	165
Pelvic pathology requiring surgery in.....	do.....	149
Surgery done in.....	do.....	9
Condoms advised in.....	do.....	1
Sponge and jelly advised in.....	do.....	1
Diaphragm and jelly advised in.....	do.....	201
Number of cases advised to report for recheck.....		201
Number of cases reporting for recheck.....		101
Total number of cases.....		212
Number of pregnancies in entire series after receiving contraceptive instruction.....		0

[Reprinted from the Medical Journal and Record for Feb. 1, 1933]

THE PUBLIC HEALTH VALUE OF CONTRACEPTIVES.—JACOB J. BLAIR, M.A., PHILADELPHIA

INTRODUCTION

The control of conception and the spacing of childbirths have long been recognized as beneficial to the individual mother and family, but to the community at large, as well to the individual, the general results of contraception, to a great extent, have been assumed to be effective. This follows frequently, because many of the benefits to the community are of a type that defy objective measurement. Maternal health, however, as indicated in the extent of individual registrations and the duration and cost of services to the community hospitals, clinics, etc., lends itself to the purpose of objectively determining the value of contraceptives as an aspect of a public health program.

The per capital cost of providing hospital, health, and nursing services to a group of mothers who had received contraceptive advice was found by this measure to have been reduced about 82 percent.

METHODOLOGY

In order to determine the public health value of contraceptives 107 patients of a birth control clinic, operating in a large eastern city, were chosen. This group was selected since the patients had all been referred to the clinic by one of the various welfare agencies operating in the city, as a part of their program in the economic and social rehabilitation of the family. Records for this group were more readily available than for those mothers who were treated privately at the clinic.

TABLE I.—Nationality of group and average number of married years per pregnancy

	Native born		Foreign born		
	White	Colored	Italian	Jewish	Others ¹
Number of patients.....	40	9	19	26	11
Years married life per pregnancy.....	1.60	1.26	1.62	2.29	1.62

¹ Others include the following national groups: Austrian 1, Dutch 1, German 2, Irish 5, Slav 1, and English 1.

TABLE II.—Other characteristics of the group studied

Years of married life per pregnancy	Number in class	Average age married	Average years married	Average number living children	Classes reporting use of contraceptive	
					Number	Percentage
10 years but less than 9.....	2	37.0	15.0	1.5	2	100.0
9 years but less than 8.....	0	0.0	0.0	0.0	0	000.0
5 years but less than 4.....	2	23.5	15.0	3.5	2	100.0
4 years but less than 3.....	10	19.5	14.6	3.5	9	90.0
3 years but less than 2.....	23	19.0	14.2	5.5	16	69.6
2 years but less than 1.....	57	20.7	11.1	4.9	31	54.4
1 year and less.....	13	20.3	4.5	3.9	5	38.5
All patients.....	107	20.3	13.6	4.3	65	60.7

It was possible to secure for 71 patients complete registrations of the mother with the organizations which had for the entire period of the study supplied free hospital, clinical, or dispensary services. There was for this group a total of 140 registrations which were distributed over 16 hospitals and 14 clinics, health centers, and visiting-nurse associations. The dollar costs of the services provided these patients were reported for 77 percent of the total registrations. These costs were then assembled according to table IV.

CHARACTERISTICS OF THE GROUP OF 107 PATIENTS

Some of the more important characteristics of the 107 patients studied are revealed in the first two tables. In table I the patients are distributed according to nationality and the table also shows the average number of years of married life per pregnancy before the receipt of contraceptive information.

Table II presents other characteristics of the group studied. It is important to note that this table distributes the individual mothers on the basis of the frequency of reported pregnancies per year of married life.

The large use, by the mothers of this group of dependent families of methods of consciously controlling conceptions is of real significance to the birth-control movement. It may be noted here that the Italian mothers were the only group who as a whole, reported no attempts to control conception. This group was entirely Catholic. In this group also failures in the use of the method taught at the clinic were highest. This wide use of contraceptives is taken, therefore, to indicate the real desire of the mothers of these dependent families to avoid the physical as well as the economic burden of large families.

TABLE III.—Average number of years of married life per pregnancy after receipt of contraceptive advice

	Native born		Foreign born		
	White	Colored	Italian	Jewish	Others
Number in group.....	40	9	19	28	11
Years of married life per pregnancy.....	8.55	6.02	4.74	6.99	7.26

TABLE IV.—Dollar and per capita costs of services

Number of years of married life per pregnancy	Number in class	18 months before visit to clinic		18 months after visit to clinic	
		Dollar cost	Per capita	Dollar cost	Per capita
10 years but less than 9.....	1				
9 years but less than 8.....	0				
8 years but less than 7.....	1				
7 years but less than 6.....	7	124.01	17.71		
6 years but less than 5.....	18	367.55	20.42	70.68	3.93
5 years but less than 4.....	37	1,120.41	30.27	267.70	10.48
4 years but less than 3.....	7	1,283.00	184.71	73.40	10.48
3 years but less than 2.....					
2 years but less than 1.....					
1 year and less.....					
All cases.....	71	2,904.97	40.91	531.78	7.49

Unfortunately, however, the use of the more generally known contraceptive measures frequently results in failure. This is indicated by the high rate of pregnancy as shown in table I. After pregnancy, abortion is frequently practiced. For the entire group of 107 patients, there was reported 65 induced, 19 spontaneous, and 2 therapeutic abortions. Even by the use of these two methods of spacing childbirths the normal biological rate of childbearing yielded but slightly to efforts of control.

On the basis of these established facts it is valid to believe that the rate of pregnancy for the group as a whole would have continued to prevail for the 3-year period covered by the study. Any change, therefore, in the years of married life per pregnancy may be attributed to the success of the method taught by the birth-control clinic.

Table III presents the average number of years of married life per pregnancy based upon reported pregnancies during the 18 months after the receipt of contraceptive advice by the mothers of this group.

Ideally, of course, the rate of pregnancy should have been reduced to zero for the period which table III covers. Failures occurred here, even after a most careful and patient individual course of training which the clinic provides. (About 20 percent of the 107 patients reported failures.)¹ But this reduction in the rate

¹ Failures as used here are based upon reported pregnancies which resulted from either negligence or refusal to use method taught.

of pregnancy for the mothers of this group to a frequency of but one pregnancy in about 7 years of married life must be regarded as a godsend, both from the physical as well as the economic point of view. Does this relief from too frequent childbearing reflect itself in maternal health?

THE PUBLIC-HEALTH VALUE OF CONTRACEPTIVES

The costs of providing hospital, clinical, and dispensary services for 71 of the mothers, for which data could be obtained, are given in table IV.

The individual mothers are distributed in table IV on the basis of the number of years of married life per pregnancy before their visit to the clinic. The method of obtaining the data upon which these costs of services are based has been explained. These costs were reported over a 3-year period. This period was then divided into two equal intervals of 18 months each, according to the date of the mothers' initial visit to the clinic. The first interval covers all costs of services received 18 months before her visit to the clinic, the second for the same period after her visit to the clinic.

The savings to the community in the costs of the services received by these patients is apparent from the table. Actually the per capita costs of caring for this group has been reduced from \$40.91 to \$7.49. This is but 18 percent of the original cost. Furthermore, since these savings have been effected during a period marked by one of the most severe depressions in business, its significance becomes even greater.

It is not claimed, however, that the provision of contraceptive information can by itself account for these results. There are, of course, other factors operating. A partial reduction in these costs might readily follow from effective gynecological attention. But often the mother either would not undertake such treatment or would not be aware of her need for such thorough repair unless there was an inducement to do so. Such an examination and subsequent treatment are provided the patients of this clinic.

There are also illnesses the origin of which is not to be associated with child-birth. Contraception cannot in such cases greatly affect the occurrence of these diseases. The progressive increase in costs of medical care as the period between pregnancies becomes less is interesting. It seems probable from this evidence that very great frequency of childbearing is a trauma to the mother's health. A large part of this, of course, is the result of gynecological conditions following delivery, although some part may be due to general debility following the strain of rapidly succeeding pregnancies.

The fact remains, however, that the very great reduction in costs of medical and hospital care which follows the receipt of contraceptive information is no mere coincidence. And although the sample may be a small one and a comparable group not having received contraceptive advice is unavailable, the conclusion is inescapable. Contraception as a public health measure pays for its costs a most handsome dividend in improved maternal health and reduced costs of medical and hospital care for the communities' dependent poor.

BIRTH CONTROL IN TUBERCULOSIS AND OTHER SERIOUS DISEASES

A radio talk over WEVD, New York by S. Adolphus Knopf, M.D. (New York University and Paris), formerly professor of tuberculosis at the New York Post Graduate Medical School (Columbia University); consulting physician to the New York Health Department, Riverside Hospital for Tuberculosis, Sanatorium Gabriel, N.Y., West Mountain Sanatorium, Scranton, Pa., Bruchesi Tuberculosis Institute, Montreal, honorary member of National Tuberculosis Association, et cetera.

BIRTH CONTROL IN TUBERCULOSIS AND OTHER SERIOUS DISEASES¹ S. ADOLPHUS KNOPF, M.D. (NEW YORK UNIVERSITY AND PARIS)

In my life-long work for the prevention and cure of tuberculosis, I have seen many a woman afflicted with this disease who became pregnant, and whose lung condition was seriously aggravated thereby, causing premature death, leaving a widowed husband and motherless children. These experiences caused me to become an ardent advocate of scientific, judicious, and ethical birth control. Had timely and careful prevention of conception been instituted, those mothers might have lived many more years, because uncomplicated tuberculosis is curable in most instances.

The tuberculosis germ is everywhere, and only when we are strong and healthy does it fail to do us any harm; but too frequently repeated pregnancies, even in

¹ Radio talk over station WEVD, New York, No. 5, 1931.

strong women will undermine the system and make it less resistant. To prevent tuberculosis, every married woman should have an annual health examination and at least a 2-year interval to recover from one pregnancy before getting into that condition again.

When there are already too many children and the husband's earnings are small, the result is underfeeding, overcrowding and often insufficient clothing in winter. These three causes undermine the system, so that the germ of tuberculosis will get easy hold. In large families children are often compelled to add to the family budget. If there is anything which predisposes young people between 15 and 20 to tuberculosis, it is child labor which stunts their growth and general development. Too many children elude the supervision of the overburdened mother and alas, too often stray from the path of virtue, and in later years the boys are inclined to join gangs and become lawbreakers. Or, because of the enfeebled condition of the mother, who could not transmit much physical strength to the latter born, these are the children who, with the additional inevitable underfeeding, so frequently become victims to tuberculosis.

Everybody knows that sun, good air, and food are helpful in the prevention and cure of tuberculosis. It must be evident how little of these can be had in an overcrowded tenement house with six to ten people living in two or three rooms. Underfeeding and overcrowding are responsible for many cases of tuberculosis. It is a disease of the masses because it attacks rich and poor alike, and every consumptive is a source of infection unless he is careful to destroy his infectious sputum. When the tuberculous mother becomes pregnant it is exceedingly difficult to prevent the baby which she carries under her heart from becoming infected. Although the disease is not usually considered hereditary, the circulation of the mother's blood with that of the unborn child is so intimate that the secretions of the bacilli in the blood render the child more susceptible to tuberculosis. Even if the mother is careful and does not kiss the new-born child, the close contact will usually result in the direct infection of the child. Thus, if the tuberculous wife becomes pregnant, her own life and that of her child are seriously jeopardized. Such catastrophes can be avoided by the proper and timely application of contraceptives. Prevention of conception in tuberculous or strongly predisposed women is one of the important factors in the reduction of the tuberculosis mortality rate. How much greater would this reduction be if birth control would become more universal, if all physicians were properly educated in the prevention of conception, and if all women would know that by applying to their physicians or birth-control clinics for advice, their lives, if in danger, would be spared. However, it is not only tuberculosis which becomes aggravated by an added pregnancy; many other ailments, such as kidney, heart, nervous, and mental diseases often cause the untimely death of mothers whose lives could have been preserved if proper contraceptive methods had been instituted in time. One condition which often leads to serious mental trouble is so-called "anxiety neurosis"; the woman's constant fear of becoming pregnant when her physical or economic condition will not permit any addition to the family. When pregnancy does occur, the women in desperation often resort to abortion, which frequently leads to chronic invalidism or death. These criminal abortions are largely responsible for our country's fearful maternal mortality rate. One would think that the whole American medical profession would be aroused to prevent such conditions.

While there are now quite a few States where physicians may give contraceptive advice, there are strict Federal laws which make interstate exchange of medical information or the importation of scientific literature or articles helpful in saving women's lives impossible. Five years in Federal prison or \$5,000 fine or both, await the violator of this inhuman law.

What misery and suffering would be spared to women and children if all laws against birth control would be annulled and its practice under medical supervision considered a public utility as in Holland, and not a public menace as our opponents maintain. If one wants to get an idea of what women suffer because of those man-made laws, one should read *My Fight for Birth Control* by that heroic woman, Margaret Sanger, who, in her battle for the rights and freedom of womanhood, suffered humiliation, imprisonment, privations of all kinds, and the most brutal treatment in the name of the law. Let us all help her in her present endeavor to have these unjust Federal anti-birth control laws repealed.

What would not be gained if we followed the example of Holland, where birth control has been officially sanctioned for over 50 years? Fewer mothers would die from tuberculosis and other diseases, leaving orphaned children. Young people who now hesitate to marry for fear of too large families would not hesitate

if they knew that they could space the arrival of children according to their economic condition. There would be fewer marital maladjustments, fewer divorces, less illegitimacy; prostitution, syphilis, and crime would diminish. If morons, the hopelessly insane and idiotic, would be prevented from procreating by sterilization, which is a safe and not a mutilating operation, our asylums would be less overcrowded, our taxes would be lower, and the general health of the Nation would be better. There would be decided physical, material, moral, and even spiritual progress. Let us also think of future generations and prevent overpopulation, with all its dire consequences of disease, crime, war, famine, and, last but not least, those dreadful periods of unemployment.

In the little land of Holland there is a gradual increase of population, although birth control is legalized. There quality counts more than quantity. There is a better economic and physical well-being of the people at large. The men called to military duty are 2 inches taller than 50 years ago. There is no unemployment, and the maternal and general mortality rates are the lowest of all civilized countries. Let us do likewise and also become a model for other nations.

Dr. Woodbury, of the United States Children's Bureau, published some very interesting data where he clearly shows that too short an interval between child-births markedly affects the infant death rate. Where the interval between births is 3 years, the infant death rate is 86.5 (per 1,000 births); when the interval is 2 years, the rate is 98.6; and when it is only 1 year, the infant mortality goes up to 146.7.³ Certainly a very striking increase.

Family overcrowding and poverty are also important factors in infant mortality as shown by Dr. Woodbury's findings. In homes, for instance, where the average number of persons per room is less than 1, the infant death rate is 52.1; where it is 2 or more per room, the death rate is 135.7. Furthermore, in families where the per capita income from the father's earnings was less than \$50 the infant mortality rate was 213.9, as compared with a rate of only 60.5 where the per capita amount averaged \$400 or over. These figures clearly and strikingly indicate the influence of family overcrowding upon family well-being.

STATEMENT FROM ALICE HAMILTON, M.D., HARVARD UNIVERSITY SCHOOL OF PUBLIC HEALTH

I wish to go on record absolutely in favor of birth-control legislation. Its passage will remove the stigma of obscenity from a department of preventive medicine which should never have been so characterized. It will enable poor women to enjoy the same sort of protection that has long been available only to the well-to-do, or to the poor in a few large cities, and it will give the physician freedom to use his own judgment in a field in which, up to now, he has been intolerably controlled by nonmedical authority.

(Signed) ALICE HAMILTON, M.D.

STATEMENT FROM HARPER HOSPITAL, DETROIT, MICH.

We, who are working so closely with families who are in great need and who suffer profound discouragement during these trying times, realize what a tragedy the prospect of a new baby can be. We believe the birth-control clinic which was organized last year at Harper Hospital to be one of the most constructive social measures that has been adopted.

We heartily endorse bill H.R. 5978 and urge your utmost support of it.

(Signed) ALICE H. WALKER,
Director of Social Service.

STATEMENT FROM KATHRYN TRENT, PRESIDENT, WEST VIRGINIA STATE NURSE'S ASSOCIATION

I am expressing my own conviction as well as that of many of my professional friends and associates in endorsing H.R. 5978. Surely our National Congress can no longer turn a deaf ear to the facts which not only justify the passage of this bill but which demand it in the spirit of fair play.

³ Figures obtained from: Woodbury, Robert Morse, *Infant Mortality and its Causes*, Baltimore, 1924. Williams & Wilkins.

STATEMENT FROM B. L. SELMON, M.D., BATTLE CREEK, MICH.

Correct information regarding family limitation supplied by physicians is much needed now in the homes of the dependent classes and those homes which are handicapped by extreme poverty. The cause of child welfare is not served when more children are born in this type of home. Then, increase in dependency places a heavy burden on other classes.

Each year in the United States more than 15,000 women die because of criminal abortions. Many of these know no other way to escape motherhood, when they already have more children than they can properly feed and clothe. Last week I gave advice to a mother of seven living children. Nine other times this woman had induced abortion on herself with the result that she is broken in health. In broken health she works as a scrub woman to support her family. The husband has no job. Should not such a woman be protected? There are thousands of others like her. Should the doctor who gives contraceptive advice to these women, and in so doing supplies prevention which will reduce the number of frightful abortion deaths, be compelled, technically, to break the Federal statute?

(Copy)

LUTHER MUSSON BOYERS, M.D., BERKELEY, CALIF.

MY DEAR MRS. SANGER: I am unqualifiedly in favor of your bill amending sections 211 and 245 of the United States Penal Code; also amending section 312 affecting Territories and Districts of the United States.

Not the people themselves but the situation itself is idiotic, when one has frequently the experience of meeting both young and middle-aged individuals who know more in terms of birth control than the physician is permitted by law to do. When leaders by actual law are not permitted to lead, but one thing can ensue: That is demoralization and chaos.

Very truly yours,

(Signed) L. M. BOYERS, M.D.

NEW YORK CITY, January 10, 1934.

To the Honorable Members of the House Judiciary Committee:

It is socially significant that birthrates throughout the world are falling. Contraception is widely practiced in the United States and our Federal laws relating to contraceptive information and instruments are in process of nullification. The official records of the United States Government indicate that the late Dr. Billings of the Bureau of Census long ago recognized that a large measure of the decrease of the population of this country was due to the voluntary control of parenthood.

There has been a large measure of human wastage during the past 30 years incidental to abortions. These criminal operations were employed because the laws had made contraceptive knowledge difficult to obtain and bootlegging contraceptive knowledge or instruments was at the doctors' risk of fine or imprisonment. Our Federal laws, especially section 211 of the Penal Laws, are obsolete and oppressive and opposed to current needs and contrary to human rights.

Regardless of the high mortality rate from abortions it is equally significant that, in the United States, the mortality of women from conditions connected with childbirth is shockingly high, particularly when the interval between births is exceedingly short. Voluntary birth control or the proper spacing of infants becomes important in protecting the welfare of infants and children. Woodbury's report on infant mortality comments, "The infants who were born at the shortest interval had the highest mortality rate (146.7) as compared with those who were born after an interval of 4 years or more, who had the lowest mortality rate (84.9)." "Evidently some factor that is intimately connected with the short interval—perhaps through the influence of frequent births upon the mother's health, affects adversely the chance of life of the infants who followed closely after preceding births."

The birth rate of the United States has fallen from 25.1 in 1915 to 19 in 1928. The average number of children born to mothers in the United States since 1924 has approximated 3.3. If this is not a voluntarily checked birth rate, consider the contrast in the birth rate of France in 1926 of 19.2 with that of French West Africa of 35.77. England and Wales in 1926 had a birth rate of 18.8 but in British India

it was 33. If the birth rate had not been contraceptively or otherwise controlled in the United States it never would have fallen to 19 in 1928.

It is significant that with the falling birth rate there is a falling infant mortality rate. Let me illustrate this from the Bureau of Census Report for 1928, on Births, Still Births, and Infant Mortality Statistics.

Year	United States birth rate	United States infant mortality rate	Year	United States birth rate	United States infant mortality rate
1923.....	22.4	77	1926.....	20.6	73
1924.....	22.6	71	1927.....	20.6	63
1925.....	21.4	72	1928.....	19.7	69

And figures since 1928 corroborate the significant relation between the birth and death rates of infants.

This downward trend becomes evident from a contrast of birth rates and infant mortality rates in this and other countries. The infant mortality rate in continental United States in 1928 was 68.7, with a birth rate in the birth registration area of 19.7. In Japan the birth rate was 33.6 in 1927 and the infant mortality rate was 141.7 in that year. British Guiana had a birth rate of 28.3 in 1928 and an infant mortality rate of 184.7. In Netherlands the birth rate was 23.3 in 1928 and the infant mortality rate was 52.3. New Zealand the birth rate was 19.6 in 1928 and the infant mortality rate was 36.2. It is patent that the higher birth rate the greater the sacrifice of infant lives. In rapid breeding countries like China 40 percent of the children fail to pass their first birthday. It is evident that the larger the number of children in our present economic system the greater difficulty there is in maintaining health standards and in diminishing mortality rates. The infant mortality rate is highest in America in families with the largest number of children.

The United States has a higher mortality rate from puerperal causes than other civilized countries. In 1926 it approximated 6.6 per thousand live births, as compared with 2.9 for Netherlands, 2.6 for Denmark, with equally low figures for Norway and Sweden. In these countries birth control is now an old story.

The maternal mortality increases with the number of children born and the death rate among children increases when there is no mother to give them natural and normal care. The United States figure for 1924 reveals that for every thousand women who died from causes connected with childbirths 500 of their babies died within the first year of life. In Publication 142 of United States Children's Bureau, Woodbury states "Of the children whose mothers dies within a year after the birth, the infant mortality was 450 per thousand living births. If the mother died from 1 month to 1 year after the birth of the infant the mortality was 367 per thousand."

Children by choice, as the result of intelligent determination of time as well as of numbers, will lessen the shocking evil of abortion, lower infant mortality, diminish maternal mortality, promote the development of wedlock, especially at this time of economic depression, and tend to stabilize our population. A diminished birthrate enhances the life values of a population and raises the level of health of the community. Physicians are now forbidden to act as intelligence and conscience dictates in the interest of communal health and welfare.

A considerable amount of mental ill health, not to mention the production of mental defectives and epileptics, and the propagation of dysgenic elements in our population, arise from the fact that contraceptive information is not available for those most requiring it. The vast majority of people in this country live on incomes below \$2,000 a year, and their opportunities for general education concerning parenthood is limited. One can readily understand that in the group of our population with the least income there is the highest birthrate, the highest infant mortality rate, and the largest number of difficulties in connection with delinquency, crime, and mental impairment.

The size of the population is not an index of its state of health. The community is more interested in diminished disease, lower infant mortality rates, a lessening of familial anxiety, a decrease of communal distress, and raised levels of capacity for living. Quality not quantity—is today of more importance than ever before. A considerable amount of our charity, a large measure of our economic distress is incidental to uncontrolled propagation. The fault lies not in a lack

of desire for knowledge of contraception but from governmental mandates based upon ignorance of the seriousness of the situation. The unwanted child and the rejected child play a sad part in human affairs. Many of their potentials are hampered by virtue of beginning life rejected by parents.

I would call attention of the committee to the fact that all crimes, including kidnapping, are fostered in the process of law nullification. Disrespect for law is a fundamental basis of ridicule of the American people. The maintenance of the present Federal law in the face of current facts and practice is arrant hypocrisy, as well as a shocking injustice to the community. Physicians should not be 'impaired in their opportunity to give know'edge which will protect sick women from the threat of death. In fact the people of this country are disregarding the Federal law as well as the State law. I need only call attention to the striking illustration of the ridiculous situation in the State of Connecticut where it is forbidden by law "to use any drug, medical article, or instrument for the purpose of preventing conception," and yet in 1929 the birthrate in the State of Connecticut was only 17.7 as against 20.6 for the entire United States. It is also interesting to learn that in those States where doctors are not permitted by law to give contraceptive information the birthrates are lower than elsewhere. Must bootlegging continue as an exhibit of national hypocrisy? Prohibition may prohibit but it does not control personal behavior.

Permission to give contraceptive advice is not mandatory any more than contraception is identical with abortions. A voluntary limitation of offspring through contraception is a natural mode of solving numerous problems bound up in our social considerations of defectives, delinquents, and dependents. Birth control and birth release are in the interest of quality rather than quantity.

I desire to stress the fact that birth control plays a definite part in the lives of Catholics as well as of Protestants, Jews, and Agnostics. I would call attention to the fact that the birth rates in America are definitely higher in the States where Catholics are fewest as, for example, North Carolina, Alabama, Kentucky, and Arkansas.

In the Catholic journal "America," March 28, 1925, Father Kelly makes note of the lower birth rates in the cities to which Catholics go. In the Baltimore Catholic Review, May 21, 1926, occurs the statement, "The evil of race suicide is not restricted to Protestants nor is it common to Pagans." In the Homiletic and Pastoral Review, November 1928, Father Schaefer refers to the declining birth rates of Catholics in the United States, and quotes these figures for Catholic birth rates: 1907, 41.5; 1917, 37.8; 1927, 34.1.

In support of this contention and fact that birth control is actively practiced by Catholics, I call attention to their declining birth rates as given in the Report of the Bureau of Census on births, stillbirths and infant mortality statistics for the birth registration area of the United States in 1928. Herein it is stated that the birth rate per thousand population for the Continental United States birth registration area was 25.1 in 1915 and 19.7 in 1928. It will be admitted that Italy is generically a Catholic nation and its birth rate has fallen from 30.5 in 1915 to 26.1 in 1928. The Irish Free State was 22 in 1915 and 20.1 in 1928. This, incidentally, is lower than the rate in Northern Ireland—20.8. Spain's rate was 30.8 in 1915 and 29.7 in 1928.

It is likewise worthy of notice that the number of illegitimate births among foreign-born white mothers in the United States during 1928 indicates that 623 out of 1,750 recorded must be credited to women from the Catholic countries of Austria-Hungary, Ireland, Italy, and Poland.

It is further significant that during the same year, 1928, the infant mortality rate in the United States registration area as measured by the country of birth of the mother, indicates the order of infant mortality from the highest to the lowest as follows: Poland, Austria-Hungary, Canada, Ireland, Italy, United States, Germany, England, Scotland and Wales, Denmark, Norway and Sweden, and Russia. Thus it appears again that in terms of foreign-born mothers the nationals of very predominately Catholic countries have the highest birth rate and the highest infant mortality rate.

It is worth while noting likewise that in Italy itself, a Catholic country, the birth rate of 1927 was 27 and its infant mortality rate for that year was 120.2. France, with a birth rate of 18.8 in 1926 had, for the same year, an infant mortality rate of 97.

One might point out generically in this country and elsewhere, wherever birth control clinics exists, that the Catholic group makes use of them, either to the same extent as, or slightly more proportionately than the non-Catholic part of the population.

This is quite in harmony with the statement of the Reverend Leo Lehman, of the American Catholic Church, who stated in the Birth Control Review of May 1920, "It leaves questions like birth control to be decided by the individual, and lays down no dogmatic rule for mankind as a whole. * * * Man is a rational animal, who has a right to consider freely and to decide for himself on the wise ruling of the animal functions within him. To forbid him this is to deny him the exercise of his highest faculties in favor of his lower animal instincts."

This statement, I grant, is not in harmony with the implications of the Papal Encyclical dealing with the subject. It is, however, somewhat in harmony with the implications of an article in the Catholic News of March 9, 1929, discussing the German birthrates in which the decrease is attributed to the high cost of living, unemployment, and lack of religious convictions. In the words of Cardinal Mundelein, "The church has never said that people must have large families". And obviously, the members of the church are exercising their rights and choice as free beings.

A knowledge concerning contraception does not in itself make contraception mandatory. To limit the growth of an intelligent knowledge concerning man and his welfare is irrational and undemocratic. In further support of the relationship of contraception to public health and social welfare, I submit herewith a pamphlet, Health Officers, Contraception, and Public Health, replete with authentic and incontrovertible facts and figures.

If there is any form of action more likely to increase a belief that Catholicism has the power to control political opinions and to limit freedom of speech than the efforts of the Catholic Church to hamper legislation demanded by the great majority of the people of this commonwealth, I cannot imagine what it is. No one can gainsay the right of Catholics to practice or not to practice contraception as their conscience or their convictions demand. The same right belongs to all people. That any minority group of our population should be able to bring about a situation stultifying to intelligent citizens is a sad commentary upon our boasted democracy, our intellectual honesty and our pretensions to "enter the new deal".

The regulation of population is by no means a new theme. The development of our civilization has taken us far from infanticide, has frowned upon the earlier accepted mode of abortion, and now stands firmly for the prevention of conception as opposed to the destruction of life already created.

I firmly believe that it is time we face our national legislation problems honestly, view them objectively and act upon them rationally and dispassionately. In this belief I dare to hope that the House Judiciary Committee will report favorably upon the bill now before it in the interest of mothers and children, as well as in the pursuit of national honesty, economic recovery, and social welfare.

Respectfully submitted.

IRA S. WILE, M.D.

STATEMENT OF DR. WALTER TIMME, NEW YORK CITY

It has been at times suggested to me that the proper type of birth control would be represented by either abstinence or continence.

Either suggestion fails to consider properly the normal functioning glands of internal secretion which control all the elements entering into the sexual relation and secondarily activating the brain and nervous system. The secretion of these glands can no more be controlled by abstinence or continence than can the secretion of the salivary glands or of the peptic glands of the stomach, and the result of this activity on their part ought normally to be responded to at the time of their activity. To endeavor to suppress their activity is unphysiological and has far-reaching detrimental effects on both the brain and on the nervous system.

STATEMENT FROM LEWELLYS F. BARKER, M.D.

BALTIMORE, Md., May 14, 1932.

I should have liked to appear in person before the committee considering the birth-control legislation, but unfortunately a previous engagement here prevents my attendance.

I understand that a general objection to birth-control methods when recommended by physicians has been advocated on moral grounds. The argument has been brought forward that if people fear pregnancies, or do not desire pregnancies, they should, even though happily married, have no sexual intercourse.

In my experience as a medical man I have seen very grave injury follow continence in married people when they should be having regular sexual intercourse, though there were reasons why there should be no pregnancies.

It seems to me very important that physicians should have the privilege of instructing married people in birth-control methods in such cases. Many severe nervous symptoms have followed enforced continence by married people who feared pregnancy or who could not afford, for the time being, to have children.

I know of a good many patients who are married and who, if they had children, would almost certainly transmit a serious or incurable disease to the children. It would seem to me very reprehensible for such patients to have children and yet also very harmful to prevent them during their lifetime from having sexual intercourse as normal married people do.

LEWELLYS F. BARKER, M.D.

STATEMENT OF DR. ADOLF MEYER, PROFESSOR OF PSYCHIATRY, JOHNS HOPKINS UNIVERSITY, BALTIMORE, MD.

Dr. MEYER. Mr. Chairman and gentlemen of the committee, I come before you as a physician who has to see a good many people on account of difficulties with their personality, with their emotional life, with their mental health and naturally also with their physical status.

Somehow, there is probably no one factor as problematic and difficult for us at the present time as the confusion and bewilderment that still exists between married people with regard to their climaxes of affection, with regard to their thought of each other, with regard to the handling of situations during states of ill health or where there are doubts about the individual's being well enough to have progeny, either permanently, when they have found who they are and what they are according to our present culture, after marriage, or because they have hope that under proper conditions they may be in a fit condition to have progeny.

I feel that a tremendous amount of bewilderment is shown in the records of patients whom we see. Mrs. Sanger has mentioned the problem of continence, and the advice that is given from certain organizations with regard to what is looked upon as the moral code in the handling of their natures.

What I see in fact is that the idea of continence is an exceedingly problematic issue in the actual marital relations. When a woman gets into the difficult position of being told by a physician that during her last pregnancy she has albumen in the urine, high-blood pressure, and so forth, conditions that we know will ultimately lead to disaster, she naturally becomes hesitant, and then where does she stand?

Physicians at present are only very poorly instructed with regard to any actual guidance in matters of this sort. They are poorly instructed, because our Federal statutes make everybody believe that it is contrary to the law, that it can be a serious offense, that it may mean the jeopardy of one's freedom to give any information concerning these things.

The consequence is that as long as we have any prohibitive statute there will be hesitation with regard to teaching, and without wanting to be critical and without wanting to make statements about the whole profession, I can only say of myself that most of the information I have been able to get with respect to any guidance, the giving of which is legal to patients who need advice, I have had to obtain under conditions which are contraband, which are taboo, which are, in fact, bootlegging. Anything of that sort which stands in the way of the education of the advisers to whom people naturally go is a terrible hindrance. We have had plenty of experience with regard to the legal efficiency of prohibition. If we want to teach morals by prohibition we are on the wrong track.

It seems to me that if we could pass this bill, what would happen would be that the rank and file of physicians would have an opportunity to get instruction in a legitimate way, which instruction is absolutely necessary. Instead of wanting to teach people by fear it would be possible to have sensible instruction and to put helpful data into the hands of those who ask for it instead of the present general confusion and bewilderment.

I am sure that what is most detrimental in the present situation is the confusion that exists among the physicians who are not taught, or who are very inadequately taught, because of the fear that they might be reached under the statute at the present time.

Therefore, what is happening now is that there is before you a bill which has for its purpose the elimination of the attempt to get salvation by fear. The purpose of the bill is to put the information in such shape that the medical pro-

session can obtain it and give it to those they feel should have it. If I at the present time want to keep abreast of what is being done elsewhere, of what is available in countries which are not under such prohibitions, I have to do it contrary to the law, and I do not like to do that.

Mr. Chairman and gentlemen, I do not wish to take any more of your time, but I should be glad to answer any questions that you consider pertinent to the remarks I have made, or any other questions, inasmuch as I have put myself in the responsible position of taking a definite stand for this bill.

STATEMENT OF SMITH ELY JELLIFFE, M.D., NEW YORK CITY

Human beings have been on this earth now some million or more years. They have come through the process of sexual reproduction, which is but one of the unnumerable forms through which the creative instinct acts. Inasmuch as there could be no human beings except through such a principle, naturally the instinct for mating and its accompaniment nest building is the strongest of all man's activities and will go on so long as there are human beings, no matter who tries to stop it.

The instinct cannot be legislated out of existence any more than the sun can be prohibited from shining. Plants that are deprived of sunlight become stunted, impossible things if they live at all—as fungi in a dark cellar. Human beings who are unduly inhibited or repressed from a creative use of their reproductive functions thrive no better. They either become perverts, or neurotic, or psychotic, or even develop so-called “organic diseases” by putting their creative talents in napkin and refusing to use them.

The unhealthiest of all people in the community are those whose reproductive activities are thwarted by sick conscience and other forms of outgrown efforts of prohibition of a priest-ridden hypocritical civilization.

My experience of 40 years' study of medicine, especially in nervous and mental disease, and I believe practically all disease, save the infectious disorders, leads me to the sincere conviction that there is no really healthy life without a corresponding healthy sexual life.

Economic control of the size of a family is the highest kind of morality. The immorality of the so-called “loose woman” or “free lovers” is not something that is or can be caused by the use of contraceptions. Such products are due to a failure of development of the psychosexual life of the individual which has resulted from the kind of faulty training that thinks of sex as sin; a superstition that began with so-called Adam and has been kept alive for centuries to frighten and maim human beings.

I have worked in free dispensaries and clinics for 30 years of my life, seeing hundreds of thousands of sick people of all classes and kinds. I know the people as they exist in all levels of society, of education, of birth, of breeding. I have known their real intimate lives and am prepared to state on the basis of this knowledge that most people are moral and right-seeking in the innermost parts of their being and that the vast majority of all kinds of suffering and disease are directly due to a failure to allow the psychosexual life to come to the perfection that is within the individual in a healthy, happy, and joyous family life. They are maimed in their childhood by hobgoblins of prohibition which are masked under the hypocries of “morality.”

STATEMENT FROM THE INDIANA SOCIETY FOR MENTAL HYGIENE

INDIANAPOLIS, IND., April 27, 1932.

Many of us are interested in the proposed birth-control legislation and hope to see it enacted. Its need is manifest in a great degree by striking examples of serious and often terrible results revealed to those who work with and for the dependent and defective classes.

As secretary of the Indiana Board of State Charities for 25 years I was brought in contact with a large number of cases each year who were neglected and many of them became public charges supported by the taxpayer. Many such could be saved suffering and misery and the public saved great expense if proper legislation is adopted.

AMOS W. BUTLER, LL.D.,
President Emeritus.

STATEMENT OF ELIAS POTTER LYON, DEAN MEDICAL SCHOOL, MINNEAPOLIS
UNIVERSITY, MINN.

As a socially minded citizen trained in the biological sciences, I am aware of the possibilities of using those sciences for human welfare, releasing the medical profession from legal constraint in the matter of birth control.

I know so well the ideals and character of the great majority of this profession that I am certain this legislation is safe. That it is desirable from the standpoint of social policy, I am also entirely convinced.

ELIAS POTTER LYON.

STATEMENT FROM ALABAMA TUBERCULOSIS ASSOCIATION, BIRMINGHAM, ALA.

MAY 9, 1932.

It seems to me that there could be no possible objections to the proposed change in Senate bill 4436. Social and health workers are constantly confronted with problems involving birth-control information. If these legal restrictions were removed, as is sought in the proposed legislation, it would enable them to better serve the individual and the community. No one realizes more than we, the importance of being able to refer individuals to responsible medical authorities for information and advice.

It seems that the proposed legislation is both wise and expedient and makes possible a very genuine and legal service to many people, which has as its motive a larger degree of happiness among all the people.

RICHARD F. HUDSON,
Executive Secretary.

STATEMENT FROM RICHARD N. PIERSON, M.D., OF NEW YORK CITY

I am attending obstetrician and gynecologist at the Sloane Hospital for Women, part of the medical center, and of Columbia University in the city of New York.

I have practiced obstetrics and gynecology in New York City for over 10 years.

It is my opinion, based on a large clinical experience with the poor in dispensary practice, as well as upon my experience with private patients, that there is an urgent need that this bill (S. 4436) be passed. It seems to me that no one who has had extensive experience in sociology and in the practice of medicine can have any other than a liberal opinion about such matters.

RICHARD N. PIERSON, M.D.

STATEMENT FROM M. F. GUYER, PROFESSOR OF ZOOLOGY, UNIVERSITY OF WISCONSIN, MADISON, WIS.

With the least intelligent sixth of our population begetting half of the next generation, and with many of this able group already on the verge of starvation, certainly we have never before so needed intelligent birth-control procedure. Let us hope for enlightened congressional action.

M. F. GUYER.

STATEMENT FROM THOMAS N. CARVER, PH.D., PROFESSOR HARVARD UNIVERSITY,
DEPARTMENT OF ECONOMICS

MAY 11, 1932.

I am in favor of the proposed birth-control legislation.

This legislation cannot possibly endanger public morals, since it places the responsibility for giving contraceptive advice upon the medical profession, where it belongs.

T. N. CARVER.

STATEMENT FROM JOHN S. HARRISON, DEPARTMENT OF ENGLISH, BUTLER UNIVERSITY

INDIANAPOLIS, INL., April 29, 1932.

I should like to express my approval of the proposed birth-control legislation. There seems to be no hesitancy on the part of our Government to spread its best and most accurate information regarding the breeding of domestic animals and the culture of trees, plants, and grains. More precious than such material things are human lives; and no Government should for an instant hesitate to remove any artificial barrier to the spread of scientific information regarding birth control, so that all desiring such information can obtain it to guide them in the highly important work of bringing into the world children physically and mentally equipped to live happy lives and in an environment of a family into which their advent is welcomed, not merely tolerated or sadly bemoaned. We need a population of happy persons, not a mere unregulated mass of swarming humanity.

JOHN S. HARRISON.

Mrs. HEPBURN. The next speaker will be Dr. James L. McCartney, psychiatrist, classification clinic and health service, Elmira Reformatory, Elmira, N. Y.

STATEMENT OF JAMES L. M' CARTNEY, M.D., PSYCHIATRIST, ELMIRA REFORMATORY, ELMIRA, N. Y.

Dr. McCARTNEY. Mr. Chairman and gentlemen of the committee, we have all been very much concerned with the steady increase in crime. The Government is taking definite steps to study this problem. For many years I have been working with delinquent and criminal individuals; and after a detailed study of 2,500 prisoners committed to the New York State reformatory, I have found that large and unwanted families are a major factor in the cause of crime. We have found that over 55 percent of our prisoners came from families in which there were over 5 children, and over 10 percent came from families of 10 to 21 children. This is brought out in the annual report, from which I have tables showing these facts. The first, second, and third children in these large families accounted for 3 percent of our criminals. We further found that 88 percent of the fathers of our prisoners were tradesmen and laborers who made a very small wage, and consequently had to live on a low economic scale. About 20 percent of the mothers had to work outside of the home in order to make enough to support the family. The children, being without the supervision of the mother and the father, were allowed to roam the streets and join the local gang at a very early age. Although our laws require that our children go to school until they are 16, over 65 percent of our criminals quit school before they were 15; and invariably they said they had to quit and go to work to help support an ever-increasing family. Only 14 percent graduated from grade school, as a consequence; and yet education is a birthright of every American citizen. In spite of the fact that these large families, families from which our criminals came, were starving, and yet unwantedly increasing in size, jobs were not available. We found that for every job open there were nine applicants. Our prisoners tell us that they are too proud to beg. They will not starve, for their families must live. So, of course, they must steal. That is what they tell us. This is borne out by the fact that of all crimes committed last year, 90 percent were crimes against prop-

erty. What do we do to prevent the criminal from returning to a life of wrongdoing, at an expense to the Government amounting to \$500 and more a year per prisoner? We send him back to the unbearable existence of a crowded home. The law does not allow us to lighten the burden or help keep him out of temptation. There are still his many brothers and sisters to clothe and feed, and his worn-out mother to care for, if she has not already died. If he is married, and 10 percent of our prisoners are married, he is faced with the insoluble problem of his own increasing number of children, whom he cannot be a rightful father to, even if he would. If he is single, and is advised to marry and settle down, he says that he cannot afford to have children, for he has learned his bitter lesson from being a member of an uncontrolled and unwanted family; and he prefers to take his chances in promiscuous sex existence. Eighty-eight percent of our criminals have lived such a promiscuous sex existence since they were 15 years of age. Having been without the responsibility of marriage and children, they are loath to take on the added burden, without assurance of scientific assistance; but we cannot give it to them. I thank you.

(The following is the data referred to and submitted by Dr. McCartney:)

FINDINGS BASED ON 2,500 PRISONERS IN NEW YORK STATE

TABLE 1.—Children in the family

Number	1931-32			1932-33			Number	1931-32			1932-33		
	Number	Percent	Percent	Number	Percent	Percent		Number	Percent	Percent	Number	Percent	Percent
1.....	77	9.0	7.9	10.....	40	1.5	4.1						
2.....	122	8.5	12.6	11.....	0	2.0	.0						
3.....	43	6.0	4.4	12.....	40	2.0	4.1						
4.....	160	11.0	16.5	14.....	15	1.0	1.6						
5.....	127	11.0	13.1	16.....	1	.....	.1				
6.....	110	9.5	11.3	18.....	2	.....	.2				
7.....	101	9.5	10.4	20.....	0	.5	.0						
8.....	57	8.5	5.9	21.....	0	1.0	.0						
9.....	44	7.0	4.5	Unknown.....	30	11.0	3.1						

TABLE 2.—Sequence of birth of inmate

Number	1931-32		1932-33		Number	1931-32		1932-33	
	Percent	Number	Percent	Number		Percent	Number	Percent	Number
Oldest.....	22.5	215	22.1	Eighth.....	1.0	45	4.9		
Second.....	16.0	259	26.7	Twelfth.....	.....	7	.7	
Third.....	18.0	137	14.1	Nineteenth.....	1.0	2	.2		
Fourth.....	8.0	90	9.3	Youngest.....	11.0	145	15.1		
Fifth.....	6.0	101	10.4	Only child.....	8.5	79	8.1		

TABLE 3.—Mother's occupation

	Number	1931-32		1932-33			Number	1931-32		1932-33	
		Percent	Percent	Percent	Percent			Percent	Percent		
Dressmaker.....	25	.....	2.6	Factory.....	100	.5	10.3			
Telephone operator.....	2	0.5	.2	Beauty-parlor operator.....	1	.....	.1		
Maid.....	35	8.5	3.7	Housewife.....	775	94.5	80.1				
Nurse.....	2	.5	.2	Unknown.....	26	.5	2.7				

TABLE 4.—*Mother's health*

		1931-32	1932-33	1932-33
Dead.....		Percent	Number	Percent
Living.....		80	794	81.9

Cause of death	1932-33		Cause of death	1932-33	
	Number	Percent		Number	Percent
Suicide.....	1	0.6	Tuberculosis.....	14	7.8
Heart trouble.....	5	2.8	Operation.....	17	9.5
Diphtheria.....	2	1.2	Accident.....	11	6.2
Gastric ulcer.....	1	.6	Not stated.....	115	64.6

Health of mother on admission of inmate to reformatory

	1932-33		1931-32		1932-33	
	Number	Percent	Number	Percent	Number	Percent
Poor health.....	94	9.5	9.7	Gonorrhoea.....	0	1.0
Heart disease.....	7	2.0	.7	Fainting spells.....	3	.5
Gall bladder trouble.....	1	.5	.1	Invalid.....	13	5.0
Nervous.....	27	6.0	2.8	Healthy.....	651	84.5
Insane.....	8	1.0	.8			

TABLE 5.—*Sexual history*

	1931-32		1932-33		1931-32		1932-33	
	Percent	Number	Percent	Number	Percent	Number	Percent	
No association with girls.....	24.6	200	20.6	Pick-ups.....	22.7	225	22.3	
Steady girl.....	21.2	202	20.8	Prostitutes.....	31.5	226	23.1	
Girl friends.....		115	11.8					

First sex experience (based on 349 cases)

	Percentage
Never had sex intercourse.....	17.19
10 years.....	.56
12 years.....	2.24
13 years.....	1.40
14 years.....	5.73
15 years.....	10.88
16 years.....	18.05
17 years.....	14.32
18 years.....	5.73
19 years.....	4.01
20 years.....	1.12
22 years.....	.28
23 years.....	.28

Civil state	For State as a whole percentage	For inmates		
		1931-32 percentage	Number	1932-33 percentage
Married.....	63.6	8.6	94	9.7
Single.....	36.4	91.4	876	90.3

The **CHAIRMAN**. The committee will recess for 5 minutes.

(Thereupon a recess was taken for 5 minutes, after which the committee reconvened and the hearing was resumed.)

Mrs. HEBURN. Our next speaker will be Dr. Henry Fairchild, professor of sociology, New York University. He is not on our list of speakers, but I have asked him to reply to the question in regard to population.

STATEMENT OF DR. HENRY FAIRCHILD, PROFESSOR OF SOCIOLOGY, NEW YORK UNIVERSITY

Dr. FAIRCHILD. Mr. Chairman and gentlemen of the committee, I want to take just a minute to answer the very pertinent question that was asked by the gentlemen on my right as to the significance of a declining birth rate upon this whole problem. I have spoken at similar hearings more than once in the past, and my views, such as they are, are on record. In the early days I emphasized the necessity of checking the undue increase of population. That is already taking place. The birth rate is actually on the decline; and I think we may look forward, in a reasonably short time, to a stabilized or balanced population in this country. I, for one, should say that that is one of the most desirable accomplishments that we could possibly work for, because I think it would help to eliminate not only the evils of dependency and crime, but many of the underlying causes of international friction that often lead to war. This decline of population growth or birth rate is evidence that birth control is already having its effect. I think practically every student of the question today recognizes that this very rapid change is not fundamentally biological, or a sociological phenomenon, but due to definite action on the part of the families concerned. The significant point is that that decline is taking place largely in those classes which have easier access, under present conditions, to that information, and are the very classes which are more able intrinsically to support large families, but are in a situation to limit the size of the family more effectively, of their own choice.

Not a single speaker this morning has stressed in any way the present danger of excessive population. The emphasis has been upon the readjustment of the growth of population, in order that this differential may be corrected, whereas under present conditions the great increase comes not from—I do not say the “upper classes”, because that is a term that has very little meaning in modern life—not from classes which are better situated to control the size of their families, but the greater increase comes from the classes that have less information, less ability to get that information, and who have a greater desire to limit their families within the number that they feel they can take care of. So that our plea today is a plea for equality, a plea for justice, a plea for democracy, a plea for those families who, some of them because of the depression, some of them because of general economic or social conditions, are deprived of the opportunities which other types of families have, and who for that very reason do, in point of fact, lay a heavier burden upon the community as well as upon themselves. Our whole hope is that the repeal of this section of the Federal law will result in equalization of opportunities and privileges, as well as duties and obligations, and furthermore, as has been so emphatically pointed out, will give these families of this type the same opportunity to get the best possible medical advice,

and the best possible scientific assistance and appliances and directions, that other families are already able to secure. I thank you.

Mr. HEALEY. By stabilized population, do you mean a stationary population?

Dr. FAIRCHILD. I think we are heading toward a stationary population.

Mr. HEALEY. In which the births and deaths will be equalized?

Dr. FAIRCHILD. Yes, sir.

Mr. HEALEY. Do you think that is healthy?

Dr. FAIRCHILD. I think it is absolutely healthy, fundamentally.

Mr. HEALEY. How about going beyond that point, and declining?

Dr. FAIRCHILD. That is a statistical possibility. Personally I have no fear of that, because I am convinced that most families want a large number of children, if they are not thrown in competition with families of undue size. That is, I think most families today want a sufficient number of children to maintain a stationary population. Furthermore, I am convinced that if at any time an actual decline should set in, society has at its command ample resources to change the attitude of the public toward a reasonably large family, so as to secure a response from all classes of society.

Mr. HEALEY. Well, a decline in birthrate, of course, means a decrease in consumption of products?

Dr. FAIRCHILD. Yes, sir; and also a decrease in production.

Mr. HEALEY. Do you think that is a desirable thing, in the present state of affairs?

Dr. FAIRCHILD. All these things have to be interpreted in the light of the social system. I think we will all agree that there is a certain amount of adjustment in our social system at any time.

Mr. CONDON. You would not stand by that statement which you just added to your reply to the question in regard to a decrease in consumption, that a decline in population also means a decline in production? Because, you see, production could still go on, even though population declines; for we have learned that men are being thrown out of industry and production, and machines are taking their places; so that you could still have this country greatly overmanned, to use that expression, for production purposes, in the face of a steadily declining population, could you not?

Dr. FAIRCHILD. Yes, you could. But under the existing system, rightly or wrongly, production is governed by consumption, at least theoretically; and as consumption diminishes, production is likely to respond also, or even in advance, in anticipation.

Mr. CONDON. But it causes a very critical problem, such as we are confronted with at the present time, requiring a period of years to readjust ourselves.

Dr. FAIRCHILD. I agree with you, and I hope the time will come when, in families and in society alike, the growth of population and the production of goods will be adjusted to each other in a rational and intelligent way. One reason why we have favored this type of legislation for years is that we believe the only safe and human thing to do is to put this matter of reproduction on a basis of forethought, reason, and justice, as we have done with other interests of human life. And I hope we will also put out problems of production and consumption on the same basis.

Mr. LEHR. Do you believe the ultimate result of this would be a managed birthrate, similar to a managed currency?

Dr. FAIRCHILD. I might ask you first what you mean by a managed currency. If by a managed birthrate you mean a birthrate adjusted to the needs of society and the needs of the family, I should say that would be the result.

Mr. GUYER. Would you say France is an outstanding example, among the modern civilized nations of the world, of a decline in the birthrate for the last hundred years?

Dr. FAIRCHILD. In the last hundred years France has been an outstanding example of a stationary population.

Mr. GUYER. I was wondering whether in France it has been shown by statistics that production kept pace or ran along with the decline of population or the stationary population. In other words, was there a stationary production during that period, or a decline in production, or do you know?

Dr. FAIRCHILD. Probably neither stationary nor declining; probably an increasing production. I think the French population, taken as a whole, is probably the best supplied population, with the most even standard of living, of any country situated, in general, as France is.

Mr. MONTAGUE. How does the birthrate of Paris compare with the death rate?

Dr. FAIRCHILD. In Paris or France?

Mr. MONTAGUE. Paris.

Dr. FAIRCHILD. I have not the figures precisely for Paris. The birthrate in France, according to the last figures, was still higher than the death rate.

Mr. MONTAGUE. Is it not lower in Paris? Does it not show a tendency to be lower in all great cities?

Dr. FAIRCHILD. There is a slight difference, yes; in the large cities. There are several cities in Germany now where the birthrate is definitely lower than the death rate. As a general thing, the birthrate in cities is slightly lower than in the country.

Mr. CONDON. Have you any information on this point? Is the proportion of older people greater in the cities than in the rural areas of our country? In other words, are there more children in the rural areas, in proportion to the total population, than in the cities?

Dr. FAIRCHILD. The size of the family, I think, on the whole, is slightly larger in the rural areas.

Mr. CONDON. Have you found from any of your studies that conditions are bad in the rural areas? We have had some testimony here as to the cities, about the condition of large families. Have you any information of the condition of large families in rural sections?

Dr. FAIRCHILD. You mean from the point of view of dependency? There is plenty of it; yes, sir. Of course, the modern city is particularly sensitive to economic conditions; and aggravated and unfortunate conditions of life are likely to become more marked in the city than in the country.

Mr. CONDON. So that a good part of this problem that we are confronted with, in reference to the dependence of large families on public aid, is due to the economic conditions in the country, where we have large concentrations of people in our large cities, rather than

merely to the fact that there are large families among the poorer classes of the population, as such?

Dr. FAIRCHILD. Well, I believe we would probably agree that there is more or less of a maladjustment in our situation in the city as well as the country. I am afraid if I say it was the city that was the cause of the trouble, the farmer might have something to say about it later on. There are shocking conditions of immorality in the country areas as well as in the cities.

Mr. CONDON. I presume your side will have some facts to submit for the record along that line?

Dr. FAIRCHILD. Undoubtedly, yes.

Mr. BROWNING. Did France reach their stability of population in somewhat the same method as is expected to come about by this proposed law?

Dr. FAIRCHILD. The presumption has been advanced that France checked the population deliberately. I have heard other reasons or causes given; I have heard of extreme alcoholism; I have heard of extreme syphilism, and so on; but I am inclined rather to discredit that. In the mean time we have to admit that information is lacking on a great many of these fundamental points that we ought to have.

Mr. HEALEY. You said the decline in population would reach some adjustment that might be brought about. Do you care to follow out that statement—through what method?

Dr. FAIRCHILD. Personally I think that the size of the family is very, very sensitive to public opinion; and I firmly believe that a change of public opinion which would result from certain social conditions—I will go a step further back—I am convinced that there is nothing that will disturb society as much as an actual decline in population. The one thing that society wants and insists upon is that its numbers shall be maintained; and if there was actual evidence of a decline in the number of American people in this country, the American people would respond tremendously.

Mr. HEALEY. You mean as a patriotic idea, that the women who had become accustomed to not bearing children, would suddenly turn around and, because of the serious condition of the country, begin bearing children again?

Dr. FAIRCHILD. No, I would not say suddenly, because these things do not happen suddenly. It might not be in one generation, but it would be their daughters in the next generation. I do not believe it would be primarily brought about by trade conditions. I believe it would be a response to the social need, as transmitted to the individual through various means by public opinion. We are conscious of the way the public operates all around us, and the way we respond to public opinion. We do not always know why. If it becomes fashionable to have a reasonably large family, people will have them; and I mean by that, families of three or four children. I think that trend is already on the way. I cannot support this with statistics, but I have much incidental and personal evidence that among many of the well-to-do, more fortunate elements of society, many of the younger families of today are saying: "We want three children, or four children." Now, I could name a number of such families that I know personally; and I have had the testimony from a large number of my friends who are in that great group of young

married people from 25 to 30 years of age. There is a distinct reaction from the old idea, in families in the levels of society where they have sufficient resources, a reaction from the idea that children are a burden, and the home is coming back into its own again.

Mr. HEALEY. You approve of that?

Dr. FAIRCHILD. And very highly.

Mr. CELLER. If, as stated in the legal brief submitted, France and Italy have enacted measures modeled to some extent on our own law, how do you reconcile the fact that there is a practical birth stabilization in France with the fact that the French law is similar to our own?

Dr. FAIRCHILD. I think the law is somewhat similar to our own; I am not familiar with the details.

Mr. CELLER. So you would say there is probably more a breach of the statute than otherwise, and that is the reason you have this birth stabilization in France?

Dr. FAIRCHILD. I would not say "more". The whole thing is governed by rather intricate complexes. The density of the population on the land has something to do with it. Of course, one big factor in France is the system of inheritance of property, which must be equally divided among the children. I believe it is a fact that the sharp decline in the growth of population in France was a reaction to that law which required the French to distribute their property evenly among the children. Of course, there would be means for doing it. The French undoubtedly have had a wider dissemination of some kind of fundamental information on this subject, along with the nations of western Europe, and they have devised ways of getting around the law.

Mr. HEALEY. How about the English-speaking countries, aside from the United States?

Dr. FAIRCHILD. I cannot speak with authority except as to England. England has been modifying its restrictive attitude on this subject for at least half a century.

Mr. HEALEY. Are they allowed to transmit this sort of information through the mail?

Dr. FAIRCHILD. Very much more freely than we do.

STATEMENT OF GUY IRVING BURCH, OF THE POPULATION REFERENCE BUREAU,
NEW YORK CITY

Birth control does not necessarily change the growth of population. Generally it replaces cruder, more savage, and less convenient methods of population control. By making it possible for parents to have the number of children best in keeping with their incomes birth control will enable nations to have the number of people which the natural resources and economic and social conditions warrant.

Fifty years' experience with the most modern methods of birth control has enabled Holland to now increase at a faster rate than any country in northern and western Europe, and Italy may be included. On the other hand, birth control in France has been accompanied by a slow growth, but not a decreasing population. In one case economic and social conditions warranted a faster growth, and in the other they warranted a slower growth.

During the nineteenth century France was torn by revolution and repeatedly defeated in war, having her colonies and high mineral resources of the Rhine region taken from her. The French inheritance laws which required the peasant to distribute his estate equally among his children forced him to have fewer children. Under such conditions the French could not increase as rapidly as her neighbors and still preserve their standard of living.

Birth control will not only give nations the size of populations warranted by their resources and economic and social conditions, but it will give classes within

each nation the birthrate which the economic and social position of each warrant. If birth control is permitted to spread to all economic and social classes, unfortunate conditions among the Negro population will be accompanied by a slower growth, while the more favorable conditions among the more fortunate will be accompanied by a more rapid increase in population. That birth control can accomplish these results is demonstrated by the fact that in cities of northern and western Europe, where birth control has found its way to the lower economic and social classes, Dr. Karl Edin of Sweden and Dr. Friedrich Burgdorfer of Germany have discovered that the more fortunate classes are now having more children in the family than the less fortunate.

In Stockholm where birth control has been made available to all classes of the population, Dr. Edin found the following results:

"That the fertility of the upper classes has increased with the income declared in the census: couples having an income of at least 10,000 Swedish crowns in 1929 had a birthrate 50 percent above the rate for couples with an income of less than 4,000 crowns, and yet even this last-mentioned group had a birthrate perceptibly higher than that of the working class, especially among young couples." (Proceedings, World Population Conference, Geneva, 1927, p. 206.)

Since Dr. Edin's conclusions were published in 1927 he has gathered more data to substantiate these conclusions and Dr. Burgdorfer has reached similar conclusions concerning the birthrates of large German cities where it is known that birth control has reached the lower classes.

"On the basis of statistics taken from the income tax", says Dr. Burgdorfer, "I have recently been able to prove that today—in contradistinction to the earlier observations on which were based the so-called "well-being" theory—the number of children of families with large incomes is not diminishing but increasing. At least this is so in large cities. While on the average, in large cities, up to every 100 married taxpayers in the income group "under 1,500 reichsmarks," there belong only 96 children, this number increased from income group to income group, until the largest value was reached at the highest income group (over 50,000 reichsmarks) with 140 children to every 100 married taxpayers." (Bulletin, International Population Union, Sept. 30, 1930, p. 12.)

Birth control enables population to grow orderly and effectively at a high standard of living and on a high moral plane. This is possible because birth control reduces the size of overly large families but increases the number of medium-sized families. Dr. William F. Ogburn and Dr. Warren S. Thompson have discovered that birth control increases the married population, especially among young people.

"Interest in birth control," says Professor Ogburn, "is largely concerned with the speculations to its effects upon morality, as to whether it could be expected to encourage or discourage marriage * * *. The evidence which I have collected on the subject indicates that birth control increases marriage. * * * If the evidence bears out the assumption that birth control encourages marriage, and if we accept the other evidence which indicates that marriage is the more desirable social state, logically we must regard birth control as a moral force of prime importance." (New York Times, signed article, Mar. 29, 1925; also see "American Marriage and Family Relationships", Groves and Ogburn.)

Professors Warren S. Thompson and P. K. Whelpton, in their exhaustive work "Population Trends in the United States," conclude in their summary of the chapter on Marital condition:

"The trend toward early marriage no doubt arises from a complex social condition, but the authors wish to call attention to the fact that earlier marriage has been taking place concomitantly with the rapid spread of contraceptive information. It seems reasonable to believe that young people, knowing that marriage does not necessarily involve continence, parenthood, abortion, are more ready to marry than they would be were they reasonably certain that they would have children born at regular and frequent intervals if they do not practice continence or abortion. * * * When all other factors making for early marriage are given due weight, it seems highly probably that the spread of contraceptive practices is a factor of considerable importance." (Pp. 226-227.)

Birth control reduces the size of the overly large families, especially among the unfortunate classes, but as it increases the married population it enables a more equal distribution of the pleasures and responsibilities of rearing the Nation's children among the entire adult population. In Ireland, where both Church and State have denounced birth control, we find very large families but perhaps the lowest marriage rate and proportion of population married in the civilized world. On the other hand, in Holland, where the Government has encouraged birth control, we find medium-sized families, but so many of them that the Dutch increase

at a faster rate than either Ireland or Italy. In 1930, the marriage rate in Holland was nearly twice as high as that in Ireland, about 8 to 4.5 respectively, per thousand population.

When the pleasures and responsibilities of rearing the Nation's children are more evenly distributed among the entire adult population it not only makes for a higher standard of living, greater purchasing power per family, and more moral conditions, but more separate family units stimulate business activity by creating a demand for a greater number and variety of the products of the factory and the farm.

By the Immigration Act of 1917, the United States Government recognizes that there is a population problem in this country; that the resources of the land are limited; that unrestricted population increase through unrestricted immigration is bound to invite disaster to the social and racial life of the country. Consequently, a bar is raised to the free entrance of aliens into this country, and even, when by the "quota", such aliens are given permission to enter our gates, there are still social considerations to be grappled with.

The Government claims the right to exclude immigrants whose condition is likely to be a source of danger to the well-being and happiness of the country. Thus there are excluded all idiots, imbeciles, feeble-minded persons, epileptics, insane persons, persons of psychopathic inferiority, persons afflicted with tuberculosis in any form, or with any loathsome, dangerous or contagious disease, paupers, professional beggars, vagabonds, persons likely to become a public charge, polygamists, criminals, prostitutes, or persons coming to United States for purposes of prostitution, or for any other immoral purpose. There are also provisions for the exclusion of illiterates, or of persons 16 years of age, physically capable of reading, but who cannot read English or some other language. All are refused admission into United States of America. The procedure for the enforcement of these restrictive and selective measures is mandatory. Detailed regulations are laid down for the examination of these immigrants before entry, and for their deportation in case of exclusion.

The Government goes even further than this, for even after entrance the Government reserves the right to pursue the policy of selection in such cases of criminals or those who have become a public charge even 5 years after entry—deportation.

STATEMENTS FROM MEMBERS OF THE RESEARCH COMMITTEE ON RECENT SOCIAL TRENDS APPROVING BIRTH-CONTROL BILL.

One of the most striking illustrations of how the layman can misunderstand the social and economic consequences of birth control may be found in the fact that certain passages in the Report of the Recent Research Committee on Social Trends have been misunderstood by a Member of Congress as evidence against the birth-control bill.

When this fact was brought to the attention of the members of this Committee on Social Trends, and the authors of the passages of the report dealing with the matter in question, these authorities emphatically denied that the social trends data were intended as evidence against the birth-control bill, or could be interpreted correctly as such.

Furthermore these authorities expressed their personal approval of birth control and the birth-control bill.

STATEMENT FROM WESLEY C. MITCHELL, CHAIRMAN RESEARCH COMMITTEE ON SOCIAL TRENDS

I do not see that a declining rate of population growth need threaten the economic interests of agriculture, industry, or labor. If the demand for consumers' goods grows at a retarded rate in the future, the number of farmers, manufacturers and wage earners should likewise grow at a retarded rate. But there is danger that legal obstacles to the democratic spread of birth-control information may confine the slower growth in numbers mainly to the relatively well-to-do classes. Farmers and wage earners surely will have trouble if they continue to increase at the present rate while the growth of the total population declines.

(Signed) WESLEY C. MITCHELL, *Chairman.*

STATEMENT OF WILLIAM F. OOBURN, UNIVERSITY OF CHICAGO, DIRECTOR OF RESEARCH, THE RECENT RESEARCH COMMITTEE ON SOCIAL TRENDS

Regarding the report on Recent Social Trends, I should like to state that the committee made no recommendations on the subject of birth control or on any other social question, nor will it do so. Perhaps I may say, speaking as an individual, that I would not consider the data listed in the Trends report as strong support against birth control. I should rather think the material there presented might be interpreted as supporting this bill.

The population policies of the United States turn on two fundamental points, the quality and the quantity of the population. As to the quantity, it does seem to be true that the rate of increase is slowing up but the effect of this should be to raise the standard of living of the people, a point that should not be difficult to see at a time like this when there are so many unemployed and when machines are replacing man so rapidly in industry. A rapid increase in the population would slow up any efforts to raise the standard of living. A diminishing rate of population increase would have the effect of diminishing the market for the products of industry, but the increased standard of living would tend to offset this tendency. It is a slow process of course to which industry will make adjustment. I don't feel that there would be any danger to "the great group called labor." I should rather think that their improvement would be marked.

As to the quality of the population, it would seem that the wider diffusion of methods of family limitation is desirable. The high birth rate among those whose mental ability is close to the feeble-minded borderline is deplorable.

I should myself urge the passage of the birth-control bill.

STATEMENT FROM WARREN S. THOMPSON, SCRIPPS FOUNDATION FOR RESEARCH IN POPULATION PROBLEMS, AND AUTHOR, POPULATION SECTION OF THE RECENT REPORT OF RESEARCH COMMITTEE ON SOCIAL TRENDS

I do not believe that keeping the laws as they are will have any appreciable effect in preventing the decline of the birth rate * * *. I regard contraception as one of those great movements toward human freedom and the rationalization of life. Such mass movements can only be impeded for a short time at most. If the members of Congress could only be made to feel the inevitability of this great movement toward human freedom they would certainly not oppose it.

STATEMENT OF ALICE HAMILTON, M.D., HARVARD SCHOOL OF PUBLIC HEALTH, BOSTON, MASS. (MEMBER OF THE RECENT RESEARCH COMMITTEE ON SOCIAL TRENDS)

The chapter on Population quoted would not in the opinion of the committee, and I feel sure in the minds of the authors, constitute a denial of the benefits of a policy of deliberate family limitation by the control of conception, rather the contrary. It was not the function of the committee to advocate any measures, only to assemble facts with regard to certain trends. A careful reading of the chapter however will show that the authors do not hold that a rapidly increasing population is in itself an unquestioned good nor that a falling population is "in all ways damaging." Thus they say, "The optimum size of a population is a high controversial topic. Militarists have always believed that a large and rapidly growing population is desirable * * * on the other hand there have always been individuals who believed that personal development and the service of God and man are better performed by those having few or no children; and today there is a rapidly growing body of persons who are convinced that the population should be adjusted to the economic resources available for its support."

The authors find that one of the most important consequences of a falling birth-rate is likely to be a change in mental attitude toward the importance of size as compared to quality, and think that we may come to measure progress less in terms of increased numbers than in terms of higher quality of living. An illustrative sentence is the following: "Though the supply of children is being restricted, the demand for them continues. The value of children to society may be expected to rise and more attention will be given to their well-being and training." They criticize not the use of birth-control measures but the fact that these have been unevenly applied as a result of which the decline in the birth rate has

been much greater in the educated, well-to-do class than in the poorer and less educated. "Had no restrictions been placed on the spread of birth-control information and had clinics been permitted to function freely it is probable that birth control would have spread more evenly through social classes."

Some stress is laid upon the loss to agriculture and labor that results from a lessened increase in population but the authors of this chapter show that the national attitude toward population increase has changed radically during the past 50 years.

The exhaustion of desirable free lands and the fear of competition in the labor market have led to drastic restriction of immigration. If it is desirable to return to the former rate of population increase it is within the power of legislators to make important steps in that direction. However, the authors observe that the loss of consumers caused by a falling population might be offset by a policy which would increase per capita purchasing power by raising salaries and wages rather than by increasing plant capacity.

As to the bearing of all this on the proposed bill, it seems to me not very pertinent. The bill authorized physicians to give advice and to provide means for carrying out their advice in cases which they believe require such advice. Surely we should be willing to entrust this matter to a profession to which we entrust all other questions affecting the control of diseases and the promotion of health.

STATEMENT FROM ROBERT S. LYND, COLUMBIA UNIVERSITY, AUTHOR OF CHAPTER ON "THE PEOPLE AS CONSUMERS" IN REPORT RESEARCH COMMITTEE ON SOCIAL TRENDS

Both as a scientist and as a human being I am very hopeful that Congress will see its way clear to act favorably upon the birth-control bill. In my intensive study of families in Muncie, Ind., selected as a fairly representative small American city and reported in my research study, "Middletown", I said after careful study of many phases of family life:

"The behavior of the community in this matter of the voluntary limitation of parenthood—in this period of rapidly changing standards of living, irregular employment, the increasing isolation and mobility of the individual family, growing emphasis upon child training, and other long-term family plans such as insurance and enforced home ownership on a time-payment basis—presents the appearance of a pyramid. At the top, among most of the business group, the use of relatively efficacious contraceptive methods appears practically universal, while sloping down from this peak is a mixed array of knowledge and ignorance, until the base of ignorance is reached. Here fear and worry over pregnancy frequently walk hand in hand with discouragement as to the future of the husband's job and the dreaded lay-off."

This view in lieu of a situation confronting us on a Nation-wide scale appears to me to be overwhelmingly confirmed by the struggles of American families during the present depression. My work as director of the section on "Consumption Habits" of the recently published report of the Research Committee on Recent Social Trends has abundantly confirmed my conviction that immediate action looking toward the making available of adequate contraceptive information to all the people rather than merely to the most favored economically and educationally is urgently desirable. Unemployment is likely to remain a permanent part of our national economy—at least for many years to come. There is no dearth of population. In fact, if we are to regain a high general standard of living as a nation a limited population of the best quality will be a material factor in achieving that end. If "population policy" of the United States runs counter to such a policy, there would appear to be every reason for our representatives in Washington to give immediate and careful consideration to the changing of our official population policy.

From the humane point of view, one of the appalling aspects of the unemployed is their inability to prevent, in cases where every reason of family planning and effective living argues for caution in increasing family size, the arrival of more children. Our new knowledge of child welfare leaves no ground for argument as to the national and personal hazards of unwanted children. The time has gone by when a policy, public or private, of laissez-faire in such matters is tolerable.

Truly yours,

(Signed) ROBERT LYND,
Professor of Sociology.

STATEMENT BY GUSTAV PECK, COLLEGE OF THE CITY OF NEW YORK, CO-DIRECTOR CHAPTER XVI "LABOR GROUPS IN THE SOCIAL STRUCTURE", RESEARCH COMMITTEE ON SOCIAL TRENDS

Speaking only as an individual and as part author of the section of the report on labor groups, I should like to have you know that there is nothing in it to lead anyone to oppose the birth-control bill. While we have not addressed ourselves definitely to that problem, we had come to the conclusion that the decrease in the number of people to be supported by a given earner has had an important influence upon improving standards of living. Moreover, a consideration of wage rates and the movement of real wages would disclose a positive relationship between restricted numbers and higher incomes. One reason for the persistence of higher earnings in the professional groups is the lower birth rate in those groups, while the higher birthrates among unskilled workers tend to keep them unskilled and poorly paid.

The declining size of families is not the result of just one factor; but if there is one outstanding force behind it, it is the laudable desire to improve the standard of living of one's family and increase the well-being of those to whom our obligations are higher than to the unknown. Nor is the more complete development of womankind and the manifest desire to control our own destinies of less consequence.

One would think that legislators who are interested in increasing our population would apply themselves to the basic causes and would concentrate their efforts upon plans to increase the incomes of wage-earners, secure continuity of earnings, provide adequate care for childbirth and the early years. Then at least those who would like to have larger families could afford what is rapidly becoming a luxury. Workers who restrict their families to the size they can support in a standard of well-being which they are trying heroically to maintain are serving their nation better than those who still believe that the Lord will provide. Workers in the latter group furnish a steady supply of unskilled labor, with its weakening effect upon all wage standards. Surely no one would contend in these times that mere size of population should be the aim of national policy. Large populations in India and China are not their particular glory, and small populations in Canada and Australia have not prevented—indeed, they have been important reasons for—standards of living in those countries which are among the highest in the world, higher even than in populous Germany and England.

I sincerely hope that the Congressional committee will report favorably upon this bill. It will serve to place the relatively weaker groups of workers in a better position to improve the quality of their lives. For, as everyone knows, such information is already at the disposal of those who are in a more favorable economic position.

TELEGRAPHIC STATEMENT FROM R. D. MCKENZIE, UNIVERSITY OF MICHIGAN, RESEARCH COMMITTEE ON SOCIAL TRENDS, DIRECTOR OF CHAPTER IX, "THE RISE OF METROPOLITAN COMMUNITIES"

There is nothing in social trends study to support conclusion that passage of birth control bill would injure labor or effect growth of population in United States. Should measure have any effect it would be decidedly in favor of labor.

TELEGRAPHIC STATEMENT FROM CHARLES E. CLARK, RESEARCH COMMITTEE ON SOCIAL TRENDS, DIRECTOR OF CHAPTER XXVIII, "LAW AND LEGAL INSTITUTIONS"

While not immediately responsible for social trends conclusions quoted by committee I see nothing in them to justify opposition to birth control bill. Personally I strongly favor bill. The laws should approximate habits and thought of educated people and should not stimulate population growth only from those least able to support it.

CHARLES E. CLARK,
Dean of Yale University Law School.

STATEMENT OR TELEGRAM FROM C. E. GEHLKE, PROFESSOR OF SOCIOLOGY, WESTERN RESERVE UNIVERSITY, CLEVELAND, OHIO, DIRECTOR OF CHAPTER ON CRIME AND PUNISHMENT, PRESIDENT'S REPORT ON SOCIAL TRENDS

Regarding opposition birth control bill partly because it would injure the great group called "labor." In a period of increasing obsolescence of human labor because of machines does the laboring class need more members or fewer members. Either stop multiplying machines or stop multiplying human beings.

STATEMENT FROM HORNELL HART, PROFESSOR OF SOCIAL ECONOMY, BRYN MAWR, PA., DIRECTOR OF CHAPTER VIII, "CHANGING SOCIAL ATTITUDES AND INTERESTS"—RECENT REPORT ON SOCIAL TRENDS

The most fundamental trend which I have found in the evolution of human culture has been the trend toward increasing power for men and women to control their own destinies purposefully instead of being at the mercy of blind accident. The development of agriculture gave man increasing control over his food supply. The development of medicine gave him increasing control over disease. The growth of science has given him more and more control over the forces of nature. Contraception should give him control over the processes of birth, so that children shall not be born more close together or in greater numbers in any family than shall make it possible for them to have adequate care from a healthy mother and to be free from the course of extreme poverty.

In the present economic emergency it is certainly heartless and short-sighted to take the position that unemployed fathers shall either live celibate lives or keep on bringing into the world children, to support whom the community denies them the opportunity for self-respecting employment.

The CHAIRMAN. The chairman would like to suggest, before the next witness goes on, that it is the desire of the committee that 3 hours be used today. Three hours have been allocated to each side. That would make it necessary for those who are opposed to this proposed legislation to be prepared to consume as much as 30 minutes.

Mrs. HEPBURN. Do we have rebuttal after the opposition?

The CHAIRMAN. Yes; 45 minutes.

Mrs. HEPBURN. So that we would have 3 hours now, and rebuttal?

The CHAIRMAN. No; you have 2 hours and 15 minutes, and 45 minutes rebuttal.

Mrs. HEPBURN. Rebuttal late today?

The CHAIRMAN. I do not think you will get to it today. I think we will consume 3 hours today. The time taken up by questioning by members of the committee will be eliminated and not charged to either side; so it is going to take us most of today, after we have lunch.

Mrs. HEPBURN. I am glad we have the opportunity of talking to you first.

The CHAIRMAN. Well, you have the opportunity last, also.

Mrs. HEPBURN. It seems very funny to me, just as a lay person, that the members of this committee, who are obviously against us, are so concerned about the birth rate when we already have about 12 million people on public support. I thought that was the last thing we had to worry about now.

The next speaker will be Dr. Joseph J. Spengler, of the University of Arizona, department of economics, sociology and business administration.

STATEMENT OF JOSEPH J. SPENGLER, PH.D., UNIVERSITY OF ARIZONA

Dr. SPENGLER. Mr. Chairman and members of the committee I should say first that I have an article coming out in the *Business Review* which I think deals quite thoroughly with the question of stationary population. If it comes out soon enough, I will make it available to the committee. I have several other things which I could bring along dealing with the same subject. But today I am not going to engage in any abstruse economic reasoning. I am simply going to state a few economic truths in terms of common sense, in terms that have the support of all unprejudiced economists and social scientists.

Every Member of Congress, I think, wants to provide the American people with as high a standard of living as is attainable in the United States. I think that every Congressman wants that standard to be made accessible to the population throughout the United States, that it should not be confined to just a few. That is what democratic government stands for. Economics teaches us that a high standard of living can be made available to all, only on condition that birth control is made available to the masses. In support of this view I wish to make three points.

First: A high standard of living can be achieved and preserved only if a balance is maintained between a country's population and its natural resources. In the preservation of that balance lies the key to perpetual prosperity. Put in somewhat different words, which are applicable to the present situation, a high standard can be achieved and preserved by all only insofar as every American citizen is enabled to limit the size of his family. Why is it that we find so much poverty in modern Europe? Why is it that even in our own United States 60 percent of our people were at or below a minimum comfort level even in the prosperous year of 1928? Why is it that the depression found so many without savings against the rainy day, which we have had since 1929? Gentlemen, it comes back in a large degree to the problem of population, the relationship between a country's population and its resources. Europe is poor in large part because Europe did not, until recently, limit its family size. Shall we follow Europe's example? In our own country the rapid and uneven growth of the population, that is, of families, and the different segments of the population, has visited poverty upon many. Too frequent visits of the stork have prevented many from saving. Even in this rich United States not over one third of our population can raise families of more than three children and give these children and the mothers who bore them the rights and blessings which are their rightful due. We can plan until doomsday, but we shall plan in vain if we fail to control the size of families and the size of our population.

Second: For years to come the United States is going to be burdened with unemployment. The same technological progress which during the preceding decade created a surplus unemployable population is still going on and will continue to go on. It is going to take us years to work out methods of providing employment for this surplus population. Even in prosperous 1928 we had several millions of unemployed. The unemployed no longer have a great West to retreat to. The frontier is gone. Good land is no longer to be had

for the asking. No longer can our natural resources lighten the burden. For today we live in an urban country and not in a simple agricultural land. Since we are going to be burdened with this surplus unemployable population, it is essential that we make the burden as light as possible. We must limit the natural increase of these unemployed. The taxpayer is squeezed enough to take care of the unemployed without taking care of the extra children they bring into the world. Birth control is the only effective means of protecting the interests of both the taxpayer and the unemployed.

Third: Even more important is the fact that birth-control information is denied to the very people who need it, those who have economic need for it, namely, the poor, the inferior, the incompetent, the weak, and the sick. Poverty is common among those with families of 4 to 10 or more children. Poverty is much less frequent among those with families of three or less children. Poverty is the common curse of that vast group of wage earners who earn less than \$25 a week, even in good times, and are compelled, because of ignorance of birth control, because of the Comstock law, to shoulder the impossible burden of 4, 5, 6, 7, or how many children have you? Is it surprising that these families produce sick, care-ridden mothers, badly nourished and badly educated children, and ill-equipped citizens. The upshot of it all is simply that lack of birth-control information creates a vast group of persons who cannot paddle their own economic canoe—and if you cannot paddle it yourself, somebody else paddles it for you—who cannot care for themselves and their offspring, and who must therefore be aided by the Government, by the taxpayer. You and I, the taxpayers, pay a goodly portion of the expense of these large families among the poor, the incompetent, and the sick. Upon them we spend money that had better go for education, for the general improvement of our civilization. Gentlemen, those who oppose this bill are holding up the taxpayer while the big-family groups rife his pockets.

It is for these reasons that the bill should be passed. We are no longer in the oaken-bucket, horse-and-buggy stage of national development. We must make birth control available, for it is one thing that helps both the privileged and the unprivileged, both the taxpayer and the tax-consumer. Without scientific birth control, the "new deal" will be a fizzle. Without scientific birth control available to those who want it, prosperity and a high and diffused standard of living are impossible. Birth control should be made accessible to those who need it, who want it. Those who do not want it do not have to take it. It is not compulsory. Nothing of the sort. Let us give those who need it, and the taxpayer, a new deal.

I should like to make one observation in addition. In Weld County, Colo.—that is, in Greeley, Colo.—the county formerly had to spend \$50 on every confinement case among the poor. Of course, some of them miscarried, and the rest of them were abortions. That is what they started with, and the county continued to take care of them: they kept on paying for them and taking care of them. Then they introduced a birth-control clinic, a branch of the Denver birth-control clinic. What does it cost now? They are now spending a dollar and a half for contraceptives in each case instead of \$50 for delivery of an unwanted child. That is one illustration of what we

can do with a certain group in order to protect the taxpayer. It seems the taxpayer has something to say about this proposition, too.

Mr. LEHR. You mean to say that they used to spend \$50 for a birth, and now they spend a dollar and a half for disseminating information?

Dr. SPENGLER. It costs on the average a dollar and a half to protect these people against conception.

Mr. LEHR. But the difference is that the \$50 was for a birth?

Dr. SPENGLER. The \$50 was for the expense of the birth, confinement or miscarriage.

Mr. HANCOCK. Would you stop all immigration?

Dr. SPENGLER. You might stop most of it. I would not like to answer that in just one short statement. Of course, I think it is good for us to have people come in; I mean, not laboring class, but professional people that come in and exchange information. I cannot see any advantage in preventing all immigration into the country.

Mr. HANCOCK. If you favor lessening the population by birth control, therefore you would be opposed to increasing it by immigration?

Dr. SPENGLER. I am opposed to immigration, if you have people coming in freely, if it is excessive. If it is confined to professional people and that classification, all right; but in general, I would be very vigorously opposed to immigration.

Mr. MONTAGUE. Will the gentleman speak a little louder? We cannot hear him down here.

Dr. SPENGLER. I say, I would be opposed to immigration very seriously, except as stated. I thank you.

Dr. Spengler submitted the following:

SPECIAL REPORT OF RELIEF EXPENDITURES BY GOVERNMENTAL AND PRIVATE ORGANIZATIONS, 1929 AND 1931

(U.S. Department of Commerce, Bureau of the Census, Washington, D.C., U.S. Government Printing Office, Washington 1932.) (Compiled for the President's organization on unemployment relief.)

INTRODUCTION

"* * * The earlier period (first 3 months of 1929) was one in which industrial conditions were good, while the later period represented probably the peak relief load for any 3-month period up and to the time when the inquiry was begun in August 1931 * * *."

SPECIAL REPORT

Completeness of reports, or the grand total. Returns were received from: All of the 93 cities of 100,000 population or over; all but one of the 217 cities of from 30,000 to 100,000; 4,863 out of 5,938 cities or incorporated places of from 1,000 to 30,000; 6,353 smaller incorporated places.

(The cities and other incorporated places from which reports were received cover 89.2 percent of the total population living in cities and incorporated places and 57.4 percent of the total population of the United States.)

Special report—Relief in cities of over 30,000 population

Geographic divisions	First 3 months of 1929	First 3 months of 1931	Increase 1929 to 1931	
			Amount	Percent
Total.....	\$16,621,341	\$56,689,124	\$40,047,783	240.9
Cities in:				
New England.....	3,099,842	7,584,543	4,484,701	144.7
Middle Atlantic.....	5,611,877	21,250,354	15,638,477	278.7
East North Central.....	3,877,753	17,934,310	14,056,557	362.5
West North Central.....	1,142,443	2,219,126	1,076,683	94.2
South Atlantic.....	587,031	1,406,687	819,656	139.6
East South Central.....	213,666	695,418	481,752	225.6
West South Central.....	280,339	866,186	585,847	208.7
Mountain.....	206,111	447,477	241,366	66.3
Pacific.....	1,539,079	4,264,853	2,725,774	177.1

1 P. 6, special report.

TABLE I.—Total expenditures for relief to families outside of institutions and to homeless men in the first 3 months of 1929 and in the first 3 months of 1931, with percentage of increase and population

[Special report, p. 8 and following pages]

Geographic division and State	Total population, 4 pr. 1, 1931	Population of incorporated places reporting		Summary of expenditures for relief to families and to homeless men		
		Population	Per cent of total population	First quarter of—		
				1929	1931	Per cent increase
Grand total ¹	122,775,046	70,439,827	57.4	\$22,338,144	\$73,757,300	230.2
Cities of over 30,000.....	48,585,928	48,508,779	99.8	16,621,341	66,699,124	240.9
Governmental.....				10,802,102	34,200,963	216.6
Private.....				5,819,239	22,498,161	286.1
Incorporated places of less than 30,000.....	30,343,469	21,931,048	72.3	2,545,556	8,039,396	215.6
Counties (1,716 out of 3,073).....				3,171,247	9,048,780	183.3
Arkansas.....	1,854,482	400,659	21.6	46,777	1,550,692	3,215.1
Colorado.....	1,035,791	616,964	59.6	267,209	373,356	39.7
Georgia.....	2,908,606	1,011,366	34.8	84,967	248,316	192.2
Illinois.....	7,630,654	5,645,622	74.0	1,329,667	4,951,106	272.4
Iowa.....	2,470,939	998,938	40.4	479,433	741,600	54.7
Kansas.....	1,860,999	839,079	44.6	283,130	438,968	54.0
Kentucky.....	4,614,589	899,899	19.5	136,328	796,372	484.2
Massachusetts.....	4,249,614	3,053,392	71.8	2,978,744	6,211,659	115.6
Michigan.....	4,842,325	3,235,973	66.8	1,560,776	8,388,924	444.3
Missouri.....	3,629,367	1,964,946	54.7	475,504	1,455,854	205.2
New Jersey.....	4,041,334	3,130,357	77.5	611,979	2,004,238	227.5
New York.....	12,568,066	10,661,749	84.7	4,237,800	16,186,561	282.0
North Carolina.....	3,170,276	933,546	29.4	122,955	290,154	136.0
Ohio.....	6,646,697	4,408,663	66.3	1,343,662	3,991,066	197.0
Oklahoma.....	2,396,040	970,601	40.5	164,921	1,892,947	871.1
Pennsylvania.....	9,631,350	6,328,286	65.7	1,513,403	5,107,207	237.5
Rhode Island.....	687,497	407,180	59.2	123,493	359,702	191.3
Tennessee.....	2,616,556	883,096	33.8	127,656	450,154	276.1
Texas.....	5,824,715	2,460,734	42.2	225,759	1,033,262	357.7
Virginia.....	2,421,851	836,469	34.5	132,570	296,035	123.4
(District of Columbia).....	486,869	486,869	100.0	89,594	188,873	110.1

¹ Grand total is for the reporting area of continental United States.

TABLE II.—Average number per month of families outside of institutions receiving and average number of persons in such family; and average number per month of lodgings given and of meals served to homeless men during the first 3 months of 1931, with percent of increase

Geographic division and State	Relief to families outside of institutions, monthly average					
	Number of families first quarter of—			Number of persons in families first quarter of—		
	1929	1931	Percent increase	1929	1931	Percent increase
Grand total ¹	333,861	1,287,778	285.7	1,340,349	5,291,817	291.1
Cities of over 30,000.....	201,269	690,268	243.0	812,837	2,789,527	243.4
Governmental.....	113,639	375,350	240.3	452,821	1,476,836	229.1
Private.....	87,630	314,918	259.4	360,016	1,311,691	264.3
Incorporated places of less than 30,000.....	65,404	278,102	323.2	260,918	1,149,390	305.5
Counties (1,716 out of 3,072).....	67,188	319,408	375.1	296,594	1,303,911	361.1
Arkansas.....	1,844	71,978	3,761.5	7,581	302,275	3,967.3
Colorado.....	4,600	7,556	64.3	17,246	29,638	71.9
Georgia.....	2,712	10,573	287.6	10,823	43,402	301.3
Illinois.....	22,572	89,528	299.8	89,065	353,276	296.5
Iowa.....	10,048	17,929	79.1	40,064	72,699	81.4
Kansas.....	7,571	15,281	75.4	30,594	56,097	83.4
Kentucky.....	3,111	26,876	763.9	11,011	102,617	831.9
Massachusetts.....	28,177	59,944	112.7	107,595	229,792	112.6
Michigan.....	19,834	97,512	391.6	78,677	403,824	413.2
Missouri.....	7,665	31,604	312.3	32,847	129,928	295.6
New Jersey.....	9,462	35,843	279.0	377,81	147,529	290.5
New York.....	41,234	118,800	188.1	165,425	448,900	171.4
North Carolina.....	4,506	17,078	290.8	16,497	72,481	339.4
Ohio.....	17,440	74,277	325.9	73,837	330,977	348.3
Oklahoma.....	5,191	73,700	1,319.8	21,049	316,944	1,468.7
Pennsylvania.....	20,116	86,239	329.0	80,586	345,465	328.7
Rhode Island.....	1,505	9,614	538.8	7,704	45,180	486.4
Tennessee.....	4,474	19,280	330.9	18,597	81,340	337.4
Texas.....	6,990	51,200	632.5	29,241	200,741	596.5
Virginia.....	3,819	10,890	185.2	15,126	44,311	192.9
(District of Columbia).....	699	1,599	128.8	3,006	6,924	130.3

Geographic division and State	Relief to homeless men, monthly average					
	Number of lodgings given first quarter of—			Number of meals served first quarter of—		
	1929	1931	Percent increase	1929	1931	Percent increase
Grand total ¹	421,103	1,482,342	252.0	671,419	4,170,318	521.1
Cities of over 30,000.....	384,779	1,377,070	257.9	612,688	3,886,989	534.5
Governmental.....	92,691	460,259	454.7	108,020	1,308,422	1,111.3
Private.....	302,088	916,711	203.5	504,668	2,578,547	411.0
Incorporated places of less than 30,000.....	25,796	78,259	203.4	34,338	210,214	512.2
Counties (1,716 out of 3,072).....	10,528	27,013	156.6	24,493	73,136	198.6
Arkansas.....	216	1,182	447.2	745	4,964	569.0
Colorado.....	1,212	3,052	151.8	2,162	14,833	594.1
Georgia.....	1,776	5,649	218.1	3,655	27,930	664.2
Illinois.....	21,200	204,965	876.3	41,050	461,365	1,024.0
Iowa.....	2,218	4,655	118.9	2,332	8,017	243.8
Kansas.....	3,368	3,647	8.3	5,470	5,824	67.8
Kentucky.....	1,766	3,540	100.5	2,729	25,022	814.9
Massachusetts.....	12,996	20,172	55.2	22,008	63,671	181.6
Michigan.....	17,833	195,499	1,026.6	24,721	549,452	2,122.6
Missouri.....	25,356	46,354	77.5	68,220	106,072	82.2
New Jersey.....	15,688	25,999	65.1	31,028	46,088	45.3
New York.....	64,520	169,734	163.1	49,364	502,334	917.4
North Carolina.....	1,676	4,141	147.1	1,964	8,617	338.7
Ohio.....	23,664	106,486	326.6	36,006	262,546	629.2
Oklahoma.....	563	6,828	1,114.6	626	13,754	2,090.1
Pennsylvania.....	57,643	206,891	258.9	72,017	650,764	804.6
Rhode Island.....	3,128	5,337	70.6	6,633	28,309	281.6
Tennessee.....	1,985	4,141	61.1	3,661	31,012	747.1
Texas.....	4,113	25,314	615.5	4,494	78,064	1,570.3
Virginia.....	2,880	8,119	181.9	5,420	15,317	182.6
(District of Columbia).....	7,981	23,982	204.3	9,939	74,684	651.4

¹ Table II, special report, pp. 15 and following.

This table includes for each State the following: Cities of over 30,000 population, governmental, private; incorporated places of less than 30,000 counties.

NOTE.—The grand total is for the reporting area of the continental United States. The other totals are for the individual States as specified.

TABLE III.¹—Total expenditures for relief of families outside of institutions and relief to homeless men, for first 3 months of 1929 and first 3 months of 1931, for cities having over 50,000 population, classified by Government and private organizations

(P. 25 and following pages, special report)

Geographic division, State	Total expended during first quarter of—		Geographic division, State	Total expended during first quarter of—	
	1929	1931		1929	1931
Grand total ²	\$16,621,341	\$56,669,124	Missouri.....	\$365,764	\$919,875
Governmental.....	10,962,102	34,300,963	New Jersey.....	553,086	1,778,322
Private.....	5,819,239	22,468,161	New York.....	3,435,797	16,131,933
Arkansas.....	22,991	104,790	North Carolina.....	72,409	145,956
Colorado.....	155,081	201,815	Ohio.....	1,187,576	3,433,126
Georgia.....	44,036	118,660	Oklahoma.....	80,624	359,713
Illinois.....	1,012,381	4,135,889	Pennsylvania.....	1,222,964	4,343,099
Iowa.....	180,019	329,610	Rhode Island.....	118,457	343,562
Kansas.....	69,456	115,627	Tennessee.....	90,651	238,893
Kentucky.....	78,571	272,192	Texas.....	143,220	341,272
Massachusetts.....	2,504,217	5,449,708	Virginia.....	92,983	140,755
Michigan.....	1,035,036	7,249,698	District of Columbia.....	89,894	168,873

¹ P. 25 and following pages, special report.

² Grand total for reporting area of the continental United States.

No. 5.—Population

(All statistics on this page are quoted from Statistical Abstract of the United States, 1932)

Year	Continental United States	Hawaii	Puerto Rico	Philippine Islands	Panama Canal Zone
1930.....	123,191,000	371,078	1,548,868	12,250,752	39,467
1932 (estimated).....	124,822,000	393,000	1,597,500	12,589,400	43,100

No. 6.—Sex distribution, by classes: Continental United States

Class	1930		
	Male	Female	Males per 100 females
All classes.....	62,137,060	60,637,966	102.5
White.....	55,167,864	53,700,358	102.7
Negro.....	5,268,695	5,656,669	97.0
Indian.....	170,350	162,047	105.1
Chinese.....	59,802	16,182	364.7
Japanese.....	81,771	57,063	143.3
All other (Mexican).....	805,634	667,677	120.6

No. 8.—Age distribution, continental United States, number of child-bearing women in the United States, 1930

Age group:		Age group—Continued:	
15 to 19 years.....	5,794,290	40 to 44 years.....	3,853,736
20 to 24 years.....	5,533,563	45 to 49 years.....	3,370,355
25 to 29 years.....	4,973,428		
30 to 34 years.....	4,558,635	Total.....	32,612,792
35 to 39 years.....	4,528,785		

No. 30.—*Marital conditions of persons 15 years of age and over, continental United States, 1930 (p. 40)*

Females 15 years and over:		Females 15 years and over—Continued:	
All classes.....	42, 837, 149	Widowed.....	4, 734, 207
Single.....	11, 306, 653	Divorced.....	573, 148
Married.....	26, 170, 756	Unknown.....	52, 385

Farm and Fireside in January 1930 sent a questionnaire to 13,431 readers. Among the questions on which they were asked to vote was:

Birth control.—Are you in favor of making it legally possible for doctors to impart birth-control methods to married couples who apply jointly?

8,228 replied in favor.....	Percent 67
4,019 against it.....	33

In a more recent issue Farm and Fireside commented that the results, if taken since 1930, would no doubt show an overwhelmingly larger number of those in favor of birth control than opposed in view of the greater understanding of the issues involved on the part of the public than existed in 1930.

SICKNESS, UNEMPLOYMENT, AND DIFFERENTIAL FERTILITY¹

(By Edgar Sydenstricker and G. St. J. Perrott)

That the birthrate is highest and the family is largest in what we term the "lowest" social class in this country is a fact now well known. The decline in the birth rate has occurred in all classes but this relative difference—the differential birthrate—among social classes has persisted during the depression. That the sickness rate, the prevalence of physical impairments, and the mortality rate is highest in the low income and so-called "lower" social classes also has been found to be generally true. Recently it has been discovered that wage-earning families which suffered the greatest drop in income during the depression have higher sickness rates than families whose economic status did not change at all or was affected in less degree.

It is easy to yield to the temptation to conclude from these facts that high fertility, ill health, and loss of income during the depression are casually associated, and to proceed to the further deduction that the high birthrate in families which failed most signally in the severe economic struggle of the past 4 years, or which experienced the hardest luck constituted a needless handicap to their welfare and rendered the problem of ill health more acute. Such a process of reasoning would be entirely sound if a basic assumption, necessarily present in the foregoing deduction, were found to be true. This assumption is that high fertility, and loss of income, and ill health actually occurred in the same families within a specified social class. What is needed, therefore, is information on births, income, and ill health during the depression for each of a group of families sufficient in number to yield statistically dependable results. Only in this way can an answer be given to the highly important question: To what extent is size of family, or, more precisely, a high fertility rate associated with inadequate income and ill health during the economic depression?

This brief paper is a preliminary report upon an attempt to fulfill these requirements in a study of several thousand families. The report is preliminary because not all of the desired analyses of the data have been completed. It does not presume finality or universality in its conclusions because the information upon which it is based is not as detailed nor as complete in every respect as we would have liked, and because it relates only to a group which may not be thoroughly typical in spite of every effort to make it so. The data were collected with care and are, so far as we know, the only information of the kind at present available. The number of families included constitute a not inconsiderable sample of urban wage-earners' families during a most unusual period, 1929-32.

The data were collected in a study of health among those elements of the population which have borne the brunt of the depression. The Milbank Memorial Fund, in cooperation with the United States Public Health Service, undertook a special house-to-house canvass of severely affected districts in 10 localities.

¹ From the Division of Research, Milbank Memorial Fund.

No attempt was made to select sections that would be representative of any city as a whole; only the poorer districts, exclusive of slums, were canvassed in order to include families of the wage-earning class. In the blocks or streets that were surveyed, every white family was covered, whether employed or unemployed, and whether recently poor or never self-supporting. Those families whose breadwinners still had their jobs were to serve an important role in the study, viz., a control group whose illness and birth rates would be a yardstick which would be essential in interpreting similar rates found for those who had suffered economic reverses.

For the families the following information was secured, in addition to other data that are not relevant here: (1) A record of occupation, wage earners, regularity of employment, and amount of income in each year from 1929 through 1932 in sufficient detail to compute family income; (2) a record of births, with dates, to each mother, the exact age and date of marriage of the mother; (3) a record of illness during a period of 3 months in the late spring of 1933. The method of this study has been described elsewhere and we shall not refer to it in further detail here. The results, so far as they relate to the subject under discussion may be summarized as follows:

First, as regards income and income changes in 1929-32: The average annual income of this group of urban wage-earning families in 1929 was approximately \$1,700, only one third of them having incomes of less than \$1,200. In 1932, these families averaged only \$900, three fourths of them had less than \$1,200, about one fifth were actually on relief, and many others had no means of support.

Second, as regards ill health as indicated by sickness: The highly significant fact was revealed by the surveys in each of the localities that the sickness rate in 1933 was more than 50 percent higher in families whose incomes had dropped most sharply during the preceding 4 years than in families with low incomes throughout this period. The illness rate was also found to be relatively great in families without employed workers, less in families with part-time workers only, and still less in families with full-time workers. It may be remarked that these illness rates excluded sicknesses beginning before the period of record, in the late spring of 1933, and thus had little if any connection with any ill health that caused unemployment in earlier years. In fact, ill health as a cause of unemployment was relatively unimportant in comparison with lack of work.

The differential illness rates appeared at each age period and for both respiratory and nonrespiratory conditions with the exception of communicable diseases. A further inquiry into the diets of samples of these families showed that the food supply of wage-earning families with low incomes due to the depression was found to be considerably under the minimum recommended by most nutritional authorities. In fact, carefully conducted medical examinations of about 1,000 school children from families in areas severely affected by the depression in New York City and Pittsburgh showed there was a direct association between malnutrition and low income and drop in income.

The findings in this study as regards loss of income and sickness, which have been summarized only in bare outline here, point definitely to the conclusion that, insofar as illness is an indication, the health of persons comprising families seriously affected by the depression is being impaired.

In the third place, then, let us consider the birth rates during the depression in these families which have had various economic experiences and which were found to differ so widely with respect to condition of health in 1933.

The records for 8,000 families in eight cities have been tabulated to a point where we may state in general terms the relationship between birth rate, economic and social class, and change in economic status during the four years 1929-32. It should be kept in mind that these 8,000 families all belong to the social classes ordinarily designated as unskilled laborers, skilled laborers, and the white-collar group. Relatively few had incomes of over \$3,000 even in 1929. This group, as may be expected, has a birth rate which is higher than that of the general population and probably higher than that of the general urban population. Its average annual birth rate per 1,000 married women aged 15-44 years for 1929-32 was 152 as compared with 126 for the United States birth registration area.

All of the birthrates here used are the average annual number of births per 1,000 married women in the age period 15-44 years, standardized for age according to the 1930 age distribution of total married women in the United States who were aged 15-44 years.

The differential rate according to social class was found to persist. The birth-rate in families of unskilled laborers was 184, in families of skilled laborers 150,

and in the white-collar class 129. If income be used as a general index of efficiency and success as well as social class it was found that the birthrate in families with less than \$1,200 annual income in 1929 was 175 as compared with 115 in families having \$2,500 or more. The lower income class thus had a birthrate over 1½ times that of the higher.

Considering now the birthrate in relation to change in income and employment status, some extremely interesting facts are revealed. They may be summarized as follows:

(1) Classifying families with \$2,000 annual income or more as "comfortable," those from \$1,200 to \$2,000 as "moderate," and those with less than \$1,200 as "poor," we find that the highest birthrate (172) was in families which were poor in 1929, and continued in that condition through 1932, a rate 64 percent higher than that in families who stayed in relatively comfortable circumstances. However, the rather significant indication also appeared that the birthrate in families whose economic status dropped from "moderate" to "poor" during the depression was higher (152) than that in families who continued in "moderate" circumstances (110) throughout the 4 years. This difference is considerable, the rate for families whose income changed being 38 percent higher than that for families whose income did not change. Even that group of families whose economic status changed from "comfortable" to "poor" apparently had a somewhat higher birthrate (119) than those who in 1932 were found to be in the "comfortable" class (105).

(2) When the employment status of the families in 1932 is considered, it is found that the birthrate in families without employed workers was 198 as compared with 155 in families with part-time workers only, and 134 in families with one or more full-time workers. Thus, the families without any employed workers in 1932 had a birthrate during the depression 48 percent higher than those which had one or more full-time workers in 1932.

This situation appeared for both the wage-earning and the salaried or white collar classes.

(3) We were able to make a further tabulation, for presentation in this paper, of families in four cities with less than \$1,200 in 1932 from the point of view of the receipt or nonreceipt of relief. The birthrate in families which were receiving relief in 1932 was 211 as against 138 in families which were not receiving relief. Thus, the average annual birthrate in families on relief was 53 percent higher than in those not on relief, even in this low income class. Doubtless families with more children, especially infants, were singled out by welfare agencies for greater attention than smaller families or families without infants, but the fact remains that the higher birthrate in these poor families is directly related to the necessity for public and private charity.

To summarize the findings in the surveyed group of families show that the birthrate was highest during the depression in families which were without employment or on part-time work in 1932. Furthermore, if birthrate is studied in connection with income changes during the depression, it appears that high fertility was associated with inability to succeed in the severe competition for jobs brought about by the depression. Thus if the economic history of families in a given income group in 1929 is followed through to 1932, we find that those which had dropped from comparative comfort in 1929 to conditions of poverty in 1932 were families having a higher birthrate than those which did not suffer a drop in income.

Low social status, unemployment, and low income in 1932 went hand in hand with a high illness rate and increased malnutrition among children. It was in these same groups of families that a high birthrate prevailed. Whatever the broad implications of the findings, it is evident that a high birthrate during the depression prevailed in families which could least afford, from any point of view to assume this added responsibility.

Statistical findings such as these merely define more precisely the conclusion to which Margaret Sanger, as an observant social worker among the poor, came years ago. For those families in the least fortunate, least efficient group of the population whose problems are aggravated by heedless fertility, birth control should take its proper place not only as a medical prescription but as an important social means, along with preventive medicine, education, and economic readjustment.

BIRTH CONTROL—A BALANCE SHEET

(By Ray Erwin Baber, New York University, in Forum, November 1932)

When a meritorious idea once gets loose in the world there is no recalling it. It needs not entreaty, and threats merely hasten its course.

A search down the pathways of time reveals the starting place of many such ideas, and a glance about us today shows some of them still spreading inexorably over the earth. At times their advance is retarded by stubborn opposing customs, but their march is not stopped. Thus has it been with democracy, power machinery, popular education, the emancipation of women, and a host of other ideas that have forged to the front in the face of powerful opposition. These are now fixed in the history of mankind's thought; they can never be recalled, but may be overcome. How? Certainly not by prejudice and hate—those sorry blunderers who follow impotently in the wake of every advance—but only by the substitution of an idea of greater merit.

Is birth control such an idea? Will it come to rank among the great ideas of the world? Let us be slow to answer. It has honest friends who see its faults and honest foes who see its merits, as well as proponents and opponents so blinded by prejudice that they can see only one side of the question. Today birth control holds the spotlight not only of public attention, but of public concern, for it has incalculable power for either social benefit or harm. Thus far is it friend or foe? Let us strike a balance sheet and see how it stands on the ledger of human welfare.¹ Then maybe we can judge it.

HEALTH ASPECTS

Birth control is first of all a medical question, involving mental and physical health. To the layman, it may therefore seem strange that doctors disagree regarding its merits. But doctors often base their opinions in this field on their economic and religious views rather than on professional knowledge. Very few of our medical schools teach the scientific prevention of conception, and many doctors know little about it. Only since 1923, when the National Committee on Maternal Health was organized, has there been any large-scale scientific research on the subject. The unbiased work of this committee, under the vigorous leadership of Dr. Robert L. Dickinson, a distinguished gynecologist, has won the sanction of various medical societies. Questionnaires sent out to physicians have shown a large majority in favor of birth control, and the favor is steadily increasing.

Below are opposing views on the main points of contention between medical men regarding the merits or demerits of contraception.

1. *Sterility*.—The practice of birth control has frequently been accused of causing sterility. It is true that one long condemned method has produced a few such cases, but the committee on maternal health has for years sought in vain for a single case resulting in sterility when approved methods were used. In a number of alleged cases it was found that there was sterility to begin with.

2. *Drug poisoning*.—It is claimed that there are deleterious effects on the body from the use of strong drugs. But even if this were proved for strong drugs, it would not apply to the milder ones, scarcely stronger than body secretions, which have been found effective.

3. *Cancer*.—Pelvic infection and even cancer due to chronic irritation, have been charged to certain contraceptives. It is true that one or two obsolete and condemned methods cause irritation and might, in rare instances, cause cancer, though this claim is based more on supposition than proof. However, there is no excuse for using such methods when harmless ones are available.

4. *False security*.—Complete reliance on contraceptives, by women to whom pregnancy is sure to be fatal, is said to cause needless deaths, for even the best methods are not infallible. For such women sterilization would be safer, but those who prefer contraceptives should be warned that they cannot expect absolute protection. However, clinically approved methods, when instructions are conscientiously followed, show success in 95 percent of the cases, which compares favorably with medical results in other fields. Certainly such protection is better than no protection at all.

¹ The term "birth control" has had many interpretations. A more definitive term is "contraception," but because the former is more familiar in this country it is retained in this discussion, but limited to one meaning only—the prevention of conception, except when desired, by the use of chemical or mechanical devices.

5. *Neurosis*.—Sex excitement for women, without maternity, is frequently named as a cause of neurosis. Even if this were proved, such cases would be rare compared with known cases of mental disorder (in the less stable amounting to actual insanity) due to the ever haunting fear of pregnancy.

6. *Contraception versus childbirth*.—It is argued that a woman's general health is usually much better if she bears one or more children, thus allowing her whole body to function normally, and that the total physiological effect of contraception is more dangerous than is childbirth. It is admitted that childbirth often improves a woman's general health, but so also does a normal sex life without maternity. But that birth control is more dangerous to health than is childbirth cannot be accepted. Approximately every 30 minutes in the United States a mother dies in childbirth. True, some of these deaths are due to abortion, many more to inadequate medical care, but far too many to pregnancy by women who could not hope for successful delivery, and whose lives could have been saved if they had received proper information. Thousands more, who survive, are seriously crippled, some permanently disabled.

7. *Child spacing*.—Birth control permits the mother to safeguard her health by properly spacing her children. Various studies have revealed cases of "6 children in 6 years", and sometimes either a child or a miscarriage in every year for a much longer period. No one will deny the drain on the vitality of the mother who must face a confinement each year. Close spacing also means higher infant mortality. A recent study shows the death rate for infants born less than 2 years after the preceding child to be 50 percent higher than for those born after a longer interval.

8. *Pregnancy during disease*.—Certain diseases make pregnancy very hazardous, and in many cases fatal. Three such, according to the late Dr. J. Whitridge Williams, obstetrician-in-chief at Johns Hopkins University, are chronic nephritis, organic heart disease, and tuberculosis. Testifying before the Senate subcommittee last year, he stated that it was the duty of a physician not only to warn patients suffering from these diseases against pregnancy, but to instruct them how to prevent it. Syphilis, also, is frequently an impossible team mate for pregnancy. Clinical studies at Johns Hopkins, of pregnant women having either syphilis or nephritis, shows a distressingly high loss of life.

9. *Abortion*.—Induced abortion causes the death of at least 6,000 women in this country every year. Laying aside for the moment the moral issue involved, it is apparent that an adequate knowledge of birth control would wipe out most of this ghastly toll of adult life, to say nothing of the infinitely greater toll of half-formed life.

From the above points it is clear that contraceptives vary all the way from condemned methods which are unquestionably harmful to some persons, to clinically approved methods which are highly successful, and not injurious when properly used. But even approved types can be misused, through ignorance or carelessness, and with as bad results as when medicine is misused. For this reason "bootleg" contraceptives, many of them ineffective and some dangerous to health, constitute a public menace. If contraceptives are to be used they should be prescribed by a physician, and medical schools should equip their graduates to handle the problem intelligently.

SOCIAL AND ECONOMIC FACTORS

The foregoing factors are not entirely exclusive of health or morals, but their main emphasis is on the social and economic.

1. *Standard of living*.—An income large enough to cover a family of 4 cannot be magically stretched to cover a family of 7 or 8—somebody's feet are bound to stick out. When President Harding wrote a congratulatory letter to the New York couple who had 16 children, he doubtless did not inquire how they could maintain an American standard of living on the father's earnings of \$20 a week as a porter, or how many of the children had to work to supplement this pittance. The prolificacy of the poor is common knowledge, and all too frequently another visit from the stork must be followed by a visit from the Family Welfare Agency.

2. *Marriage rate and age*.—It is claimed that if the knowledge of birth control were made available to all classes and ages, marriage would decrease and the age at marriage increase. Men could satisfy their sex hunger through intimate association with their women friends, thus avoiding the responsibilities of a family, as well as the risks of consorting with professional prostitutes. But in general the result thus far seems to have been just the opposite. In the last 40 years, in spite of the rapid rise of birth control, the percentage of the population

15 years of age and over who are married has steadily increased from 55.3 in 1890 to 60.6 in 1930. This does not look as if marriage were becoming less popular. Furthermore, in a survey of several cities, William F. Ogburn found that when the same age groups were compared, the cities with the lowest birth rates had also the highest marriage rate among the young people. He concludes that birth control probably encourages rather than discourages early marriage.

3. *Marital happiness.*—The opponents of birth control assert that it is unesthetic, robbing the mating act of its beauty and spontaneity by compelling a cautious, calculating preparation for it. The emotional satisfaction of perfect union is thus destroyed, the act cheapened, and mutual regard so lessened that satisfaction may be sought elsewhere. It is admitted that any use of contraceptives detracts somewhat from complete spontaneity, but such loss is not a tithe of the gain in freedom from the gripping fear of pregnancy. And, as science improves the technique, the unesthetic feature may fade from the picture. On the whole, thinks Dr. William Allen Pusey, formerly president of the American Medical Association, birth control decreases marital unhappiness and infidelity, for a normal sex life at home makes either mate less likely to seek gratification elsewhere.

4. *Illegitimacy and abortion.*—The foes of birth control assert that it will increase both illegitimacy and abortion by luring into illicit relations, with the false promise of security, many girls and women who would otherwise not yield. This may be true, to a limited extent, though any such increase would be only temporary if reliable information became freely available. Illegitimate children, with few exceptions, are unwanted children, and would not be born if their mothers knew how to prevent it short of abortion. There are more than thirty thousand illegitimate white births a year in the United States—60,000 mothers and children whose lives are darkened by public scorn.

We have about a million abortions each year. At the Jewish center in Chicago, which deals with dependent families, almost half of the group of 104 women studied were found to be practicing abortion. Women frequently admit six or seven abortions. Birth-control clinics are seeking to substitute contraception for abortion. Would not such a change constitute a social gain?

5. *Unemployment.*—Birth control does not claim to be the only solution to unemployment, but only that it would help in its solution. Our modern machines have hands but no hearts, and technological unemployment plays havoc with a fast-growing labor supply. A decreasing population might be unfavorable to prosperity, but with the machine on the throne a static population might be more prosperous than one that is rapidly increasing. Certainly France, with her almost stationary population, has suffered less from unemployment than have we with our fast growing numbers. In the 1920-30 decade France increased less than three fourths of a million, while we increased 17,000,000, less than one fifth of which was due to net immigration.

6. *Delinquency and crime.*—When a family outgrows its income two results are common: First, the family moves to a cheaper community where frequently the social environment is bad; second, the mother starts working out. Both factors contribute largely to the neglect and delinquency of children. Miriam Van Waters, an authority on juvenile delinquency, asserts that unplanned-for, unwelcome births account for a large part of the boys and girls who find their way into our juvenile courts and correctional institutions.

7. *Child labor.*—It is only natural that parents who have more children than they can support should put them to work. Owen R. Lovejoy, when executive secretary of the National Child Labor Committee, selected over-large families as the greatest cause contributing to child labor.

8. *Population pressure.*—The foes of birth control contend that a rapidly increasing world population, which stimulates production and promotes international trade, makes for prosperity, and that birth control inevitably leads to decline. That population pressure causes war they admit, but some even argue that war invigorates a people and saves it from stagnation. Let us consider the case. In the nineteenth century the population of the world doubled, a feat never before equaled. In 100 years mankind increased more than it had in all previous human history. Such a rate cannot long continue if we are to have room to stand and something to eat. In the last few decades most western nations have sharply checked their increase. Kuczynski and Dublin assert that in Europe and the United States the change in age distribution has already proceeded to such a point that we will have no increase in population beyond the few years necessary for our present age grouping to take effect. Their prediction may be upset by other factors which can easily become operative, but even so we

have greatly checked our growth, while many other peoples are increasing at an astounding rate. What if these others do not fall in line? Even now (1900-24) world population is increasing about 1 percent a year. Must we go back to competitive breeding and make sheer numbers rather than standard of living the goal?

9. *Differential birth rate.*—That some of our best stock is dying out is a matter of real concern. Generations do not breed true, for a half of one generation produces three fourths of the next—and that half is heavily weighted with the less desirable. For this reason it is argued that we need not birth control but birth selection. But granting the inestimable value of birth selection, can we get it soon enough to warrant dependence on it alone? Our best stock (based on leadership, not wealth) has greatly lowered its rate of increase, some of it going too low. Our less desirable stock has somewhat reduced its rate, but it is still too high. The distant ideal is a population that breeds mostly from the top, but no nation, least of all America, has made even a serious start toward such a goal. We do not punish childless and one-child families with the scorn of public opinion. Nor do we use rewards. Our tax exemption for each child is entirely negligible compared with the cost of rearing a child. We use no differential wage scale based on family size, grant no birth bonus, and even withhold public recognition—with the exception of such touching letters as President Harding's. Both bonus and recognition have been tried somewhat in Italy and France, but apparently not on a selective basis—just a reward for numbers, regardless of cranial contents.

If, then, birth release among the better classes is still a dream of the future, do not the birth selectionists, in opposing the further spread of contraceptive knowledge, merely help perpetuate the dysgenic birth rate which they deplore? When two variables are at different levels there are only three ways of evening them: by lowering the higher one, raising the lower one, or both. We are making no appreciable effort to raise the one that is too low; even if future effort brings results, the over-high one should still be lowered, and would be if given opportunity. This would bring the level of the two birth rates somewhat closer together, and to that extent would be eugenic.

MORAL AND RELIGIOUS FACTORS

The moral and religious aspects of birth control are very sharply debated, for from this angle comes most of the active opposition. Below are the chief contentions which have been cited:

1. *Relation to the universe.*—Birth control is condemned as unnatural. It thwarts the Creator's will by drying up the springs of life. But so are houses unnatural, also clothes, automobiles, vaccination, eye glasses, surgical operations, canned food, and a thousand other benefactors of mankind. The whole march of civilization has been from the natural to the artificial, a substitution of man-made methods for nature's methods.

2. *Relation to murder.*—Birth control is called "anticipatory murder," depriving innumerable infants of the right to live both here and hereafter, for even to live in hardship is better than not to live at all. But by no possible juggling of terms, reply the defenders of birth control, can the prevention of the conception of life be made the same as the taking of life once started. It is mere murder to refuse to conceive children who could be conceived, then every wife who did not bear 15 or 20 children—up to the limit of her capacity—would be a murderer. The point reduces to an absurdity.

3. *Effects on the marital relationship.*—Birth control is charged with degrading marriage. It changes love to lust, enthrones the carnal in place of the spiritual, and makes of marriage mere legalized prostitution. It weakens self-control, looses passion, and leads to bestiality. The reply is that the use of contraceptives requires more, not less self-control. For the indulgence of uncontrolled passion it substitutes a thoughtful regard for the welfare of wife and children. It permits that intimate communion of husband and wife so productive of tenderness and understanding. To demand abstinence of the married, says Lord Dawson of Penn, is to "ask two people surrounded by the intimacies of love not to be lovers," even though their married life would be mutually enriched thereby.

4. *Effects on the morale of youth.*—Birth control, think its opponents, will remove the fear of consequences, thereby encouraging premarital relations, and leading toward sexual promiscuity. Now, the knowledge of contraception is admittedly dangerous. Such a powerful device can easily be misused. But so also can dynamite, acids, guns, and poisons, yet we have no thought of abolishing them. We seek rather to train people to use them rightly. In spite of society's

disapproval of premarital intercourse, there are always some youths who indulge in it. The availability of reliable contraceptive knowledge would undoubtedly increase this number somewhat, but the extent to which immorality would thereby be increased is problematical. For those who now refrain wholly because of fear can hardly credit their motives to morality. Moreover, there is no reason to think that most youths are ruled by fear rather than by training and ideals. As Harry Emerson Fosdick pointed out, a generation trained in the right use of birth control will be more likely than their mid-Victorian parents to regard it thoughtfully and make it conform to social welfare.

Several religious organizations have taken an official stand on birth control. In the statements given below it is not intended to imply that all of the adherents of a particular faith have endorsed or condemned birth control because such action was taken by some official body of their organization. Yet the views here given are those of official representatives of our three great faiths, and as such carry more weight than do individual utterances.

1. *Roman Catholic.*—The Catholic clergy has long been outspoken against birth control, but not until the Encyclical of Pope Pius XI (December 1930) was there any official pronouncement from the Vatican on the subject. This utterance completely closed the question for orthodox Catholics, for the Pope declared birth control to be unnatural and intrinsically evil, and therefore not to be justified for any reason however grave. But restricting the size of the family by limiting intercourse to the so-called "safe period" is permitted. To non-Catholics this seems illogical, for the desired result—the prevention of conception—is exactly the same as when contraceptives are used.

2. *Jewish.*—The prevailing Jewish sentiment seems to be favorable to birth control. The Central Conference of American Rabbis, meeting in Detroit in 1929, adopted the report of its Social Justice Commission which urged the recognition of birth control as a necessity in coping with social problems. At the 1930 Conference further recommendations were adopted. In a later statement the Chairman of the Commission, Rabbi Edward B. Israel, asserted that birth control was not only a permissible course for the modern religionist, but a divine mandate, and that church and synagogue should not trail the social conscience on this issue as they have on important social questions of the past.

3. *Protestant.*—Perhaps the best measure of Protestant opinion on birth control is the report of the Commission on Marriage and the Home appointed by the Federal Council of Churches of Christ in America. The Council is composed of 400 members elected or appointed by the 27 denominations cooperating. The report of their committee was the result of more than a year of study with the assistance of eminent physicians and psychologists, including leaders from the New York Academy of Medicine. The report declares that sex has a divinely instituted two-fold function; the reproduction of life and the expression of affection and comradeship. The majority report (signed by 21 of the 24 on the committee) holds that "the careful and restrained use of contraceptives by married people is valid and moral." This position is taken on the grounds that "it is important to provide for the proper spacing of children, the control of the size of family, and the protection of mothers and children; and because intercourse between the mates, when an expression of their spiritual union and affection, is right in itself." The committee recognizes that extramarital relations may be increased by a general knowledge of contraceptives, but holds that a scientific discovery so revolutionary is bound to carry dangers as well as benefits, and that education and religion must teach the proper use of knowledge.

THE BALANCE SHEET

Let us now see where we stand. From the point of view of health there is little question. The great saving in maternal life and the vast benefits to mental and physical health accruing from voluntary parenthood far overbalance any injury to those who still use condemned methods. From the social and economic standpoint the case is almost as strong. Birth control is not the one solution of all economic problems, but it will do its full share in the struggle with standard of living, unemployment, child labor, and similar questions. The social loss resulting from some of the elite stepping below the survival line should not be minimized. Both upper and lower classes need educating on the proper use of birth control. But to leave the birth rate of the lower classes unduly high accentuates the difficulty. We need not birth selection instead of birth control, but birth selection and birth control. In the moral and religious realm emotion is likely to befog vision. But when considered rationally, birth control emerges as a moral gain. Which is more immoral: a limited increase in extra-marital

relations, or a million abortions a year; the artificial limitation of births, or the ghastly toll of war caused by population pressure; for a mother to use contraceptives, or let her brood increase far beyond the limit of her physical or financial ability? To those whose religion is truly social there can be but one set of answers to these questions.

Birth control is inevitable.—It is not a theory to be accepted or rejected in principle, but a fact already accepted in practice. The question is not whether man will use it, but how he will use it. It can no more be stopped than can the rising tide. For years this knowledge has been available to the educated and the wealthy, but the ignorant and the poor have been able to get little reliable information. But the demand is increasing with an insistence that will not be denied, coming now from all parts of the world. Commercial exploitation, caring for nought but profit, menaces the social gains of the movement. Shall we turn to our physicians for leadership, or put our trust in the specious claims of mail-order houses? Shall we rely on science or quackery?

Here within man's grasp is power immeasurable. How will he use it? He can close the gateway to life if he will, and sit in darkness awaiting the end. Will he thus destroy himself? Not so long as life is worth living. Such action would give the lie to his resolute upward march from the very dawn of intelligence. Another course seems more probable. He may guard the sacred gate, admitting only those for whom a birthright is waiting. Such would make possible a new physical and spiritual stature, and would grant humanity what would constitute a new charter of freedom.

The CHAIRMAN. The Chair wants to suggest, with respect to the members of the committee—and this is not said as reflecting on what questions have already been asked—that we want to avoid as much as we can making our interrogations run into too-refined directions. The witness before this took 4 minutes and the questions took 11.

Mrs. HEPBURN. The next speaker will be Dr. George Lyford, of the University of Cincinnati; gynecologist, medical school and committee on maternal health of the Academy of Medicine of Cincinnati.

The CHAIRMAN. Madam, some of the members of my committee suggest that they would like very much to have lunch now.

Mrs. HEPBURN. Well, I always believed that the way to a man's heart is through his stomach.

The CHAIRMAN. We will come back at 2 o'clock.

(Thereupon a recess was taken until 2 p.m.)

The committee met at 2 p.m., pursuant to adjournment.

The CHAIRMAN. The Chair would like to announce to those interested that the proponents, the Clerk advises me, have consumed an hour and 24 minutes. They have 51 minutes more for their presentation in chief, at the expiration of which 51 minutes, plus whatever interruptions may occur, we would be very glad for the opponents to be prepared to go on for at least 45 minutes today. That would equally divide the time between today and tomorrow, 3 hours for today and 3 hours for tomorrow.

Are you ready to proceed with the affirmative on the bill?

Mrs. HEPBURN. Mr. Chairman, the next witness is Dr. George Lyford, gynecologist, medical school and committee on maternal health of the Academy of Medicine of Cincinnati.

STATEMENT OF GEORGE LYFORD, M.D., OF CINCINNATI, OHIO

Dr. LYFORD. Mr. Chairman and gentlemen, what I have to say will not be very long. We all like to quote statistics, but I can't. I talk simply as a person who has had some experience in medicine in the field limited to women, and the only statistics I can offer, which

with your permission I would like to, are governmental statistics on maternal death rates of women that die as the result of childbirth.

We all know they do die as the result of infections following childbirth.

Any further statistics than these would be purely personal, my personal experience and the experience of other persons.

As far as obstetric practice, something might be said, but of course the law at the present time is such that it would be impossible to get statistics. The only plea I could make, and which I would like to, is that that group of medical men of this country as represented by the previously quoted gynecologists and obstetric group of the A.M.A., has definitely put itself on record as agreeing with the study of methods of birth control.

The only point I should like to make is one of analogy. If any of you gentlemen had a toothache, you probably would go to a dentist. The dentist would have the choice of several different methods of anesthesia, all of which, in the history of medicine, have been fought, because of their danger.

Granting you used the newest method, which is nerve blocking which requires the use of novacaine, or cocaine or one of its derivatives, you would find that drug is strictly controlled by the Government itself, and put into the hands of only those who by years of legally controlled training are admitted to be able to use it.

You do not have to take that anesthetic, you do not have to have that tooth pulled, but all your dentist or your doctor can do is to advise you what to do.

The method he uses he can explain to you; he can explain to you and you have your choice whether you will accept it or not.

Probably, if some one of you dropped over now with an acute heart attack, if I were a doctor, you would call for help, and I would immediately say you have so and so, in whatever technical term it might be, and you need some strychnine. Then you would think I was a swell doctor, if I didn't have any strychnine.

If you go back through medical test books on obstetrics or gynecology, you will find lots of diseases in each one of which the doctor will say it is advisable that this patient have no more pregnancy.

One of two things must be done. It is the experience in the countries where they have the statistics, that pregnancies are more or less fatal and are damaging to health, and that some method must be used one time or another. At the same time if your wife, the wife of any one of you constantly has acute abdomen lesions, which would be back into my field, and suffering great agony, you would not object at all to my using some morphine, relying on my training to decide whether it should be used, and how much should be used.

We grant that it produces a habit, and it is a dangerous thing to use, but you will also grant I know how to use it in such a way as to keep its danger at a minimum, and that after time has indicated, as it will to a good surgeon, I will discontinue its use.

Now, that is about all I have to offer, but I do think for those of us who have the problem to meet from a purely medical standpoint, we are justified in having put at our disposal, under whatever restrictions may be necessary, the use of something which is definitely connected and adequate.

I would add this, that of all the normal women I have seen in the last 2 years in a group of so-called "normal mothers", in connection with which I have done nothing but gynecology, and in examining these women, it is found that over 60 percent of them have a definite condition which, as the medical profession knows, is contributory to such things as we want to prevent.

It has put me in a position of suggesting to you, if you have a sore throat, you spray it with aspirin, without considering whether you can get the aspirin spray or not. It is easy enough for you to say it will take me 6 months to clear up this infection, and this is a thing I should like to bring up. That it is taking out of the hands of the men who are qualified to decide when, where, and how long it should be used, a possible means of reducing the mortality statistics that the Government has collected throughout the country.

It is not in any sense of the word a question of sterilization, or preventing production of children at all. It is not a question of getting rid of pregnancy by so-called "operations".

So far as the medical profession is concerned, it is backed up by a group of the American Medical Association which deals with that particular problem. It has been brought up to the association, and it has been handled, and you gentlemen can tell me much better how long it will take to get the necessary parliamentary moves to bring that out in the medical association meetings and have it passed through the customary channels.

Mr. TARVER. Pardon me, Mr. Chairman, would you permit my asking a few questions?

The CHAIRMAN. Yes.

Mr. TARVER. I want to ask you whether, if certain kinds of medicine cannot be sent through the mail—the States have jurisdiction over the question of whether or not they desire to pass laws preventing the use of remedies preventing conception and other matters of that sort, but have you found any difficulty as a physician in getting such information as may be needed touching on this matter, on account of the regulation against the transmission of this matter through the mails?

Dr. LYFORD. Certainly.

Mr. TARVER. You have had difficulty in getting desired information?

Dr. LYFORD. Surely.

Mr. TARVER. Can you give me an instance of it?

Dr. LYFORD. Very easily.

Mr. TARVER. I would like to know it.

Dr. LYFORD. I was very much interested in laboratory work—I would like to preface this remark by one thing, as a gynecologist I am not necessarily called upon for this information, but the background I quote from is something over 2,000 cases, and my simply doing the gynecology work for that group of mothers, and the interest I would have in answering your question is perhaps purely academic. I am like most medical men, rather interested in the development of medicine, and if I would care to get samples for experimental purposes, regardless of what reason, but for instance take the examples I quoted from, over 60 percent of the patients had gynecological lesions; so if I cared to get statistics to know what to suggest to a particular

patient as to what to do in a particular case, if it contains contraceptives, it can not go through the mail.

Mr. TARVER. What I am asking you is some instance where you have endeavored to get information and have been prevented by this Federal statute.

Dr. LYFORD. Yes, I attempted to get some information from a clinic in Cleveland of the effect on a patient of a very particular case, and the answer was, the next time you are in Cleveland we will discuss the question you ask in your last letter.

Mr. TARVER. When did that occur?

Dr. LYFORD. About a year ago.

Mr. TARVER. You think their failure to reply was on account of this statute?

Dr. LYFORD. Unquestionably, because they could not answer the question without sending it through the mails.

Mr. TARVER. The law is frequently broken?

Dr. LYFORD. Yes, very frequently, and in other cases than this.

Mr. CONDON. Are you a member of the American Gynecological Association?

Dr. LYFORD. No.

Mr. CONDON. You know there is such a society?

Dr. LYFORD. Yes.

Mr. CONDON. Do you know whether they have taken any position in this matter?

Dr. LYFORD. The society quoted from by Dr. Klumpp this morning is the one you refer to?

Mr. CONDON. Do you know at the last meeting they held in 1927 at Stockbridge they decided to take no stand with respect to such legislation?

Dr. LYFORD. That is correct.

Mr. CONDON. Have they had a meeting since that time to take different action?

Dr. LYFORD. I couldn't quote the date of it, but I think they have.

Mr. CONDON. You don't know the time the society took such action?

Dr. LYFORD. I do not.

Mr. CONDON. But you do know the last regular action is not in favor of sponsoring this legislation?

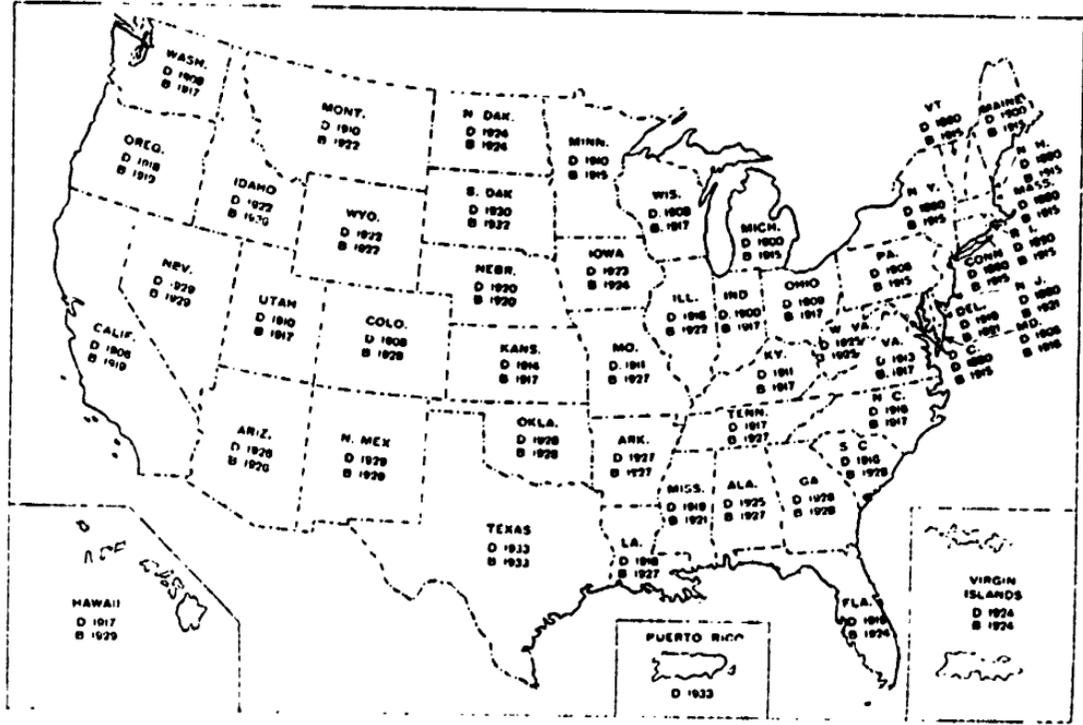
Dr. LYFORD. If that is the last meeting, yes, but I do know they have gone on record.

BIRTH AND DEATH REGISTRATION AREAS

Continental United States: 1933

HAWAII PUERTO RICO VIRGIN ISLANDS

Years indicate date of entrance into registration areas for Birth (B) or Death (D)



U.S. Department of Labor, Children's Bureau, Washington, Sept. 21, 1933, trend of maternal mortality in the United States birth-registration area by States, 1916-32¹

State	Maternal mortality rates ²																	1932
	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928	1929	1930	1931	
Area.....	61	62	66	92	74	80	68	66	67	66	65	66	65	69	70	67	66	64
Alabama.....													80	94	99	90	81	76
Arizona.....												102	89	77	78	65	82	88
Arkansas.....													90	85	91	94	71	69
California.....					80	77	68	72	67	59	69	56	58	61	57	61	62	56
Colorado.....													95	88	88	74	70	77
Connecticut.....	86	49	51	75	62	68	53	57	57	57	49	58	55	53	54	49	43	48
Delaware.....							63	66	94	77	77	93	59	56	62	65	71	82
Florida.....										121	121	107	110	101	95	102	104	105
Georgia.....													107	93	104	99	93	93
Idaho.....													57	60	65	61	51	54
Illinois.....								63	64	62	58	65	56	57	68	55	55	56
Indiana.....			73	104	84	87	69	66	65	58	60	65	66	62	70	62	61	57
Iowa.....										80	56	60	59	48	56	59	50	56
Kansas.....			76	114	82	84	64	76	68	63	65	70	63	77	68	73	62	62
Kentucky.....			60	80	63	64	63	61	60	62	60	58	49	60	66	64	64	60
Louisiana.....													91	114	99	100	86	82
Maine.....	98	78	67	96	86	85	74	76	87	82	72	67	80	74	72	72	79	84
Maryland.....		64	68	95	84	76	67	59	60	66	58	58	56	65	56	56	62	61
Massachusetts.....	57	60	65	92	71	75	65	68	63	65	63	64	63	64	67	64	65	60
Michigan.....	67	68	74	86	77	93	69	69	70	66	64	67	66	66	66	62	60	61
Minnesota.....	52	55	56	78	67	79	57	49	60	50	53	57	44	57	43	53	49	48
Mississippi.....							95	83	88	95	98	79	37	94	89	96	80	64
Missouri.....													67	70	73	61	73	68
Montana.....								79	76	66	81	80	66	75	64	69	73	67
Nebraska.....						71	66	56	56	63	57	55	59	60	81	58	54	53
Nevada.....															63	106	96	64
New Hampshire.....	61	72	70	78	80	71	62	65	74	61	71	76	65	63	76	62	68	89
New Jersey.....							59	64	57	62	64	86	63	59	56	56	57	57
New Mexico.....															87	88	72	94
New York.....	59	54	57	80	62	69	63	60	57	59	60	57	61	59	56	56	59	59
North Carolina.....			82	108	93	100	73	80	80	77	87	86	66	78	94	83	80	69
North Dakota.....										57	62	43	51	57	58	88	49	47
Ohio.....			71	97	74	80	72	66	72	64	68	67	62	64	67	63	65	63
Oklahoma.....															71	82	69	73
Oregon.....					101	94	74	83	69	65	72	89	64	61	59	58	45	47
Pennsylvania.....	64	70	65	105	69	78	68	62	66	63	64	64	64	61	65	60	65	61

¹ Source: U. S. Bureau of the Census.

² Deaths from causes associated with pregnancy and childbirth per 10,000 live births.

³ Provisional. Rate for area is exclusive of Utah.

U.S. Department of Labor, Children's Bureau, Washington, Sept. 21, 1933, trend of maternal mortality in the United States birth-registration area by States, 1915-32—Continued

State	Maternal mortality rates																	
	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928	1929	1930	1931	1932
Rhode Island.....	66	58	63	98	(*)	(*)	71	55	63	63	52	60	64	60	79	57	55	60
South Carolina.....					112	122	98	107	97	108	(*)	(*)	(*)	100	114	114	102	94
South Dakota.....																		37
Tennessee.....																		75
Utah.....			59	85	84	79	73	55	50	45	52	49	71	80	87	84	74	75
Vermont.....	61	79	64	80	80	70	73	74	70	81	68	67	75	49	49	49	42	75
Virginia.....			82	107	83	86	70	72	74	65	60	60	62	75	71	71	75	72
Washington.....			74	99	86	92	78	79	67	71	60	75	66	72	62	62	64	61
West Virginia.....																		75
Wisconsin.....			57	60	18	67	58	56	58	60	63	71	62	57	58	60	58	57
Wyoming.....								71	73	98	95	93	87	65	51	54	45	44
District of Columbia.....	70	101	86	91	86	88	101	71	101	122	87	77	86	85	60	90	71	86

* Dropped from birth-registration area.

Maternal mortality rates (deaths from puerperal causes per 10,000 live births), by cause of death, in the United States birth-registration area as of 1921,¹ exclusive of South Carolina, 1921-29

Cause of death	1921	1922	1923	1924	1925	1926	1927	1928	1929
All causes.....	67.3	65.4	65.8	64.0	64.3	64.6	62.3	64.2	63.7
Accidents of pregnancy.....	5.7	6.5	6.8	6.0	5.9	7.0	5.9	6.9	6.6
Puerperal hemorrhage.....	7.2	6.5	6.6	6.6	6.6	7.0	6.9	7.0	7.2
Other accidents of labor.....	6.7	7.6	7.6	6.7	7.1	7.5	7.0	7.8	6.7
Puerperal septicemia.....	27.1	23.6	25.0	24.0	24.2	23.6	24.1	23.6	24.4
Puerperal albuminuria and convulsions.....	17.4	17.8	16.1	17.0	17.1	16.2	15.1	15.8	15.0
All other causes.....	3.2	3.4	3.6	3.8	3.6	3.3	3.4	3.3	3.2

¹ Including California, Connecticut, Delaware, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Virginia, Washington, Wisconsin and the District of Columbia. These are all the States that were in the birth-registration area every year from 1921 to 1929.

SOURCE: U.S. Bureau of the Census.

Trend of maternal mortality in urban and rural districts of the United States birth-registration area by States, 1916-31¹

State	Maternal mortality rates ¹																	
	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928	1929	1930	1931	
Area.....	61	62	66	62	74	80	68	66	67	66	65	66	65	69	70	67	66	
Urban.....	64	65	70	66	79	86	77	73	74	73	73	74	75	78	78	78	76	
Rural.....	55	57	62	57	69	74	59	59	59	58	57	57	55	62	62	60	57	
Alabama.....													110	103	172	146	156	
Urban.....													73	82	83	78	64	
Rural.....													90	64	99	90	81	
Arizona.....												102	89	77	78	65	82	
Urban.....												108	126	99	76	61	81	
Rural.....												101	75	80	79	66	83	
Arkansas.....													90	58	91	94	71	
Urban.....												135	129	177	180	114		
Rural.....												86	84	84	85	66		
California.....					80	77	68	72	67	59	60	56	58	61	67	51	62	
Urban.....					88	85	78	77	71	63	65	59	61	64	64	55	67	
Rural.....					69	65	55	65	63	54	63	53	52	57	46	45	54	
Colorado.....														96	86	74	70	
Urban.....														114	88	74	87	
Rural.....														84	85	75	69	
Connecticut.....	56	49	51	75	62	68	53	57	57	57	49	58	55	53	54	49	43	
Urban.....	63	51	55	74	69	75	58	62	62	60	55	60	57	56	60	54	46	
Rural.....	36	42	37	79	42	38	32	37	38	43	21	48	45	37	23	30	35	
Delaware.....							63	66	84	77	77	93	59	56	63	65	71	
Urban.....							102	61	90	83	102	109	85	70	63	78	64	
Rural.....						21	72	77	71	52	76	33	42	42	51	79		
Florida.....										121	121	107	110	101	95	102	104	
Urban.....										109	131	101	98	80	92	108	112	
Rural.....										126	117	110	115	110	96	99	99	
Georgia.....														107	93	108	99	
Urban.....														136	112	127	129	
Rural.....														98	87	99	91	
Idaho.....												67	60	68	61	65	51	
Urban.....												75	63	51	73	72	94	
Rural.....												55	60	70	60	64	44	
Illinois.....							63	64	62	58	65	56	67	68	55	55		
Urban.....							67	71	70	65	70	63	71	73	57	58		
Rural.....							57	53	48	47	56	40	49	57	50	50		
Indiana.....			73	104	84	87	69	66	65	58	60	65	66	62	70	62	61	
Urban.....			87	124	103	105	86	84	77	66	80	61	61	61	93	79	77	
Rural.....			64	92	73	75	56	53	55	52	44	51	52	45	48	45	46	
Iowa.....										60	56	50	59	45	56	59	50	
Urban.....										79	51	68	69	67	67	85	76	
Rural.....										52	45	49	46	40	41	45	36	
Kansas.....			76	114	82	84	64	76	68	63	65	70	63	77	68	73	62	
Urban.....			92	152	108	102	85	108	105	83	83	93	85	110	94	97	96	
Rural.....			72	106	76	79	58	65	55	55	58	61	54	64	57	62	46	

¹ Source: U.S. Bureau of the Census.

² Deaths from causes associated with pregnancy and childbirth per 10,000 live births.

Trend of maternal mortality in urban and rural districts of the United States birth-registration area by States, 1915-31—Continued

State	Maternal mortality rates																	
	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928	1929	1930	1931	
Kentucky			60	80	63	64	63	61	60	62	60	58	49	60	66	64	64	64
Urban			98	119	92	94	93	97	90	88	83	75	62	78	75	104	75	104
Rural			55	74	59	59	57	56	56	56	54	55	47	55	64	65	66	66
Louisiana													123	163	138	141	132	132
Urban																		
Rural																		
Maine	68	78	67	86	85	74	76	87	82	72	67	80	74	72	72	79	79	84
Urban	82	81	94	97	104	101	102	98	126	102	107	123	101	94	94	94	94	104
Rural	63	77	59	82	84	77	63	64	82	63	59	50	60	62	63	67	67	68
Maryland			64	68	95	84	76	67	60	66	58	58	56	56	56	56	56	61
Urban			76	72	94	90	78	70	60	63	72	74	69	73	72	64	71	84
Rural			53	64	96	76	73	63	59	56	58	37	42	36	56	44	34	31
Massachusetts	87	80	65	92	71	75	65	68	63	65	63	64	63	64	67	64	67	64
Urban	60	64	70	96	75	78	68	73	68	69	66	67	67	65	71	67	66	66
Rural	47	42	40	74	51	54	48	37	34	38	45	47	35	59	43	38	57	67
Michigan	67	68	74	86	77	93	69	69	70	65	64	67	66	66	66	62	69	69
Urban	73	73	76	97	83	98	71	73	82	73	72	77	78	78	77	72	78	78
Rural	62	64	72	76	71	87	65	63	55	55	53	52	53	48	48	44	48	48
Minnesota	82	55	66	78	67	79	67	49	60	50	53	57	44	57	43	53	63	68
Urban	54	62	60	85	64	90	81	54	77	58	60	76	43	78	50	63	68	68
Rural	51	31	54	74	69	72	44	47	50	45	48	45	45	43	38	46	44	44
Mississippi								95	83	88	95	98	79	87	94	89	96	96
Urban								190	202	162	149	163	130	158	154	211	184	177
Rural								68	73	82	90	92	74	79	88	75	84	86
Missouri													67	70	73	61	71	71
Urban													81	84	82	78	69	69
Rural													58	59	65	49	63	63
Montana								79	75	66	81	80	66	75	84	69	73	69
Urban								86	85	94	80	114	103	105	95	87	86	84
Rural								77	72	56	62	69	54	64	79	62	64	64
Nebraska					71	66	58	58	63	57	66	59	60	61	58	61	58	64
Urban					101	105	90	101	90	89	103	91	90	101	91	86	84	84
Rural					63	55	49	44	55	47	54	49	51	48	44	42	42	42
Nevada															63	105	96	106
Urban															82	176	164	184
Rural															58	86	86	84
New Hampshire	61	72	70	78	80	71	62	65	74	61	71	70	65	63	75	62	68	68
Urban	69	76	67	74	87	76	63	70	63	52	63	60	59	62	79	62	80	80
Rural	53	69	73	82	72	66	62	59	86	71	59	71	71	65	70	62	57	57
New Jersey								59	64	57	62	64	54	63	59	55	56	52
Urban								68	71	64	73	75	63	71	65	61	62	66
Rural								35	45	40	37	40	41	44	44	38	39	46
New Mexico																87	88	84
Urban																124	81	94
Rural																84	89	79
New York	59	54	57	80	62	69	63	60	37	59	60	57	61	59	56	56	59	59
Urban	59	54	56	79	64	68	65	62	59	62	63	59	63	62	58	57	61	61
Rural	58	55	64	83	56	71	53	52	50	44	45	45	60	46	44	46	46	46
North Carolina			82	108	93	100	73	80	80	77	87	88	66	78	84	83	80	80
Urban			118	187	168	168	120	128	114	124	132	154	112	145	139	142	142	142
Rural			80	103	88	92	68	73	75	70	79	77	57	67	74	70	67	67
North Dakota													57	62	43	51	57	58
Urban													100	62	70	105	54	59
Rural														43	58	52	52	45
Ohio			71	97	74	80	72	66	72	61	61	39	43	58	52	52	45	45
Urban			81	104	83	91	85	78	84	76	82	81	62	64	67	63	63	65
Rural			59	87	62	63	55	51	54	47	47	47	41	76	77	81	77	84
Oklahoma																82	69	62
Urban																118	114	101
Rural																60	74	52
Oregon				101	94	74	83	69	65	72	69	64	61	59	58	43	71	71
Urban				124	82	73	92	79	73	72	65	75	63	52	55	44	44	44
Rural				87	103	75	77	62	60	73	84	56	69	64	60	67	65	65
Pennsylvania	64	70	65	105	68	78	66	62	66	63	64	64	64	61	65	60	65	65
Urban	74	82	78	111	82	89	84	76	82	82	80	83	79	86	75	81	81	81
Rural	53	59	55	98	35	65	52	49	50	44	47	47	44	43	42	40	44	44
Rhode Island	67	54	63	96	(1)	(1)	71	55	63	63	52	60	64	60	79	57	57	55
Urban	73	61	70	104	(1)	(1)	76	58	70	67	58	62	71	66	84	57	57	57
Rural	36	36	36	70	(1)	(1)	39	41	19	42	15	44	21	22	46	51	29	29
South Carolina					112	122	98	107	97	108	(1)	(1)	(1)	109	114	114	102	102
Urban					179	163	178	141	140	178	(1)	(1)	(1)	170	193	182	177	177
Rural					106	117	88	102	92	100	(1)	(1)	(1)	100	103	103	91	91
Tennessee															71	89	87	84
Urban															120	135	141	113
Rural															56	74	64	61

1 Dropped from birth-registration area

Trend of maternal mortality in urban and rural districts of the United States birth-registration area by States, 1915-31—Continued

State	Maternal mortality rates																		
	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928	1929	1930	1931		
Utah.....			50	86	84	79	73	55	50	45	52	49	75	49	49	49	42		
Urban.....			68	106	114	113	93	66	72	59	77	70	100	58	56	57	53		
Rural.....			56	78	70	62	63	50	38	37	38	37	61	43	45	45	35		
Vermont.....	61	79	64	80	80	70	73	74	70	81	68	67	73	58	77	66	76		
Urban.....	52	72	61	81	83	83	98	85	134	90	138	65	133	106	117	10	76		
Rural.....	63	90	66	85	79	68	69	73	57	79	53	68	59	47	67	60	77		
Virginia.....			82	107	83	86	70	72	74	65	70	80	62	75	71	71	75		
Urban.....			130	161	92	137	113	112	99	100	65	123	104	121	100	112	111		
Rural.....			71	95	90	74	59	61	67	56	63	67	50	62	62	58	64		
Washington.....			74	99	86	92	78	79	67	71	60	75	66	72	62	62	64		
Urban.....			86	104	101	99	87	84	70	66	69	89	68	84	58	73	68		
Rural.....			63	94	72	85	69	73	63	55	50	60	65	59	67	45	57		
West Virginia.....											63	71	62	57	58	60	58		
Urban.....											118	130	130	122	122	117	121		
Rural.....											51	57	47	43	45	48	46		
Wisconsin.....			57	60	48	67	58	56	58	60	52	60	53	58	51	54	45		
Urban.....			58	69	62	82	74	67	70	67	63	71	56	69	56	63	51		
Rural.....			57	54	40	58	48	49	50	56	44	50	49	50	47	44	39		
Wyoming.....								71	73	98	95	93	87	65	63	92	84		
Urban.....								111	114	126	139	59	125	39	74	114	67		
Rural.....								62	62	90	84	102	79	70	61	87	88		
District of Columbia.....	70	101	86	91	86	88	101	71	101	122	97	77	86	85	70	90	74		

Trend of maternal mortality by color in the United States birth-registration area and in States having 1,500 or more Negro births in 1931, 1915-31¹

State	Maternal mortality rates ²																		
	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928	1929	1930	1931		
Area.....	61	62	66	92	74	80	68	66	67	66	65	65	65	69	70	67	66		
White.....	60	61	63	89	70	76	64	63	63	61	60	62	59	63	63	61	60		
Colored.....	106	118	118	139	124	128	108	107	109	118	116	107	113	121	120	117	108		
Alabama.....													80	94	90	90	81		
White.....													62	76	79	76	70		
Colored.....													112	128	135	117	101		
Arkansas.....													90	88	91	94	71		
White.....													72	70	74	79	62		
Colored.....													151	151	150	145	101		
Florida.....										121	121	107	110	101	95	102	104		
White.....										90	102	90	90	91	75	85	81		
Colored.....										187	163	148	157	125	137	131	154		
Georgia.....													107	94	106	99	99		
White.....													85	75	94	84	84		
Colored.....													144	120	124	122	124		
Illinois.....								63	64	62	58	65	56	56	68	55	55		
White.....								62	62	60	56	63	53	55	66	53	54		
Colored.....								112	138	109	100	105	110	111	107	77	78		
Indiana.....			74	104	84	87	69	66	65	58	60	65	66	62	70	62	61		
White.....			77	102	83	86	66	65	64	57	57	62	64	60	68	60	59		
Colored.....			131	184	133	159	115	112	95	121	134	111	127	136	121	119	119		
Kentucky.....			60	80	65	64	63	61	60	62	60	58	49	60	66	64	64		
White.....			56	75	59	60	57	54	51	57	54	55	45	55	61	59	60		
Colored.....			108	154	125	130	148	185	154	131	138	106	109	125	141	154	135		
Louisiana.....													91	114	99	100	86		
White.....													70	80	80	84	73		
Colored.....													126	154	130	125	136		
Maryland.....		61	68	95	84	76	67	59	60	66	58	58	65	55	55	56	62		
White.....		56	61	86	76	66	60	53	54	57	51	47	54	56	49	53	55		
Colored.....		98	98	138	115	118	96	84	83	102	89	98	72	100	78	67	83		
Michigan.....		67	68	74	86	77	93	69	69	70	65	64	67	68	66	66	60		
White.....		67	67	74	85	86	93	67	67	69	64	62	66	66	65	64	62		
Colored.....		107	109	103	173	135	118	115	125	122	116	127	110	123	116	113	99		
Mississippi.....								95	83	88	55	58	79	87	94	89	80		
White.....								71	65	66	60	67	65	61	70	70	65		
Colored.....								120	100	109	121	129	92	111	112	106	121		
Missouri.....													67	70	73	61	73		
White.....													64	68	71	58	72		
Colored.....													131	106	108	109	89		

¹ Source: U. S. Bureau of the Census.

² Deaths from causes associated with pregnancy and childbirth per 10,000 live births.

Trend of maternal mortality by color in the United States birth-registration area and in States having 1,500 or more Negro births in 1931, 1916-31—Continued

State	Maternal mortality rates																
	1916	1916	1917	1918	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928	1929	1930	1931
New Jersey							59	64	57	62	64	58	63	59	55	56	57
White							56	62	55	56	63	56	59	57	52	54	56
Colored							125	119	97	117	91	84	110	89	83	88	74
New York	59	54	57	80	62	69	63	90	57	59	60	57	61	56	56	56	59
White	58	54	59	79	61	67	61	59	57	57	58	54	58	57	64	54	56
Colored	97	96	118	114	141	142	139	97	85	93	102	117	126	102	109	90	125
North Carolina				82	108	93	100	73	80	80	77	87	88	66	78	84	83
White				68	94	82	86	61	70	67	66	68	71	51	67	72	67
Colored				115	139	118	132	102	99	107	104	128	126	99	105	112	116
Ohio				71	97	74	80	72	66	72	64	68	67	62	64	67	63
White				70	96	72	78	71	64	68	62	64	60	62	64	60	63
Colored				136	138	126	120	116	133	158	102	130	116	104	108	121	117
Oklahoma																71	82
White																64	78
Colored																194	158
Pennsylvania	64	70	65	105	68	78	68	62	66	63	64	64	64	61	65	60	65
White	63	66	64	103	66	76	67	61	65	61	63	62	62	60	63	58	63
Colored	112	119	119	175	158	131	98	94	101	115	96	109	112	84	109	89	101
South Carolina							112	122	96	107	97	108	(?)	(?)	(?)	109	114
White							78	90	78	85	74	76	(?)	(?)	(?)	88	90
Colored							144	154	118	128	122	141	(?)	(?)	(?)	129	138
Tennessee																71	89
White																59	76
Colored																135	153
Virginia				82	107	83	86	70	72	74	65	70	80	62	75	71	75
White				64	96	66	73	57	58	60	50	53	71	48	59	52	52
Colored				121	132	119	111	99	102	10	100	110	100	94	114	116	117
West Virginia																63	71
White																60	66
Colored																125	140
District of Columbia	70	101	56	91	86	58	101	71	101	122	87	77	86	85	70	90	71
White	56	76	59	78	68	66	99	54	89	92	61	64	66	72	60	47	37
Colored	99	156	148	128	132	144	108	108	130	190	143	103	131	114	89	177	101

¹ Dropped from birth-registration area.

Mrs. HEPBURN. Mr. Chairman and gentlemen of the committee, the next speaker is Dr. Rachelle S. Yarros, who was for 20 years instructor in obstetrics in the medical department of the University of Illinois.

STATEMENT OF RACHELLE S. YARROS, M.D., PROFESSOR OF SOCIAL HYGIENE, CHICAGO, ILL.

Dr. YARROS. Mr. Chairman and gentlemen, I am sure that from my vast experience and from my personal effort, I have learned that each person I have spoken to, whether they agree with birth control or not, how earnestly and honestly they wanted to know the facts, and for a long time I have had good opportunity in the professional field to know what the facts are.

In my early practice as an obstetrician, I had a clinic where I taught in connection with the University of Illinois Medical School about what we call obstetrical work.

In that connection I had a great deal of experience, and while I cannot bring to you all of it, I would like to bring to you the essential facts.

In the first place, what was the effect of these large families, on the children and on the mothers and fathers—and I insist on not leaving out the fathers. In those days I practiced among the poor foreign people, where the wages are low, and some go to the very lowest wages. Those that had the lowest wages usually had the largest number of children, without proper care to the woman—be-

cause they were taken care of by midwives—and this was very detrimental to the woman.

In addition to that, the children being born so close together, had a tremendous disadvantage. They had not the proper care of a mother, who would otherwise have been in better health, and there was considerable negligence, not because the mother wanted to neglect, but she simply hadn't the strength to do better.

The result was that those in families living in the vicinity of the settlement where I lived, and in many other similar settlements, the women who had the largest number of children among the homes of those families, had the highest mortality.

Not only is that a fact, but the women had to spend most of their time in carrying and bearing children, taking care of those sick, that subsequently die, and resulting in actual neglect of those who were fittest and could have done well for themselves and our country if they had proper care.

If you will look around those settlements you will find we have many more problems against us and conditions against us than they have in the neighborhood where the mothers have smaller families and where the children have better care.

The next point I want to bring out here, briefly, is this. In the early days of my practice among the poor there was only one way of referring to their problem, and that was to find out from a neighbor how a woman could menstruate when she was afraid she was pregnant. They did not call that abortion, they simply said what do you use.

In my early days I had a great many cases and I was called over to those women when they are in absolutely serious condition from using one kind or another kind of instrument because they were trying to induce abortion. Those are the facts, gentlemen.

It is because of this situation and the detriment to the health of the women as well as the mortality and danger to the family even less, that some of us living there became deeply interested in this problem of prevention, which would both save the mother and the children.

I want to make another point and that is this, that even among the wealthier families, 20 years ago, before we heard much of birth control, they did regulate the number of offsprings very often by operations.

There is another point I want to put to you, because I want you to say whether we need this.

In many of my cases I had a woman referred to me, or a woman came to me when they didn't know what to do, because they knew of my understanding of their problems, and because in relation with a man and his family, we love and sympathize greatly with the women who want to have a happy family living.

I remember one case came to me and said, "Doctor, when I had my last baby, so and so told me I must not have any more children"—a man in the profession for whom I had the highest respect, he said this to her, "You go home and tell your husband to be good." She said, "I did go home and tell him to be good, he wanted to be good, he was very good to me;" but, she said to me, "I am beginning to realize our married life is practically at an end."

I don't want you for a moment to think I am overemphasizing this part of life, that love is so important in life; that sex is a part of life, and it is a tremendously important thing, because it helps to sublimate life and make it more stable.

I know of a good prominent surgeon who operated on a woman and said to her, "You must have no more children." She said to him, "How?" He said, "Tell your husband to call me up", and he did call him up, and after that it was a happy family.

I want to point out to you gentlemen in the last 20 years because of this movement for birth control, including even these hearings, the idea of preventing conception, instead of having operations, which are both very costly and very detrimental to the woman—because of this movement, more and more women are looking for this information, I think this power should be given to us, who are able and have a better way of dealing with the situation.

Now, I want to tell you that one of our greatest statisticians probably in the United States, had a very interesting paper the other day and I recommend that paper to you, written by Dr. Sydenstricker in relation to what is happening now. It is filed in this record.

Unquestionably there are now before us many problems, one of which is those people you do not want to admit to the country for one reason or another, and who are constantly increasing from what you and I consider the backbone of our nation. Those people now are in no position to have children, and it is a very serious matter we have. Then there is the question of what it means to a woman in a small family to have a man sit around all day feeling that he cannot do anything. It is not only the poverty, but it is the unemployment, and the fact that men do not know what to do with themselves, do not know what to do with leisure.

Yet should you take away the love relationship and the sex relationship, you will find that the disturbances are growing all the time, and it is as to those poor families in those conditions that Dr. Sydenstricker shows the facts. It is one of the most remarkable investigations statistically that we have, and I recommend it to you.

The next point I want to submit to you is the fact that most of the young people, no matter what you can do for them, and you have done all you could do for their education—but most of our young people cannot now marry and have families. There is no use denying it. That makes me bring this point to you, in a long experience in these years every woman and every man that comes to me—and I try to have both because you cannot solve a problem unless you see the husband—most of these couples, with probably an exception of one out of a hundred, both men and women, said they did not want any children, and most of them changed their minds.

But when you go along with modern education, while they want to space and regulate the number of children, they want to have children, and you simply must give them an opportunity now, more than ever. You must give them a chance to space their families, which does not mean annihilation of families, which you all know.

In all of my experience women and men have started out by saying they cannot have any children for 2 or 3 years, but back in all my experience these years they have had children spaced.

Please do not think because people know how to regulate it, they would do all these things, but I want to recommend to you gentlemen, because after all you care just as much about your wives, and I want to call your attention to the fact that constant pregnancy is a drain on the normal woman and also is bound to be tremendously serious. You must give her rest, you must insist on the rest so she can be better off for the children after they are born.

The last point I want to make is this. It is not because we cannot give birth-control information to our patients by word of mouth, but we cannot give the best information, because the doctors themselves have not studied the subject, and that is why the American Medical Association has not passed it. They have not given consideration to the subject because it is not within their realm. Therefore, I want to say to you that a doctor who does constructive birth control, tells the patient why she should have children, and how to space the children. He also tells the patient, you better not have children as it is dangerous, and we must now modify this law with this bill, because this is the time to do constructive work.

I am sure individually you are all interested, but we haven't gotten together. This is the time to get together and do the biggest thing and get the doctors to do more constructive birth control work.

Mr. HEALEY. You don't approve the dissemination of information to unmarried persons?

Dr. YARROS. No.

Mr. HEALEY. This bill doesn't prevent it.

Dr. YARROS. One of my colleagues has answered that. There are bootleggers in the medical profession just as in others. We don't just give morphine to patients, and so the doctor doesn't just give information to unmarried people. It is a question of a family problem. If some do do that, that doesn't prevent me from doing the right thing.

Mr. HEALEY. How are you going to prevent them from getting that information?

Dr. YARROS. Who?

Mr. HEALEY. How are you going to prevent unmarried persons from getting that information?

Dr. YARROS. Give it to the doctors. The doctors don't give morphine just because it is morphine and because they ask for it. They will say, what do you want it for, why do you want it, how do you want it, isn't there something better you can do. That is what we call constructive birth control, and that is the kind that will be done more and more if the doctors have the responsibility.

I thank you, gentlemen.

STATEMENT FROM JACOB BILLIKOFF, EXECUTIVE DIRECTOR, FEDERATION OF JEWISH CHARITIES OF PHILADELPHIA

As executive director of the Federation of Jewish Charities in Philadelphia, and as chairman of the unemployment insurance fund in the clothing industry in that city, I have been very intimately identified with labor problems. I am convinced that the democratic spread of scientific birth-control information, which would be made possible through the proposed legislation, would be a great factor in bringing relief to thousands of individuals in the labor class. From figures published by the American Federation of Labor, it is estimated that within the last 2 years, the percent of persons totally unemployed has increased 124.3 percent, from 1,860,000 to almost 12,000,000.

This means that both the number of persons who are the recipients of relief, and the total amount expended to help them has been rapidly rising. These figures, added to those showing the tremendous increase all over the country in the number of dependent children in the care of foster families and foster institutions, would seem to me to be sufficient evidence in favor of this conservative legislation, which would make scientific contraceptive methods available to this group of unemployed, which constitute a division of the "great group called labor."

However, there is another important argument which I should like to point out—the declining rate of population increase, as shown by evidence in the findings of the recent research committee on social trends.

I feel that the bill should be reported favorably. Testimony is available from even such eminent authorities as President Compton, of Massachusetts Institute of Technology, that even should we ever recapture the halcyon days of the volume of business enjoyed in 1928 and 1929, not more than half the number now out of work could possibly be reabsorbed in industry.

There could be no stronger argument for a reduction in the potential labor supply, preferably by means of scientific and harmless use of contraceptives among those who must earn their living from industry. Proper contraceptive methods can reach these people only through hospitals, clinics, or public medical channels which are now prohibited from giving this advice by the Federal law.

Bill H.R. 5978 has my endorsement, therefore, not only as a vehicle of constructive relief, but also as an important piece of preventive legislation for social welfare.

STATEMENT FROM JOHN N. SIMPSON, DEAN THE SCHOOL OF MEDICINE, WEST VIRGINIA UNIVERSITY, MORGANTOWN, W.VA.

To have bill H.R. 5978 enacted, seems to me will be one of the most important measures that has been advocated recently, to aid in banishing poverty and prevent disease, and to lower the number of unfit in the eleemosynary institutions of the States.

We who live in the mining districts of West Virginia know of the appalling poverty endured by the mine workers who have been out of regular employment for 3 years and whose children were without clothing and shoes and food to enable them to go to school. Families are large. Here is a place where birth control should have been known. It is my experience although I am not a practitioner, that the rich and well-to-do, who could afford to care for large families, have small or no families, but the poor, and the mentally unfit, have children throughout the productive period of the wife, and if this is cut short by disease, another marriage follows with more children.

The moral reasons put forth by some of the churches loses much of its emphasis, when one remembers that the best and highest types of men and women, their priests, and the nuns have taken vows of chastity, and so the world loses this excellent source of well-cared-for citizens.

THE ULTIMATE EFFECT OF BIRTH CONTROL, BY ELLSWORTH HUNTINGTON, YALE UNIVERSITY, DEPARTMENT OF SOCIAL SCIENCES

The ultimate effect of birth control can be reliably estimated only on the basis of what actually happens today in groups where birth control has for some time been well known and practiced without hindrance. Such groups are found only among our most highly educated people. Three of them have been investigated, one consisting of about 800 men who graduated from Yale College in 1893, 1896, and 1898; another of about 1,900 Harvard graduates composing the classes of 1899, 1900, and 1901; and the third of about 300 members of the Yale faculty who are of such an age that families are presumably complete. The men in each group have been classified according to their success. In classifying the Harvard and Yale graduates success was defined in terms of general value to the community as estimated by several representative men in each class. The Yale faculty was classified according to academic rank and general reputation. In each of these three groups the most successful men have the most children, and there is a steady decline in the number of children as the degree of success diminishes. Thus, among Yale graduates the number of children per man, including the unmarried and childless as well as the father, averages 2.4 among the most successful tenth and only 0.8 among the least successful tenth: Among Harvard graduates the numbers are nearly the same, but a trifle smaller. Among the Yale faculty and the visiting lecturers the most successful men average about 2.7 children apiece, whereas the other men of similar age average about half as many. Even when we divide the Yale and Harvard graduates into 10 smaller groups consisting of lawyers, bankers, doctors, business executives, and other professional types, the more successful men in every group have, on an average, decidedly more children than do the less successful. Moreover, Frederick A. Woods found a similar condition when he compared Harvard graduates who are in Who's Who with their classmates who are not in that book. So strong is this tendency that we may fairly conclude that it applies to the entire body of highly educated people in the United States.

It needs no demonstration to show that these educated people are exactly the ones among whom birth control has been longest understood and most widely

practiced. The most cogent of all criticisms of birth control is based on exactly this fact. Thus it appears that although the first effect of birth control has undoubtedly been to lower the general birth rate of the educated classes, its next effect has been to bring about a great improvement in the average inheritance and training of such children as still remain. This improvement is due to the fact that today, under the influence of birth control, the educated families of the kind in which the children are likely to receive both the best biological inheritance and the best training have two or three times as many children as do the educated families where poor health, weak physiques, unfortunate temperamental qualities, inefficiency, or pure accident interfere with success. In fact, the most successful people among the groups here studied are so likely to marry and have children that their descendants will steadily increase in number if the children behave in this respect like their parents.

This alliance between children and success in the educated classes is, of course, the opposite of what happens in the country as a whole when all levels of society are considered. In this lies its profound significance. It appears to hold a prophecy of what will happen when birth control becomes widely spread among intelligent people of all classes. It is well known that the customs prevalent among the upper classes tend gradually to seep downward into the other levels of society. We see this illustrated today in the fact that working people are more and more seeking information as to birth control. Hence if birth control information is allowed to reach all classes easily, there is every reason to believe that ultimately the tendency for the more successful types to have the larger families will prevail at all social levels, except perhaps among persons so stupid, defective, or vicious that they ought to be segregated or otherwise prevented from having children. If this should happen, and if the contrast between the successful and unsuccessful should be as great as it is among college graduates, it would require only a few generations to eliminate a large proportion of the people who are born in the kind of homes where the parents are shiftless, idle, ill tempered, and otherwise unfitted for success. It seems almost incredible that this can happen, but already in Stockholm and in certain German cities, where birth control prevails among the working classes to an uncommonly high degree, there is a tendency for the better paid and more steady workers to have the larger families. In other words, in the only cases where we know that birth control has prevailed to a high degree, it has tended to improve the quality of the children in both the educated and the working classes.

Still another straw is highly significant. It is as yet merely a straw, for it is based on a trifle less than a hundred people. In the Yale faculty the most successful men have been grouped according to their age. Those born before 1870 have an average of only 1.9 children per man; those born in the next 5 years have more, and so on until those born from 1885-89 have 3.1 and their families may not yet be complete. If future studies confirm this, we seem to find that among highly educated and successful people the diminution in the size of families arising from birth control has run its course and the normal reaction which follows every extreme has set in. The men who were born from 1860 to 1870 apparently thought that the correct thing was to practice an extreme form of birth control and thereby reduce their families to an average of only two. Their equally eminent successors, who know still more about birth control, have been gradually changing their minds, and now think that 3 or 4 children is the best average size for a family. In a word, then, where birth control has free rein not only do the most successful people have the most children, but the size of the families is going back to such a level that these successful people are having more than enough children to replace themselves. And what the leaders do today the rank and file will do tomorrow. So in the long run birth control seems to promise the largest families in the best homes at all levels of society.

STATEMENT TELGRAPHED FROM E. C. LINDENAN, NEW YORK SCHOOL OF SOCIAL WORK, NEW YORK CITY

Hope you can convince Congressmen that there is no scientific evidence to prove that legalized birth control actually threatens the family or the future of the race in countries like Denmark, where birth control has had a long and fair trial, it appears that lowered birth rate is offset by increased health and lower infant mortality.

STATEMENT FROM HENRY PRATT FAIRCHILD, PROFESSOR OF SOCIOLOGY, NEW YORK UNIVERSITY, GRADUATE SCHOOL, NEW YORK

In the past a large part of the argument for the establishment of birth control as a recognized social agency has been based upon the necessity of imposing some restriction upon the sheer biological increase of the human species, and the recognition that birth control was the most desirable and practical means of securing this restriction. Today, largely as a result of the spread of birth control, the rate of growth of population in western countries has been slowed up, and many of these countries are facing the probability of a stationary population in the near future. Such a stationary population I regard as highly desirable, and, for the sake of world peace and prosperity, I wish it could be speedily realized all over the world. However, this novel prospect has caused certain persons, who otherwise might be favorable to the liberalization and spread of birth-control practice, to feel that further progress in this direction is no longer needed. This attitude seems to me a thoroughly mistaken one, fraught with serious possible consequences. Even though a stationary population were already a reality, I should still be convinced that the liberalization of birth control laws, and the extension of related knowledge and practice, was essential to human welfare. My reasons for this view may be briefly summed up as follows:

1. The basic logical justification of birth control is that the great human interest of reproduction ought to be handled on the basis of scientific intelligence, forethought, reason, and self-control, just like every other great concern of the human race. This principle holds whether population is growing, stationary, or declining.

2. Arguments in favor of birth control have always fallen into two main groups, those based on social expedience, and those based on individual or family health, welfare, and security. All the arguments in the latter category are just as valid and forceful in a slowly growing population as in a rapidly increasing one.

3. The slowing up of the rate of population increase throws into sharp relief the eugenic aspects of birth control. It has long been recognized, and deplored, that there is a tendency in the United States to increase the population primarily from the so-called "lower strata" of society, due to the differential birth rate between the upper and lower classes. The force of this argument is not it, the least diminished in a stationary population, as long as this differential remains. Such a society would still face the prospect of a progressive deterioration in quality, as long as birth control was restricted to the more intelligent, fortunate, and successful classes. It becomes increasingly important, therefore, to extend the practice of birth control into all levels of society, and there is every reason to believe that a reduction in the birth rate of the less fortunate classes would react favorably in the way of stimulating the birth rate in the upper classes, when they no longer had reason to fear the competition of unlimited numbers in the lower ranks. This process is precisely what the modern birth-control movement is seeking to accomplish, and what is aimed at in the present bill.

4. The removal of the whole subject of reproduction from the murky realm of taboo, ignorance, superstition, and prudery will afford the best possible grounds for the establishment of a sound and constructive population policy. A people which has been trained to think calmly and sanely about these questions, and to act in accordance with the dictates of reason will, for that very reason, be prepared to respond to the social incentives in favor of an increased rate of population growth, if at any time or for any reason, such an increase becomes essential to the welfare of the community.

5. If the notable decline in the birth rate during the past few decades has been, as it is reasonable to suppose, largely due to the spread of birth-control practices it seems undeniable that as long as restrictions are placed upon medical guidance in this direction, many individuals must be relying upon and using methods of a highly undesirable sort, not only because of their unreliability but also because of their dangerous character to health or even life. Removing the medical profession from any legal restraint will therefore tend to improve greatly the practical procedure in this field, and to offset the arguments frequently urged against contraception on health grounds.

STATEMENT FROM PROFESSOR WILLYSTINE GOODSSELL, ASSOCIATE PROFESSOR OF EDUCATION, TEACHERS COLLEGE, COLUMBIA UNIVERSITY, NEW YORK CITY

It is cause for rejoicing among all socially minded people, who are familiar with the social and family problems related to birth control to learn that a birth control bill has at last reached the Judiciary Committee for a vote.

Experts on population have projected their curves into the future and foresee a stationary population during the present century. Moreover, instead of an estimated population of 140,000,000 in 1940, prospects are now that hardly more than 132,000,000 people are to be expected by 1940—an estimated decrease of about 8,000,000 souls. One of the causes of this decline is unquestionably birth control. Now the shoe pinches here; for the Committee points out that “the markets for mine operators, farmers, and manufacturers, * * * whose problems are those of overproduction, will be considerably smaller than has been expected, * * *.” Does any thoughtful person, familiar with elementary economics, really believe that decline in population is an important cause of our present economic stress and loss of markets? The economists tell us that war debts, tariffs, unstable currencies, technological advance, with its concomitant unemployment, and a blind economic nationalism are the paramount causes of the world's economic maladjustment. Furthermore a stationary population should be a bugaboo to no intelligent man or woman. France has had a stationary population for years and until 2 years ago she was in a more favorable economic position than any other country in Europe, and perhaps still is relatively so. England and Sweden have birth rates considerably lower than that of the United States, yet these countries have not rushed into print with pleas for building up the home markets by denying birth-control knowledge.

There can be no doubt, as the committee indicates, that there are fewer children under 5 years of age and fewer under 10 than there were a decade ago; clearly the supply of children is steadily becoming less. In this period of profound economic distress that should scarcely be a cause for regret. The Children's Bureau bulletins are filled with disturbing facts and figures showing the extent of malnutrition, rickets and other diseases among the Nation's children. When we have learned how to set up a planning economy in this country, adapting production to the needs of all consumers and making machines our servants, not our masters, it will be time enough to consider increasing the number of children in the land. Moreover, as the research committee points out, with fewer children their “value to society may be expected to rise and more attention will be given to their well-being and training”—an outcome devoutly to be hoped for! With no means of birth control in the past, a “melancholy procession of cradles and coffins” passed through the homes of our ancestors, especially those of the poor.

Referring to the differential birth rate in the United States, whereby the smallest families are found among the educated and prosperous groups and the largest among the poorest and most ignorant, the committee suggests that birth restriction has been somewhat “haphazard” in operation and that a more deliberate and conscious population policy for the future would seem desirable. With this the writer and, indeed, many leaders of the birth-control movement are in hearty sympathy. As the research committee states, if no restrictions had been placed on the spread of birth-control information and if clinics had been permitted to function freely, the tendency to limit size of families to income would have spread more evenly among social classes and no such differential rate of births as now exists would probably have appeared. Once the ban on dissemination of birth-control information has been lifted and the wage-earning group can readily secure it, signs are not lacking that the birth-control movement will become increasingly concerned with “birth selection”, with ways and means, economic, social, psychological of inducing the physically and mentally fit to increase the size of their families, at least to the number necessary for survival of the parent stock.

WILLYSTINE GOODSSELL.

STATEMENT OF DR. C. C. LITTLE, MANAGING DIRECTOR, AMERICAN SOCIETY FOR THE CONTROL OF CANCER, NEW YORK, N. Y.

All the statisticians are agreed that natural development of our present population will result in an increasing population of very old people for several decades to come. This means an increasing population of nonproductive dependents.

The opportunity is now given to pass a piece of legislation which enables the medical profession to help those of our citizens who wish to avoid the additional burden of producing a large excess of very young dependents. Even if overpopulation of children can be justified in boom times—and I, personally, feel it cannot—it certainly is in the nature of criminal restriction of personal liberty to deny information on family limitation to our citizens in a time of world wide economic crises.

Those interested in cheap labor and in the sale of cheap commodities to vast numbers of individuals or in the sale of insurance to large numbers of people,

will, of course, oppose selfishly any legislation which may diminish in any way the breeding of individuals who may give them trade.

There is no evidence that our national efficiency, happiness or prosperity is in any way correlated with an increase in our already enormous population. There is, on the contrary, a large body of evidence to show that we were quite as effective, if not more so, when we were forty or fifty million people smaller as a nation than we are at present.

Slow growth is usually a sign of controlled, healthy development. Rapid growth is a definite source of worry and a frequent indication of a diseased or pathologic condition. This is true of populations as well as of individuals.

I sincerely hope that a majority of the Committee on the Judiciary will not mistake mass for quality, or unrestricted national growth for increased social and economic stability. The fact that this mistake has been made at critical times in the immediate past is, in my opinion, one of the large contributory factors to the present condition in which our people are less settled, less loyal and less happy than they have been since the Civil War.

**STATEMENT FROM H. F. PERKINS, DIRECTOR EUGENICS SURVEY OF VERMONT,
UNIVERSITY OF VERMONT**

As president of the American Eugenics Society, director of the Eugenics Survey of Vermont, and for many years a student of heredity and population problems, I am very glad to give you my opinion concerning birth control and its importance.

In the first place, birth control is here and it is well and generally understood that it is here. No one questions that it is here to stay. There are a considerable number of families in each community in which scientific measures for contraception have been in use for at least two generations. In view of this fact it appeals to me as amounting to class legislation for the Federal Government to forbid transmission through the mails of contraceptive devices and information. The present result of this law is distinctly in favor of a lower grade of population.

Matters of prejudice, dogma, and sentiment should give way to the common sense view of the disastrous results bound to follow the present short-sighted attitude of the Government. Practically, the Government is defeating its own ends by its star: against contraception and is guaranteeing that the next generation will be less capable, physically, mentally, and morally, of combating such a calamity as the present financial depression. If what Congress most desires is a low-grade population with few leaders in any sphere of social, educational, or governmental activity, I should think they would vote against the present bill. If they want on the other hand a country with the highest type of citizens, then they should most certainly vote in favor of the bill.

From the point of view of humanitarian attitude, there is reason to promulgate birth control. Economically it would reduce the number of unemployed, paupers and those dependent on society because of mental and physical defects. None of these reasons to my mind is nearly so important from the broad point of view as the eugenical reason—the importance of breeding a higher type of people. So long as those in a state of competence, people of intelligence, are now almost universally provided with the necessary knowledge to space their children and limit the number of children, it is immensely important that those who are less fortunate should be given an equal opportunity.

Birth control at present is dysgenic. This is to no small extent counteracted by the wholesome effects of its use in what are sometimes called the "upper classes." Young people contemplating marriage if aware of contraceptive methods are ready to marry sooner than they would be if for financial reasons they did not dare to run the risk of having children soon after marriage. The adjustments between the man and woman always difficult and exacting, are made very much easier by the removal of the anxiety lest, before they are ready to take care of them, they may have children. Economically and temperamentally a couple get along better if they are able to postpone the family until such time as they are in a position to care for a child or two properly.

The result of this condition is wholesome eugenically as well as to the parent themselves. I am convinced and am assured by many of my young married friends that my conviction is right, that in many cases, if not the majority, the actual result of contraceptive knowledge is earlier marriages and the conception of children at an earlier period because once married their urge for parenthood, stimulated by the married state and by the fact that their friends have children persuades them that the most important and desirable thing to save money for and to bring about is the having of children.

Whether these considerations would apply to the same extent amongst the less well-to-do and well-educated part of the population I do not know. I am sure that many a mother now struggling under the load of a numerous and briefly spaced progeny would give anything she possesses for the knowledge of methods of preventing a continuance of such a condition.

The above statements do not begin to cover the points in favor of birth control. Since they probably vary from the points made by others I offer them. As a eugenicist and student of heredity and population problems I most emphatically urge the necessity for prompt action favorable to the present birth-control measure.

Very respectfully yours,

H. F. PERKINS, *director.*

Mrs. HEPBURN. Mr. Chairman and gentlemen, the next speaker from the proponents is Dr. Elizabeth Kittridge, from the Medical Women's National Association.

STATEMENT OF ELIZABETH KITTRIDGE, M.D., SECRETARY OF THE MEDICAL WOMEN'S NATIONAL ASSOCIATION

Dr. KITTRIDGE. Mr. Chairman and gentlemen, may I first present this statement, which reads as follows:

WASHINGTON, D.C., *January 17, 1934.*

Mrs. MARGARET SANGER,
Washington, D.C.

MY DEAR Mrs. SANGER: The Medical Women's National Association at its annual meeting in Milwaukee on June 11, 1933, voted to express its approval of the birth control bill, H.R. 5978. This action reaffirms the action of the association of the previous year when it went on record as approving a similar bill.

Yours sincerely,

ELIZABETH KITTRIDGE, M.D.,
Secretary M.W.N.A.

Mrs. HEPBURN. Mrs. Walter Timme wants to tell you of a number of women's organizations that are represented here.

STATEMENT OF MRS. WATER TIMME

Mrs. TIMME. Mr. Chairman, we have heard a great deal from the medical profession, and there are here others who have stated the women's side of the question. From 21 States we have women here with us today who hoped that they, too, could have a word to say from the women's point of view, but the time does not permit that.

I have also the endorsements of the organizations to which you have referred today, including the endorsements of the welfare associations, scientists, which includes thousands of men and women throughout the country, and I want to ask, Mr. Chairman, that these recommendations may be incorporated in this hearing.

The CHAIRMAN. Does it appear from the data you tender when these committees and associations endorsed this proposed legislation?

Mrs. HEPBURN. You mean the time of the year?

The CHAIRMAN. Yes.

Mrs. HEPBURN. Yes; that is incorporated in the endorsements.

The CHAIRMAN. Let them be put in the record.

PARTIAL LIST OF SOCIAL AND EDUCATIONAL ORGANIZATIONS ENDORSING THE FEDERAL AMENDMENT OR THE GENERAL PRINCIPLES OF BIRTH CONTROL

NATIONAL

Child Welfare Committee of America, Inc. (50), April 27, 1932.

Continental Congress of Workers and Farmers for Economic Reconstruction (450 organizations represented), May 6, 1933.

National Council on Freedom from Censorship (5,000), June 30, 1932.

- The American Eugenics Society, May 6, 1931.
 National Women's Trade Union League of America (500,000), June 5, 1922.
 National Council of Jewish Women (200 cities) (30,000), March 26, 1932.
 The New History Society (3,500), April 29, 1932.
 The International Sunshine Society (3,510), December 13, 1932.
 Scripps Foundation for Population Research (Ohio), February 11, 1931.
 The Eleventh Territorial Conference of Social Work (Hawaii), July 23, 1931.
 League for Industrial Democracy, 1930.
 Federation of Jewish Women's Organizations of Greater New York (196 organizations) (100,000), January 31, 1933.

STATE GROUPS, CLUBS, AND ORGANIZATIONS

- California Congress of Parents and Teachers, April 21, 1933.
 Legislation Committee of Webster Parent-Teachers Association (California), February 1931.
 Santa Monica Council of Parents and Teachers (California) (1,500), April 3, 1933.
 Clinton Parent-Teachers Association (Kentucky) (45), December 21, 1933.
 Parent-Teachers Association, Public School No. 93, Bronx, N.Y. (200), November 18, 1933.
 Parents Association of Benjamin Franklin Junior High School, Bronx, N.Y., November 18, 1933.
 Sunset Parent-Teachers Association, Dallas, Tex. (369), December 8, 1933.
 Rosemont Parent-Teachers Association, Dallas, Tex. (383), December 7, 1933.
 Richmond Federation of Mothers Clubs and Parent-Teacher Associations (Virginia) (75), October 9, 1933.
 President, California Federation, Business and Progressive Women's Clubs.
 Business and Professional Women's Club of Shreveport (La.) (30), December 18, 1933.
 Business and Professional Woman's Club of Hattiesburg (Miss.), December 12, 1933.
 Business and Professional Woman's Club of Plainfield (N. J.), February 8, 1932.
 The New York League of Business and Professional Women, Inc., November 10, 1932.
 Canton Business and Professional Women's Club (Ohio) (50), January 1, 1934.
 Virginia State Federation of Business and Professional Women's Clubs (900), October 21, 1933.
 Arlington Club-Business and Professional Women (Virginia), August 20, 1933.
 Business and Professional Women's Clubs, Waynesboro (Va.), July 20, 1933.
 Farmville Business and Professional Women's Club (Virginia) (14), May 17, 1933.
 Business and Professional Women's Club, Charlottesville (Va.) (45), November 10, 1933.
 Young Women's Christian Association of Springfield (Ill.) (1,000), November 23, 1933.
 Industrial Club, Y.W.C.A., Baltimore (Md.), June 10, 1932.
 Norfolk Young Men's Christian Association (Nebraska) (362), April 23, 1932.
 Young Women's Christian Association, Charlotte, N.C., March 27, 1933.
 Canton Young Men's Club, Young Men's Christian Association (Ohio), May 12, 1932.
 Young Women's Christian Association board of directors, Dallas (25), December 16, 1933.
 Board of Directors, Young Women's Christian Association, Richmond, Va. (30), April 3, 1932.
 Commonwealth College of Men, Ark. (50), December 7, 1933.
 Los Angeles City Teachers Club (5,000), May 1932.
 College Students Round Table, Unitarian Church, Kalamazoo, Mich. (50), May 1, 1932.
 Plainfield College Club (New Jersey), (150) January 19, 1932.
 Class in Public Discussion, Colgate University, Hamilton, N.Y. (18), January 11, 1932.
 Ha-Gu-Lu Girls, University Settlement (New York), April 14, 1932.
 Sigma Phi Alpha, Bronx, N.Y., February 25, 1932.
 Pennsylvania School of Social and Health Work, January 20, 1933.
 American Association of University Women (Richmond Chapter) (Virginia) (100) October 30, 1933.

- Little Rock Council of Jewish Women (Arkansas), January 26, 1932.
 Council of Jewish Women (Kentucky) (286), April 28, 1932.
 Springfield Section, National Council of Jewish Women (Massachusetts),
 April 24, 1933.
 Worcester Section, National Council of Jewish Women (Massachusetts) (237),
 May 6, 1932.
 Council of Jewish Women, Joplin, Mo., January 5, 1932.
 Young Men's and Young Women's Hebrew Association (Williamsburg branch)
 Brooklyn, N.Y. (1,500), May 10, 1932.
 Council of Jewish Women, Altoona, Pa., (50) April 27, 1932.
 Council of Jewish Women, New Castle, Pa. (500), February 8, 1933.
 Council of Jewish Women, Richmond section (Virginia) (500), February 27, 1933.
 Executive board and child guidance committee of the Woman's Civic League
 of Pasadena (721), June 19, 1933.
 Colorado Womens Citizens League of Greeley, February 8, 1932.
 President, Dover Century Club (Delaware), January 1934.
 The Junior League of Wilmington, Inc. (Delaware) (145), November 12, 1933.
 President, Wilmington New Century Club (Delaware), January 1934.
 Mothers Health Committee, Inc. (Florida), November 2, 1933.
 Chicago Women's Club (Illinois), (1,700) April 29, 1932.
 Clio Club of Kewanee (Illinois), June 1, 1932.
 Bardwell Woman's Club (Kentucky), November 16, 1933.
 Clinton Woman's Club (Kentucky) (28), November 10, 1933.
 Hickman Chapter, Red Cross (Kentucky), December 2, 1933.
 Kuttawa Woman's Club (Kentucky) (25), November 24, 1933.
 Mayfield Woman's Club (Kentucky) (31), November 2, 1933.
 Junior Wicomico Woman's Club (Maryland) (30), December 15, 1933.
 Brewster Woman's Club (Massachusetts), February 11, 1931.
 The Junior League of Plainfield, Inc. (New Jersey), (125), January 15, 1932.
 Woman's Club of Orange, N.J., February 21, 1931.
 Amalgamated Cooperative Apartments Woman's Club (New York), May 4,
 1932.
 Association of Federation Workers (New York) (400), October 19, 1933.
 Bronxville Women's Club (New York), February 9, 1932.
 Fidelity Ladies Auxiliary (New York), (75), October 24, 1932.
 Foster Mother's Association of America (New York), 1930.
 Hopewell Society of Brooklyn, N.Y., 1930.
 The Junior League of the City of New York, Inc. (1,200), February 5, 1931.
 Mothers Club, P.S. 18, Richmond, N.Y., (65), April 3, 1933.
 Mothers Club, Lynbrook, N.Y., 1930.
 New York Federation of Progressive Women, 1930.
 New York City Federation of Women's Clubs (83,000), March 28, 1933.
 New York Godmothers' League.
 Physicians Wives' League of Greater New York, March 2, 1932.
 Woman's Press Club of New York, Brooklyn (350), May 21, 1932.
 Young Folks League, Krakauer Charity Society (New York), May 9, 1932.
 Viola Thorne Club of Wooster (Ohio) (80), December 12, 1933.
 The Woman's Club of Easton, Pa. (260), January 2, 1934.
 Nashville and Davidson County League of Women Voters (Tennessee),
 December 20, 1933.
 Northern States Womens Cooperative Guild (Wisconsin) (1,000), May 14,
 1932.
 The Woman's Club, Richland Center, Wis., May 2, 1933.
 N. J. Women's Republican Club, Trenton, 1930.
 New York League of Women Voters, May 15, 1928.
 City Club of Chicago, Ill., May 10, 1932.
 Lions Club, New Brunswick, N.J. (31), May 4, 1932.
 Rotary Club, Asbury Park, N.J., April 23, 1932.
 Winston-Salem Rotary Club (North Carolina), April 19, 1932.
 Rotary Club, Carrollton, Ohio, May 12, 1932.
 Lions Club, North Philadelphia, Pa., April 28, 1932.
 Kiwanis Club, Richland Center, Wis., May 2, 1933.
 President, Wilmington Chamber of Commerce (Delaware), January 1934.
 Arkansas Engineer's Association, April 10, 1932.
 The Labor Institute Forum (Pennsylvania) (500), November 21, 1932.
 Utah State Federation of Labor (secretary-treasurer), May 16, 1932.
 Virginia Federation of Labor, May 16, 1933.

- S. B. & A. Union, No. 16456, Milwaukee, Wis., June 5, 1932.
 Women's Study Club of Naugatuck, Conn. (60), May 9, 1932.
 The Irvington Tuesday Club of Indianapolis, Ind., May 10, 1932.
 The Monday Afternoon Club of Plainfield, N.J., January 4, 1932.
 Ano Club, Inc. (New York) (70), November 18, 1932.
 The Group (a clearing house of opinion) (New York) (1,000), May 3, 1932.
 Social Workers Discussion Club of New York City (300), September 8, 1933.
 Temple Child Study Club, Rochester, N.Y., January 22, 1933.
 Colonia Book Club (North Carolina), April 22, 1932.
 The Friday Book Club, Asheville, N.C., December 12, 1933.
 The Research Club of Asheville, N.C., (65), December 7, 1933.
 Pearl Chappell Study Club of Dallas, Tex. (45), December 17, 1933.
 Horace Mann Pre-School Association, Tacoma, Wash., April 13, 1932.
 Legislative Committee of the Federation of Child Study, New York.
 Social Science Lecture Bureau (Connecticut), April 28, 1932.
 Minnesota Eugenics Society, Minneapolis, May 5, 1932.
 Local No. 7 of New York Workers' Committee on Unemployment Association,
 September 19, 1933, of Unemployed College Alumnae and Professional People,
 New York (250).
 Bronx Free Fellowship (New York) (700), September 18, 1933.
 Independent Citizen's Association (New York), April 29, 1932.
 Reconciliation Trips, director (New York), 1931.
 Solvay Circle, Solvay Process Co., Syracuse.
 Yonkers Unit of the Speedwell Society, 1930.
 Optimist Club, Erie, Pa., April 28, 1932.
 American Civil Liberties Union (New York) (5,000), March 25, 1933.
 Citizens Union of New York City, 1930.
 Civic Club of New York City (150), March 25, 1932.
 Portia Club, New York City, 1930.

WELFARE

- Homes and Children's Alliance (California), June 23, 1933.
 Superintendent of Planner House (Social Settlement Indianapolis), May 1932.
 Fulton County Relief Committee of Hickman, Ky., November 1, 1933.
 Children's Aid Society, Newark, N.J., November 1, 1932.
 Association for the Aid of Crippled Children (New York) (2,000), March 21,
 1933.
 Board of Directors of Federation Settlement (New York), 1930.
 Children's Welfare League of the Jewish Center of the East Side (New York),
 1930.
 Children's Haven for Far Rockaway, N.Y., 1930.
 Columbia Club Relief Society, Far Rockaway, N.Y. (150), May 11, 1932.
 Eisman Day Nursery (New York), (34) March 21, 1930.
 Finch School Day Nursery (New York), 1930.
 First Hebrew Day Nursery and Kindergarten (New York), 1930.
 Grand Street Settlement (New York) (1690), 1930.
 Home for Hebrew Infants (New York), 1930.
 Jewish Children's Clearing Bureau (New York), May 6, 1932.
 Kips Bay Day Nursery (New York), 1930.
 Labor Temple Social Service (New York) (500), March 23, 1933.
 Lenox Hill Hospital Social Service (New York).
 Director, Bureau of Jewish Social Research (New York), February 1931.
 University Settlement Society (New York), 1930.
 Virginia Day Nursery and Clinic (New York), April 8, 1933.
 Welfare Committee, Chapel of the Incarnation (New York).
 The North Carolina Conference for Social Service, April 27, 1932.
 Executive Secretary Governors Council of Unemployment and Relief, Raleigh,
 N.C., April 1932.
 Social Service League of Easton, Pa. (24), January 8, 1934.
 Group of Social Workers and Citizens (Public Health Nursing Council)
 Tennessee (100), May 17, 1932.
 United Charities (Board of Directors) (Texas), December 28, 1933.
 County Children's Clinic of Junior Wednesday Club, Danville (Virginia),
 December 15, 1933.

ELDRIDGE, CALIF., January 13, 1934.

Mrs. LOLITA SCHWEITZER,
Washington, D.C.:

I hereby authorize you to represent me at the birth control hearing before the Judiciary Committee of the House of Representatives on January 18th. I heartily endorse the movement for any measure that might be enacted by Congress to properly legalize birth control in this country.

DR. F. O. BUTLER,
Medical Director and Superintendent Sonoma State Home, Eldridge, Calif.

RESOLUTION No. 41

Whereas present economic conditions emphasize the necessity of preserving and maintaining standards of living to preserve American homes and institutions; and

Whereas lack of restricted birth control under proper medical supervision mitigates against these standards; and

Whereas an archaic Federal statute enacted 60 years ago prevents dissemination of any information between the several States on this most important subject, even under direction of licensed physicians, clinics, or hospitals: Now, therefore, be it

Resolved by the Virginia Federation of Labor in annual convention assembled in Clifton Forge, Va., May 15 and 16, 1933, That we favor an amendment exempting physicians, hospitals, and clinics from the operation of the Federal law, which now excludes supplies and medical literature relating to birth control from the United States mails and common carriers; and be it further

Resolved, That a copy of this resolution be sent to the United States Senators from Virginia and the United States Congressmen from the State of Virginia.

Recommended by the committee.

GILES C. COURTNEY, *Secretary*.

A true copy.

E. J. SHAVE,
Secretary-Treasurer Virginia Federation of Labor.

STATEMENT FROM CITY CLUB OF CHICAGO

Whereas it is of the utmost importance to all patriotic Americans that the population of our country be vigorous and healthy both physically and mentally, and that there shall be no child in America that has not the complete birthright of a sound mind in a sound body; and

Whereas the proper and intelligent use of scientific contraceptive methods under the direction of physicians is essential to these ends: Be it

Resolved by the committee on public health, education, and labor, of the City Club of Chicago, That we are in favor of an amendment to the sections of the United States Tariff Act and the Criminal Code of the United States of America which refer to supplies and medical literature relating to birth control, so that the provisions of these sections, now excluding such supplies and medical literature from the United States mails, shall not apply to licensed physicians and duly authorized medical schools, journals, or associations;

Further resolved, That we are in favor of such an amendment as above referred to so that the development and organization of interest in and knowledge of birth control on sound eugenic and medical principles shall be facilitated throughout the United States.

Signed by three committees: Public health, education, and labor.

STATEMENT FROM UTAH STATE FEDERATION OF LABOR

In our opinion, social matters brought to light by our present unemployment situation point imperatively to the need of such legislation. Birth-control information, as you will know, has long been available and in use by the wealthier class in this country, whereas the large mass of the people who are actually in need of such information have been denied it in the past. This has resulted in

high infant mortality among this class of citizens, crowded tenement districts, and has contributed to our present unemployment situation, besides ruining the health of millions of working-class mothers and contributing to the social delinquency of the children themselves.

On a recent inspection tour of the Salt Lake County Hospital, I was amazed to find a number of expectant mothers without sufficient funds with which to even feed themselves, and our county hospital greatly overcrowded in an effort to properly care for them. Expectant mothers sitting in chairs while in labor is only one of the common occurrences at this institution due to the inadequacy of their funds and equipment.

It is my honest opinion that an honest, sensible, and logical birth-control bill should be passed at this session of Congress as one measure of social legislation, many of which will be necessary before our present deplorable unemployment situation is corrected.

The plea that the dissemination of birth-control information will lead to more social delinquency is, in the opinion of the writer, a fallacious one.

GEORGE A. YAGER, *Secretary-Treasurer.*

MINISTERS FROM SHORT HILLS AND MILLBURN, N.J.

JANUARY, 10, 1934.

We, the undersigned, endorse United States bills S. 1842 and H.R. 5978, and urge that they be favorably reported out of the Judiciary Committees and brought before the floors of both the Senate and the House for a Nation-wide vote.

Rev. H. NORMAN SIBLEY, *Millburn, N.J.*
 JOHN H. HOLT, *Millburn, N.J.*
 HUGH W. DICKINSON, *Millburn, N.J.*
 DUDLEY ZIEVE, *Short Hills, N.J.*

26 TRAINED NURSES FROM NEW JERSEY

We the undersigned endorse United States bills S. 1842 and H.R. 5978 and urge that they be favorably reported out of the judiciary committees and brought before the floors of both the Senate and the House for a Nation-wide vote.

E. Sharah, R.N., R. Tassie, E. W. Molnar, R.N., Elizabeth Dorothy Brusk, R.N., Elizabeth T. Denesh, R.N., T. H. Marshall, R.N., Elizabeth D. Kelt, Adeline J. Penfield, R.N., Virginia Conway, R.N., Doris R. Barrett, R.N., Lois Pruden, Helen M. Daley, R.N., Mary E. La Londe, R.N., Florence J. D. Dressly, R.N., Charlotte J. Anderson, R.N., Katherine F. Rollins, R.N., Ann Terras, R.N., Jennie Jacenty, R.N.—Summit, N.J.; Edna Bopp, R.N., New Providence, N.J.; Mildred W. Lewitt, R.N., Millburn, N.J.; Bertha Wenman, R.N., New Providence, N.J.; Anna A. Kline, R.N., Florence Dean, R.N., Violet M. Schmare, Summit, N.J.; Ruth Datesman, Westfield, N.J.; Mabel Wheeler, R.N., East Orange, N.J.

FIFTY PHYSICIANS FROM NEW JERSEY

JANUARY 10, 1934.

We, the undersigned physicians of New Jersey endorse United States bills S. 1842 and H.R. 5978 and urge that they be favorably reported out of the Judiciary Committees, and brought before the floors of both the Senate and the House for a Nation-wide vote.

T. P. Prant, Robert M. Miller, H. H. Bomlas, C. C. Carpenter, M.D., M. A. Egas, M.D., F. Cleveland Dams, M.D., S. W. Eason, M.D., Franklin C. Young, M.D., R. K. Clark, D.D.S., Morton Kaplan, D.D.S., Hugh D. Jamison, M.D., H. W. Ryan, D.D.S., A. F. Praed, D.D.S., V. M. Lyon, D.D.S., Norman W. Burratt, M.D., Chas. A. Hardy, D.D.S., Carroll S. Thomson, M.D., C. A. Esada, M.D., Theodore R. Ford, M.D.—Summit, N.J.; Henry P. Douglas, M.D.—Springfield, N.J.; J. M. Sturtevin, M.D.,

Cornell Grossman, D.D.S., Herbert E. C. Ulrich, M.D., Elwood H. Aracphusen, M.D., A. Leo Kahn, D.D.S.—Millburn, N.J.; M. B. Morris—Springfield, N.J.; G. Ward Disbornkey, R. Byngly, C. B. Keeney, M.D.—Summit, N.J.; B. A. Prager, M.D.—Chatham, N.J.; P. C. Colonna, M.D.—New York, N.Y.; J. L. Sly, M.D., W. G. Fenslayund, R. V. Baker, M.D.—Summit, N.J.; T. A. Linter, M.D., Sarah R. Jourdin, M.D.—Short Hills, N.J.; A. B. Chamberlain, M.D., John C. Cox, M.D.; R. Sahuc, Jr., D.O., Tyce Grinwis, George C. Freeman—Maplewood, N.J.; O. D. Bachelet, D.D.S., H. Gouourigens, D.D.S., Harriet M. Green, M.D., John D. Tidabach, M.D.—Summit, N.J.; Lefferts Hutton, M.D.—Short Hills, N.J.; Stewart O. Burns, D.D.S.—Millburn, N.J.; Wm. D. Bluck, M.D., L. L. Colsh, M.D.—Maplewood, N.J.; James R. Kugliss—Newark, N.J.

RESOLUTION PASSED BY NATIONAL BOARD, WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM, JANUARY 15, 1934

Whereas, it is of the utmost importance to all patriotic Americans that the population of our country be vigorous and healthy both physically and mentally, and that there shall be no child in America that has not the complete birthright of a sound mind in a sound body; and

Whereas, the proper and intelligent use of scientific contraceptive methods under the direction of physicians is essential to these ends; and

Whereas, an uncontrolled birth rate is conducive to war; Therefore be it,

Resolved, That we support the work of the National Committee on Federal Legislation for Birth Control, Washington, D.C., with Margaret Sanger as National Chairman: Be it further,

Resolved, That we are in favor of the amendment to the sections of the United States Tariff Act and the Criminal Code of the United States of American which refer to supplied and medical literature relating to birth control so that the provisions of these sections, now excluding such supplies and medical literature from the United States mails, shall not apply to licensed physicians and duly authorized medical schools, journals, or associations; Be it further

Resolved, That we are in favor of such an amendment as above referred to so that the development and organization of interest in, and knowledge of, birth control on sound eugenic and medical principles shall be facilitated throughout the United States.

STATEMENT FROM NATIONAL COUNCIL OF JEWISH WOMEN, INCORPORATED

The National Council of Jewish Women, which carries on its work in nearly 200 cities, has fostered social-service work as one of its activities. The conviction has been steadily growing among those of our women engaged in this work, that it would be of great value to have some means of providing to those whom they serve contraceptive knowledge under the direction of physicians. This we feel would enable welfare workers to prevent many hopeless and difficult conditions, would make easier rehabilitation of families, and in many ways make possible a higher order of welfare work.

The National Council of Jewish Women, therefore, at its triennial convention in Detroit, March 26, 1932 unanimously passed the following resolution:

Whereas there has been a gradual awakening as to the need and necessity for more information on the subject of birth control throughout the country, and

Whereas birth control is nearing the status of recognized procedure in preventative and curative medicine, and it is believed by many authorities that there exists in this country a very urgent need for providing, under proper auspices, effective contraceptive advice and treatment to women of all classes, especially those who are suffering from organic diseases of the heart, lungs, or kidneys, or from other physical weaknesses, to whom pregnancy is likely to be fatal, or, at least, permanently injurious, and

Whereas the present law classes information relating to the prevention of conception with obscenity, pornography, indecency, and abortion, and

Whereas sections 211, 245, and 312 of the Criminal Code of the United States, and section 305 of the tariff act must be amended before physicians may no longer be restricted from giving written information or sending such advice through the mails, or medical schools, medical societies, journals, reprints, or books of a scientific character may be permitted to publish and circulate such information: Therefore be it

"Resolved, That the National Council of Jewish Women endorses the principle of amending the Criminal Code of the United States so that it would permit the dissemination of information through the mails relative to birth control by the properly authorized agencies."

(Mrs.) MARY G. SCHONBERG,
Executive Secretary.

Mrs. HEBBURN. The next speaker is Dr. Hannah M. Stone. Dr. Stone is a medical director, and she is co-director, Marital Advice Center, Labor Temple, New York City.

**STATEMENT OF HANNAH M. STONE, M.D. MEDICAL DIRECTOR,
CLINICAL RESEARCH BUREAU, NEW YORK CITY**

Dr. STONE. Gentlemen of the Judiciary Committee, in the few minutes allotted to me I want to bring to your attention a few pertinent facts concerning the harm which results from the operation of the present birth-control laws.

I speak from a wide experience and an intimate knowledge of this subject. I have had personal contact with thousands of women and discussions with physicians from all over the country.

First, I want to emphasize that over 90 percent of the patients who come to us for advice and information—and they represent the average type of the American woman—tell us that they have already been using some birth-control method. They come to us for advice because the methods they have been using had been unsatisfactory or unreliable in one way or another.

I am emphasizing this point because it may be of importance for you to realize that the birth-control clinic does not today initiate the woman to the practice of birth control, but that the vast majority of married couples employ contraceptives long before they come to the doctor.

The function of the doctor, therefore, in this respect, is to advise the woman or the man who comes to him for information which methods are harmful and which are harmless; which are unreliable and useless, and which are satisfactory and adequate. Now, if the doctor is to give this information, he must first have the opportunity to learn about it himself from his medical sources and be free to conduct investigation and research for the purpose of developing better and improved methods for contraception.

Under the law as it stands today, this is not possible. Scientific medical articles on the subject of birth control have actually been refused publication by medical journals on the sole ground that their publication would make their journal unavailable in the United States. It seems to me rather an absurd situation that scientific articles on medical topics cannot be printed because of the presence of an antiquated law.

Furthermore, on several occasions we had attempted to obtain some special contraceptives from abroad which we had wanted in order to carry out certain scientific tests and experiments. These

supplies have actually been held up by the customs officials and not permitted to enter this country on the sole basis that it was against the law to bring into this country articles which might be used to prevent conception. An instance of this kind has happened only very recently, and it shows the manner in which the present law handicaps progress and research.

Now, there is another point which I should like to bring to your attention in this respect. During the last few years a large number of contraceptive articles have been placed on the market by various commercial concerns. Some of these articles are reliable, some of them are harmful, and many of them are useless. Under one subterfuge or another, these articles are advertised widely in lay newspapers and magazines without any supervision or control. Because of the various Federal and State laws which prohibit the dissemination of birth-control knowledge, you close your eyes to the very real fact that often inadequate, useless, and even harmful products are being widely and openly advertised.

We feel that birth control is primarily a medical problem and should be under the guidance and direction of the medical profession. There are many contraceptives on the market available, but which one is best for an individual woman remains an individual problem and can best be determined by a physician. If it were not for this law, the medical profession would look upon contraceptives as other medical products and would give it the same standards, supervision, and control as the Council of Pharmacy of the American Medical Association gives to other drugs and appliances.

Gentlemen, it must be obvious to all of you that under present conditions no married couple can go on having children without limit. If then they are to continue leading a normal married life, they must resort to the use of some measure for the prevention of conception.

It seems very clear that it should be the right of every woman to be enabled to obtain legally the best advice that the medical profession can offer.

Remove the present statute from the law books and give the doctors an opportunity to supervise and direct this important branch of medical science, to continue without hindrance research in this field, and to be of the greatest service to the men and women who come to them for advice on this problem of personal and family health.

Just one more point: Much is being heard here and there that the use of birth-control measures give rise to sterility, to cancer, and to other serious conditions. As I emphasized before, there are many kinds of birth-control measures. When we speak of modern birth-control methods, I refer to those which are now being advised and prescribed in birth-control clinics all over the world. May I say that these methods are safe, reliable, harmless, and, from an observation of about 50,000 women who have come under my care as medical director of the Birth-Control Clinical Research Bureau in New York and of the Maternal Health Center of Newark, N.J., I have seen no ill effects and no harm whatsoever from their use. Whatever harm comes, comes from the unsupervised distribution and advertising of contraceptive methods which is inevitable under the present laws.

Gentlemen, I urge you to repeal this law for the sake of the health of the women of America.

Mr. HEALEY. Just one question. Do you contend that the reason why the so-called "poorer classes" do not use contraceptive methods universally is because of their ignorance of how to use them, or of the expense of these methods?

Dr. STONE. You mean the poorer classes?

Mr. HEALEY. Yes; and the persons who do not use contraceptives.

Dr. STONE. It is chiefly because of ignorance and inability to obtain such advice from their doctors.

Mr. HEALEY. Don't you feel in a large measure it is due to some moral scruples they may have against using contraceptive methods?

Dr. STONE. I do not think it is because of moral scruples. I think it may be superstition which may make a woman feel that way, but we have a large number of women who come to the clinic and those women who constitute about 10 percent of the number who have not used contraceptive methods, instead of feeling they are violating any moral or ethical rule, very often go out with a feeling as if they had performed some ritual and they are first seeing a moral light on the question.

Mr. HEALEY. So that you classify any moral scruples they may have against this practice as superstition?

Dr. STONE. I don't think any woman with an understanding of the present situation and the value of human life would consider the spacing of children as against the present-day morals.

Mr. CONDON. Don't you want to withdraw that statement that superstition people might have is against your code?

Dr. STONE. I say in many instances that may be interpreted as a moral reason, when it is not a moral reason at all, but a very blind superstitious attitude toward the situation.

Mr. CONDON. I think you have made the statement stronger now.

Mr. HOOPER. I have been interested in the questions asked you. I am not a member of a church or religious body which takes any stand on this matter whatever; but, after all, isn't the fact that many millions of our good citizens have a deeply ingrained feeling that this is opposed to their religious belief and ideas—isn't that fact a very serious thing for a committee like this to take into consideration? Doesn't it seem to you that way?

Dr. STONE. Yes; I think that would be an important matter to consider. I think, though, it has been definitely proven that the Committee on Marriage and the Home of the Federal Council of Churches in America, for instance, has come out and endorsed the more liberal dissemination of contraceptive methods. That has been taken up in the last 2 or 3 years in their annual meetings, and that has gone down on record as being so, and they represent a large number of the population of the United States representing the Protestant church member.

Mr. CONDON. What was the name of that council?

Dr. STONE. The Committee on Marriage and the Home of the Federal Council of Churches in America.

Mr. HOOPER. The reason I asked the question was whether or not perhaps the moral wrong that might result from the shocking of so many millions of religious people, whether it might not have the effect of doing a serious harm if such a law was passed. I am saying that without any bias or prejudice at all.

Dr. STONE. I think it has been brought out by various speakers that it is the person who sees the equitable side and his responsibility to future life who should have the opportunity of getting the best medical advice if he wishes to obtain it; but the person who feels it is against his morals is certainly free to follow his own religion.

Mr. HOOPER. I see your point of view.

Dr. STONE. I would like to offer this paper for the record. This indicates a summary of an investigation in trying to standardize contraceptives that have been flooding the market and the drug stores, entirely confusing the issue. We had decided, because of the lack of supervision and lack of knowledge in discrimination between methods, to organize a research committee on which they have a trained biologist and three clinical physicians.

Various methods that appear on the market have been taken into clinic and we have been testing them both clinically and biologically. This is a summary of an investigation of a number of products that have been taken up by this committee. There are about 50 products that have been submitted and I would like this to go on record as a scientific study, and the first of its kind that has ever been undertaken.

A SUMMARY OF RESEARCH ON THE SPERMICIDAL POWERS OF COMMERCIAL CONTRACEPTIVES IN THE UNITED STATES

By Helen Holt (Dec. 30, 1933) for the Clinical Research Bureau, New York City

1. This research, under the auspices of the Clinical Research Bureau, was undertaken through the interest and support of Mrs. Margaret Sanger; and it was carried out with her personal encouragement.

2. The primary purpose of the research was to discover by direct laboratory tests, the spermicidal powers of commercial contraceptives, using human semen.

3. The technique was developed to concentrate solely upon this problem, in a manner which would permit the comparison of one product with another, and which would check against the claims of the manufacturer.

4. There is a pressing need for correlated research on these products, and for specific information about their merits, to be made available to persons actively interested in birth control, who are not manufacturers.

5. Also, it is important to have as accurate data as possible on the powers of contraceptives in advance of their actual use. The research here is an attempt to furnish such information.

6. Human semen, exclusively, was used in the experiments. The semen had to meet the following requirements: The specimens had to be delivered to the laboratory within 3 hours; they had to contain large numbers of sperm, with a high degree of motility; and this high degree of motility had to be maintained for at least 6 hours after the experiments were made.

7. The point of view here was the same point of view as found in the patient's actual use of a contraceptive, that is, would the contraceptive kill vigorously motile sperm.

8. The vaginal conditions, which would be present in actual use of a contraceptive, were taken into account; and, so far as possible, these conditions were reproduced in the tests,--namely, body temperature, cervical and vaginal secretions, volume of semen, and proportion of spermicide.

9. It was also taken into account that a product, in actual use, may be spread to all parts of the vagina in such a way as to leave a relatively small portion distributed at the point of greatest danger.

10. The consistency or viscosity of a product is often considered to be of extreme importance in its function of forming a mechanical barrier over the cervical canal. Aside from possible defects in the product, however, it is unsafe to assume that a contraceptive will produce a protective coating in all circumstances. To stand a greater chance of effectiveness, it must have sufficient spermicidal power to kill all the sperm. This research did not enter into the occlusive powers, but only into the spermicidal powers of the products.

11. The tests were such that mechanical factors, such as entanglement of the sperm and their immotilization by suffocation, did not play any part.

12. The diluent used was 5 percent dextrose solution, in which sperm maintain their motility at least as long as in undiluted semen. It was freshly made up each time experiments were made. Its p^H is unvaryingly 7.8-8.0, the same as that of the majority of semen specimens.

13. In the collection of semen specimens, experiments were made establishing a method, of value for all research purposes. By this method, it is possible to secure a large percentage of highly motile sperm without loss of vitality in delivery.

14. It is now generally considered that a chemical contraceptive should be immediately and completely effective in its action upon the sperm, because of the increasing evidence that conception may take place very rapidly.

15. The time allowed for laboratory preparations, and a close examination of 10 fields, was 2 minutes.

16. A contraceptive was considered to be successful if it killed all of the sperm within 2 minutes.

17. A contraceptive was considered to be unsuccessful if motile sperm were found in the mixture at the end of 2 minutes. The degree of motility was noted in each such instance, using Baker's gradation.

18. To make allowance for possible differences in the semen from different individuals, each product was submitted to the tests three times, using a different semen specimen each time. In order to be considered effective, a product had to kill the sperm in all three tests.

19. The products, therefore, fell into two classifications: (first) those which killed all the sperm in three different specimens; and (second) those which failed to kill all the sperm in one or more specimens.

20. Seven different types of products were tested: plain jellies; foaming jellies; creams; powders; suppositories; plain tablets; and effervescent tablets.

21. Two hundred and five semen specimens in all were examined. Of these, 99 or 48 percent, had a high degree of motility and endurance. In eight instances, although the original motility was high, and the specimens were therefore used for experiments, the results had later to be thrown out because the control sperm quickly lost their motility.

22. Thirty-three products were tested by this method, with three different semen specimens each.

23. Nineteen of the products killed all the sperm within 2 minutes, in each of the three tests. The success of two of these is qualified by defects in their mechanical functions.

24. Fourteen of the products failed to kill the sperm in one or more tests. Failure in 1 out of 3 tests is considered to indicate definite unreliability.

25. Of the 14 products which failed, 2 were not on the market, but were submitted by the manufacturer for tests.

26. Of the 23 products tested, 8 products in all showed defects in their mechanical functions.

27. An illustration of how ineffective a product may be, is found in the most conspicuous of the failures. It had a consistency that permitted tests also in mixtures of equal parts of semen and the product. Highly motile sperm survived in each of the three tests.

28. Prominent among the failures are products which rely chiefly upon acids that are known to be weak spermicides, namely boric acid and lactic acid.

29. Three products suggest the important problem of decomposition through aging. Until this problem is overcome, it is suggested that the containers might be dated for the user's safety.

30. The products vary widely in regard to the degree of acidity or alkalinity. The pH of a product is not an index to its spermicidal power.

31. Observations were taken also on the semen for the pH , viscosity, and duration of motility. A careful analysis of this data reveals that neither the pH of the semen, nor its viscosity or duration of motility may be used as an index to the powers of resistance of semen to a spermicide.

32. The data on semen may be of importance in its indirect bearing on the problem. As for instance, the volume of semen, in its relation to the amount of application of a spermicide, has a range in 57 cases of 1 cc (smallest volume) to 10.5 cc (largest volume).

33. While the duration of motility in semen does not show any relation to its powers of resistance—that is, above the minimum of 6 hours of duration—still it is interesting to know that it has no relation either to the volume of semen. For instance, one specimen with a volume of only 1 cc, had a duration of very high motility for 44 hours.

34. The variation in pH of semen for 40 cases is 7.4-7.6 to 8.6-8.8, with 16 specimens having 7.8-8.0.

35. There was a wide variation in the viscosity of semen, measured in terms of drops by the method used. The range was from 1 drop to 18 drops in 56 cases, with the great majority of 25 specimens with 16 drops.

36. Repeated specimens from the same source, of established fertility, were not constant in their vitality. The sperm may be motile at one time, and at another time, nonmotile.

37. The results show that semen specimens from different individuals react differently to a given spermicide, even though the sperm are of equally high motility.

38. The end-pH determinations of mixtures of the product with semen reveal differences of buffering power in semen specimens from different individuals.

39. The range of buffering power in semen might be learned if sufficient data on the end-pH were gathered. Perhaps such knowledge might lead to an accurate method of testing products without the use of human semen.

40. These differences in buffering power may account for the success of a product with some couples, and its failure with others. Perhaps the prescription of a contraceptive, in the light of present knowledge of spermicides, is an individual matter, depending upon the character of the seminal fluid, as well as upon the female anatomy.

41. In the meantime, the differences in buffering power of semen emphasize the importance of testing chemical contraceptives with human semen from different individuals.

42. It is of importance that 9 percent of the products tested show defects through decomposition from aging.

43. It is a matter of serious consequence that 19 percent of the products tested (actually on the market) showed serious defects in vital mechanical functions, such as powers of dissolving, volume and stability of foam, etc.

44. It is of great significance that 45 percent of the products tested (actually on the market) failed to kill the sperm in one or more of three tests. And it must be remembered that the users of these products are not all under clinical guidance, but in many instances find it impossible to go to a clinic and must rely upon the chance of their own selections.

CODE SHEET, NAMES AND NUMBERS OF PRODUCTS

- | | |
|--------------------------------|-----------------------------------|
| 1. *LAJ (Koromex) (jelly) | 17. Clinicol (jelly) |
| 2. *4% Diampysal (jelly) | 18. *Dufoam—new (foaming jelly) |
| 3. *Medogyn (jelly) | 19. BAJ (jelly) |
| 4. *Never B (jelly) | 20. *Foley (jelly) |
| 5. *Dufoam—old (foaming jelly) | 21. Preventex (tablet) |
| 6. *Hygelyn (jelly) | 22. Styro (effervescent tablet) |
| 7. *Patentex (jelly) | 23. *Tunica 5 (powder) |
| 8. Day Chemical Co. (jelly) | 24. Tunica 10 (powder) |
| 9. *Byrol (jelly) | 25. Tunica 25 (powder) |
| 10. TC-4436 Cream (cream) | 26. *TP-4436 (powder) |
| 11. *Bir-Con-Jel (jelly) | 27. *Lygel (jelly) |
| 12. I.A.J (Tablex) (jelly) | 28. Kinolac (jelly) |
| 13. Koromex (5/1) (jelly) | 29. *Monjel (jelly) |
| 14. *Murovosan (jelly) | 30. *Ramses (jelly) |
| 15. Mercuricin (jelly) | 31. Kinolac (effervescent tablet) |
| 16. *Lucorol (jelly) | 32. Kinolac (suppository) |

MEDICAL JOURNAL AND RECORD,
New York, N.Y.

DR. HANNAH MAYER STONE,
New York, N.Y.

DEAR MADAME: I have made inquiries regarding the publication of articles on birth control, and I regret to be obliged to return your manuscript on "Contraceptive Methods of Choice", as our journal would be unavailable with this article included.

Yours very truly,

GREGORY STRAGNELL,
Editor.

THE MEDICAL WORLD,
Philadelphia, Pa., February 1, 1932.

Mrs. MARGARET SANGER,
New York City, N. Y.

DEAR MRS. SANGER: There has been some question of permission by the Post Office Department of the mailing of literature of this nature. Hence, we do not consider it advisable to review these books. We have returned one that was sent us last fall by another publisher.

We thank you very much for the offer of the book.

Very truly yours,

J. C. ROMMEL.

OCTOBER 2, 1930.

WILLIAM WOOD & Co.,
New York City.

DEAR SIR: I have recently come from an international conference on birth control, held in Zurich, Switzerland, September 1 to 5.

The proceedings of this conference are bound to be of importance to the medical profession, and I wonder if you would like to consider the publishing of this report. All the papers were written by physicians or scientists, and the discussions by physicians and scientists only. The only scientists who took part were biochemists and biologists from Edinburgh University, Oxford and Cambridge, men of good standing and who are doing excellent work along biochemical lines.

I should very much like to talk to you about publishing this report if you are at all interested. Would you kindly let me know?

Sincerely,

MARGARET SANGER.

WILLIAM WOOD & Co.,
New York, October 8, 1930.

Mrs. MARGARET SANGER,
New York City.

MY DEAR MRS. SANGER: Thank you very much for your letter of October 2. Until the laws of this country have been changed it is quite impossible for me to consider the publication even of accepted reports in England on this subject of birth control. You have talked with me a number of times about this but I wish to keep out of jail.

Thanking you very much for your consideration, I am,

Sincerely yours,

GILBERT C. WOOD.

TYPICAL LETTERS RECEIVED FROM PHYSICIANS WRITING TO MARGARET SANGER
FOR BIRTH CONTROL INFORMATION IN ORDER TO INSTRUCT THEIR PATIENTS

(From a physician and surgeon)

GAFFNEY, S. C.

Mrs. MARGARET SANGER,
New York City.

DEAR MRS. SANGER: In reply to your letter of the 26th. I am very interested in the work that you are doing. At the present time I do not feel sufficiently informed to try to offer much help in the work. I would like to have the information that your organization can send. Would also like to know of some publication dealing with this subject. There are a great many types of referred cases that I feel that I would like to help, if I was properly prepared.

There is a great field of usefulness offered in this work among certain classes in our State. However, I don't think that there is very much work being done here at present.

Thanking you for any literature that you will send me, I am,

Yours truly,

NEW YORK CITY, September 22, 1930.

MEDICAL DIRECTOR, BIRTH CONTROL CLINIC,
New York City.

DEAR DOCTOR: I am a recent medical graduate of the University of Tennessee and expect to stay in New York City before I return to Memphis next December.

Of course we had no instruction either didactic or clinical in the subject of birth control. Is there any opportunity for me to get instruction at your clinic? I would be willing to spend several weeks attending if you'd allow me the privilege.

Sincerely yours,

—————M.D.

PORTLAND, OREG.

COMMITTEE FEDERAL LEGISLATION FOR BIRTH CONTROL,
New York, N.Y.

DEAR SIR: As per the suggestion in one of your circulars, I hereby request information as to the laws of Oregon regarding the giving out of information or supplies for prevention. Whether it is distinctly prohibited and penalties prescribed, or otherwise. Who may give advice? Who may receive advice and instruction, etc.? If the advice is limited to cases for therapeutic reasons, etc., I should like to know if therapeutic reasons would include the inadvisability of more children?

My desire is to learn definitely what the law permits, and then, so far as possible within those limits—i.e., strictly within the law—disseminate birth-control knowledge. I shall be much pleased when I can confidently give out contraceptive advice to the many poor people who are unjustly blessed with several times as many children as they want or should have.

I assure you I shall appreciate your efforts along this important line.

Yours truly,

—————W. H. B.

EDITORIAL FROM NORTHWEST MEDICINE, SEPTEMBER 1933

BIRTH CONTROL PROHIBITION

During recent years, a widespread interest has developed in the subject of birth control. Inspired by the enthusiasm and energy of Margaret Sanger and others, medical societies, religious bodies, and social organizations have endorsed this movement. Instruction concerning contraception and its application by people who would be most benefited by it have been prevented by provisions of the United States Criminal Code adopted in 1873. This prohibits sending or receiving through the United States mail, express companies, or other common carriers information or appliances pertaining to the prevention of conception. Even the possession of such an article is prohibited. While these requirements have frequently been evaded in recent years, the possibility of their invocation and enforcement is always present.

During the past 60 years, public opinion has gone through radical changes on many subjects. In no field of endeavor is that fact more pronounced than in matters pertaining to medical practice. The burden and tragedy frequently observed among excessively large families, overwhelmed by poverty, sickness, and adverse economic conditions, have been distressingly obvious to all medical practitioners. The endeavor to relieve this situation has appealed most intimately to the family physician. In order to remove the threatening legal disabilities associated with attempts to remedy these conditions, bills were introduced in both houses of the recent Congress which stated that provisions of the code should not be construed to apply to information or treatment for prevention of conception by any legally licensed physician, by any legally chartered medical college, by any druggist filling a prescription by a licensed physician, or any hospital or licensed clinic. Owing to the inertia of conservatism and political pressure brought to bear by religious prejudice this bill failed of passage. It will be again introduced at the next session of Congress and the influence of the medical profession is solicited to aid in its enactment.

Support of this measure should appeal to all members of the medical profession, whether or not they sympathize with the immediate object it aims to obtain, for the reason that all physicians abhor the existence of restrictions on their judgment in the treatment of their patients. If one believes that the welfare of a woman under his treatment requires limitation of offspring, he should have the right to instruct and advise her in the matter of accomplishing this result. It is contrary

to all medical principles that laymen should dictate to the physician as to the manner of treating his patients, whatever may be the condition demanding his services. The moral aspect of this question is not being discussed at this time. We are concerned with the liberty of the physician to exercise his judgment in the treatment of a given case, and his freedom to pursue the course which he considers to be necessary. Any effort to remove the shackles impeding the unfettered practice of medicine should demand the united support of the medical profession.

BIRTH CONTROL CLINICAL RESEARCH BUREAU,
New York City.

FEW TYPICAL CASES

(Number of children refers to living children)

Patient 30 years, married 8 years, 5 children, all high forceps cases, one 6 months premature, stillbirth, 1 tubal pregnancy, husband was out of work 4 months when first visit. Parent supporting family on part-time job, \$6 a week.

Patient 33 years, first pregnancy at 17 years; 9 children and 1 dead, 3 babies instrumental, 5 version cases. Husband \$22 week.

Patient 26 years, deaf and dumb; husband also, he drinks and is irresponsible; parent's grandmother supporting the 3 children, oldest child 3 years.

Patient 31 years, first pregnancy at 16 years; 8 children, 2 stillbirths, 1 miscarriage. Husband \$18 a week, had been out of work a long time. Patient a cardiac.

Patient 40 years, married 10 years; 4 children, oldest diabetic, 4 accidental miscarriages, each time curettage in hospital, 1 child dead at 3 weeks. Husband veteran, gassed in war, 75 a month.

Patient 34 years, married 12 years; bad cardiac, 4 children, 2 miscarriages, 1 stillbirth, 2 instrument cases. Husband one eye and other bad. \$10 a week.

Patient 32 years, married 10 years; 2 children, 1 a club-foot and frail; 1 child died after 9 hours, abnormal, 15 accidental miscarriages. Whole family luetic.

Patient 21 years, married 5 years; 4 children, 1 miscarriage (twins), all children rachitic, mother bad speech defect. Husband \$10 to \$15 a week.

Patient 40 years, married 22 years; 12 children, and 2 died. Husband \$22 a week.

Patient 27 years, married 9 years; 4 children, 2 dead, 3 accidental miscarriages. Husband out of work 7 months at time of first visit.

Patient 37 years, oldest child 16 years; 5 died under 1 year of age. Had 3 miscarriages, 2 instrumental births. Husband \$10 to \$15 when has work. Out of work some time when first visit.

Patient 32 years, first pregnancy at 16 years; 7 children. Patient had 3 years school. Husband and three oldest children under treatment for lues.

Patient 23 years, married 8 years; 5 children, 2 died, first pregnancy at 15 years. Husband \$20 a week, irregularly.

Patient 29 years, married 13 years; 4 children, 8 miscarriages from weakness, each time curettage in hospital, all children instrument cases.

Patient 29 years, married 9 years; 6 children, 1 rachitic, 2 died, all births long difficult labor. Husband drinks, work irregular, \$24 a week.

Patient 22 years, married over 6 years; 5 children, oldest tubercular. Husband \$15 a week, out of work at first visit. First pregnancy at 15 years.

Patient 30 years, first pregnancy at 16 years; 3 children, 7 miscarriages, 2 still-born; 1 died at 2 months.

Patient 32 years; 2 children, 15 accidental miscarriages; first pregnancy at 22 years.

Patient 33 years; first pregnancy at 17 years; 5 children, 1 with infantile paralysis, 4 died under 1 year, 2 miscarriages. Husband out of work a year.

Patient 24 years, married 7 years; 4 children, 1 miscarriage; tubercular scars and cardiac; \$30 a week.

Patient 18 years, married 4 years; 3 children; \$10 a week.

Patient 21 years, married 5 years; 4 children; mother's father insane; \$13 a week.

Patient 39 years, 19 years married; 3 children, 1 child cardiac, 1 dead, 13 accidental miscarriages. Asthma and cardiac. Rent and \$7 a week.

Patient 35 years, married 19 years; 3 children, 18 miscarriages, 12 catheter; mother external varicose veins; \$11 a week.

Patient 34 years, married 13½ years; 8 children; husband cardiac, rheumatic. Two years unemployed; \$67 a month pension.

Patient 34 years, married 16 years; 5 children, father cardiac. Maintained by Salvation Army.

Patient 32 years, married 10½ years; 7 children, 1 miscarriage. Father tubercular. Staten Island social service case.

Patient 32 years, married 10 years; 6 children, 1 accidental miscarriage; \$10 a week. Mother underweight and undernourished.

Patient 27 years, married 9½ years; 5 children, 1 died, cardiac; \$25 a week.

Patient 35 years, married 18 years; 8 children, 2 dead, 1 miscarriage; \$25 a week.

Patient 32 years, married 13 years; 8 children, hemorrhage with last child. Maintained by home relief.

Patient 26 years, 8½ years married; 3 children, 2 dead, 3 accidental miscarriages; police station \$4 and husband \$10 a week when employed.

Patient 26 years, married 11 years; 7 children, 1 miscarriage. Maintained by Queens Family Welfare and \$10 a week.

Patient 31 years, married 13 years; 6 children, 1 child dead; \$22 a week.

Patient 38 years, married 21 years; 12 children, 1 dead, hemorrhage with last 2 children; \$15 a week from Salvation Army.

Patient 33 years, married 19 years; 8 children, 4 dead, 1 miscarriage; patient thyroid cardiac and extremely nervous; \$18 a week.

Patient 25 years, married 6 years, 3 children, 1 dead; husband in Welfare Island 2 years. Patient cardiac, and parent's father died of tuberculosis. Family maintained by charity organization society.

Patient 20 years, married 5 years, 2 children, 2 dead; kidney condition during two pregnancies. Home relief case.

Patient 27 years, married 5½ years, 4 children; coitus 7 months ago. Income \$30 a week.

Patient 27 years, married 11 years, 6 children, 5 miscarriages, \$5 a week.

Patient 40 years, married 18 years, 1 child, 6 accidental miscarriages; cardiac; \$20 a week.

Patient 34 years, married 16 years, 1 child, 6 accidental miscarriages; subject to pernicious vomiting during each pregnancy; \$16 a week.

Patient 33 years, married 14 years, 11 children; cystocele, rectocele retroversion; \$12 a week.

Patient 33 years, married 11 years, 2 children, 5 accidental miscarriages; \$24 a week.

Patient 35 years, married 2 years (second marriage), 2 children, 11 accidental miscarriages; \$15 a week.

Patient 35 years, married 11 years (second marriage), 9 children. Maintained by Mincola Family Welfare.

Patient 32 years, married 12 years, 4 children, 7 miscarriages; thyroid condition; \$18 a week.

Patient 22 years, married 5½ years, 4 children, 1 miscarriage; husband cardiac and 2 years unemployed. Maintained by home relief and \$9 monthly.

Patient 38 years, married 18 years, 7 children, 1 dead, 2 miscarriages; home relief case.

CLINICAL RESEARCH BUREAU,
17 West Sixteenth Street, New York City.

Over a period of 5 years, 1929 to 1933, inclusive, this clinic has referred 5,584 patients to other clinics for treatment of various kinds; 934 patients to private doctors, these patients preferring not to go to clinics.

	Percent
Laceration and erosion.....	25
Spacing.....	31
Retroversions, anteversions et al.....	9
Adnexal.....	9
Malnutrition, underweight, general condition of health.....	5
Menopause age.....	5
Recent and frequent abortions.....	5
Tuberculosis.....	1½
Anxiety neurosis.....	1½
Cardiac.....	1½
Endocervicitis.....	1
Fibroid.....	1½

The balance of 4 percent was distributed as follows: Insanity, eclampsia, caesarian, familial, mentally defective, chronic deafness, Raymond's disease, kidney condition, congenital hip disease, thyroid, dystocia, vaginitis, petittal, infantile paralysis, nephritis, neurasthenia, toxemia. These percentages are based on a spot check of 6 months and may vary slightly.

UNEMPLOYMENT STATISTICS, YEAR 1933

Percentage of heads of families employed full time has increased since Percent
January 1933 to December 1933 from..... 47-63
Percentage of heads of families employed part time has decreased from... 27-22
Percentage of heads of families not employed at all has decreased from... 24-14

The number of families being supported by either social agencies or home relief has remained about stationary, being 64 families for the first month out of the total coming to the clinic and 66 the last month.

The average salary has increased from \$21.25 per week to \$26 per week.

The average number of children per family, 1.8 has remained the same.

The average number of pregnancies per family, 2.5 has remained the same.

The religion is about the same:

	Percent
Hebrew varies from.....	48. 6-52. 4
Catholic varies from.....	27. 8-22. 3
Protestant varies from.....	22. 6-24. 5
Miscellaneous varies from.....	1. 0- . 4

Mrs. HEPBURN. How much time more have we, Mr. Chairman?

The CHAIRMAN. Eighteen minutes of your first allotment of time.

Mrs. HEPBURN. I don't think we need to be worried about something being a shock to the religious feelings of anyone, because when they know the facts, we know they will get over the shock.

As regards superstition, I think we will all admit human beings are terribly suspicious people, and where all we want to know about it is to study history and to see the things that human beings have done to show just how superstitious they are.

I now desire to introduce our next speaker, Rabbi Edward L. Israel of Baltimore, Maryland, who was Chairman of the Commission on Social Justice, and is now a member of the commission.

STATEMENT OF RABBI EDWARD L. ISRAEL OF BALTIMORE, MD.

Mr. ISRAEL. Mr. Chairman and gentlemen, I am rather happy to have heard immediately before I speak to you the questions that were asked the last speaker, because in a very definite sense that constitutes an introduction to what I have to say.

I have heard this problem discussed on the basis of population growth, on the basis of scientific accuracy, health, and so forth, but underlying the whole thing, if we want to be perfectly honest, is the question of what this bill will mean in an ethical sense, morally and religiously.

I wish there were time for me to give my very honest and sincere tribute to those who differ from me religiously—those who hold the orthodox view on this subject, for example, the Roman Catholic and the orthodox Jew.

I do not agree with the former speaker that into this subject there enters anything of superstition. I believe the religious point of view of many people who oppose birth control is the result of a high moral ideal. But after all there is a difference of opinion of what constitutes a moral ideal, and I would bitterly oppose this law if in any way it made the proposition of birth control mandatory, or if in any way it interfered with the basic religious life of any individual in America.

But we have heard that it does not. It is simply that a certain branch of scientific thought has developed a certain idea that great numbers of physicians and educators say is desired. If that conflicts with the religious point of view, then let the religious point of view in the lives of those people be so strong they will reject the idea; but at the same time, let those who in the light of their intelligences regard it proper, assert themselves freely.

Now, there is quite a group of religious organizations that do not hold that birth control is immoral or a crime, such as the Unitarian Association and many others, representing many millions of people.

Mr. CONDON. Do you want to put in the record the names of those groups?

Mr. ISRAEL. Yes; I do.

Mr. HEALEY. Does that show the time also those actions were taken, or are those just general statements?

Mr. ISRAEL. The time is here.

Mr. HEALEY. I would like to have the time in the record, as well as the names of the group.

Mr. ISRAEL. I would like to have those put in the record to give you that information. I would like to say, gentlemen, with this sense of deference toward any religious point of view, that the question of morality is after all something that constitutes no static thing, but a growth.

You men who are students of the laws and organizations of mankind over periods of centuries, know the changing attitude of people with respect to law. You know that during certain times certain things were capital offenses, but they are no longer capital offenses at this time. Now, those ideas are changing intelligently according to modern ideas. We know that religion has at times demanded bloody revenge for certain offenses. We know, unfortunately, and I as a member of a religious group say it is unfortunate that religion has often through its force obstructed the advance of scientific thought.

We know it opposed certain astronomical ideas that are now an accepted portion of modern science. We know it fought the teaching of evolution that is now taught in many of our schools. We know certain forces tried to have laws introduced against the steam locomotive, because they said it was contrary to the will of God that man should travel faster than 15 miles an hour. We know that they tried to bar the establishment of public schools, because they said that was not within the divine order of things.

And I say, gentlemen, if this thing we are not advocating is not morally right, let us stop being hypocrites and in its place put a law on our statute books that will drive contraceptive devices out of your home and mine. I say to you, gentlemen, in God's name, let us do the decent thing, and if this is a piece of immoral legislation, let us stop it.

Mr. LEHR. As a member of this committee I want to go on record there has never been any contraceptives used in my home. I have six children, too.

Mr. TARVER. You don't mean any Member of Congress has used anything of that kind, do you?

Mr. ISRAEL. Far be it from me to pass any remarks of a personal nature, and this statement is entirely impersonal and addressed to, possibly, 75 percent of our population.

Mr. TARVER. You don't mean to indicate Congress has a right to pass any such legislation as you refer to?

Mr. ISRAEL. Of which character?

Mr. TARVER. That you think is desirable in the event we do not pass this particular legislation. I understood you to state we should pass a law barring the use of any contraceptives, no matter what kind. You know Congress has no power to pass any such law as this.

Mr. ISRAEL. I want to say this to you: I think there is such a basic moral issue involved that certainly the skill, ingenuity, and mental astuteness of the Members of Congress ought to be addressed to an issue of one of two situations that exist, as I have just stated.

Mr. TARVER. Do you mean to say you are so ignorant of the form of government of this country and the powers of Congress to enact legislation in this situation you think there is a possibility Congress could pass legislation regulating matters of this nature?

Mr. ISRAEL. Nobody thought Congress could enact the N.R.A.

Mr. TARVER. Will you just answer my question, please. Do you think Congress could enact legislation like this?

Mr. ISRAEL. I say in an economic condition such as we have now we have been astounded at the power that lies in Congress to enact laws beneficial to the community.

Mr. TARVER. Yet you have not answered my question. You have made several statements but have not answered the question, and if you care not to do so, it is all right.

Mr. ISRAEL. I appeal to the lawyers to say whether such legislation can be passed.

A MEMBER. Put it on the ground of emergency.

Mr. ISRAEL. A gentleman of the committee suggests it be put on the ground of emergency, and that is satisfactory, but I hope I will be permitted to complete this thought, because I feel after all this is the crux of the thing.

Carrying out the literal spirit of the law, we ought to have a law on our statute books against the use of antiseptics in childbirth, and let me tell you, gentlemen, that is not overdrawn, because there are many arguments advanced against the use of antiseptics in childbirth that were advanced when they were first introduced, on the basis they were immoral and contrary to the laws of God, but somehow we got a little clearer appreciation of what God has in store for His children.

A number of questions were asked this morning with regard to the possible moral effect of such legislation. The gentleman on my left, with obvious seriousness and earnestness that I am sure was felt by every one of us, asked that question several times.

I can only say to him and the other members of the committee that I do not think this group of religious organizations that has declared itself on the subject could be accused of being unmindful of the moral obligations to the millions of people, and that these conclusions were arrived at after years of study and of discussion, and of controversy in these various groups.

I would say, moreover, that in England and Holland, where there is greater sanction along these lines than we have here, there is less sexual immorality, as far as we are able to discover through the court annals; and I would say finally, gentlemen, that if we have come to

the point where the purity and decency of our women depends on keeping from them the knowledge of contraceptive devices we are in a sorry state of affairs. Unless a basic morality can be so well founded that with the knowledge that is running rampant in the country along bootlegging lines, we have no such hope to live decently, and then all is lost, and the religious point of view is to teach people how to best live morally and not how to conceal from them facts of life.

I would say to you also that I agree basically with a man for whom I have an enormous admiration, with whom I have worked, Monsignor John A. Ryan—I agree with him that birth control is not a social injustice.

I think it is a mistake to look to birth control as a panacea for the laws of society, but I realize it is also that in the finer social order we are seeking you have to use your God-given intelligence along every branch of human endeavor.

I would like to say also that from a moral point of view I realize that we are assured those problems are inevitable unless we reach what Dr. Fairchild said this morning was necessary, some act of social planning along the lines of a stabilized society. That is the only hope we have in this world, and as ministers we have been interested in it from that point of view.

I would also say, as the last of the points I have to mention, that the leader of a great church—a church in whose domiciles I have again and again sat in awe, but with whom in the utmost sincerity I may differ on several things—a leader in that great church said birth control is against God and nature, and against God's order of things. I do not question the accuracy of that statement as far as that group is concerned, but we know that there are innumerable definitions of God. We have innumerable definitions of God, and every one of us has a definite point of view. There are some of us that feel that the indiscriminate grading of mankind is against the God-given intellect that he has reached by thousands and thousands of years of clambering out of the depths. We believe that sincerely.

We do not ask that another man violate his faith. We, who represent the millions that are endorsing this measure, merely say: "Give us that opportunity without condemning those of us who employ that God-given intelligence and let the others do what they will."

There are some who very foolishly and very ridiculously, in rebuttal of this statement of His Holiness, have said celibacy is against the law of human nature. They do not understand the great Catholic Church, and I say that as a Jew, they do not understand something that is in the nature of man. It is the realization of an ideal, the supremacy of human intelligence and spirit.

Man throughout the ages has striven by intelligence and spirit to realize an ideal. There are many of us who believe that, gentlemen, and that is the reason we ask that we should be allowed to employ that ideal in our lives.

The longing for parenthood is something for which I have no fears. I have two small sons of my own, and know what they mean in my life. I am not worried about that situation at all, but I want to say finally, as far as the accusation that anything of this sort may ruin marriage of man, or ruin the home, to my mind that is the salvation of marriage and the home, and I beg of you at this moment to hear why I say that.

I have seen homes where hate has been engendered by man and wife by too frequent pregnancies, where the forces have robbed that relationship in which the other children might grow up as fine men and women, of all of the beauty it might possess. Therefore, we realize that marriage is something more than parenthood, that it is that genuine beauty of a spiritual sort that exists between man and woman and makes the home what it is.

Children do not make the homes what they are, they merely give the opportunity for the home to become something great; but unless there is that beauty of spiritual union between man and woman, the children would be better out of that home; and without sexual compatibility, there can be none of that finer beauty that is so essential.

That is why we, of the religious force represented in these groups, plead for this thing, not for any other basis but the basis of salvation of homes; not for any other basis than that our young people might marry and build up a background of unity of spirit, that when their children grow up, they may be better able to cope with the problems of parenthood.

I believe that the passage of such a law as this will make for early marriage, will make for the abolition of a great deal of the immorality you and I know abounds this present moment, because in our hypocrisy we will not make it possible for young people to live honestly and establish the background for decent human love.

That, gentlemen, is the appeal I make, not in the name of any statistics on population growth, not in the name of anything else, but that the increasingly complex modern society has created a situation, that the gradual growth of the God-given mind of man has given a physician and that the spirit of man can deal with nobler ideals that bar the road.

PARTIAL LIST OF RELIGIOUS ORGANIZATIONS ENDORSING THE FEDERAL AMENDMENT OR THE GENERAL PRINCIPLES OF BIRTH CONTROL

NATIONAL

American Unitarian Association, May 21, 1931; Central Conference of American Rabbis (Social Justice Commission), April 22, 1932; Committee on Marriage and Home-Federal Council of Churches of Christ in America, March 21, 1931; General Council of the Congregational and Christian Churches, 1,500,000, July 31, 1931; Lambeth Conference of Anglican Bishops in London (July 30, in which United States was represented), July 1930; Methodist Episcopal Leaders at meeting in Delaware, Ohio, June 29, 1931; Middle Atlantic Conference of Congregational and Christian Churches, May 6, 1931; United Church of Canada (Board of Evangelism and Social Service), September 29, 1932; Universalist General Convention at Washington, D.C.; Methodist Episcopal Conference, New England, at Winthrop, Mass., April 10, 1933.

STATE GROUPS

Unitarian: Alliance of Unitarian Women, Stockton, Calif., December 15, 1932; Woman's Alliance First Unitarian Church, Los Angeles, April 7, 1932; Unitarian Women's Alliance, Wilmington, Del., December 11, 1933; Laymen's League of the First Unitarian Church of Orlando, Fla., December 8, 1931; All Souls Unitarian Church, Indianapolis (500), February 5, 1932; First Unitarian Church, Duluth, Minn., April 15, 1932; Woman's Alliance of the First Unitarian Society of Minneapolis, March 13, 1931; All Soul's Unitarian Church, Kansas City, Mo. (450), May 13, 1932; New York League of Unitarian Women, Inc. (New York City)

(1500), January 5, 1934; The First Unitarian Church, Dayton, Ohio, February 8, 1931; Sunday Evening Forum, First Unitarian Church, Dayton, Ohio, April 10, 1932; Western Unitarian Conference, Chicago, Ill. (64 churches) (15,000), May 21, 1932.

Methodist: California Methodist Church at Annual Conference, June 17, 1933; Southern California Conference, Methodist Episcopal Church, 1930; Methodist Clergymen of Connecticut; N.Y. East Conference of the Methodist Episcopal Church, 1931.

Presbyterian: Pasadena Presbyterian Church, 1931; executive secretary, Portland Federation of Churches, Rev. E. C. Farnham (Oregon), August 30, 1933.

Congregationalist: Federation of Congregational Women of Northern California, May 19, 1932; Colorado State Conference of Congregationalists, May 27, 1931; Conference of Congregational Churches of Connecticut, Iowa State Conference of Congregationalists, May 7, 1931; New England Conference of Congregational Church, regional committee (Mass.) (30), January 7, 1933; Women's Board of the Congregational State Conference, Seattle Church Societies, October 23, 1933; World Fellowship Council of Wisconsin Women, Ripon, 211 Congregational Women's Church Societies, April 19, 1933.

Baptist: South Pacific District Woman's American Baptist Home and Foreign Mission Societies (Calif.), February 1931.

Liberal: The Liberal Church, Inc., Denver, 1930, Liberal Ministers Club of Greater New York (35 churches) (5,000), October 2, 1933.

Universalist: Central Universalist Church, Indianapolis (160), April 27, 1932; Universalist Convention (State) at Grand Rapids, October 4, 1931.

United: The Social Service Department, United Church, New Haven (Conn.), March 16, 1932.

All Souls: Women's Alliance, All Soul's Church (N.Y.).

Jewish: The Board of Rabbis of Northern California, San Francisco, December 12, 1932.

Humanist: The Hollywood Humanist Society (Calif.) (250), April 4, 1933; The First Humanist Society of New York, Inc. (500), January 10, 1932.

Miscellaneous groups: Bridgeport Pastors Association (Conn.), February 8, 1929; Norwalk Ministers' Association of Norwalk and vicinity (Conn.), March 24, 1933; Hartford Federation of Churches (Conn.); president, Chicago Theological Seminary, 1933; Massachusetts Federation of Churches, Boston, February 1931; board of managers of Five Point Mission (N.Y.), 1930; Community Church of New York (John Haynes Holmes), 1930; legislative committee of the Ethical Culture Society, 1930; Women's Union Society Ethical Culture, 1930; special committee of the Women's Problems Group of Philadelphia Yearly, March 15, 1933.

EUGENICS AND RELIGION

STATEMENT BY THE VERY REV. W. R. INGE, DEAN OF ST. PAUL'S

We should be ready to give up all our theories if science proved that we were on the wrong lines. And we can understand, though we profoundly disagree with, those who oppose us on grounds of authority. We know where we are with a man who says, "Birth control is forbidden by God; we prefer poverty, unemployment, war; the physical, intellectual, and moral degeneration of the people; and a high death rate to any interference with the universal command 'to be fruitful and multiply'"; but we have no patience with those who say that we can have unrestricted and unregulated propagation without those consequences.

It is a great part of our work to press home to the public mind the alternative that lies before us. Either rational selection must take the place of the natural selection which the modern state will not allow to act, or we must go on deteriorating. When we can convince the public of this, the opposition of organized religion will soon collapse or become ineffective.

RELIGION AND BIRTH CONTROL

(An editorial by Harry Emerson Fosdick, D.D., LL.D., S.T.D.)

* * * In 1775, after an earthquake, a sermon was preached in Boston against lightning rods. "In Boston", the preacher said, "more of the iron points are erected than anywhere else in New England, and Boston seems more dreadfully shaken. Oh, there is no getting out of the mighty hand of God!"

To be sure, birth control cannot be prejudiced by an analogy with lightning rods, but the similarity of attitude on the part of the religiously reactionary is too marked to be explained by accident. Religion has so commonly resisted extension of the scientific control of life that it has become a habit.

Birth control arouses to poignant intensity this deep-seated attitude. Contraceptive information, incomplete and uncertain as it may be, gives us new mastery over one of the most intimate and vital processes of our lives. We can have children or not have them; we can space children as we will; if our morals allow or are impotent to prevent, we can contract liaisons without some of the old risk of childbearing; and in general we are handed an instrument of power capable of affecting deeply personal conduct, ethical standards, family life, and problems of population.

No wonder folks are disturbed. Undoubtedly something has been let loose which will have a far-reaching and penetrating influence.

The first reaction on the part of the fearful is naturally repressive. The idea, however, that contraceptive information, being here, will not spread, percolate into one stratum of our population after another, be used ignorantly or wisely but be inevitably used, is of course unthinkable. The familiar putting of the question, therefore, "Do you believe in birth control?" reflects a serious misapprehension of the issue. Birth control in this regard is much like automobiles. They are not primarily to be believed in or disbelieved in. They are here; they are being used; they will be used. The only real question is, "How will they be used?"

At present, with the optimistic cheerfulness that characterizes prosperous America in dealing with so many of her problems, most folk whom I observe are employing the ostrich policy with reference to birth control. They know it is here. They know that some people who ought to have reliable contraceptive information are not getting it, and that many who have no proper business with it are getting it; and yet they resist with active antagonism or laggard apathy any endeavor to pass decent laws. They sometimes speak as though it were positively shocking to have physicians legally trusted to tell their patients the truth.

As an excuse for this obscurantist attitude one fact can be pleaded; contraceptive information is dangerous. Of course it is. All power is dangerous because it can be misused, and misused power causes endless misery. To suppose, however, that because power is dangerous, mankind, having once gotten its hands on power, will surrender it for fear of its peril, is a vain expectation. From education to airplanes all sorts of things are dangerous that no one is proposing to suppress.

Any minister or physician, who in intimate conference with all sorts of folk discovers what is going on, knows well the manifold misuses to which the new contraceptive information is being put. But the more one knows the more obvious becomes the futility of suppressive measures. Suppression is only befuddling the situation, driving it under ground, preventing healthy and normal ethical teaching about it, and the longer suppression continues, the worse the situation is going to be.

Instead of further suppressive measures a positive attitude is urgent, if we are to arrive at any hopeful outcome. For one thing, the constructive social service to be rendered by the right use of birth control is immense in extent and in importance. This should be made a matter of wide-spread public education. The population problem is the basic problem of the world, and if it is not well handled no other social problem can at all be solved. No permanent help can be given to China, for example, until the pressure of her surplus population on the means of subsistence is relieved. And to say that this can be done indefinitely by improving methods of agriculture without lessening the rate of population increase is to fly in the face of known facts.

As to immediate measures of philanthropy, a well-instructed person who knows the problem presented under present economic conditions by the old and

much lauded household of a dozen children, must welcome the relief offered through contraceptive information. A huge family of children under the present conditions is not virtuous but antisocial. To have as many children as can be well brought up, to space them with due regard to the mother's health, to have them come when they are wanted and because they are wanted—to encourage, in a word, a sane, scientific control over this most important part of human life—is the ideal.

The day will come when the old haphazard spawning of many children, with popular laudation as a reward and perhaps a letter of appreciation from the White House, will be looked upon as utter barbarism.

As for problems of individual ethics which this new information involves, we must face them and not dodge them. Suppression will do no good, for it is suppressing nothing but knowledge, light, and candid thought. After all, chastity has been guarded more by modesty and common sense than by fear. The idea that the mere removal of the dread of conception is going to let loose a flood of iniquity is, I suspect, a misapprehension of the facts. Children of this new generation who have been trained in a code of honor involving the existence and the right use of birth control will be less likely even than their mid-Victorian parents to treat the matter lightly or to be beguiled by fools.

That the new knowledge is power, and that this power can be rightly or wrongly used, must become a recognized element in the ethical training of our children. There is no escape from this problem, or from this situation. The pathos of the situation is that while we allow the most salacious plays and magazines to circulate undisturbed, we shut out serious sex instruction from many of our schools * * * Even in our families we commonly treat sex as though it were a tabooed subject instead of a holy and beautiful creative power. It is this silly and dishonest obscurantism which more than any other single factor is bedeviling the situation.

Meanwhile, the conservatively shocked and troubled souls, who find relief in attacking birth control and applauding assault of the police upon it, may as well make up their minds that contraceptive information is here, that it is being used and will increasingly be used; that its misuse can wreck our morals, devastate our homes, and despoil our nations; that a right employment of it can be of profound personal, marital, and racial benefit, and that so serious a problem as this cannot be solved by suppression.

(Formerly published *The Outlook and Independent*.)

Mrs. HEPBURN. I believe our time is up, Mr. Chairman.

The CHAIRMAN. You have used 2 minutes of the time that belongs to your rebuttal.

Mrs. HEPBURN. As long as one of the members of the committee has told about his children, I would like to tell you about mine.

The CHAIRMAN. We would be glad to hear from you, but we have promised that the other side should go on promptly.

Mrs. HEPBURN. Well, I have six children, too.

The CHAIRMAN. The opponents may now proceed with their witnesses. We would like for you to use at least 45 minutes this afternoon, if we can do that.

Mr. BURTON. I think we can do that, Mr. Chairman.

Mr. HANCOCK. May I ask, Mr. Chairman, that each one of the speakers introduce themselves so that we will know what his business is, and if he is a doctor, whether he is a doctor of divinity, a doctor of philosophy, or a doctor of medicine.

Mr. BURTON. Mr. Chairman, representing the opponents of this bill, I desire to present as the first witness, the Rev. Charles E. Coughlin, of Detroit, Mich.

The CHAIRMAN. You may proceed, Father Coughlin.

STATEMENT OF REV. CHARLES E. COUGHLIN OF DETROIT, MICH.

Father COUGHLIN. Thank you, Mr. Chairman.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 211, 245, and 312 of the Criminal Code, as amended, are each amended by adding at the end thereof the following:

The provisions of this section shall not be construed to apply to any book or information relating to the prevention of conception, or article, instrument, substance, drug, medicine, or thing designed, adopted or intended for the prevention of conception for use (1) by any physician legally licensed to practice medicine in any State, Territory, or the District of Columbia, or by his discretion or prescription; (2) by any medical college legally chartered under the laws of any State, Territory, or the District of Columbia; (3) by any druggist in filling any prescription of a licensed physician; or (4) by any hospital or clinic licensed in any State, Territory, or the District of Columbia.

Certainly I am not an attorney, and I don't know how to gage with the accuracy of an attorney, just the entire construction of this bill, but were I on the side of those who are advocating what we commonly refer to as birth control, I would have modified this bill, just for a matter of good policy, just for simply a matter of aiming only at getting what is best possible to get; it is none of my business to criticize them, but I think they are very bad politicians.

For what reason? They have incorporated in this bill that books, pamphlets, articles, instruments, substances, drugs, medicines, and so forth, that are adapted and intended for the prevention of conception, can be disseminated, published, and used, first, by any physician, or by his direction or prescription. He can give it to his clerk in his office.

That phrase in there is enough to damn this bill. That is just a matter of pure simple politics, and I am quite sure this Seventy-third Congress would never consider granting authorization to a physician, so that this physician in turn could delegate to the first door-beller who came to his office—or doorbell ringer, we generally refer to him as—or any other person, authority to, we will go the limit, permit some vaccination for the purpose of preventing conception.

But let us put the politics aside.

I am sure, if I had been on the advisory council of the birth controllers, I would have advised them to have gone a little more leniently, with the hope of getting somewhere.

Putting that aside, however, I have only a few minutes to occupy in this testimony, and what I am going to say will rather be introductory for those who will follow me. I do not intend to plague you with statistics; I do not intend to preach a sermon at you. You are all heads of families and know about sermonizing and bringing up a family, more than I would ever know.

I recognize what we are discussing here would not even be discussed were we in Italy. Mussolini would have no more beauty contests, he is not having big mother contests, but we are not in Italy.

I recognize in France they are not worried so much about birth control as about getting money to pay the mothers who have children, and there is a question of death overtaking both in France.

I recognize that in England the same problems that confront the French is about to appear in the foreground in that portion of the globe, and death is almost ready to overtake both.

I also recognize in this country that the main arguments advanced by the proponents of birth control are rather related to what we term generally and broadly, economics.

It is a long distance in years from the time of the Rev. Dr. Malthus, who brought birth control to the foreground in modern times, to Mr. Peek, late of the Agriculture Department, who advanced the theory of pig control. In the time of Dr. Malthus, I understand that the English were fearful of having too many children, from an economic viewpoint, because they had not thought of this thing that is engaging our attention today—namely, the problem of distribution. It had not yet come to the foreground, because they were still engaged in the problem of production, how to sow enough wheat, and how to grow enough potatoes, and how to raise enough cattle and sheep; because they were afraid they wouldn't be able to take care of themselves, unable to exist, unless boats came in from France and America with foodstuffs to satisfy the hunger of the rich and poor alike.

Malthus was forced by public opinion to conceive the idea that, for the self-preservation of our Nation, we will advance the theory of birth control. There is the origin of Malthus of modern times, and they said, since we believe that we are incapable of raising more wheat, more lamb, more mutton, more beef, and wherewithal by which we live, let us regulate the number of children.

That is all ancient history. We have had Fulton, the inventor of the steamboat, and we have had inventor after inventor, solving facts, and that is the problem of production. Today there is no problem of production. We have more wheat than we can eat, more pigs than we can eat, more cotton than we can wear, more factories than we can utilize, turning out stockings, shoes, clothing, underwear, automobiles, and our problem is not one of production in this twentieth century. Our problem is one of distribution, one of birth control of money in the hands of the Federal Reserve banks.

We have advanced our credit, and our currency is expanded today, withdrawn tomorrow, and because of the birth control of philosophy in our monetary matters, because we have refused to stand and face the problem of distribution of wealth and industry, not after the manner of socialists, but after the manner of a Washington, a Lincoln, we find ourselves in this common distress.

Now, I repeat, since the motivating answer which was produced in the mind of Dr. Malthus, known as "birth control", since that has been wiped away from the face of the earth and since the problem today is one of distribution, are we going to turn back and paste down the pages of history and try to be jocular with ourselves and say we have too many children when we have hungry mouths to consume it? I am welcoming those.

I have not heard one word of the testimony these ladies and gentlemen have produced, and my remarks are not addressed to them now, because I can easily handle them over the radio Sunday after Sunday, and I can easily present 120,000 names to every 10,000 names that they can. There are 28,000,000 Catholics in this country, good, bad, and indifferent, millions of Presbyterians, Baptists, Lutherans, and Episcopalians, who still believe in God's given command to increase and multiply, not to control and destroy.

If they think this is a contest of forces, we welcome that contest. It is a contest of intelligence, not force.

Were I on the board of birth control, I imagine I would rather focus my mind on solving not how to eradicate poverty by birth control, but to eradicate poverty by getting rid of birth control of money. That is the bet they have overlooked, and their voices have been silent in the face of the greatest catastrophe that ever faced our country, and they have gone back to paste down the pages of Malthusianism.

There was a word that came out of Corinth, "Corinthidso," look that up in your dictionary and see what it means, the first time it was used. It means, if I can translate the very thing into decent English and not offend your ears—it means to legalize birth control by other sexuality; that is the meaning of the word "sodomy," used in the Bible. To sodomize, that was the birth control before they had chemicals; Corinthidso, that was the birth-control method we had our modern chemists.

But today, believing as a Christian, not only as a Catholic, but as a Presbyterian, a Baptist, a Lutheran, an Episcopalian, and all of the other sects of Christianity, believing that marriage was invented by God for what purpose? For the primary purpose of procreating and educating children. I still think there is enough intelligence in the married man and the married woman of our land to consider that matrimony is not simply a legalized bed of prostitution, and to consider that matrimony means something more than every man and woman to live like two animals. Surely Christianity has taken that into consideration. They want a man and a woman to be married before there is such a thing as conception, before there is such a thing as birth; and after marriage they want a man to so love his wife that he does not make of her simply his play toy. It was not done before they were married and it is not done after they are married.

A man so loves his wife that he will continue recognizing her as his beloved and will not make her his play toy, I repeat.

You gentlemen, you are married men, all of you, and you know more about it than I will ever know. The chairman, I understand, is a bachelor like myself.

I need not go further into that kind of an argument. The bill here states, I repeat, that the Criminal Code shall be amended, implicating, gentlemen, that up until this date it has been considered a crime in this country to teach how to propagate, how to commit fornication and get away with it. That is all it means—how to commit adultery and not get caught.

You gentlemen who know something about our modern high schools know it is always a problem of those engaged in them to see that the boys and girls conduct themselves properly. We know how those contraceptives are bootlegged in the corner drug stores surrounding our high schools. Why are they around the high schools? To teach them how to fornicate and not get caught.

There is one more problem which will be brought out in specific manner later on. This is a big country of ours, sometimes referred to as a melting pot. Are you aware of the birth rate of the various elements forming this melting pot?

I happen to be of Anglo-Saxon extraction myself, and most of you gentlemen are all Celtic. From what I know of the figures that are published, we are on our way out. There is no question of it. We who boast of our English, Irish, Scotch, and Irish—Celtic—origin

are going to be boosters after a while of ancient history and not of modern practice.

It is our race, the Anglo-Saxon and Celtic, I believe, more than others, who are practicing birth control today. Negroes are not practicing it like we are; the Polish people are not practicing it as we are. The Italians are not practicing it as we are. One hundred years from today Washington will be Washingtonski, in the minds of the children to be born. We are being degenerated, and here we are advocating ways and means to uncriminalize the use of contraceptives and to help America forget its Anglo-Saxon origin.

How about the Negroes? The Negroes in one sense are more prolific people than are we.

I heard, I believe it was Dr. Gillis, broadcasting one Sunday some figures on the advance of the Negro in the matter of begetting children. According to his figures, 100 years from now the white man of America will be an oddity. That is shocking to some of you, but go down to Texas, or to New Orleans in Louisiana, and find out for yourself.

Perhaps the Negro deserves to go ahead, perhaps he does, with the advocacy among the whites to curtail the birth of children, and the Negroes' outbegetting us almost 2 to 1.

Some day Congress, a hundred years from now, would look back to the Seventy-third Congress and say, "Yes; they helped all of this along."

This is not being done in the name of religion; it is being done in the name of economics, I understand.

The half hour that was at my disposal simply to introduce this subject has elapsed. I have not attempted to give one figure; abler people than I are about to follow with that.

The problem is one of, perhaps, economics; but I believe that as we are told, that we in America will reach our apex in production, man-power production, within the next 30 years, and I believe then that we, too, shall be facing the problem of the rise of death over the birth rate, and instead of encouraging the solution of an economic problem by prevention as Malthus advocated, let's turn our minds and our hearts to the greater problem of seeing how the working man gets enough so that he and his wife and a decent family can live.

That is the problem of this Congress, and let us turn our minds upon the solution of the question how we can prevent millions of dollars going into the hands of a few men, and how we can see that at least a few millions can find their way into the hands of our farmers and our laborers.

That is the greater problem of the hour. It is to keep poverty, not by committing suicide, it is to meet poverty by putting the wherewithal, in this great land where we have too much to eat, too much to wear, too many houses of shelter, yet have want in the midst of plenty, so that Malthusianism has now become birth control of pigs, birth control of cotton, birth control of wheat.

That is not the problem; let us have the wheat, the cotton, the pigs and the rest of it, but let us have more Americans; let us have more Americans to the extent that we can still be Christians, to increase and multiply according to reason, according to nature, according to a regulation that is in the heart of man, and not in a bottle in a drug store.

It is still criminal, as far as the Catholic is concerned, as far as the Christian is concerned, to advocate birth control.

I recognize the fact that 63 percent of the American population today profess no affiliated religion. I am not saying they are irreligious, but they profess no religious affiliation. I recognize the fact that those people are favoring practical birth control. If that is their morals, providing that is their morality, I have no criticism to offer to it; that is their business.

On the other hand, if I were the Christian father of a family, I certainly would resent my druggist, or my Congress helping to educate my children to go to high school and get away with it, as the common expression is.

One point more, I admit there is birth control practiced in this country; I admit there is cursing and swearing; I admit there is lying; I admit there is fornication.

Supposing I curse or swear, at least I am willing to admit cursing and swearing is wrong. I am not going to come up in the pulpit and defend my morality.

I admit there is birth control being practiced in this country; how many of us are doing it, in this room, but that is no reason we are going to legislate, as did the Corinthians, that birth control is moral. Thank you, gentleman. Are there any questions?

The CHAIRMAN. I have none, thank you very much. The committee has a matter it wants to take up, and there are only 10 minutes until we must adjourn. Have you another witness who will take no more than 10 minutes?

Mr. BURTON. Mr. Chairman, Mrs. Gibbs is here, from Baltimore, and she desires to return, and I think she can complete her statement in a very few minutes.

The CHAIRMAN. We will give her 5 minutes, if that will be satisfactory.

Mr. BURTON. That will be satisfactory.

The CHAIRMAN. She may proceed.

STATEMENT OF MRS. RUFUS M. GIBBS, OF BALTIMORE

Mrs. GIBBS. Mr. Chairman and gentlemen of the committee, I represent a cross section of the mothers in America. That may be a rather large statement, but I have belonged to various organizations and I was so irritated at having them turn to Congress to solve their every problem, that I left them, and I am now speaking for myself, which I believe I have a right to do, as I am the mother of four children. I have just learned they were not properly spaced, as I had the 4 in 6 years. However, it has been very pleasant for them and for me.

There is so much back of this that has been the main destruction of the morals of our youth. All of the drug stores everywhere, not only carry these contraconceptive things, but they advertise them quite openly.

I heard Mr. Frederick Windsor, who is the head of the boys' school at Middlesex, Mass., say that regardless of what people thought of the question, there has never been anything that has torn down restraint and modesty as the discussion that has been promulgated and encouraged by this discussion of birth control.

I have seen them in front of Gimbel's store in New York handing out birth control literature, and a friend of mine has seen them in front of our high schools.

They admit in 47 out of the 48 States there is no restriction against doctors giving any necessary information, and it is entirely a matter between the physician and the patient.

You will find that testimony from the very best medical men will be produced here against this bill. Dr. Kelly will talk tomorrow. He has been head of the gynecological department of Johns Hopkins, and if you will read the testimony at the last hearing, you will read there Dr. McComber's testimony, who is also a prominent gynecologist connected with Harvard College, and you will find they all agree it is something to be taken up individually between the patient and the physician. They agree that when there is any need for a woman to be protected, certainly a physician can do it.

I had such protection because of an ophthalmic goitre for which I had to be operated upon over 20 years ago.

I urge you not to open any more fields for discussion on this question, because I feel it has been the birth-control people who have dragged out the subject into the light to such an extent. It seems to me when this kind of thing is handed out from the drug stores, and store corners, and has been talked about as it has been, it is time Congress took a firm stand against any further publicity of this kind.

I thank you very much, gentlemen.

The CHAIRMAN. Thank you, Mrs. Gibbs. Unfortunately we have not been able to arrange definitely for this room tomorrow. We are going to try to get it and believe we can get it, but we will meet either here or in the room of the Committee on the Judiciary tomorrow morning at 10 o'clock. The hearing is now adjourned until 10 o'clock tomorrow morning.

(Whereupon the hearing was adjourned until 10 o'clock a.m. Friday, Jan. 19, 1934.)

BIRTH CONTROL

FRIDAY, JANUARY 19, 1934

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The committee met at 10:00 a.m., Hon. Hatton W. Sumners (chairman), presiding.

The CHAIRMAN. Are you ready to proceed? The inquiry has been made of the chair if it will be all right for witnesses who feel that they would not like to stand all of that time, to sit down while they are addressing the committee. The chair would like to announce that that is a matter to be determined by the convenience and pleasure of the witnesses, whether they shall sit or stand.

Mr. BURTON. Thank you. Mr. Chairman and members of the committee: I desire to introduce as the next witness Dr. Howard Atwood Kelly, who is a professor emeritus in the Johns Hopkins University in Baltimore.

The CHAIRMAN. You may proceed, Dr. Kelly.

Dr. KELLY. Thank you, Mr. Chairman. I have just come from a sick bed.

The CHAIRMAN. Just sit down and make yourself entirely comfortable.

Dr. KELLY. I am a little bit deaf, and my deafness is aggravated by the cold that I have, and I hope you will excuse infirmities.

The CHAIRMAN. Certainly.

STATEMENT OF DR. HOWARD ATWOOD KELLY, PROFESSOR EMERITUS, JOHNS HOPKINS UNIVERSITY, BALTIMORE, MD.

Dr. KELLY. Mr. Chairman, I feel that this is on the whole a great moral issue, and I do not think where morals are brought up that we can look at the thing in simply an utterly dispassionate way, as we would anything which is merely mechanical.

I think the relation between the sexes, that most intimate relation, is one of the greatest gifts our Father has conferred upon the human race; in giving this woman her beauty, her charm, grace, tenderness, love, and affection—all of which go to make up married life and love. And now it is proposed to introduce into this married life certain mechanical meddling with the function of the relations between man and woman, by authorizing the dissemination of what are called glibly and euphemistically contraceptive information and material. I think if we went into the details of this thing, it would be abhorrent to us.

I understand that day before yesterday a group endorsed this measure. But I have to confess that I have 9 children and 14 grand-

children, and so I am not one of any such group; and it would be an abhorrent thing if anything of this kind came into my family, to my sons and daughters, and my grandchildren, to have anybody reflect back on my ancestors, including my beloved and sainted mother, by saying that she indulged in any such practices. And if I knew of a man that was highly respected in the community, and more particularly a man engaged in the profession of teaching in this country, which has been said by the Supreme Court of the United States to be a Christian country, and if I knew that that man was indulging in such practices with his wife, I would lose all of my respect for him. He could not teach me anything at all concerning any moral issue, because moral issues have this characteristic—that if you impair the standard of one, all go alike; they are all broken down; you have lost your moral standards once you abandon any of them.

Now, this question calls for a discussion relating to the female genital organs, and I am obliged to speak as if there were no ladies present.

This proposition relates to the insertion of instruments or some kind of medication to nullify any living products coming from the sexual relation. It sounds in a way simple, but it requires preparation. In the bill it evidently requires a doctor to participate. I am sorry for the members of my profession who would give any part of their lives to doing such a thing in preparing the individual for the sexual act. It is just inconceivably distressing and disgusting. It makes a woman a kind of prostitute.

I understand that some one else said that same thing yesterday—Father Coughlan. And I am thoroughly in accord with Father Coughlan on that. I am not a Catholic. I am Episcopalian; but I circulate in all the churches, wherever I am invited, wherever Christianity is taught—whether Catholic, Protestant, or what not.

And then the idea is that these women can follow those practices for a considerable period of time, and then, when it becomes convenient, they can have a child. But it cannot be done that way. It cannot be done with that simplicity. People who have followed these practices for a long time have come to my office and consulted me—and I have been practicing now for 53 years—begging that something may be done whereby they may have children. But they have destroyed their capacity, and it cannot be done. Those things cannot be spaced in that way. I have been reading Mrs. Sanger's presentation, and it is a very admirable presentation; but it simply does not work. And it leaves out of sight the moral question.

Now, these things are done in Soviet Russia. And it is true, as Mrs. Sanger has said, that we are using automobiles and locomotives and they are also using them, and that does not show that we are imitating them. But on a moral question, involving a matter of ideas, we want to know whether we are going uphill or downhill. We know that this practice is very prevalent in Russia, and is greatly encouraged there. And we also know that the family relation counts for nothing in Russia.

In Russia they deplore and try to discourage more than anything else both love and married life. You can read that in Miss Halley's book, which has just been reviewed in the New York Times. They discourage anything like that in Russia. When a man wants a woman in Russia—if he sees a girl he wants he says, "I like you, and I have

an extra room", and they go and get married and spend the night in his room, and the next morning they are divorced. They are unlimited in the number of divorces there, and they are granted without any cause and without any expense. And I need not say that we do not want to get into the status of a nation like that.

Gentlemen, I think we are in some respects on the downgrade ourselves now; and you gentlemen are here to uphold the principles of purity and righteousness, and above all, the marriage and family relation—and that loving care for which womankind was committed to us at her creation. So I beg you that you will not take the responsibility of changing these things; let them continue to be as they have been.

Now, in Maryland this year, the statement appeared in the newspapers day before yesterday that we have had the lowest birthrate we have ever had. And yet people talk about the excessive birthrate. The heading, "State Birthrate Lowest on Record." That was in Maryland.

And I advise the members of the committee to read the book by Miss Halley, which very clearly takes up the whole question. I would like to advise also the reading of another book, by Irving Fineman, a distinguished Jewish lawyer in New York, describing his life in Russia. It is a most beautiful picture of that affectionate life among the Jews, particularly in these relations in which the Jews have always excelled—and that probably accounts for their virility and splendid character. And I think as a group that the Jews have the best minds in the world, whatever we may think of their practices in certain places.

This man Fineman was in Russia under the Czars. And he describes his escape from Russia. Everybody ought to read that, as it is a very fine description of life in Russia under the Czars.

And then, in regard to the present-day conditions in Russia, we have a book by Carveth Wells, called "Kaput", which is well worth reading, and it shows those conditions existing in Russia, to which we are pointing—if we are not already on the way.

Gentlemen, I feel that you should not put your ears to the ground and ask, "What is the public opinion", but that you should uphold the highest standard. It is for that reason that we select men of your high character and standard to uphold the highest standard, and not merely to ask what the public wants, but to set the public an example.

Now, it is said that this is for the poor man. Why, gentlemen, the people of education and wealth have been dying out. Generation by generation they go to pieces. A man makes money, and the chances are that he made money by the sacrifice of the lives and character of his children. I wonder if I dare mention in that connection one of Marshal Field's sons, or one of Pullman's, and Jay Gould's family—all of them, with the exception of Anna Gould, who is perfectly splendid, and is an exception in that family. And so on through the long list of wealthy families. A man makes large sums of money and that generally means a sacrifice of his family relations, and the people with opportunities, after all, are dying out.

When I was a boy I remember there was an article in newspapers, where a kind of census was taken of the people living on Madison

Avenue, and the number of children they had; and it was found that the wealthy families had very few children and were dying out.

Now, we have no record as to this in Maryland, but down South the large birth rate is due to the colored population. They are coming forward in enormous numbers—and they never would practice these things as to birth control.

It is said that the laboring men ought to be considered, and that he ought not to have to support a large family; and that he must live in accordance with his income. One of the proponents of the measure said that yesterday.

Well, gentlemen, we as we sit here do not realize—you gentlemen probably know something about it from your contacts with the people—but we do not realize the condition of the laboring man today, the enormous amount of poverty, and the deaths that occur really, from starvation—not from the lack of food for a few days, but the gradual, slow starvation, and the children suffering from cold and insufficient and improper food, and the lack of proper clothes and shoes to wear. I speak of that because I am in intimate contact with those conditions in Baltimore, not in a professional way, but simply from friends, hundreds of friends, who go around trying to help those people and brought into contact with them in that way—and the people who do that are some of the best women in the city of Baltimore. And they tell about the conditions that they find there among the poor—with their diminished income. Many of the children have to go to school without any breakfast; there is no milk for the babies, and the condition of those families of laboring men were deplorable in everyway.

Now, in connection with those people, I was told that last year the attitude of those poor people was one of gratitude for the help given them. But there is this year apparently a feeling of hatred developing among the poor. And the condition of those poor people is certainly desperate. There was one Italian that they found, a very capable man, although he could not read and write; and he had six children, and all of them had to sleep in one bed.

And such things as those are becoming to be known, and those people are very discontented; and if they had the leadership we would have trouble in adjusting those things.

Any why should we attempt to adjust them in this way by saying to the poor man, "You have got to have fewer children in your family?" He would say, "I am not going to continue to stand where I am. I am a producer. I am the creator of things and I have got to have a larger return for my labor."

Look at the money we are wasting—the countless millions to be wasted. There was \$40 invested by some fellow, and it goes up to a valuation of \$50,000,000 in a short time. That was the aviation field of investment. Enormous dividends are made by corporations and being paid out in that way, instead of by paying just wages.

The Book of James says:

Masters, give unto your servants that which is just and right. How are your rich because of your corrupt riches?

Now, to attempt to adjust those things in this way is an insult to the poor man and he will not stand for it. It is a kind of short cut. It looks specious. Perhaps it looks like it will work, but short cuts never work.

Now, we have come down to these conditions step by step for many years, and you cannot in a few years straighten out and settle a moral issue. The only way to remedy these deplorable social conditions is to give labor an increasing wage for its work, so that the laborer will be able to save and set aside for the future and have sufficient money for extras above necessities, and for little holidays; to have money enough to bring up his children properly, pay doctors' bills, dentists' bills, and so on. And they are going to get it some how or other.

Gentlemen, it is not enough for us to merely go along in that way as we have in the past—in the spirit that we are protecting ourselves. We have got to recognize in relation to the poor the law of affection—that they are members of our own families, and to feel a definite affection for those with whom we are brought into contact. Their affection is worth while. I do not know of any group in the community that is more sweetly conscious of what is done for them in the right spirit, and in the name of personal friendship. And I do not think that is a thing that can be worked up overnight. It will take time. But we cannot expect to settle a great moral issue in a short time.

Now, this birth control propaganda is being put into the hands of the people at large. It has been advertised extensively; and it has become disgustingly public. There was in the last few days a so-called "Conference of Birth Control and National Recovery" held at the Mayflower Hotel in this city. That would have been inconceivable 10 or 12 years ago. And then those people have social gatherings, to which people are specially invited for general social discussion; but of course, the great thing they intend to discuss is contraception.

If the sanction of the Government were put on this thing it would amount to a recommendation for immorality. That is true of prostitution in some countries in Europe. In France that is the case. In France a young man who keeps himself clean and pure is called by a contemptuous name, and that is true also of Germany. A young man in those countries is expected to be immoral. But he does not expect his wife to be immoral.

And, gentlemen, this thing will spread; because the recognition of our Government is tantamount to recognition of prostitution. We had open prostitution in Baltimore for 30 years. And we fought it all the time, and finally got rid of it. It got so bad in Baltimore that the boys who were about to finish school would take the freshmen to those places and introduce them to the prostitutes they had been accustomed to visit, on Rayburg Street and the other streets in that section of the city.

I do not mean that there was a law legalizing immorality in Maryland, as there was as to gambling. But in Baltimore they had a system by which the judges set apart a day once a year in court, which was called "Ladies' Day"; and on that day those women were brought to court and fined \$5 each; and that was recognized as being tantamount to telling them, "Now, you can go about your business for another year and nobody will interfere with you."

And the conditions in those places were deplorable. I went up and down in that district, and I took the chief of police with me, and after we had gone around examining conditions, he said, "I have never seen anything like this before."

Those who favor such legislation say as to the present law, "Well, it violates the rights of the poor, who have the same rights as the rich to resort to these measures." Well, do you think that those poor colored people down South will use these methods? They will not.

And the use of the rubber mechanism in the vagina for a certain period of time very often produces inflammation of the vagina, the results of which are harmful and dangerous. There is an article in the Journal of the American Association last September about it. And there have been children born now where the contraceptive drug has been used, but not in sufficient quantities to kill the spermatozoa germs entirely; and these children have been deformed as a result of that treatment. And as I have said, you may bring about sterility by these practices of using these things.

But this proposition involves, finally, the violation of fundamental Christian principles. And I ask you, gentlemen, to give thought to this: We pretend to be a Christian country, and what kind of Christianity can it be that would permit these practices? I do not see how any Christian man or woman can indulge in these things.

My time has expired. Thank you, Mr. Chairman and gentlemen.

Mr. BURTON. Mr. Chairman, I desire to introduce to the committee Dr. Henry J. Crosson, representing the District of Columbia Medical Association.

STATEMENT OF DR. HENRY J. CROSSON, WASHINGTON, D.C., REPRESENTING DISTRICT OF COLUMBIA MEDICAL ASSOCIATION

Dr. CROSSON. Mr. Chairman and gentlemen: I come here as deputy of Dr. William Gerry Morgan, who represents the American Medical Association, as well as the District of Columbia Medical Association, and I have his authority to speak in his place.

In the first place, let me say, gentlemen, that this bill is supposed to have the sanction of doctors; that it is a sort of physicians' bill.

As a matter of fact, there is not one scintilla of truth in that. I wish to read, if you please, a letter that will make that plain, even to those who might be most prejudiced in favor of this measure. This a letter from Dr. William C. Woodward, legislative counsel, American Medical Association, addressed to Hon. Hatton W. Sumners, chairman of this committee. I will read it:

AMERICAN MEDICAL ASSOCIATION,
BUREAU OF LEGAL MEDICINE AND EDUCATION,
Chicago, Ill., January 15, 1934.

HON. HATTON W. SUMNERS,
*Chairman Committee on the Judiciary,
House of Representatives, Washington, D.C.*

SIR: I am informed that the Committee on the Judiciary, House of Representatives, will give a hearing, January 18, on H.R. 5978. A bill to amend sections 211, 245, and 312 of the Criminal Code, as amended. The purpose of the bill seems to be to facilitate the distribution in interstate and foreign commerce and through the mails generally, of books and information relating to the prevention of conception, and articles, instruments, substances, drugs, medicines, and things designed, adapted, or intended for the prevention of conception, for use by five agencies:

(1) By physicians legally licensed to practice medicine in States, Territories, or the District of Columbia.

(2) By persons acting under the directions or prescriptions of physicians legally licensed to practice medicine in States, Territories, or the District of Columbia.

(3) By medical colleges legally chartered under the laws of States, Territories, or the District of Columbia.

(4) By druggists filling prescriptions of licensed physicians; and

(5) By hospitals or clinics licensed in States, Territories, or the District of Columbia.

To avoid any misunderstanding with reference to the sponsorship of this bill, it may be well to have the records show that the American Medical Association has taken no part in its preparation or in promoting its enactment.

Respectfully,

WILLIAM C. WOODWARD,
Legislative counsel.

Now, may I read the actual transcript from the proceedings of the eighty-third annual session of the American Medical Association, held in New Orleans, May 9-13, 1932? That is published in the *Journal of the American Medical Association*, May 28, 1932, pages 1897-98:

Dr. J. D. Brook, Michigan, moved the adoption of resolutions providing for the appointment by the President of a suitable committee on the study of birth control.

The motion was seconded by Dr. Carl F. Moll, Michigan, and discussed by Dr. Charles E. Mongan, Massachusetts, and Dr. J. J. Van Derslice, Illinois.

Report of reference committee on executive session.

Dr. Samuel P. Mengel, Pennsylvania, for the reference committee on executive session, presented the following report:

"This is a controversial subject and the committee believes that it would not be advisable at this time to inject this subject before the profession. The committee therefore disapproves the adoption of the resolutions."

J. W. VAN DERSLICE, *Chairman.*

S. P. MENGEL,

ARTHUR W. BOOTH,

J. F. D. COOK.

Dr. J. W. Van Derslice, Illinois, moved, as a substitute for Dr. Brook's motion that the recommendation of the reference committee on executive session be adopted. The motion was seconded by Dr. John W. Hagerty, New Jersey, after discussion by Dr. Holman Taylor, Texas.

May I now read a resolution passed unanimously by the American Gynecological Society at its meeting at Stockbridge, Mass., in 1927:

Resolved, That in its final analysis the question of birth control is essentially a medical problem. The American Gynecological Society is not sponsoring, nor does it endorse, the efforts of any lay organization to amend the penal code to remove any restrictions that exist that hamper medical practice.

The Secretary of the society was instructed to file a copy of this resolution with "every member of the committee before whom this matter will come in Washington" (See *Gynecological Transactions*, vol. 52, 1927.)

The American Gynecological Society has not altered this position of disapproval of the legislative efforts of any organization which has no authority to speak in behalf of organized medicine.

And I desire to emphasize that the society has not altered its position of disapproval.

I now wish to read, if you please, Mr. Chairman and gentlemen, a telegram received from Dr. William Gerry Morgan, dated Willard, Ohio, January 17, 1934, and addressed to Patrick Ward, National Catholic Welfare Conference, Washington, D.C. Dr. Morgan said in that telegram:

I learn with regret hearing on birth control bill comes up tomorrow during my absence. Please make known to committee my continued unalterable opposition to passage of this or any other kindred bill for following reasons, to-wit: First the destructive degrading influence of it on the youth of both sexes of our land. Secondly, the inevitable and unavoidable harm that it will cause to young women

through methods and practices which would be legalized and which would result in many cases in profound pelvic disturbances and disease, ill health, and misery. This bill can confer no benefits on human beings. It will not slow down, impede or prevent the begetting of the mental defective, the morally unfit or the physically incompetent. Those most likely to avail themselves will be the so-called "intellectuals" to whom we rightfully should look for the future generations to carry on the work of the world. It is inconceivable that the great and wise lawmakers of our fair country will be so deceived by the fallacious arguments of the proponents of this vicious bill as to lose sight of their sacred and inescapable duty to their children and children's children as to be led to make it the law of the land. I regret more than I can express that on account of an enforced journey to the Middle West I am prevented from attending this hearing to supplement the arguments against this destructive bill which I have offered at previous similar hearings.

WILLIAM GERRY MORGAN, M.D.,
Secretary General of American College of Physicians.

Now, gentlemen, your time is very much crowded, and I am going to ask your indulgence while I touch on just two points that have been very much stressed by these not very well-informed people:

First, as to tuberculosis. Picture, if you please, the woman of 2 or 3 months' pregnancy, who has a definite lesion of tuberculosis—a tuberculous lesion: What are you going to do with her? What will happen to that child? What will happen to the mother?

It is very well recognized that at the present time that due to the increase and better condition of metabolism, that the average woman will do better in her pregnancy than she did before. So far as the child is concerned, congenital tuberculosis—but may I read from Cecil? I looked this over last night; it is in the edition of 1934, if you please:

Congenital tuberculosis infection is so exceedingly rare as to be inconsequential.

And there, I think, you have the answer summed up in a few words to the "sob story"—one of the great teachers of the birth controller.

Now, as to mental conditions: Gentlemen, remember, in all of this talk, very much of it issuing from the womb of ignorance, only 5 percent of our atypical children are the fruits of either one or two atypical or incompetent mentalities of mothers and fathers. Please mark that. That is not generally understood.

It should be understood also that every man in this room, every woman in this room, carrying the genes, the genes being hereditary characters, carries the genes of insanity. Why more are not insane we do not know. But the vast bulk, 95 percent of atypical and retarded mentalities, are the fruits of perfectly normal men and women.

Now, let me reiterate again, Mr. Chairman, that this bill is not a physicians' bill. The physicians of the country are opposed to it. And we are not inarticulate. We are pretty well organized. We have our local, our municipal, our State and our national bodies. The American Medical Association has always done a great deal, so far as the health of the community is concerned, and will continue to do so, I am sure, to the end.

If you will turn your minds back to your own family physician, I wonder if any of you, outside of your own immediate family, have fond recollection or a greater sense of gratitude to anybody than to the gentleman who came in and took care of you when you started your hours of trouble.

Gentlemen, I thank you.

Mr. BURTON. Mr. Chairman, I would like to introduce now Mrs. Rheta McGoldrick, of Brooklyn, N.Y., who speaks for the International Federation of Catholic Alumnae.

STATEMENT OF MRS. THOMAS L. MCGOLDRICK, BROOKLYN, N.Y., REPRESENTING INTERNATIONAL FEDERATION OF CATHOLIC ALUMNAE

Mrs. MCGOLDRICK. Mr. Chairman and gentlemen of the Judiciary Committee, it is my privilege to represent here today the International Federation of Catholic Alumnae, an organization made up of more than 100,000 high-school and college graduates; also the students and members of the faculties in more than 550 schools. As we have on many previous occasions, we wish formally to register our objection and to deplore the type of legislation we are considering, H.R. 5978, which, if it were to be adopted would open the mails to an increased flood of contraceptives and loose literature.

In the short time that I may have before you on this important matter, I shall limit myself very sharply to a few major points considered from the woman's angle. First, may I say that I am the mother of five children and the wife of a doctor who is chief of staff in two great New York hospitals. That places us somewhat professionally on the firing line. We are in a position to see and hear much of the background of the birth-control racket and to know that the medical profession with all of the expensive social agencies ready to help the needy and the suffering, that the pitiful, needy cases claimed to be in dire need of contraceptive information may not be as many as you are led to believe. That is particularly true now that the law is being openly violated everywhere by commercial agencies and private ones distributing wholesale information through the mails and through the press. Sometimes, I wonder if there is anyone left who needs to be told much more about it.

The majority of the medical profession believes that if there is any necessary legislation in all of this, then that should be left for the doctors to decide and not be ruled for them by a group of lay people whose enormous business interests involved raise a nice ethical point.

That the country is flooded with birth-control information and all varieties of contraceptions there is no question. Druggists display whole windowfuls, all unboxed, and offer leaflets containing full details and diagrams. This occurs usually in those stores that are near great high schools, and there is also no question that the students are the bait. Wednesday of this week one of my sons brought home to me a handful of leaflets full of sex detail enough to arouse the curiosity and passion of any boy. These, badly worded, glaringly vulgar, were being distributed to the boys on the subway station platform as the hundreds of boys were leaving school. In some of these drug stores small-sized match boxes are left freely on the counters. These advertise the current sale of all kinds of contraceptives. You take home the box with your cigarettes.

Gentlemen, there is all of the literature in the world that you may care to see that has come in my mails. Some of it has been addressed to my children. My small 10-year-old daughter whose name is the same as mine has frequently received letters and illustrated folders advertising and describing contraceptive jellies and capsules.

These come to her as Miss McGoldrick, and she thinks she has a prize when the mail man gives her an envelop.

Much material has come to my attention through other people who are as annoyed as I at the vile circularization of our youth. Many have helped me to build up definite evidence for just such an occasion as this.

There is another point in all of this that I think should be considered by legislators before a decision is arrived at. Before, I used the word "racket." I use it again with emphasis, for birth control has entered the big business class in this country. It must require a lot of money to support the activity of its propaganda to the extravagant extent to which it is carried. What is the official connection with all of this propaganda and the more than 300 manufacturers turning out a contraceptive item in millions a month?

Do you gentlemen know that the average profit on one item ranges from 100 to 300 percent? I have brought you some wholesale druggists' figures on this phase of it and can readily secure all the literature on this that you may request. It will all be dated 1933.

Do you know, too, that there is at present a chain of slot machines on nearly all public highways where in sandwich stands, garages, pool rooms, and small stationery stores you may drop in your dime, as if you were buying peanuts, and receive your contraceptive neatly and lightly encased in cellophane?

We do not have to go farther than such far-reaching periodicals as the Woman's Home Companion and the Ladies Home Journal, or our largest cities' papers to come upon whole page ads by the Lehn and Fink druggists; and the ads for Lysol. You have seen them probably, as we all have. All of this, gentlemen, must include details that a refined woman shrinks from.

But there is a question that has to be asked. In the ads, a large sized picture shows a tearful, but not a poor looking, mother. Behind her head, on the wall is a huge calendar on which the dates are marked off conspicuously. She has evidently passed her time. The Lysol uses are then described. They leave nothing to the imagination. Leaflets are sent free on request. Who is protecting these great, rich corporations? And do we need any further freedom of the mails if all of this is being done on so wide open a scale?

We are accused as Catholics of being opposed to this kind of thing on religious grounds. Of course we are, and definitely proud of it. But there is another consideration. We are very definitely opposed to it as intelligent American citizens. There is no organization in the world more generous and tender in its volunteer charities and its willingness to help the suffering than the Catholic Church. And when those of us concerned come here as we have come today, it is without salary or expense account.

Gentlemen, the press of the country is awakening to the enormous cash transactions that are going on in birth-control utilities. It is the comment of the non-Catholic press that I have brought to you for your record and convenience. The most pertinent one is the New Republic of a week ago. I need not tell you that this is not a religious periodical of any kind. Its leading article is entitled "Birth Control's Business Baby", and it speaks in unvarnished language of the peddling of these articles, the wide open use of the mails. Among other interesting items the writer states that a recent survey in

Florida showed that "prophylactics", a stock name by the way, were being sold in more than 376 places besides the drug stores, and then makes this delightful and unanswerable observation:

The supporters of birth-control meeting in Washington find themselves in a paradoxical position. They are obliged at one and the same to advocate birth control, but are obliged to warn the public of the flood of contraceptives being peddled over the country. Indeed the present situation is an amazing one. There are Federal laws against this kind of thing and individual State laws. But nevertheless, there is a thriving and extensive business being done in every variety of contraceptive.

Yesterday we heard one of the proponents say that morality is not the issue; that much of that is superstition—a fine statement to make in these halls of America's finest tradition. Morality is very much at stake. It is the major issue, especially when one considers that Senator Copeland said last year we spent \$15,000,000,000 trying to control vice.

Another witness told us of the success of birth control in Holland, England, and France and announced that there was less immorality there than here. There has been a great deal of loose talking on all of this, gentlemen, and not enough presented facts.

Little Holland, for instance, small and crowded, adopted birth control as a national expedient. That was more than 10 years ago. Proponents of birth control have pointed out Holland as the noble experiment. At meetings such as this they do not tell you the other side of the story. You have not been informed how stricken Holland became; how she rescinded her law because of the shocking drop in the birth rate, the increase in venereal disease and general promiscuity, immorality and prostitution. Contraceptives there could be purchased in any dry goods store. But not now. Thoughtful leaders of the country amended the law in an effort to save their country from the cancer at its heart. These facts are in print, gentlemen. They are not new and they are available. I shall be glad to send you Holland's law.

France and England are knowing the same thing. Our own United States is knowing it. May I hand you at this time our own Department of Agriculture's finding for this year on the population prospect? It says that 10 to 12 years ago the yearly increase in population in this Nation was about 2,000,000. Now, it is less than 1,000,000. There are not enough children being born to maintain the present population. In this year there will be 600,000 fewer children than in 1921.

This statement was made by Dr. O. E. Baker, senior agricultural economist, Bureau of Agricultural Economics, United States Department of Agriculture. It is, of course, unanswerable. I should like to have his statement incorporated in the record.

But, of course, gentlemen, the statement before us is one of morality and decent citizenship and it is the very grave question of the debt that we owe to the youth of this Nation. We cannot legislate against the great majority for the suffering minority. As a nation we are spending hundreds of millions of dollars for the intelligent care of the sick and the suffering. That is the constructive way to go about it.

Let us, in the higher motive, be builders, not destroyers. Surely as a nation of fine tradition we are strong enough to uphold morality,

respect restraint, see the need for decent continency. There is no answer to the question that it is our job to do everything within our power to prevent license and promiscuity among our boys and girls.

The passing of this amendment would be to encourage the wider dissemination of that information that would be a blight and a curse upon the younger generation of this Nation. For the 1,000,000 letters of endorsement claimed by the proponents to have been received in this year, millions of right-thinking persons in this country—not only the 20,000,000 Catholics in its population—would rise in bitter indignation.

Thank you for your attention, gentlemen. We feel sure that as legislators with the country's good in mind that you, too, will think rightly about it.

Mr. BURTON. Mr. Chairman, I desire to introduce now Dr. Joseph J. Mundell, professor of obstetrics, Georgetown University.

STATEMENT OF DR. JOSEPH J. MUNDELL, PROFESSOR OF OBSTETRICS, GEORGETOWN UNIVERSITY, WASHINGTON, D.C.

Dr. MUNDELL. Mr. Chairman and gentlemen, recent scientific work has shown that during the menstrual cycle in women there is a period of fertility and a period of sterility. The fertile period, during which the woman may become pregnant, lasts not longer than 9 or 10 days. This fertile period can be reckoned with almost mathematical precision. The balance of the 28-day menstrual cycle is sterile; it is not possible for a woman to become pregnant during this time. Abundant clinical experience is being collected to substantiate and confirm these observations.

Granting that there are women with grave kidney, heart, and lung diseases in whom pregnancy would jeopardize their lives, we now have available scientific medical devices that will definitely safeguard them against pregnancy. Furthermore, mechanical and chemical contraceptive contrivances are hazardous, because if indulged in continually over long periods they undoubtedly will result in chronic or acute inflammation of the pelvic organs, which may result in chronic invalidism, and over long periods is conducive to the development of cancer.

And for these reasons I urge that there is no need for such legislation as is here proposed.

The CHAIRMAN. Thank you for your statement.

Mr. BURTON. Mr. Chairman and gentlemen, the next witness will be Dr. Henry W. Cattell, an eminent pathologist and medical editor, of Philadelphia.

STATEMENT OF DR. HENRY W. CATTELL, PATHOLOGIST AND MEDICAL EDITOR, WASHINGTON, D.C.

Dr. CATTELL. Mr. Chairman and members of the Judiciary Committee, and Mrs. Sanger. I have been asked to orient myself before this committee. If any care to do so, let them look me up in Who's Who. Or in some of the encyclopedias.

Mr. CELLER. Are you a medical doctor, sir?

Dr. CATTELL. I am a medical doctor. I have published, edited, compiled, and written over 100 books; and those books at one time

were found as text books in every English-speaking medical school of the world. The man that I most regret not being here today, in order to tell you what he knows about contraception, for the American Medical Association—for he is a past president—is one of my former students when I taught at the University of Pennsylvania for 10 years. And that man is well known to Washington—Dr. William Gerry Morgan.

I have performed thousands of autopsies. I have been the leading medical expert in hundreds of homicide cases. I had charge of the autopsies of the A.E.F. during the World War in the Surgeon General's office. I have been connected with most of the hospitals of Philadelphia in the capacity of pathologist.

I have labeled these few thoughts that I shall now attempt to give to this committee, "Hidden dangers of contraception."

For the first three days of this week, starting on the 15th of January 1934, the so-called "American Conference on Birth Control and National Recovery", under the adroit and capable management of Mrs. Sanger, has been holding its meetings and commercial exhibition of contraceptive literature and devices at the Mayflower Hotel here at Washington. To me it would seem that the conference was timed and placed for the purpose of supplying propaganda, atmosphere, and a setting for the hearing now being held on H.R. 1942.

To you, members of the Judiciary Committee, a conference probably means a joint meeting of committees from the two branches of Congress brought together for the purpose of adjusting differences, of a controversial nature which have arisen in the course of legislation between the House of Representatives and the Senate. To me a conference does not mean a subservient and packed jury acting under the beck and call and whim of a Mussolini, a Stalin, a Mustapha Kemal Pasha, a Hitler, or a Mrs. Sanger, when and called together for the specific object of furthering his or her own ulterior purposes, of whatsoever nature these may be.

Fortunately for our own beloved country, we are still ruled by political parties, and not by blocs, which work for their own interests instead of for the good of the entire country. There have, however, recently grown up from the underworld groups of racketeers, often wielding a powerful influence, who through violence and threats of violence levy blackmail to support their own vicious ends. But even more dangerous than such groups to the welfare of our land are vociferous minorities who openly break laws under which we as a nation have grown great and mighty and when they have become "bootleg" ask that they be repealed and new laws be placed on National and State statute books in their stead. They would take the "nots" out of the Ten Commandments, so that they would read: Thou shalt covet thy neighbor's wife; thou canst now commit adultery with safety, as we have by contraceptive methods made it possible to prevent conception, and should this fail, the abortionist is at your command to do his nefarious work. Horrible thought. Do you remember the camel getting his nose into the tent? Why not legally kill the child as in the days of King Herod if it be not wanted?

Pray permit me to cite from my case book an actual instance of what nonmedical practices may do, and another one showing that continence in man is not a thing of the past.

Case No. 1: John Doe and Sarah Hoe, who truly loved each other, became engaged, and entered into a prenuptial agreement to have no children for the first 7 years of their married life. In order to have a home in which the children might be properly brought up, they further agreed that both would keep their paid positions until the time arrived for them to have their first child. Sarah prepared her trousseau, and sought contraceptive advice, which cost her considerable more money and expenditure of time than she had expected. The operation of removal of the hymen had to be performed, so that the mechanical devices for preventing pregnancy might be applied, first by the physician and then by herself. A stock of well-circularized chemical agents were bought, at a good price, and no doubt with a rake-off for the physician. The contraceptive instruction, including the showing of motion pictures to a group of those receiving contraceptive advice—the vision of this horrible picture now comes to my mind—and they were married, the ceremony being placed in the menstrual cycle when pregnancy is least apt to occur and the man armed himself with a condom. But with all these precautions, pregnancy occurred, and an abortion was performed, but the protective fluids of the vagina had been so weakened by the contraceptive fluids employed that an infection took place which caused the necessary removal of the uterus and its appendages. Final result: There was invalidism of the woman and unhappiness in their home life, and the pleasant dreams of being parents vanished in thin air, after expending much money before the removal of the ovaries to see if some method might not be found to have pregnancy take place.

Case No. 2: My friend, Major Warchat, who is now over three score years and ten of age has never drunk tea, coffee, or alcoholic beverages, has never used tobacco in any form, and has never broken the Seventh Commandment, a believe-it-or-not history, but he is, however, most inconsistent as he knows how to make good coffee when his friends visit him, and at the club in pre-war days would permit the people at the table to order on his account what they pleased, while he himself drank ginger ale. Furthermore, he raised tobacco on his plantation. He has led an active, unmarried life, enjoying good health, except when it is interrupted by interferences with bodily functions not under his control, and his mental, physical, and spiritual values seem to be normal in every respect.

In conclusion I have formulated certain postulates which I hope to be able to defend through thick and thin, and they are these:

First. All around physical, mental, and spiritual values in right ways of working and living may be accomplished without coitus or masturbation, during an entire lifetime, no matter how long this may be.

Second. Masturbation should not be taught by the spoken or written word as a purity measure to boys having the sexual urge of puberty in order to carry them over to marriage free from venereal diseases and the company of prostitutes. Such books should not be allowed to circulate in the United States mails by the Post Office Department. One of these books which I purchased in a large department store was sent to me by mail, and with this chain of evidence I went to the legal advisor of the Postmaster General of the last administration, and he refused to take legal action as he did not consider that he could secure a conviction. This book quotes the letter

of a mother to her son advising the boy to masturbate shortly after going to bed so as to give nature an opportunity to recover from the exhaustion which follows the physical exertion, and not to postpone the so-doing until the early morning.

Third. Many Christians using contraceptive devices with the feeling that it is permitted, may even recommend in these times of economic stress, are unaware that pot-house policies were used to put the recommendation of some committees over which while favorable were never passed by the constituent body for which the committee was a part of the denomination to which they belong.

Lastly, having had a wide experience as a pathologist and as a general practitioner of medicine in my younger days, I can say with all earnestness and truthfulness that the use of contraceptive methods now in vogue are as harmful as those of coitus interruptus upon the mental, nervous, and endocrine systems of the body. The mills of the gods grind slowly but surely, and we shall hear much more in the future not only of these irreparable damages but also of the lowering of the spiritual and moral tone of the communities in which they are practiced.

Mr. BURTON. Mr. Chairman, we present as the next witness the Honorable Mary T. Norton, member of Congress from New Jersey.

STATEMENT OF HON. MARY T. NORTON, MEMBER OF THE HOUSE OF REPRESENTATIVES FROM NEW JERSEY

Mrs. NORTON. Mr. Chairman and members of the committee, for the third time I am appearing before a Congressional Committee in opposition to what is termed a "birth control bill." There is no necessity for this law—instead of spreading information on how to prevent childbirth, we should endeavor to instruct women how to bring happy, healthy children into the world, for the time is fast approaching when we shall be obliged to depend upon the countries of the old world for future generations.

According to the 1930 census there are only 18 million women of child-bearing age in this country, probably less now. Mrs. Sanger stated inaccurately at the hearing on bill S. 4436 in 1932 that there were 25 million. Of the 18 million recorded by the census it is estimated that 3 million are naturally sterile. About 2 million are Catholic mothers who would not resort to this easy method of shirking responsibility and it is safe to assume another million would not seek Mrs. Sanger's way out.

Mrs. Sanger made the statement on January 15 that she "can lay at the door of the opponents of this movement a larger part of the misery and poverty arising from the huge array of the unemployed." What a ridiculous statement! Many causes have been given for the depression but this is a brand new one. Any person who believes facts knows that unemployment is due to lack of fair and equitable distribution of wealth and goods. Mrs. Sanger would accommodate those responsible in a large measure for the suffering of the poor by reducing in equally large numbers those to whom capital owes a large obligation which it does not desire to fulfill. Birth control will not solve the problem—it will aggravate it. Birth control will not reduce poverty for it contributes nothing toward the redistribution of wealth. It will not bring about higher birth rates in the so-called "upper

classes" on which the birth controllers tell us the State should largely depend. I resent the statement that has been made so often that birth-control information is necessary for the poor. I challenge the statement. A large percentage of the great men and women of history were born poor and their desire to achieve greatness was responsible for their success. Eugenics had nothing to do with it.

Birth control will not contribute to reducing the mentally unfit for it is a fact that science is not able today, definitely (according to such historians as the National Committee for Mental Hygiene), to distinguish between hereditary and nonhereditary feeble-mindedness. Mental deficiency is found in all classes of society.

I can say in this connection that one of the most brilliant men I ever knew, and his wife equally as brilliant, had two feeble-minded children, and by the way, they were the only two children they had.

The declining birth rate in this country should be regarded by every real American as a great menace to our future development. In 12 years our birth rate has declined from 23.7 in 1920 to 17.4 in 1932. During the same period the death rate has decreased only from 13 in 1920 to 10.9 in 1932. The death rate has probably reached its lowest figure. The future tendency will be for it to rise in a rapidly aging population.

This means that the population of the United States is rapidly reaching the point where it will be unable to reproduce itself. Our old-age group is steadily increasing and raising a new problem in the United States. The number of children is steadily declining and the women of child-bearing age are joining the ranks of the older people without sufficient younger people to take their place.

In a recent survey I made of 28 married couples between the ages of 20 and 38 years 8 couples had no children. This probably constitutes the average of the American family.

It is estimated that the population of the United States will become stabilized in probably 20 to 25 years at about 150 millions or less. The decline thereafter will be rapid because the productive section of the population—and I mean by that women of child-bearing age—will have dwindled because of our present low-birth rate.

Authorities on this subject (Baker, Dublin, Tolka, etc.), estimate by the end of this century we shall probably have a native population considerably under 100 million. This, of course, will have serious national and economic consequences apart from that which we consider are fundamentally important—moral decadence. Our mental and moral discipline has decreased in our desire for luxury. Materialism has taken the place of fine sensibilities and destroyed many of our best minds. Marriage and the great privilege of bearing children instead of being regarded as a sacred function is paraded and discussed without reserve; and the functions of life that should be regarded as private and personal have become everyday conversation. I contend that the sanctity of the home is our greatest national asset and I plead for its preservation. This cannot be preserved if we pass this bill. By doing so we not only destroy that which is most beautiful in our human relations, but we shall also be responsible for the lasting degradation to a great country. A country that has become great through sacrifice, faith, and idealism. Let it not be said that we have exchanged these for a disgusting mess called birth control. Rather let us dedicate ourselves to teaching self-control and preserve for our-

selves and our children a certain amount of moral discipline, some of the endurance of our forefathers, some of the faith in God that made it possible to welcome one more in an already large family.

I cannot, I will not, believe that this new idea of a certain group of twentieth century women will endure. The answer is obvious. A thing that is absolutely contrary to the laws of nature can never endure. This is true in the twentieth century surely as well as it has been for the past hundreds of centuries that have given us our moral sense, our finer feelings, and our civilization. I am stating a fundamental truth and therefore an everlasting one. A man-made law in opposition to a law of nature must fail.

Can it be that these advocates of birth control wish to justify their own desire for soft living and shirking responsibility by passing on to their less fortunate sisters this vile information?

The arrogance of the birth-control proponents is astonishing. They set themselves up as champions of womanhood, the enlightened people of the country, the court of last resort. The opponents are set apart as the "ignorant minority." Let me say to these proponents that we detest such canting hypocrisy.

Congress in its wisdom will think twice before it will be stampeded into destroying the most sacred thing we have in this world today—motherhood—proponents of birth control and legislative lobbyists notwithstanding.

Mrs. Sanger may some time succeed in her commercial enterprise, but if and when she does, God help the children of that age whose beauty of mind and soul has become a sanctuary for the grossest material calculations and contaminated by the filth carried through the mails regarding the most profound mystery of life.

During my early fight against the eighteenth amendment I was insulted many times yet lived to see the day when I was joined in that battle by many of those who did not hesitate to voice unkind thoughts of the early crusade against a law conceived with good intentions that caused untold misery to the mothers of this generation. Let not the mothers of another generation go through the agony of seeing their helpless little children victims of literature delivered through the mails of this great country destined to destroy their innocence.

Mr. Chairman, I have been in the House 9 years. I have learned to know and greatly respect my colleagues and today have sufficient faith in them to believe that they will think seriously about the provisions of this dangerous bill. Many of you have children of your own. Will you vote for a bill that may eventually destroy the peace and happiness of those children? I think not. You know and I know that it is loaded with dynamite; dynamite that in the years to come, when we have gone to the great beyond to give account of our stewardship, may be the means by which a great Nation was destroyed. I know you will think much of what you are called upon to do when this bill is discussed in committee, and may God direct you then to do that which is right and for the best interests of a country that is great and powerful because of the sacrifice and faith of our old-fashioned mothers. Their greatest joy was experienced with their children; poor they were, as things are counted today, but rich in love and devotion, and many of them lived to see their ambitions fulfilled in their children—in the contribution made through their sacrifice by these children to a beloved country.

I am perfectly satisfied to leave this matter in your hands. I know it will be dealt with properly.

May I include in the record, Mr. Chairman, some telegrams and letters that I have received from representatives, one the chairman of the committee on legislation, Mount Carmel Guild, Diocese of Newark, N.J., and another from the Alliance of Catholic Women, from Philadelphia, Pa.

The CHAIRMAN. They may be included.

PHILADELPHIA, PA., January 17, 1934.

HON. MRS. NORTON,
House of Representatives, Washington, D.C.:

Alliance of Catholic Women, representing over 100,000 Catholic women of the Archdiocese of Philadelphia, strongly protest against the passage of the bill, contraceptive permitting the information through the United States mails or otherwise broadcast relation to the bill on birth control. Please present this protest to the committee in charge and use your influence against said bill.

ALLIANCE OF CATHOLIC WOMEN,
MRS. SYLVESTER A. LOWERY, *President.*

MOUNT CARMEL GUILD,
Jersey City, N.J., January 16, 1934.

HON. MARY T. NORTON,
House of Representatives, Washington, D.C.

MY DEAR MADAM: The 120,000 Catholic women, members of the Mount Carmel Guild of the Diocese of Newark, N.J., desire to record their protest against the passage of House Bill No. 5978, introduced by Mr. Pierce, of Oregon, and known as the "Birth control bill."

A public hearing on the bill is scheduled for Thursday, January 18, in Washington.

The members of the Mount Carmel Guild request that you use your influence against the passage of the bill.

Respectfully yours,

(Miss) M. V. SHANLEY,
*Chairman Committee on Legislation,
Mount Carmel Guild, Diocese of Newark, N.J.*

Mrs. NORTON. Thank you, gentlemen.

Mr. BURTON. Mr. Chairman, the next witness will be Dr. John A. Ryan, professor of industrial ethics, Catholic University of America.

STATEMENT OF DR. JOHN A. RYAN, PROFESSOR OF INDUSTRIAL ETHICS, CATHOLIC UNIVERSITY OF AMERICA

Dr. RYAN. Mr. Chairman and gentlemen. Those who advocate the bill which we are discussing here obviously have reasons for so doing, but I notice that there has been a shift in the emphasis in their argument from the individual to social grounds. At most hearings previously, the plight of the individual, the individual mother, and the individual family was stressed, and the necessity therefore of bringing contraceptive methods and information to such a person.

But this year it seems that the emphasis is upon social considerations. It is asserted that the bill is necessary, and the information which it provides for should be available in order to prevent an increase in the children of destitute parents, because the burden of

destitution among children is very great, and this would be one method of lessening that burden upon society.

I shall have a word or two to say about the efficacy and the justice of that proposal a little later, but first I want to call attention to another social consideration which seems to be entirely ignored by the advocates of this bill.

That is the consideration which is involved in the fact—it is notorious to everyone who takes an intelligent interest in this subject of population—of our declining birthrate.

Here are some brief statements of the figures. From the end of 1921 to the end of 1932, 11 years, the birth rate in the United States declined from 24.2 per thousand to 17.6 per thousand. That is a decline of 27.3 percent, or an average of $2\frac{1}{2}$ percent a year. Probably that average was maintained in the year which has just closed, so that now we can say the birth rate has declined 30 percent in 12 years. The decline has been continuous, each year showing a lower birth rate than the preceding year.

In cities of more than 100,000 there is now a 25-percent shortage of children; that is, the number of children is less by 25 percent than is necessary to keep those cities just stationary; and in some cities the deficiency is greater.

The number of children under 5 years of age recorded in the 1930 census, for the first time in our history, was less than at the beginning of the decade. There were some 130,000 less children under 5 years of age in 1930 than in 1920. So there is a $1\frac{1}{2}$ -percent drop in that part of the population.

At the same time, as might have been expected, there was an increase of $1\frac{1}{2}$ percent of population over 55 years of age. So that we are gradually becoming a nation of old men and women.

It is assumed that the population will become stationary between 1945 and 1960, and when that occurs the decline in population is not far off, because an average number of children per family of $3\frac{1}{2}$ is necessary to keep the population just stationary, and if the population has not maintained that ratio up to, let's say, 1960, there is no ground for believing it is going to suddenly increase.

Now, I want to call attention to this very disturbing phenomenon. Mr. Henry A. Wallace, Secretary of Agriculture, speaking before the American County Life Association, has referred to the fact that "the evidence is considerable that the population of Great Britain will become stationary within a decade and will then begin to decline." "I am persuaded," he said, "to accept that estimate, for I know it is scientific as any estimate can be." A stationary population in Great Britain of course has significance for the American farmer, for Great Britain has been the principal foreign market for our farm products.

I will mention a little discussion we had in the conference of the Peace Society the other day. A professor from the University of Chicago contended that the reason we are unable to sell as much of our agricultural production abroad as we were formerly, is because of our own tariff and other tariffs. But I say the main reason is this, the market is not only Great Britain, but all of Western Europe for our agricultural products or any other product, has greatly declined, owing to the decline in the birth rate and in the population.

"It is unquestionably true today," Secretary Wallace states further, "that there are not enough children being born in northern and western Europe to maintain permanently the present population."

This reversal of our population trend and our rapidly decreasing birth rate, Secretary Wallace points out, is due to "the scientific knowledge which enables us, to control the reproduction of the race." He, of course, refers to contraceptive practices.

I don't think there is any doubt that, in the mind of any observer, that the main cause for the decline in the birth rate is the use of those methods which are advocated and which are to be provided for in this bill.

I have heard Dr. Kncyzinsky, one of the greatest students of this subject, discuss this question, and he said a few years ago that without any question, not only with regard to the United States, but with regard to Europe, the future belongs to the Slovakian race, because they are the only ones that are not reducing their birth rate to a dangerous extent.

Father Coughlin I believe said yesterday the Anglo-Saxons won't be here after a while. He and I are the same kind of Anglo-Saxons as Schneider, the butcher, Levinski the clothier, or O'Leary the contractor; at any rate we won't be here very long.

Secretary Wallace further said,

The outlook for the exports of American farm products to Europe becomes even less rosy than at present—there is the prospect of fewer mouths to feed—European nations with declining populations will be inclined to continue restrictions on importations of farm products to protect their peasant classes.

Dr. Louis I. Dublin, probably the greatest American authority on population, after recounting the dangers that I have summarized in statistical form, says:

In the light of this situation we can see how misdirected at this time is the propoganda for birth control which is so active all over the country. Its advocates seem altogether to have missed the true state of affairs in our national economy.

I say, if they have not missed it, they have ignored it, and that question has not been faced by either one of them either at their recent convention or at these hearings.

Dr. Dublin further says:

They have certainly erred in their assumption of a too-rapid increase in our numbers and of a crowding on our natural resources. I am confident that they have based their recommendations on an emotional reaction and not on a careful scientific analysis of the facts. Nor do they appear to realize that even now the practice of contraception is very widespread. There is no other reasonable way to explain the rapid decline in the birth rate in recent decades . . . Yet certain persons seem to look upon birth control as a new force which need only be generally applied to solve most of our present day troubles. * * *. What makes it most unfortunate is its practice especially among those who need it least.

More recently Dr. Dublin has said:

The birth-control movement will have much to answer for unless it can square its account with the American people by emphasizing at this very time the need for correctives of its own activities in earlier years. It has placed bundles of dynamite all over the country. It is now high time that it began to bring back, or at least to remove, the fuses.

Then I would like to quote Dr. O. E. Baker, the chief agricultural economist of the United States Department of Agriculture. He says:

The progress in agricultural technique tends to increase production of farm products, while the decline in numbers of births tends to decrease consumption. The problem is how to control the use of the land so that production will be continuously adjusted to consumption. Although advances in agricultural technique are economically desirable, the social consequences of a decreasing farm population will be serious.

The crop area of the United States has been declining and in 1931 was the smallest in many years. Where this acreage has been contracting the consequence is that a large proportion of the young people have left the farms.

Dr. Baker further proceeds to state:

Continued decrease in the proportion of the Nation's population that is rural, which is almost certain to accompany progress in agricultural technique unless part time farming increases rapidly, will therefore tend to diminish the number of births in the nation. A further decline in births as great as that from 1925 to 1930, unless counterbalanced by immigrants, will involve a declining national population a few decades hence.

Speaking before the Association of American Geographers at the end of 1932, this same authority said:

It seems to be assumed * * * that a decreasing population would result in a higher standard of living because of the tendency to concentrate agricultural production on the better lands, mineral production on the better deposits, and industrial production in the more efficient factories. It is my opinion that these hopes, with reference to the United States, will prove illusory, particularly if the decline in population is rapid. Vacant houses, vacant storerooms, idle factories, abandoned farms will tend to lower rents and interest returns and thereby temporarily lower the cost of living, but the lessened return to capital is likely to depress gradually the spirit of enterprise, and may well lead to increasing dependence upon government * * *. The decreasing number of children will probably diminish the incentive for saving * * *. Vacant buildings and abandoned lands are likely also to exert a depressing psychological influence. The greatly increased proportion of old people may have, likewise, a depressing effect.

Incidentally, it will make the old-age pensions much more necessary and much more costly.

I would hate to be in the real-estate business in any city from now on. Of course, there will be income from commissions, but there will be no more big real-estate developments, because the people will not be there.

I venture to predict that there will be no material increase in the population of any except a few of the largest cities from now on. So what is going to happen to the real-estate business? What is going to happen also to the construction industry?

We are told that recovery is lagging because the construction industry is not picking up. What is to make it pick up? Where is the construction industry going to find work to do? Do we want any more office buildings, any more hotels, or high-grade apartment houses?

This city is typical fairly of all of the larger cities, and we don't want any more. The only future for building would be in the field of housing a great slum-clearing enterprise; the replacement of the present insanitary and inadequate dwellings by good houses would, of course, give a boost to the construction industry; but we are not going to have that immediately.

The steel industry, I venture, will never again in our lifetime reach the point it reached in 1929. Where is it going to find the market? Automobiles? Yes; they will be fairly constant. Railroads? No more, except a few for replacement. Office buildings, and big

buildings generally, will not be there for them. So I believe we will have to bid good-bye to steel as an index to business activity.

I have some quotations here from Dr. Hirsch, of Geneva, but they are to the same effect as to the decline of population, and I will omit them.

If I may take a minute or two to summarize the situation with reference to this bill, you are asked to pass this bill in order to make birth-control knowledge available to the poor so they will have fewer children, and the drain on our relief through the Government agencies will be smaller; in return for the relief they have had, they owe to the Government the duty of restricting their families.

I protest against that theory. That is Toryism. That is the belief that society, which means we, the more fortunate classes, and the rich classes, have a right to determine all policies, and we will put on them the burden of lessening their families.

We have in this country an abundance of resources to provide a much richer and higher life for all of the population if we could only get it organized. It is unorganized because society is not organized properly, and the blame is there, and should be kept there, and not thrown on these unfortunate persons.

This line of argument tends to divert the people from the real causes of maladjustment, and these are failures on the part of society.

Finally, as regards the problem of recovery, the idea that this bill will have any effect on recovery I think is fantastic. If we are not well on the way to recovery from this depression by the time any considerable number of children could be born, after the enactment of this bill, then we better get ready for something else in the social order, or a social revolution. That is utterly irrelevant to the whole question. We simply cannot—those who believe as I do—subscribe to the idea that the poor are to be made responsible for their plight, and instead of getting justice from the Government and a more rational social order, they are to be required to reduce their numbers. I repeat that is Toryism.

The idea of the people who believe they ought to regulate the life of others for the good of others, and their object in pressing this bill is the prestige which the cause of birth control would derive from this act of the National Legislature repealing the existing laws. Certainly the advocates of the bill cannot have any idea that through the operation of the bill and things following the repeal of this act, that the number of the poor is going to be reduced very greatly in any reasonable space of time. I thank you, gentlemen.

Mr. BURTON. Mr. Chairman, I wish to present Canon William Sheafe Chase, of the International Reform Federation.

STATEMENT OF CANON WILLIAM SHEAFE CHASE OF THE INTERNATIONAL REFORM FEDERATION, 134 CONSTITUTION AVENUE, NE., WASHINGTON, D.C.

Mr. CHASE. Mr. Chairman and gentlemen of the committee, I would like permission to file a paper I have prepared, and to disregard the paper, in order to keep within the limits of time.

The introducer of this bill said that one of the reasons for its passage was that the laws which are proposed to be amended are unenforceable. The outstanding characteristic of America, and the

principal cause of the depression, as I see it, is the increasing lawlessness of America.

If we can enforce our laws, there would be a stable standard of money, there would be an equal distribution under justice and law. As conditions are today, the unenforceability of most of the criminal laws is what causes trouble.

Your remedy is not to yield to the law breakers, we will get into endless lawlessness, and we can't amend our laws by starting a series of lawlessness and nullification.

As I see it, gentlemen, this law that is now before you is loosely drawn with the idea of not being enforced, even in this amendment, and I would like to object to the passage of this law because I think the principal duty of Congress is to make the present criminal laws, all of them, enforceable by the purification of that political system which is getting the graft out of the violation of law.

It is the duty of Congress, as I see it, to find out why these laws which are on this statute book are not being enforced.

When laws are not being generally enforced, it means there is graft, and it is the duty of Congress to take such action as will purify our system and make it possible to enforce our laws. That is the primary thing for our recovery. We cannot have recovery unless we can have obedience to the laws of our Republic. That is fundamental.

If an investigation is had why these laws are being violated, you will find where they are generally and largely violated, there is a system of graft which should be exposed and punished.

My objection to this bill is because of its reflection upon manhood. The idea is that man cannot control his passion, and that you must do something to please the man, give him his brutality, let him work his lowest and do as he wants, no matter how much the woman may suffer. So in order to protect the woman from the brute of the man these contraceptives are introduced.

My objection to the bill is because it ignores the spiritual need of man and woman. We are not merely animals, we are minds, we are spirits and souls, and the assumption of the bill is that we are simply animals, and that we cannot be pure, that we cannot let our minds and souls dominate our human existence. This is a reflection upon manhood.

Particularly will men act as brutes if the general opinion is they are brutes. They will act in accordance with the teaching of this birth-control proposition. You cannot expect a man to be a gentleman, therefore you will make it safe for him to be a brute. That is the fundamental thing behind this legislation.

The legislation is loosely drawn because it does not provide proper protection. We are told here today that it is to be put in the hands of a physician, but there is no protection against physicians who are simply commercial agents. The bill allows him to appoint an individual who is not a physician. The bill allows what amounts to a fake clinic, a fake hospital, a fake medical school. There is no provision in the bill against the violation which is almost certain under this situation to have an influence.

I oppose this bill because it has been here represented that the Lambeth Conference which represents the Church of England and

the Protestant Episcopal Church of the World, as having considered this and as having advocated the birth-control philosophy.

I have here and will file, the resolutions which protest against the advertising of birth-control articles. This is one of the provisions in the bill that is not prevented. There is nothing in this bill that prevents widespread advertising of the birth-control agencies and instruments.

Here is resolution no. 15 passed by the Lambeth Conference, which says the following:

Where there is a clearly felt moral obligation to limit or avoid parenthood, the method must be decided on Christian principles. The primary and obvious method is complete abstinence from intercourse (as far as may be necessary) in a life of discipline and selfcontrol lived in the power of the Holy Spirit. Nevertheless in those cases where there is such a clearly felt moral obligation to limit or avoid parenthood, and where there is a morally sound reason for avoiding complete abstinence, the conference agrees that other methods may be used, provided that this is done in the light of the same Christian principles. The conference records its strong condemnation of the use of any methods of conception control from motives of selfishness, luxury, or mere convenience.

Resolution 17 is as follows:

While the conference admits that economic conditions are a serious factor in the situation, it condemns the propaganda which treats conception control as a way of meeting those unsatisfactory social and economic conditions which ought to be changed by the influence of Christian public opinion.

This is resolution no. 18:

Sexual intercourse between persons who are not legally married is a grievous sin. The use of contraceptives does not remove the sin. In view of the widespread and increasing use of contraceptives among the unmarried and the extension of irregular unions owing to the diminution of any fear of consequences, the conference presses for legislation forbidding the exposure for sale and the unrestricted advertisement of contraceptives, and placing definite restrictions upon their purchase.

Gentlemen, the issue before us is a question of spiritual education. Sex was given us as the chief influence for education. Soul education is secured by selfdiscipline, selfcontrol. And those principles of social relationship are the guides which make Christian life possible.

I object to the passage of this bill because it does not meet the needs of today; it is contrary to the principles of our public life as needed today. We need enforcement of the law, and this will interfere with the enforcement of the law.

The last point I want to make is this. In 1876, because most of the States had legislation which forbid the contraceptives—I think all but one—the United States came to the rescue and passed these Federal acts to protect the States in the enforcement of their laws. To amend this Federal law at this time would be an act against every State in the Union. The United States should come to act as a protector of the legislation of the different States.

If this act passes it will go throughout the world that the United States has stood for this principle of birth control and it will make practically unenforceable the laws of all the 48 States.

Do you not realize how, instead of helping the enforcement of law, you will do the one thing that will make the enforcement of law an impossibility?

The one thing about which the birth-control people say nothing is the boys and girls, those that are in the high schools. It was asked yesterday what protection was there for the boys and girls. They

ignored that question, because the principal injury of this bill leads to the boys and girls of America. We do not care what will happen to the old fellows like myself, but the whole futuro of America depends on the boys and girls; and here is a bill which is made to get business from those boys and girls.

Will this Congress stand for this? I don't believe so.

The CHAIRMAN. We have now reached the hour of 12 o'clock, and members of the committee have something to attend to during the noon hour. If there is no objection, we will stand adjourned until 2 o'clock. We have permission to meet here this afternoon, and there will be remaining a little more than an hour and a half, I believe.

(Whercupon a recess was taken until 2 o'clock this afternoon.)

(The committee met at 2 p.m., pursuant to adjournment.)

Mr. BURTON. Mr. Chairman, I want to introduce as the first witness the Rev. Thomas E. Boorde, president of the Christian-Baptist Ministerial Conference, member of the home missions board, Southern Baptist Convention.

STATEMENT OF REV. THOMAS E. BOORDE, PRESIDENT OF THE CHRISTIAN-BAPTIST MINISTERIAL CONFERENCE AND MEMBER OF THE HOME MISSIONS BOARD, SOUTHERN BAPTIST CONVENTION

Mr. BOORDE. Mr. Chairman and gentlemen of the committee: Some folks talk better when they are sitting, some when they are lying and some when they are standing. My habit is to stand, and if I may exercise that privilege, I will do so, standing while I talk and trying not to lie.

As it is the first time I have had the honor of appearing before you, I trust you will permit me to say just a few words self-introductory. It is only in the capacity of a private citizen exercising his constitutional liberties that I come. I have not the honor of being the representative of any society, organization, or church body. Yet I believe in the God of our fathers, and the Blessed Old Book, the spirit of which was their guiding star.

My belief and understanding of that book, and my interpretation of its truths permits me to align myself with the people called Baptists. While not appearing as the representative of any organization, at the same time, my associates have trusted me to fill various offices with them, and entrusted me with some degree of responsibility. Locally I have the honor of being a pastor, and at the same time the president of the conference composed of the pastors of both the Disciple, or Christian, and Baptist Churches. In a wider sphere it is my privilege and blessing to be a member of the home mission board of the Southern Baptist Convention. This board endeavors to assist in solving the problems and guiding the activities of nearly 4,000,000 of American citizens in their effort to elevate the standards, and better the conditions of our fellow citizens of every strata of society, of every race and every color.

It is not my intention, nor have I the ability regardless of intention, to discuss this matter from the standpoint of the physician, or any other class of scientists. But, Mr. Chairman, neither am I going to refer to specific instances as evidence. Many could be indicated in support of either side of the proposition, but as one of the distin-

guished speakers yesterday said, there are broad basic principles involved. It is to these basic principles to which I shall confine myself.

Mr. Chairman, I speak in behalf of those thousands upon thousands of citizens who, believing in the counsels of the Old Book, have as yet had no opportunity to speak for themselves.

Blackstone says:

No legislature has the power to abridge or destroy natural rights unless the owner himself commit some act that amounts to a forfeiture.

Froude, a distinguished English writer, says:

Our human laws are but a copy, more or less, imperfect, of the eternal laws so far as we can read them.

The United States Supreme Court said:

No legislature can bargain away the public health or the public morals. The people themselves cannot do it, much less their servants. (*Stone v. Miss.*, 101 U.S. Rept. 25-33.)

While not reflecting upon the morals or the motives of the proponents of this bill, yet it is with this phase I am the most interested as a citizen.

My protest against this bill is:

First, because it is wrong in principle;

Second, because it will be dangerous in application as a policy of government; and

Third, because it is at total variance with the purposes of those whose efforts brought forth this nation and the Constitution of the United States, it is fundamentally unsound and unpatriotic in the true sense of the word patriotism.

It is wrong in principle because it is at variance with the ideals and ideas of family and home as we understand them. The only instance of birth control I find in the Word of God, crude though it was, and he who practiced it felt he had justifiable reason for it, was punished by divine judgment (Gen. 38-9). It was with amazement that I heard one of the proponents of the bill assert that the poetic expression of love as manifest in the intimate relationship of the sexes, and not the divine desire for offspring, was that for which God created them male and female.

It will be, and has been detrimental in application. We will be traveling the road of ancient Rome toward that state, too much of which is already true, where as one able writer said, the word "wife" was as an old shoe, to put on and take off at will. The practice of birth control with them led to a sorry state even as of Sodom and Gomorrah. See their condition as described in the book of Romans, first chapter, verses 22 to 32. The general advocacy of the prophylactic treatment among our service men during the World War seemed justified by the emergency we were confronting, but it is my deep conviction supported by observation and knowledge, that the wave of juvenile crime and delinquency is part of the judgment for the manner in which information was given. Too little effort was made to convince of the crime against the body and soul.

It is not patriotic in the true sense of the word. The midshipmen at Annapolis were asked to define patriotism. One gave this reply, or words to this effect:

Patriotism is the love of honor above all other things. Patriotism, as love of country implies love of honor first. No true patriotism demands the sacrifice of honor. Therefore, patriotism is the love of home and all that home contains; patriotism is the love of all that is good, and right, and beautiful; therefore patriotism is the love of God and a life in His service.

Well did the Admiral, Wade Hampton, say it was the noblest definition of patriotism he had ever heard.

Gentlemen, as I sat and listened to the arguments of the proponents of this bill, both in their convention at the Mayflower Hotel in this city and before your Honorable Committee, yesterday, I heard so much about the wage question, large families with little wage, why those who were more prosperous should be taxed to assist the dependent children of others, why should the man, for instance, who paid \$3,200 taxes have to assist in supporting the children of the Italian down the street, and so forth. And most striking of all is the attaching this thing to the recovery program with which you gentlemen and your colleagues will have to struggle so strenuously, you have my sympathies, reveals the emphasis they unwittingly place on this subject.

It is a wrong emphasis. Had the 12,000,000, more or less, of unemployed never been born, there would be no less suffering in proportion than now. Should there be the well regulated families they would seem to guarantee, and properly spaced, with the same spirit of avarice and greed, cunning and craftiness, uncurbed, there will be the same proportion of suffering 25 or 100 years hence. The thing the Government can do to assist the unemployed, to educate the children, to minister to the suffering so rampant and manifest, is to assist in the distribution of the abundance of the products of the soil and the factory. By a proper distribution of these all can be provided for, and that adequately.

Let us have even less law and more of the Ten Commandments. Even less law and more of the principles of the Sermon on the Mount. Let us be less interested in the profits of gold and more interested in the prophets of God.

Thank you.

Mr. BURTON. Mr. Chairman, I next introduce Mr. Henry L. Caravati, representing the National Council of Catholic Men.

The CHAIRMAN. Will you please have the witnesses indicate where they live?

Mr. BURTON. Residing in Washington at this time.

STATEMENT OF MR. HENRY L. CARAVATI, EXECUTIVE SECRETARY, NATIONAL COUNCIL OF CATHOLIC MEN

Mr. CARAVATI. Mr. Chairman and members of the committee, many of the speakers representing the proponents of this bill have placed particular emphasis upon the size of their families, therefore I would like to preface the reading of this protest by saying I am 32 years of age, the father of 6 happy, healthy children; the husband of a wife 31 years of age who enjoys the very best of health and who apparently is very well pleased with her situation in life.

I appear before you as the executive secretary of the National Council of Catholic Men, the men's branch of the lay organizations department of the National Catholic Welfare Conference.

The National Council of Catholic Men is a federation of Catholic lay societies throughout the country. Its membership is made up of 9 national Catholic organizations, as follows:

American Lithuanian Roman Catholic Federation
 St. Vincent de Paul Superior Council
 First Catholic Slovak Union
 Polish Association of America
 Catholic Order of Foresters
 Catholic Central Verein of America
 National Alliance of Bohemian Catholics of America
 Catholic Knights of St. George
 Ancient Order of Hibernians

In addition, 562 local lay organizations are actively affiliated with our federation. The latter are situated in 37 States and the District of Columbia. The former cover the entire United States.

The National Council of Catholic Men through the membership of its affiliated societies represents more than 2,000,000 Catholic laymen of this country. On October 23, 1933, our organization, in annual convention assembled at Chicago, unanimously adopted the following resolution:

Whereas artificial birth control is in direct violation of the law of God, results in moral degradation, tends to the eventual destruction of Christian civilization and is repudiated both by eminent medical authorities and economists.

Resolved, That the National Council of Catholic Men shall continue to oppose, in every legitimate way, all effort to legalize the circulation of birth control literature and the sale of contraceptive devices.

I am authorized by the board of directors of the National Council of Catholic Men to present a protest to the proposed legislation. They believe that to remove the present restrictions which the law wisely affords to prevent the practices to which this act now seeks to give Federal sanction, would be unwise and detrimental to morals and to the public welfare.

In addition to the vast lay body already affiliated with the National Council of Catholic Men, I should like to add that I am authorized to present the protests to the passage of this bill of the following organizations which are as yet largely unaffiliated:

	Membership
Knights of Columbus (National).....	500,000
Men of the Diocese of Galveston, Texas.....	150,000
Catholic Order of Foresters (National).....	120,000
Union of Holy Name Societies of Archdiocese of New York (New York) ..	100,000
Union of Holy Name Societies of Diocese of Buffalo (New York).....	50,000
Union of Holy Name Societies of Diocese of Cleveland (Ohio).....	50,000
National Alliance of Bohemian Catholics (National).....	30,000
Union of Holy Name Societies of Diocese of Scranton (Pennsylvania) ..	30,000
Union of Holy Name Societies of Diocese of Greenbay (Wisconsin)	25,000
Union of Holy Name Societies of Archdiocese of New Orleans (Louisiana)	25,000
Union of Holy Name Societies of Diocese of Louisville (Kentucky).....	15,000
Union of Holy Name Societies of Diocese of Rochester (New York).....	15,000
Union of Holy Name Societies of Diocese of Denver (Colorado).....	14,000
Union of Holy Name Societies of Archdiocese of Dubuque (Iowa).....	10,000
Union of Holy Name Societies of Archdiocese of St. Louis (Missouri).....	10,000
Union of Holy Name Societies of Diocese of Mobile (Alabama).....	5,000
Men of St. Mary Magdalene Parish (Homestead, Pa.).....	1,000
Holy Name Society, St. Agnes Church (Pittsburgh, Pa.).....	900
Holy Name Society, St. Anthony's Parish (Millvale, Pa.).....	900
Holy Name Society, St. Michael's Parish (Pittsburgh, Pa.).....	745
Holy Name Society, St. Patrick's Parish (Canonsburg, Pa.).....	600

	Membership
Holy Name Society, St. Mary's Parish (Pittsburgh, Pa.).....	600
Holy Name Society, St. Mary's Parish (Sharpsburg, Pa.).....	600
Holy Name Society, St. Raphael's Parish (Pittsburgh, Pa.).....	500
Holy Name Society, St. Leo's Parish (Pittsburgh, Pa.).....	500
Holy Name Society, St. Clare's Parish (Clairton, Pa.).....	500
Holy Name Society, Sacred Heart Parish (Jeannette, Pa.).....	500
Holy Name Society, St. Boniface Parish (Pittsburgh, Pa.).....	400
Men of St. Mary's Parish (Freeport, Pa.).....	200
Holy Name Society, Holy Trinity Parish (Duquesne, Pa.).....	200
Holy Name Society, St. Bruno Parish (S. Greensburg, Pa.).....	150
Holy Name Society, St. Cecilia Parish (Whitney, Pa.).....	100
Holy Name Society of Glassport (Glassport, Pa.).....	80
Hungarian Roman Catholic Congregation (Pittsburgh, Pa.).	
St. Mary's Ukrainian Parish (Pittsburgh, Pa.).	
St. Michael's Greek Catholic Parish (Pittsburgh, Pa.).	
St. Augustine's Parish (Pittsburgh, Pa.).	
St. Francis Friary (Pittsburgh, Pa.).	
S. Barnabas Parish (Pittsburgh, Pa.).	
Holy Name Society, Blessed Sacrament Church (Albany, N.Y.).	
Holy Name Society, St. Elizabeth's Church (Wilmington, Del.).	
St. Henry's Church (Pittsburgh, Pa.).	
Conference of Holy Name Societies of East St. Louis (Illinois).	
College Section of National Catholic Educational Association (St. Louis, Ill.).	
Union of Holy Name Societies of Diocese of Spokane (Washington).	
Union of Holy Name Societies of Diocese of San Antonio (Texas).	

Every one of the foregoing organizations has sent us either a letter or a telegram, copies of all of which I should like to offer for incorporation into the records of this hearing. If I may, I should like to read just one of them as an indication of their character:

Speaking for the Knights of Columbus with a membership of 500,000 representing the largest Catholic lay body in the United States we desire to express our most emphatic opposition to the Pierce birth control bill now pending in Congress as being directly contrary not only to the Divine Will of the Creator but in every way tending to impede and influence the best home environment. You may present this protest to the committee handling the bill as expressing the views of the Knights of Columbus.

(Signed) D. J. CALLAHAN,
Supreme Treasurer.

In conclusion, gentlemen, I should like to point out that this protest is not simply a Catholic one. It is offered rather in the name of countless thousands of Catholic parents, not merely as Catholics but as citizens of the United States. They would register, if they could, their own reaction against this most un-American bill which would inevitably pollute our children and diminish decent family life.

I urge you to report unfavorably on this bill.

Mr. BURTON. Mr. Chairman, I next introduce Mr. Samuel Saloman, of Washington, D.C.

STATEMENT OF SAMUEL SALOMAN

Mr. SALOMAN. Mr. Chairman, it is a question whether the average individual knows that birth control is not an end but rather a means to several ends, one of which is our emancipation, the female especially, from hindering laws and customs.

We have the most positive evidence of this in statements issued from time to time by those who regard themselves as sex liberals or progressives, all of whom are in favor of the pending measure.

Thus V. F. Calverton, who, we are informed, taught school in neighboring Baltimore under his real name, in his *The Bankruptcy*

of Marriage, chapter on The Effect of contraceptives upon Feminine Morals, very frankly states:

An important factor in the growth of the new morality and the decay of modern marriage has been the advancing perfection of modern contraceptives. A considerable part of the feminine revolt against the old morals has been fortified by this advance. Even the economic independence of the modern woman could not have established the new morality, with its contempt for chastity as an element in feminine virtue and its advocacy of a freer attitude toward sex relations and alliances, if the danger of pregnancy was always imminent. Even feminine youth would not have carried its revolt so far had the drastic consequences of conception been unavoidable.

It has been the invention of modern contraceptives—and to a less extent modern prophylactics—that has fortified the challenge of youth with increasing vigor and security. The new morality and the spreading knowledge of contraceptives are closely associated. This does not mean that the revolt of youth and the rise of the new morals have been dependent upon the existence of contraceptives for their expression, but that the existence of these devices has aided the progress of these new attitudes by affording a protection from these consequences that would expose them to the attacks of custom and convention. The existence of these attitudes of revolt arise from origins other than the invention of mechanical devices or the concoction of chemical spermaticides. These contraceptive devices and concoctions, however, have accelerated the progress of the new attitude. Without them they might have been gradual, even tardy in their growth. With them their growth has been rapid, electrically swift.

Remember that Mr. Calverton is an acknowledged leader and foremost propagandist for American birth control.

In 1906 Elsie Clews Parsons, prominent author and educator, wife of a prominent Member of the popular branch of Congress, brought forth a book, *The Family*, that contained the germ of an idea that only recently has been capitalized to the limit by the dull and imitative Ben B. Lindsey as "companionate marriage." After considering promiscuity and marriage, Mrs. Parsons gives preference to the latter, provided an inconsequential reform be adopted. She then advances this startling proposal:

It would, therefore, seem well from this point of view to encourage early trial marriage, the relation to be entered into with a view to permanency, but with the privilege of breaking it if it proved unsuccessful and in the absence of offspring, without suffering any great degree of public condemnation.

This reform, she stresses, in contingent upon the "outcome of present experiments in economic independence for women", and, note this, "if physiologists will undertake to guarantee society certain immunities from the sexual excesses of the individual." She clarifies this last in a footnote, "through the discovery of certain and innocuous methods of preventing conception."

Then, she continues:

The need of sexual restraint, as we understand it, may disappear and different relations between the sexes before marriage and to a certain extent within marriage may be expected.

Comes also Margaret Sanger, elevated to high priesthood of the birth-control forces, with a plea for a "new morality", with birth control as its handmaiden. What dogmatists consider morality she labels "moral imbecility." Her conception of the new morality follows:

It is not a morality concerned with melodramatic rewards and punishments, with absolute rights and wrongs, with unhealthy lingering interests in virginity and chastity, with its propensity for prying into the unwholesome details of sexual behavior, but a morality insisting that men and women shall face honestly

and realistically the intimate problems of their own lives, and that they themselves, on the basis of their own experience and their own desires, solve these problems with the instruments of intelligence, insight, and honesty.

What, pray, may these defensive instruments be? According to her:

Birth-control places in their hands a delicate instrument calling for intelligence and foresight for its successful use. And such an instrument, calling as it does for a greater mastery of the art of life, becomes ipso facto a power for the development of the new morality.

These quotations from Mrs. Sanger, I might add, are to be found in a symposium by 30 sex radicals under the title "Sex in Civilization", with introduction by Havelock Ellis.

So we may continue to quote ad nauseam from the published statements of leading advocates of birth control, conclusively proving that their concern is not especially for those of the sex they believe have earned a welcome respite from continued child bearing and rearing but rather for all women, married and unmarried, who crave the excitements of sex but who are averse to paying the price of indulgence.

It is important to mention that birth control is, after all, but the preliminary step; that if we legalize the practice, even to an extent, we also may have to legalize the next logical step, what they euphoni-ously refer to as "operative interruption of pregnancy."

I know it is contended by Mrs. Sanger and other of the leaders that general recourse to birth control may either eliminate or appreciably decrease the necessity for the follow-up method.

But as it happens such has not been the result in those countries that have legalized birth control, notably the Soviet Union, where birth control is a government function.

According to Dr. Ehrenfest, at the White House Conference on Child Health and Protection, February 19, 1931:

In the Ukrainian district alone the number of recorded abortions amounted in 1925 to approximately 89,000, but within the next 2 years they rose to 150,000 and 242,000, respectively.

Remember that the Ukraine contains but a scant sixth of the Russian population, and remember also that birth-control information is available to all women of the Soviet Union, pamphlets being sold, according to Mr. Calverton, who speaks from personal observation, "in thousands of stores and railroad stations at a price the poorest proletarian or peasant can easily afford."

To show that birth control and abortion legitimately may be bracketed I might mention that Dr. Walter R. Stokes, of this city, who took part in the recent birth-control conference at the Mayflower Hotel, found it necessary in testimony before the Ways and Means Committee of the House, May 19, 1932, following quoting by him of the authoritative statement of Dr. Ehrenfest that the woman patient should be informed that "no fully dependable method is known to the medical profession", we have this startling opinion by subcommittee 1 on obstetrical teaching and education of physicians, nurses, midwives, social workers, and the laity:

It is the opinion of the committee that instruction should be given to the student body in contraceptive methods and the therapeutic indications thereof. Moreover, it is the opinion of the committee that the students should be given special instruction in the management of abortions.

Thus from the medical birth-control view there is a decided connection between the preliminary method and the follow-up procedure.

The hoped for result, it should be stressed, is the prevention of the birth of an unwanted child. If prevention of conception fails, it logically follows that the next step, "operative interruption of pregnancy", must follow.

Just now that angle of the question has been thrust into the far background. But if these too-earnest ones succeed in their efforts to legalize birth control, proponents of the new morality may seek not only to remove the odium that attaches to this form of surgical operation but as well to legalize it.

Mr. Calverton stated in his book that in Germany, in 1905, a woman's congress passed a resolution "which urged that abortion should not be punished, except when the element of coercion was involved." Also quoted Havelock Ellis and others in favor of a gradual return to the principle of "personal privilege" in this field.

I might add that sterilization also is linked up with birth control.

When Emma Goldman was delivering lectures here on birth control, she stressed the fact that methods in vogue were faulty to an extreme, and recommended what she termed "a simple operation."

Birth-control organizations generally are sold to the naive idea that wholesale sterilization, not only of the criminal, insane, and the weak-minded, but as well those they convict of "unfitness for parenthood", should be put into effect by the authorities as a eugenic measure.

Julian Huxley, eugenist of note, also dabbler in birth control, said in *Liberty* of February 28, 1931:

In the long run we will have the number of children in each family regulated by some central control board.

Margaret Sanger, at the first American conference on birth control, declared:

A pledge from each nation to restrict its birth rate as a necessary step to avoid future wars will be urged by world-famous men and women who meet here November 11 in the first American conference on birth control ever held.

Is it necessary to mention that the only sure method by which a nation can restrict its birth rate is by wholesale sterilization?

To sum up, birth control definitely is tied up with the "new morality", which is but the old immorality with a new label. We not only have statements of sex liberals as to this but as well of leaders of the birth-control forces.

Remove the badge of illegitimacy from interstate vending of birth-control information, medicaments, and appliances, and we next will be importuned to accord like treatment to the necessary follow-up procedure. Yielding to the pleas of advocates of the preliminary method will make it easier for us to yield to the pleas of those who contend that the now outlawed "operative interruption of pregnancy" is but an extension of contraception.

Sterilization, as we have shown, is an outpost of birth control, to be put into operation not only, as Mrs. Sanger puts it, "as a necessary step to avoid future wars" but as a normal process to safeguard the race.

Finally, we have the admission that Government, State and National, is expected to cooperate with the birth-control organizations.

Thus the Voluntary Parenthood League has gone on record for making available to the public the best birth-control information—

through the public-welfare channels, such as hospitals, clinics, dispensaries, charity organizations, boards of health, and, above all, at the Federal Children's Bureau—and do it quickly.

Thus informed of the real and not the ostensible aims of the propagandists for birth control, your honorable committee, it is hoped, will turn thumbs down on the impudent request or demands of birth-control idealists and the interests back of them who expect to profit by the enactment into law of the pending measure.

I thank you for the privilege of appearing before you to present in part our side of the case.

Mr. HANCOCK. Mr. Saloman, are you here in some representative capacity?

Mr. SALOMAN. No; I am not.

Mr. HANCOCK. What are you?

Mr. SALOMAN. I am a student and teacher on various subjects.

Mr. HANCOCK. Professor in a college?

Mr. SALOMAN. No, sir; I am not.

Mr. HANCOCK. Where do you teach?

Mr. SALOMAN. I do my teaching as the philosophers of old did in Greece, in various forums and halls in this city and elsewhere. I have engaged in two debates on birth control, one with Dr. Walter R. Stokes of this city, and I am willing to engage in a debate with any recognized member of the birth-control forces at any time, and I think I shall give more than I take.

Mr. BURTON. Mr. Chairman, Mr. Boorde has some figures he wants to give.

Mr. BOORDE. I want to make this one statement, while I did appear as an individual citizen, my fellows have honored me with a position on the home mission board of the Southern Baptist Convention, which board represents the activities of nearly four million of our fellow citizens in uplifting the standards of numerous citizens in our midst, without regard to race, color, or local position, or social position.

Mr. BURTON. The next witness, Mr. Chairman, will be Mr. William F. Montavon, director of the legal department, National Catholic Welfare Conference.

STATEMENT OF WILLIAM F. MONTAVON, DIRECTOR OF THE LEGAL DEPARTMENT, NATIONAL CATHOLIC WELFARE CONFERENCE, WASHINGTON, D.C.

Mr. MONTAVON. Mr. Chairman and gentlemen of the committee, I come before you to protest on behalf of the National Catholic Welfare Conference against the enactment of this bill introduced by Mr. Pierce.

The National Catholic Welfare Conference is the body of bishops of the Catholic Church in the United States acting jointly, and I feel that the National Catholic Welfare Conference thus constituted, has an unusual and particular competency to discuss the problems that are before your committee.

The Catholic citizens of the United States, numbering between twenty and twenty-five million citizens, conduct and operate, and

have done so from the days of our earliest national life, a great many institutions through which they endeavor to relieve human distress.

We have at the present time in the United States 642 nonprofit charitable hospitals, and in connection with these hospitals, and independently thereof, there is a larger number of free charitable clinics.

There are schools for the training of nurses, and we have several graduate schools for the training of social workers. We have organizations of brothers and sisters that do home nursing. They are organizations like the St. Vincent de Paul Superior Council, the National Conference of Catholic Charity, and others.

The Catholic people are in close contact with the problems of distress, of social maladjustments, and other problems that affect the integrity of family life.

I therefore feel that in expressing the protest of the bishops I am speaking with the authority that comes from an abundance of experience.

The statement was made here yesterday, or a statement was made here yesterday, that seemed to imply that opposition to this bill and to the general proposition embodied in the bill is of a sectarian character. I have brought with me some evidence that tends to contradict that, and I want to read particularly a letter dated January 10, 1934. This letter is signed by Mr. Lewis S. Mudge, and has particular reference to the Federal Council of Churches. It was intimated that the Federal Council of Churches might have approved in some way the implications of this bill, and this letter says:

Your letter addressed to the Rev. John McDowell, D.D., moderator of our church, under date of January 4, has been referred by him to me, together with a previous communication addressed to the Rev. Charles Kerr, D.D., one of our former moderators, under date of December 5, 1933. There are also certain accompanying documents which are in my hands. The undersigned is the continuing chief executive officer of our church, our moderators being elected for a term of 1 year only.

Your letter to Dr. McDowell indicates the presence in your mind of a misunderstanding which it is important, of course, should be removed. You write, "I know that the Presbyterian Church in the United States of America did not endorse the report of the Federal Council of Churches which approved birth control." The Federal Council of Churches never adopted any deliverances of any kind on the subject of birth control. A committee of the Federal Council, appointed on the general subject of "Marriage and the Home", did submit a report on birth control to the then executive committee of the Federal Council. This report simply presented three viewpoints on this subject. It did not advocate any one of the three points on this subject. It did not advocate any one of the three as over against the other two. This report was never adopted by the executive committee of the Federal Council and was never released for publicity purposes with the authority of the executive committee of the Federal Council. It did, however, find its way into the public press in a very much abbreviated and garbled form—hence the misleading reports.

At the last meeting of the Federal Council as such, held in December 1933 at Indianapolis, in a report of one of the commissions of the Federal Council there was a reference to birth control, but before the report was adopted by the Federal Council this report was very greatly modified to read as follows:

"The problems related to maternal health as affected by childbearing, and the whole subject of the spacing of children and limitation of the size of families, which has unfortunately become involved in acrimonious controversy, should be reexamined dispassionately from the point of view of morality and hygiene, with due regard to the best means of maintaining desirable standards of living and fully discharging the fundamental obligations of parents to each other and to their children."

So far as the Presbyterian Church in the United States of America is concerned the matter of birth control has never been before our highest judicatory, the

General Assembly. A special committee appointed by our General Assembly to study problems in the sphere of marriage and divorce did have a section on this subject in its report as contained in the Blue Book of the year, that is to say, in the book in which are collected for presentation to the commissioners of our General Assembly of the given year. Before this special committee's report was presented on the floor of the General Assembly, however, this whole section was deleted.

I have also brought with me a copy of an article that appeared in the July 1933 issue of the *Homiletic and Pastoral Review*, the subject of the article being, "Non-Catholics and Birth Control", by Patrick J. Ward. There is not time to read the article, but a summary I made from it indicates that among the Protestant bodies in the United States whose members are of record with regard to birth control, churches having approximately 10 million members have gone on record against the project of birth control, and not much more than 1 million have gone on record in favor.

I will leave this copy of the article with the recorder.

The Catholic Hospital Association, which has 642 hospitals for members, desired to send a delegate to this hearing but because of the limitation of time they did not do so, and have asked me to read this telegram which is signed by their president. It is as follows:

Illness prevents my appearance in Washington, January 18. Kindly record before the House Judiciary Committee the opposition of the Federated Catholic Physician Guild to the Pierce birth control bill, H.R. 5978. The members of the Catholic Physicians Guilds of this country are unalterably opposed to any change in the laws of the State or Nation that will encourage dissemination of birth control literature. Existing laws in most States are ample to protect the practitioners of medicine who exercise good faith.

RICHARD A. RENDICH,
President, Federated Catholic Physicians Guild.

There is also attached a letter from Dr. Barton Cooke Hirst, who resides at 1821 Spruce Street, Philadelphia, Pa., and who is professor of obstetrics and gynecology of the Graduate School of Medicine of the University of Pennsylvania. Dr. Hirst had planned to attend this hearing and appear in person before the committee, but has been unavoidably detained in Philadelphia and has authorized me to read you this letter from him, which is as follows:

HON. HATTON SUMNERS,
Chairman, Judiciary Committee, House of Representatives,
Washington, D.C.

DEAR SIR: I had intended to be present at the meeting in regard to the bill for allowing information to be imparted indiscriminately on the subject of birth control. On public grounds and from its influence on the character of the future population of the United States, I am decidedly opposed to the bill which is to be presented for your consideration on this subject. A number of lay people are interested in this matter, not at all for eugenic, altruistic, or medicinal reasons but simply to allow women to escape the usual consequences of sexual relations. Unquestionably the spread of this knowledge would increase immorality and would cater to the selfishness and fear of many people who dodge the responsibility of maternity on unworthy grounds.

Very respectfully,

BARTON C. HIRST,
Professor of Obstetrics and Gynecology, Graduate
School of Medicine of the University of Pennsylvania.

I have a letter here from Dr. Donald Macomber of Boston. He addresses the letter to the Chairman of the Committee and authorizes me to read it, as follows:

I am informed that a bill designed to repeal the Federal law prohibiting sending birth-control information or devices through the mails is under consideration by

your committee. I have not read this present bill and would appreciate receiving a copy so that I might put my views on record in regard to it. If this is not possible, and since I shall not be able to attend the hearing in person, the following quotation of a letter written to Senator Norris in May of 1932 still expresses my views.

"If, as is alleged, I am violating the criminal code when I teach this subject to prospective doctors, and if I am violating the criminal code when I prescribe contraceptive measures for mothers whose health will be seriously injured by further pregnancy, or even whose lives will be endangered thereby, then I think it is high time that the criminal code be amended in accordance with what has become almost a universal custom among right-minded physicians. I do not, however, believe that the present bill is properly drawn to accomplish this end but fear that, if it is enacted into law, it will so let down the bars that information and instruments or drugs will get into improper hands. By this I mean into the hands of unmarried boys and girls, into the hands of young married couples who may thus be encouraged to avoid the having of children, which I believe is to their own best interests, or into the hands of those who, for selfish reasons, wish to avoid their duty to the state and the community, but in whom health will not be endangered."

The Foresters of America desired to have a delegate here and have written to that effect. They, I believe, are not here, and I will proceed with these letters.

This letter I have is along the lines of what I said with regard the Federal Council of Churches and is from the President of to United Lutheran Church in America, and it reads as follows:

It is my understanding that a hearing is to be held on Thursday under your jurisdiction concerning the Pierce Bill H.R. 5978. I am writing as president of the United Lutheran Church in America and therefore as representing people whose number enter the millions, to register opposition to the adoption of the bill.

There is no worthy conception of the State which does not include the necessity that the wills of the people be pure and strong. We know the influences which are at work today among our people whereby lewd imaginations are fed. Shall we now legalize the indulgence and the increase of those imaginations? That it seems to me is, in bold statement, the issue which must be faced in contemplating the proposed bill on birth control. Its terms are such as to produce that result.

Even if our Government could discover necessities for the exercise of birth control, the arrangements for it would need to be of so stringent a character as to prevent the promotion of loose morals among the people. Otherwise the foundations of the home and of the Nation will be dangerously weakened. There is little evidence however that the advocates of birth control would be satisfied with those stringent arrangements.

The next letter I have is signed by Mr. N. C. Carlsen, president of the United Danish Evangelical Lutheran Church in America, and is as follows:

It is a keen disappointment to the United Danish Evangelical Lutheran Church in America to hear that two new birth-control bills have been introduced in Congress. The United Danish Lutheran Church is just as much opposed to the passing of any or all birth-control bills today as we were opposed to the Hatfield and Hancock bills, and hereby wish to voice our opposition to the bill numbered H.R. 5978. We are opposed to said bill for the following reasons:

1. Birth control will aggravate rather than alleviate our economic difficulties. Overpopulation is not our problem. Birth rates have been dwindling for many years, and it is generally acknowledged that its decline is a large contributing factor in the economic stress of the last few years. The smaller the American family, the more the Nation will be dependent on the foreign market. Larger families create larger home markets and tend to make us economically independent.

2. Another factor is even far more serious. A general knowledge of contraceptive means will destroy the morals of a large number of our people. The immorality rampant in our land is appalling as it is. It will be far worse if a certain class of doctors begin freely to disseminate information about birth control.

3. The most serious objection of all is the destruction of the spiritual ideals of our people. Men will degenerate and sink to the plane of the brute.
For these reasons we respectfully implore the Committee on the Judiciary to oppose the Hastings and Pierce bills.

The next letter I have is from the Evangelical Lutheran Augustana Synod and reads as follows:

Yours of the 6th instant to hand.

I regret very much that I have not been able to arrange for some one to go to Washington to attend the hearing on the H.R. 5978 bill. Money is too scarce hereabouts. If you have a chance, however, I shall thank you to advise the committee in question that the Augustana Synod of the Lutheran Church of the land can be counted upon to go squarely against any birth-control bill.

With sincere regards, I beg to remain,

Most truly yours,

G. A. BRANDELLE.

This letter is from the Episcopal bishop of the diocese of New Jersey and reads as follows:

PRINCETON, N.J.,
January 17, 1934.

Rev. JOHN J. BURKE, C.S.F.,
Washington, D.C.

MY DEAR FR. BURKE: In reply to your communication dated January 13, which reached me this morning, I have written to the Hon. Hatton W. Summers, M.C., and also to the Hon. Randolph Perkins, M.C., of New Jersey, registering a protest against the bill referred to, a copy of which was enclosed in your letter.

Faithfully yours,

PAUL MATTHEWS,
Bishop of New Jersey.

The next letter is from the bishop of Long Island and reads as follows:

Your letter of the 13th is just received. In accordance with the resolutions adopted by our Lambeth Conference in London in 1930, I believe that the practice described in your letter is proper in certain carefully restricted and extreme cases. The bill mentioned by you goes very much further than this, and I shall to that extent express my emphatic disapproval.

The next letter is from the National Alliance of Bohemian Catholics and reads as follows:

CHICAGO, ILL., January 18, 1934.

To whom it may concern:

The Board of Directors as well as the entire membership of the National Alliance of Bohemian Catholics hereby oppose the Pierce birth-control bill, and they do so with a firm conviction of preserving the moral standard and the health and happiness of the human race in which these principles are so vastly involved.

Very truly yours,

NATIONAL ALLIANCE OF BOHEMIAN CATHOLICS.
JOHN STRAKA, *President*.
JOHN VOLLER, *Secretary*.

I have this letter from Bishop Warren A. Candler, and it reads as follows:

MY DEAR MR. WARD: Replying to your esteemed favor of the 3d instant, I beg to say that I am strongly opposed to the measures you mention and will do anything I can to defeat them.

Yours very truly,

W. A. CANDLER.

In conclusion, Mr. Chairman, there is one observation which I believe has not been made in opposition to this bill, and which I desire to make as my own personal observation.

The bill in its construction contains a good many far-sweeping phrases. It speaks of any doctor, any medical college, any drug store, and there is no limitation whatever in that bill. Any doctor is a broad term. It is wide enough to include the last scoundrel who has escaped the loss of his medical certificate by the action of a State authority. Any drug store may include any dispenser of drugs or medicine. Any medical college, a few years ago you were discussing in the House a bill that dealt with the so-called "diploma mills" in the District of Columbia, and if diploma mills existed in the District of Columbia, your imagination will tell you how wide this bill is and how much is included in the term "any medical college."

If you enact this bill any scoundrel who has not lost his license to practice medicine, may under the law as it would stand in this case, go to Paris, or he could even go to Juarez over the line in Mexico, and could use the name of any college, and could go to a line of drug stores scattered throughout the country which would send him the names, and there is no restriction on the patients this doctor might treat. If you enact this bill you would make it impossible for any State or the Federal Government to interfere with that man.

If I were enacting a bill to destroy the safeguards of humanity, to destroy the Nation, it seems to me I would enact this bill. It seems to me it has everything that is necessary to a scoundrel who desires to break down the morals of the community.

I believe that men of your experience will do what the Committee on Ways and Means did with a very similar bill in the Seventy-second Congress. They did not table it, but they adopted by a great majority of about 6 to 1 a report adverse to the bill, and the National Catholic Welfare Conference requests you to follow the example of that great committee.

Mr. BURTON. Mr. Chairman, Mr. Joseph M. Murphy, of Baltimore, Md., representing the National Catholic Alumni Federation, will be the next witness.

STATEMENT OF MR. JOSEPH M. MURPHY, OF BALTIMORE, MD., REPRESENTING THE NATIONAL CATHOLIC ALUMNI FEDERATION

Mr. MURPHY. Mr. Chairman and members of the committee, I am vice president of the National Catholic Alumni Federation, and also regional director for the South Atlantic region. This is a national federation representing the alumni of 51 Catholic colleges throughout the United States, representing approximately 350,000 alumni.

I have been asked by the federation to register a protest on the passage of this bill, and to file with this committee the brief which has been prepared, together with telegrams from 42 college presidents throughout the United States, and also an original copy of their resolution on this question.

This federation also represents, and I am filing in behalf of them, the federation of Catholic clubs, which is an organization of Newman clubs composed of Catholic students in non-Catholic colleges, representing approximately 70,000.

I also represent the students and faculties of these Catholic colleges totaling approximately 100,000.

On behalf of all these people I appear to request this bill be disapproved by the committee, and to request your permission to file this number of telegrams and other data which I have here.

The CHAIRMAN. Without objection they may be filed.

Mr. BURTON. Mr. Chairman, the next witness I introduce is Mr. Francis Fannon, Jr., representing the National Union of Holy Name Societies, with a membership of 2 million.

**STATEMENT OF MR. FRANCIS FANNON, JR., REPRESENTING
THE NATIONAL UNION OF HOLY NAME SOCIETIES**

Mr. FANNON. Honorable Sirs, I am the official representative of the National Headquarters of the Holy Name Societies in the United States, and by virtue of authority vested in me I transmit to you the individual and combined protest on the part of 2 million Holy Name men functioning in 8,732 branches in 48 States of this Union.

Our opposition to this bill is based on the fact we believe that artificial birth control is opposed to the laws of nature, and we contend that a contravention of the natural law is an offense against the law of God and against the best interests of the American people.

I subscribe to the opposition to this bill by automatically endorsing those words of wisdom that proceeded from the lips of the great Woodrow Wilson when he told us that unless this Nation resurrects itself to a higher level of spiritual life we may live to see the day we regret this great Nation was discovered.

Two million men appeal to you gentlemen not to underestimate the tremendous moral and social value of counsel that is offered to you by that institution whose history extends over centuries, which is the Catholic Church, in the Holy Name Societies, that tells you, tells me, and tells the world that birth control is opposed to the law of nature and detested in the sight of God.

If national prohibition has been a noble experiment, then on behalf of 2 million men I tell you that artificial birth control is an ignoble experiment.

Mr. BURTON. Mr. Chairman, may I ask the amount of time we have left?

The CHAIRMAN. Five minutes.

Mr. BURTON. Would the committee grant us an extension of a few minutes more? We have some ladies who have come from a long distance and we would like to have them heard.

The CHAIRMAN. How much more time will you require?

Mr. BURTON. I think possibly 10 minutes.

The CHAIRMAN. If you will not ask for more, we will give you 15 minutes more now, and the other side may have an additional 10 minutes.

Mr. BURTON. That will be satisfactory.

The CHAIRMAN. Then you may proceed.

Mr. BURTON. Mr. Chairman, the next witness is Miss Agnes C. Regan, executive secretary of the National Council of Catholic Women.

**STATEMENT OF MISS AGNES G. REGAN, EXECUTIVE SECRETARY
OF THE NATIONAL COUNCIL OF CATHOLIC WOMEN**

Miss REGAN. Mr. Chairman, I wish to present a protest in the name of the National Council of Catholic Women, which represents 19 organizations and 2,000 local groups, approximately 500,000 women.

I had not intended to add anything further to my protest until after listening to the hearing yesterday, this thought occurred to me, which I feel is one worth bringing home.

Apart from religious and moral questions, altogether the attitude and claims of those who favor artificial birth prevention are dominated and dictated by the fact that mechanical progress must be the measure of human society and its welfare. Modern mechanical progress is one with the machine. The machine, these protagonists maintain, controls production; production controls the welfare of human society. On their lips are always such words, therefore, as stabilization of production, stabilization of prices. It is not strange to find now that we are confronted with stabilization of population. We do not deny the honesty of our opponents. We do say that the basis of all the arguments they present is that the wonderful mechanical progress made rules and must rule the world. We maintain that this wonderful, mechanical progress should contribute to the happiness and well-being of man and not overmaster it. We believe that it should serve man, not that man or society should be made to serve it. We believe it the right of every man to marry, to have a home, to beget children in freedom and dignity. This is a primary fundamental right that Government should defend and protect.

We believe that our mind in this matter is thoroughly in line with the Constitution of our country and with the inalienable rights it lays down.

We believe, therefore, that the decision to be made by your committee, Mr. Chairman, is one that affects not simply the question of birth control but a decision that will play its part in answering this question which Christian civilization must answer today. Is our thought of our fellows to be dominated primarily by our estimate of their individual and family worth, or by our subservience to material production and the mastery of the machine?

**STATEMENT OF E. RALPH BURTON REPRESENTING THE NATIONAL
PATRIOTIC LEAGUE**

Mr. BURTON. Mr. Chairman and members of the committee, I wish to register an objection to this bill on behalf of the National Patriotic League, upon the ground that a declining population is dangerous to the national defense, and with the world, figuratively speaking, on a keg of dynamite as it is now, it seems hardly advisable to reduce our numbers, when economically there is no need for it.

The CHAIRMAN. Who is the National Patriotic League?

Mr. BURTON. The National Patriotic League is a patriotic organization in Washington. I will be glad to file any further information you may care for in regard to it. I am vice president of the league.

I wish to call the committee's attention to the fact that so far as I can see this bill does not restrict the use of books or information relating to, or articles designed, adapted, or intended for the prevention of conception, to physicians, druggists, colleges, or hospitals but only provides that sections 211, 245, and 312 of the Criminal Code, as amended, shall not include these.

That being the case, it means that the books and articles can be sold anywhere, can be peddled on the street, or bought through mail-order houses. It does not limit it to the use of physicians, medical colleges, druggists or hospitals, as has been contended here by the proponents of this bill.

I also wish to call the attention of the committee to the absence of any of the mothers who complain of being overburdened with children, and certainly the proponents of this bill have the means to produce them, as they seem to have the means for everything else; so why could they not bring some of the mothers here to tell the committee how they feel about it.

I thank the committee, and now wish to introduce Mrs. Robert Green, representing the Catholic Daughters of America.

STATEMENT OF MRS. ROBERT GREEN, REPRESENTING THE CATHOLIC DAUGHTERS OF AMERICA

Mrs. GREEN. Mr. Chairman and gentlemen of the committee, this is my letter of authority:

COMMITTEE OF THE JUDICIARY,
House of Representatives.

GENTLEMEN: Mrs. Jennie Bartley Green is the authorized representative of the Catholic Daughters of America to present to this committee the protest of this organization against the passage of House of Representatives bill 5978.

The Catholic Daughters of America, comprising over 200,000 members in 45 States, Panama, and Puerto Rico, have at every national convention registered their unanimous disapproval of all measures of like nature, as detrimental to the moral and the physical health of the Nation, especially to its youth, and as out of consonance with the American Constitution.

Therefore, we beg that this committee refuse its sanction to this bill.

Respectfully yours,

MARY C. DUFFY.

Mr. BURTON. Mr. Chairman, Mrs. Arthur F. Mullen, representing the Christ Child Society, will be the next witness.

STATEMENT OF MRS. ARTHUR F. MULLEN, REPRESENTING THE CHRIST CHILD SOCIETY

Mrs. MULLEN. Mr. Chairman and members of the committee, I am representing the president of the Christ Child Society, which is established in 33 cities of our union with national headquarters situated in Washington, D.C., representing 15,000 women, and having for its object the welfare of children, and which desires to record its present protest against the present House bill 5978.

Mr. HOOPER. Where do you reside?

Mrs. MULLEN. I am here in Washington at the present time.

Mr. BURTON. Mr. Chairman and gentlemen of the committee, the next witness is Miss Barbara Sandnaier, representing the National Catholic Federation of Nurses.

**STATEMENT OF MISS BARBARA SANDNAIER REPRESENTING THE
NATIONAL CATHOLIC FEDERATION OF NURSES**

Miss SANDNAIER. Mr. Chairman and member of the committee, I am only going to take a few minutes to read a few lines from the president of an organization of which I am a member, the National Catholic Federation of Nurses. This is addressed to the Hon. Hatton W. Sumners, chairman, and reads as follows:

DEAR SIR: The National Catholic Federation of Nurses, impelled by the principles of intelligent patriotism as well as by those dictated by Christian morality and ethics, protests, in behalf of the 70,000 Catholic nurses of the United States adhering to these principles, the passage of bill H.R. 5978, or any similar legislation.

We respectfully request that our objections be given due consideration.

Very truly yours,

HELEN FINAN, R.N.

President National Catholic Federation of Nurses.

Mr. BURTON. Mr. Chairman, the next witness is Mrs. Alice Bickslar, of the National Circle, Daughters of Isabella.

**STATEMENT OF MRS. ALICE BICKSLER REPRESENTING THE
NATIONAL CIRCLE, DAUGHTERS OF ISABELLA**

Mrs. BICKSLER. Mr. Chairman and gentlemen of the Committee, I am here to represent the National Circle, Daughters of Isabella, with headquarters in New Haven, Conn., and branches in practically every State of the United States. Our membership consists of 70,000, mostly mothers, and we feel that the passage of this bill now under consideration would be quite a detriment to our young girls.

At a recent convention held in Canada in August 1933 resolutions were passed opposing this bill.

Mr. Chairman and gentlemen, you are here because you are the chosen men of your localities, and we know that there they consider you honest and intelligent citizens, and we do likewise, and we now urge our protest be given your earnest consideration.

Mr. BURTON. Mr. Chairman, the next witness will be Miss Mary M. Burke, District Deputy of the Supreme Ladies' Auxiliary, Knights of St. John.

**STATEMENT OF MISS MARY M. BURKE, DISTRICT DEPUTY OF
THE SUPREME LADIES' AUXILIARY, KNIGHTS OF ST. JOHN**

Miss BURKE. Mr. Chairman and gentlemen of the committee. I am representing the Supreme Ladies' Auxiliary, Knights of St. John, which is a national organization with local groups in every part of the country, including a membership of 25,000. This national organization in its last biennial convention held in Detroit, Mich., in June 1933, passed unanimously a resolution protesting against any Federal action which would make possible free distribution of information and material concerning contraception.

The Ladies' Auxiliary of the Knights of St. John begs, therefore, to protest the passage of House Resolution 5978.

Mr. BURTON. Mr. Chairman, the next witness will be Mrs. Margaret B. Daly, representing the Ladies' Auxiliary to the Ancient Order of Hibernians.

STATEMENT OF MRS. MARGARET B. DALY, REPRESENTING THE LADIES' AUXILIARY TO THE ANCIENT ORDER OF HIBERNIANS

Mrs. DALY. I have been officially delegated by Mrs. Anna K. Bryant, national president of the Ladies' Auxiliary to the Ancient Order of Hibernians to protest in her name at this hearing.

This organization has branches in 33 States and has a total individual membership of 41,781 women.

In convention assembled in Chicago in July 1933 a resolution was unanimously adopted protesting against the passage of any measure by the Congress of the United States which would amend the penal code so as to permit the free distribution through the mails of information and materials for contraceptive purposes.

The organization is confident that their representatives in Congress will not permit the passage of a measure so detrimental to the welfare of our country and the well-being of society as a whole.

Mr. BURTON. Mr. Chairman, I have a telegram from Gerry Morgan, secretary of the General American College of Physicians, which I request be made a part of the record and to read it to the committee, if I may be permitted.

The CHAIRMAN. You may.

Mr. BURTON. It is as follows:

PATRICK WARD,

Associated Catholic Charities, Washington, D.C.

WILLARD, OHIO.

I learn with regret hearing on birth-control bill comes up tomorrow during my absence. Please make known to committee my continued unaltered opposition to passage of this or any other kindred bill for following reasons:

1. The destructive, degrading influence on the youth of both sexes of our land.
2. The inevitable and unavoidable harm that it will cause to young women through methods practiced which would be legalized and which would result in many cases in profound pelvic disturbances and disease, ill health, and misery.

This bill can confer no benefits on human beings. It will not slow down or impede or prevent the begetting of mental defectives, the morally unfit, or the physically unfit.

Those most likely to avail themselves will be the so-called "intellectuals" to whom we rightfully should look for the future generations to carry on the work of the world.

It is inconceivable that the great and wise lawmakers of our fair country would be so deceived by the fallacious arguments of the proponents of this vicious bill as to lose sight of their sacred and inescapable duty to their children and children's children as to be led to make it the law of the land.

I regret my absence.

Mr. BURTON. Mr. Chairman, the Hon. V. L. Palmisano, of Baltimore, Md., asked if I could submit this petition on behalf of a committee of the National Alliance of Bohemian Catholics of the United States, for the reason that both of the members of the committee had to take a train back to Baltimore; and if I may be permitted, I would like to read this petition to your Committee.

The CHAIRMAN. You may.

Mr. BURTON. The petition is as follows:

The undersigned duly appointed special committee of the National Alliance of Bohemian Catholics of the United States, representing upwards of one and a half millions of souls in the United States, do hereby most emphatically protest against the passage of the so-called "Pierce Birth Control Bill," for the reason, that the same is fundamentally un-American and un-Christian in principle, and tyrannical, vicious, inhuman, immoral, and heathenish in practice.

We oppose this bill because the same, if passed, would undoubtedly jeopardize personal rights, and endanger, undermine and eventually destroy family life and Christian civilization, which has taken almost 2,000 years to build.

We oppose the passage of this bill because, if the same should become a law, many harmless and innocent boys, girls, men, and women would be made the victims of a "racket"; into which the proposed law would surely develop—and human life, health and well-being of the community is too sacred to sacrifice at the altar of experiment, be the experiment ever so "noble." In this case, the injustice, injury, and crime, perpetrated in the name of the law would be appalling and irreparable.

The passage of legislation of this debased type would cast a lasting stigma upon the Congress now in session, and we most urgently request your honorable body to defeat this infamous bill, as it rightly deserves.

Respectfully submitted.

NATIONAL ALLIANCE OF BOHEMIAN CATHOLICS
OF THE UNITED STATES,

By Rev. MARTIN M. OKTAVEC,
FRANK J. PINTNER,

Special committee.

TO THE JUDICIARY COMMITTEE OF THE HOUSE OF REPRESENTATIVES

(Hearing on bill H.R. 5978, Jan. 18, 1934)

The attached memorandum is submitted in behalf of the National Catholic Alumni Federation and its constituent members in opposition to the bill introduced by Congressman Pierce being No. H.R. 5978. The executive committee of the National Catholic Alumni Federation, at a special meeting called for the purpose of considering this bill, duly authorized the officers of the federation to file this protest. A copy of this resolution is annexed to the memorandum and marked "Exhibit A." In addition to the persons whose names are subjoined to this statement have authorized the use of their names in opposition to this bill. In addition to this authority the individual constituent membership have requested that the federation represent the alumni associations themselves.

In order that your committee may fully understand the nature of the National Catholic Alumni Federation we are submitting this explanation of our organization and its membership.

The National Catholic Alumni Federation is an organization of the alumni associations of the Catholic colleges in the United States. There are 51 such alumni associations affiliated with our organization. The alumni of these colleges whose associations are members of our federation total over 350,000 men, citizens of the United States. A schedule of the colleges whose alumni associations are members of our federation is attached to the memorandum and marked "Exhibit B." Suffice it to say that at the present time our organization is truly national in character, representing as it does the alumni of such universities and colleges as St. Anselm's in New Hampshire; Boston College and Holy Cross College in Massachusetts; Fordham University, Manhattan College, St. Francis College, and St. John's University in the city of New York; St. Peter's College in Jersey City; Canisius College and Niagara University in Buffalo and Niagara, N.Y.; Catholic University and Georgetown University in Washington, D.C.; Loyola University and De Paul University in Chicago; University of Notre Dame in Indiana; Gonzaga University, Spokane, Wash.; Loyola University, Los Angeles, Calif.; St. Mary's College, Oakland, Calif.; Santa Clara University, Santa Clara, Calif.; University of San Francisco at San Francisco, Calif.; Loyola University in Louisiana; St. Benedict's College, Kansas; St. Edward's College, Austin, Tex.; Spring Hill College, Alabama; Subiaco College, Subiaco, Ark.; and other colleges equally important throughout the country, the names of which will be found in a schedule attached to the memorandum.

In addition to these there is affiliated with us the organization of Newman clubs known as the "Federation of College Clubs" which consists of organizations of Catholics of non-Catholic colleges. In the undergraduate departments, the Federation of College Clubs estimates its members at 70,000. As about 30,000 of these are graduated annually their total membership is in the hundreds of thousands. We also have authority to represent the Newman clubs of the New York area. Its membership in the metropolitan area at present in the undergraduate department is approximately 3,000. Authority to represent the Newman clubs in this memorandum appears in exhibit C annexed to this memorandum.

In addition to these by direct authorization of the alumni associations themselves, this memorandum is filed by the National Catholic Alumni Federation in behalf of those alumni associations whose names appears on exhibit D annexed to this memorandum.

The purpose of the National Catholic Alumni Federation is to unite for service to their country and themselves, both spiritually and temporally, the educated Catholics throughout the country.

After a study of the program of the advocates of this bill we are unalterably opposed to its passage for the reasons contained in the within memorandum, and we feel it our duty to oppose this legislation for the same reasons which have induced us to cooperate in every way possible to support the legislation and the action of the Federal Government looking toward social justice.

Our organization and its affiliates have nothing to sell. We have no financial interest either one way or the other in opposing this bill, and therefore we may speak motivated solely by the highest motives. Were we to stand by and permit the foundations of our Government and of our Nation to be attacked without raising our voices in opposition, we would be derelict in our duty as American citizens. We are confident that upon an examination of the bill and its demerits its disapproval is assured by your committee.

Respectfully submitted,

The National Catholic Alumni Federation, by Edmond B. Butler, president; Charles A. Birmingham, Charles E. Byrne, Roy A. Bronson, Joseph M. Murphy, vice presidents; Charles A. Birmingham, North Atlantic Region, William A. Hogan, Middle Atlantic States Region, Joseph M. Murphy, South Atlantic Region, Roy A. Bronson, Far West Region, Anthony J. Schweitzer, Middle West Region, Albert C. Hoffmeister, South Central Region, regional directors.

Dated, NEW YORK, *January 16, 1934.*

THE POSITION OF NATIONAL CATHOLIC ALUMNI FEDERATION AND ITS ASSOCIATES

In order that the position which we take against this bill may be clear, we herewith state our reasons for opposition. We do not rest upon the teaching of our church, which has been uniformly and unalterably opposed to the theory of birth control through contraceptive methods. Hereafter in this memorandum we shall refer to the term "birth control", but we want it distinctly understood that the use of this expression is limited to the meaning of birth control through contraceptive methods.

The objection of our church will be presented by others. We have no authority to speak on behalf of the Catholic Church. That is strictly the province of the hierarchy of the church. We, however, are speaking as Catholic gentlemen and as American citizens.

We intend in this memorandum to oppose the birth-control movement and, in particular, this bill (1) because it is un-American and in direct violation of the principles of social justice, which is the underlying theme of the whole of the administration's program; (2) because it is subversive of public morals and a violation of the natural law; and (3) because the medical profession is opposed to it.

By reason of the foregoing the permission of the dissemination of literature under the guise of the education of doctors and nurses, etc., is wrong and therefore this bill should be defeated.

POINT I

SOCIAL JUSTICE AND NOT BIRTH CONTROL IS THE SOLUTION OF THE DEPLORABLE CONDITION OF THE POOR IN THIS COUNTRY

Harry L. Hopkins, Federal Emergency Relief Administrator, said on January 12, 1934, that there were 5,500,000 children on relief in 1933. The birth-control advocate argues that if the poor practiced birth control they would not now be in their present state. The argument apparently is that had the present bill been enacted in one of the past seven Republican Congresses there would have been no depression. A little levity is wholesome even in so important and so sacred a subject as the deprivation of life of the future generations. However, we are unable to ascribe this argument of the advocates of this bill to their sense of humor. In the conference at present staged in Washington, as the chief propaganda of this bill we find the principal argument based on the Malthusian bogey, which is that the population is increasing at such rates that it will even-

tually overcrowd the world. These prophets of doom who were discredited many years ago persist in their arguments. Prof. Joseph J. Spengler, of the University of Arizona, declared yesterday before this birth-control conference that there are only two possible economic systems between which the Nation must choose—the capitalistic price system of free competition or absolute national control of all factors of production, including population. He said:

"Birth control constitutes an integral part of any rational economic system, and opposition to it constitutes a tariff on the fit for the purpose of subsidizing the unfit. In the absence of control, the stork, like a jackal in the night, will steal the fruits of invention."

We cannot but be enraged at the smug complacency of such advocates of this legislation. "Birth Control and the N.R.A." We might expect this from persons who, in the past, have clothed themselves in the American Flag for political reasons or from dishonest business men. We have reason to expect it from them, but not from those persons who claim to be advocating this bill from high motives.

The attempt to tie birth control up with the Blue Eagle is as false as it is in bad taste. Sir Arthur Salter in his book "Recovery, The Second Effort", refers to the Malthusian Bogy as follows (p. 10):

"In this last century, however, this fatal doom has not come nearer but has receded into a remoter distance. In addition to the familiar decimations of war and pestilence, though they have not been wanting, we have seen a tendency in many countries for the growth of population to slacken, and sometimes to stop. The birth rate in England and in France, for example, foreshadows a population soon stationary, perhaps even at no distant date in decline. Besides the obscure variations in natural fertility there is the effect of deliberate limitation, already considerable in the most industrialized countries and incalculable in its future range and consequences.

"The population of the world increases, indeed, but at no rate of geometrical progression. At least the obsession of a mathematically dated doom has disappeared. And recent increases have been more than offset by prospects of new natural resources. Large regions of the world are capable of supporting many times their present inhabitants. Even with known resources, and known methods of exploiting them, the world could certainly maintain several times its present population at much more than its present standards."

If these same advocates of birth control used their fixed purpose, the same tireless energy, and their financial resources to eliminate the injustice existing today which, despite the remarkable efforts of this present administration both legislative and executive, their claim to companionship with the Blue Eagle might be in better taste.

Let us for a moment consider the declared policy of the N.I.R.A.

"A national emergency productive of widespread unemployment and disorganization of industry, which burdens interstate and foreign commerce, affects the public welfare, and undermines the standards of living of the American people, is hereby declared to exist. It is hereby declared to be the policy of Congress to remove obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof; and to provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, to induce and maintain united action of labor and management under adequate governmental sanctions and supervision, to eliminate unfair competitive practices, to promote the fullest possible utilization of the present productive capacity of industries, to avoid undue restriction of production (except as may be temporarily required), to increase the consumption of industrial and agricultural products by increasing purchasing power, to reduce and relieve unemployment, to improve standards of labor, and otherwise to rehabilitate industry and to conserve natural resources."

We find that its purpose is " * * * to promote the fullest possible utilization of the present productive capacity of industries, to avoid undue restriction of production (except as may be temporarily required), to increase the consumption of industrial and agricultural products by increasing purchasing power, * * *." Everyone will admit that the crisis which confronts the Nation at the present time has been one of famine in a land of plenty, of millions starving, and the Government faced with the necessity of plowing under acres of cotton, of paying farmers not to plant their crops and of limiting production in industry, at least temporarily, so that consumption may keep pace with production. Any economist will agree that the production facilities of this country, both agricultural and industrial, were keyed up to a progressive increase in population, which progressive increase in population is stopped first, through the action of the Government in curtailing immigration, and second, by the

decline in the birth rate. Dr. O. E. Baker, senior agricultural economist of the United States Department of Agriculture, on January 9, 1934, stated:

"If the present trend of depopulation continues, in 1970 there will be no children at all."

He further stated that at the present trend, in 25 years the death rate will equal the birthrate, and after that will exceed it, and he offered figures to show that there were 600,000 fewer births in the United States last year than in 1921.

It is obvious from the foregoing that there is no over-population and secondly, that the remedy is not by depriving future generations of their right to be born, but rather by the administration of social justice so that the masses of our people will have adequate income so that they may live in decency with sufficient of this world's goods to support themselves and their children. Dr. Louis Berlin has pointed out that the—

"Neo-Malthusians seek to spread the use of contraceptives because they see the ill effects and misery arising from large families bred in the deplorable conditions of 1-, 2-, or 3-room tenements in the slum quarters of cities. They should rather give their energies to the improvement of housing, the building of garden cities, the more equitable distribution of wealth, the getting rid of smoke pollution, the perfection of methods of locomotions between dwellings and places of work, and in the education of children in open air life and farm pursuits, so as to suit them in bodily strength and temperament for agricultural and colonial up-country life."

Sir Thomas Horder, Bart., K.C.V.O., M.D., in closing his introduction to "Medical Opinion and Birth Control", says:

"In the pages which follow there are many points dealt with which at least call for a pause before we should decide to advocate birth control and popularize the principle publicly. Meantime as Sir Arthur Newsholme points out, we know a line of progress which is certain, and we can continue to follow this pending further consideration being given to birth control, a line which is uncertain. The certain line of progress 'consists in an improved environment and a continuance and extension of sanitation and public health and social reforms, which have already had such magnificent triumphs.' Dr. Letitia Fairfield, arriving at the same conclusion, expresses her conviction epigrammatically by the remark that 'the State and its members are better employed in making the world fit for children, than in keeping children out of the world.'"

POINT II

BIRTH CONTROL IS SUBVERSIVE OF PUBLIC MORALS AND A VIOLATION OF THE NATURAL LAW

We postulate in this argument, in the second part thereof, the natural law, and by this we do not mean any preachings of any church. We realize that such a committee as this needs no explanation or argument on this question but as this will no doubt be subject to the attack of our adversaries, we respectfully refer them to the Declaration of Independence of the United States upon which this Government is based.

When the fathers of our country in Congress on July 4, 1776, said:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness", they postulated the same natural law that we now postulate. They held that rights existed before governments and independent of governments, and we can claim without fear of contradiction that there is a law based upon nature which controls our acts independent of man-made laws. Blackstone recognized it when he said:

"As man depends absolutely on his Maker in all things, it is necessary that he should in all things conform to his Maker's will. * * * This will of the Maker is called the law of nature. * * * When God created man and endowed him with free will to conduct himself in all parts of life, He laid down immutable laws of human nature. * * * These are the eternal immutable laws of good and evil * * * which he has enabled reason to discover for the conduct of human actions. This law of nature is binding all over the globe, in all countries, at all times; no human laws are of any validity if contrary to this."

Proceeding with our argument, we state without fear of contradiction that if we permit the use of contraceptives and allow the dissemination of this literature we are opening the door to the destruction of the cornerstone of society—the family. The advocates of this bill argue that this information is necessary to enable married persons to "space children so that they will arrive when wanted

and when the parents are financially able to provide for them." They totally disregard the fact if it is made easy for married persons to obtain this information, that it is just as easy for unmarried persons to obtain it. What, then, becomes of the sanction which nature has imposed upon man? What, then, is to discourage and prevent the evil practice of fornication? The advocates of this bill will hardly have the effrontery to suggest to this committee that this information should be made available equally to the married and to the unmarried so that they may engage in illicit intercourse without the burden which has acted as the only restraint where religion is lost and morality not taught. On page 93 of "Artificial Restriction of the Family" by F. W. Foester we find the following:

"We might go further and even define sex ethics as the complete subordination of our sexual conduct to our life as a whole, with all its fundamental interests and responsibilities. But nothing could be more radically false than to imagine that the methods of Neo-Malthusianism mark an advance in the subordination of nature to the spirit. It must be obvious to every thinking person that precisely the opposite is the case. The perfection and popularization of these practices will not assist men to master their instincts and passions, but will, on the contrary, make it easier than has ever before been the case for man's sexual and animal self to dominate the will and spirit. For the artificial prevention of conception does not in the least control or discipline the sexual feeling itself. It merely frees it from producing its normal results; and it is these very results which have in the past so powerfully contributed toward selfdiscipline and selfcontrol. Remove the proper and natural consequences of sexual intercourse, and a controlling factor of the first importance has been eliminated."

There is no doubt that the natural law and the Author of nature forbid and condemn the practice of contraceptive birth control. The Author of nature has gifted His rational creatures with the sexual faculty, the end and purpose of which is clearly and manifestly indicated—the production of human offspring, children,—without which the human race would perish. It is for this purpose that matrimony exists, a permanent institution by the law of nature, without which the race would be neither propagated nor educated in accordance with the God-given dignity of rational creatures and the absolute needs of the child. The sexual faculties are only to be exercised within the state of matrimony, without which the purposes of nature for the consistent care and development of the child would be most assuredly defeated.

The sexual faculties are social faculties. They are given not primarily for the good of the individual but for the good of the race. The end of the individual is subordinated in them to the end of society. Though there is an individual urge to exercise these faculties, and a fitting reward for the exercise of the same, their outcome, the child, shows nature's intention only too clearly, that the faculty, the urge, the exercise, and its reward are all social, for the good of the race.

It is for this purpose that nature gives the strongest urge and for this purpose that nature offers her rewards. Now, to use nature's faculty, to give way to nature's urge, to seek nature's reward, and at the same time to take means by contraceptives to frustrate the primary purpose of nature in granting all these things is without all doubt to pervert nature and to defeat God's will and design. That all this is to violate the natural law written in nature itself is so evident that it is marvelous how unprejudiced men can escape its obvious significance. We say, therefore, that birth control through contraceptives is so clearly intrinsically wrong, so clearly out of harmony with man's nature, so manifestly prohibited by the author of nature through the natural law that no conscience, no combination of consciences, no difficulties, no sentimental reasons can make it right and good.

POINT III

THE MEDICAL PROFESSION IS OPPOSED TO BIRTH CONTROL

If birth control was everything that its advocates claim it to be we would expect that the medical profession would rise unanimously and appear before this Congress and demand the passage of the bill. We would expect that in medical journals throughout the country articles by the leading gynecologists would appear demanding the right to advise and explain the use of contraceptives. Instead of that the medical advocates of the measure are few and far between, and the leading gynecologists here and elsewhere are unanimous in their opinion opposed to contraceptives. They are not rushing to Congress demanding the right to educate the masses to avoid children.

It is unique in the history of the medical profession that it must be saved from itself by persons such as the advocates of this bill. If we were to assume the truth of the contentions of the advocates of this bill, the medical profession is hopelessly ignorant, and the doctors are steeped in ignorance and it remains for the advocates of this bill to enlighten them so that they may save humanity. The paucity of medical sponsors of this bill, and the presence of opposition thereto, should induce this committee to leave conditions in statu quo until there is a real demand by medical men who know.

It is not our purpose to argue the medical aspects of birth control. We shall here merely state what some leading authorities say. Dr. Arthur Vernon Davies recently declared in the English House of Commons that "competent medical opinion in this country is overwhelmingly against birth control." He said:

"Let honorable members talk to any obstetric surgeon or a medical man or woman accustomed to a large gynecological practice, and almost without exception these people will say that birth control is detrimental to the woman and detrimental to the child."

Eleven members of the British National Birth Rate Commission said:

"Medical evidence has been given that all unnatural modifications of marital association, and all contraceptive methods by mechanical or chemical contrivances, if habitually employed by normally constituted individuals, are harmful."

Arthur E. Giles, M.D., B.S.C., F.R.C.S., in "Medical Views on Birth Control", says:

"Nature never forgives and never remits a penalty incurred. So when men deliberately break her rules, it is well that they should realize that harmful results must necessarily follow and they are, at the best, choosing what appears to be the lesser of two evils. The thoughtful man will not transgress against the laws of nature without good and sufficient cause. These considerations apply to birth control, which is an insult to nature and a violation of her laws."

In Paris on June 3, 1928, F. J. McCann, M.D., F.R.C.S., president, League of National Life, England, and consulting surgeon at the Samaritan Free Hospital for Women, London, said:

"All known methods of contraception are injurious to the female, they only differ from being more or less so * * * the more complete the prevention, the greater the harmfulness."

A veteran gynecologist, Dr. M. A. van Bouwdijk-Bastianse, of Amsterdam, at a meeting in Nymwegen in 1929, declared contraceptive methods advocated by the new Malthusianism a failure from the viewpoint of medical hygiene. After stating that there is not a single preventive at all times and surely uninjurious, he proceeds to mention as among the possible serious consequences from the use of contraceptives, inflammation or cancer of the neck of the womb, sterility, and in some cases death. He then adds that danger to the health of the woman, even to her life, whether direct or indirect, is bound up with new Malthusianism, and exceeds by far the danger connected with pregnancy and childbirth. He concludes by saying: "That many, perhaps most scientists in this field agree with me regarding the effect of the use of contraceptives on the health condition, especially of women, can readily be shown by many quotations, for instance from Dr. Max Marcuse, editor of the Handwörterbuch der Sexual-eissenschaft. In a conference of the Internationale Gesellschaft für Sexual-Forschung he says: 'It has been fully established that—apart from the wounds and dangerous infections to a woman's sexual organs by reason of the use of certain instruments or means to which recourse may be had—contraceptives may injure the health of those regularly using them.'"

We may sum up our appeal to authority, although there are numerous other quotations which we might submit, with the ironical quotation from the Medical Times and Long Island Medical Journal for July 1931. The title of the articles was Rules for Maintaining the Present High Incidence of Cancer of the Cervix.

"After mentioning many of the modern contraceptive devices, the rules are concluded thus: 'The intensive combinations of methods recommended by many contraceptionists, used weekly or biweekly, should, in a very few years, gladden the watchful observer by producing some such cheerful evidence as a squamous epithelioma of the cervix, or perhaps a papillary adenocarcinoma. It is reasonable to suppose that we may yet, through methods so admirably adapted to the purpose sought, effect a notable increase in the incidence of cervical cancer, already so significantly high. It is almost too much to hope that the disease can be universalized amongst women, though that should be the goal.'"

POINT IV

THE ADVOCATES OF THIS BILL SHOULD BE RELEGATED TO THE LEGISLATURES OF THE SEVERAL STATES

The aim of the advocates of this bill is to escape the prohibition which various States have made against giving of contraceptive advice by doctors and nurses and clinics. It is, of course, obvious that if they are permitted to send the information through the mails, that is if the Federal Government through this bill removes its assistance to the several States in carrying out the prohibition, this information can be sent from State to State, and if a State attempts to protect itself and its people, it will be met with the argument that such interference is an interference with interstate commerce, the regulation of which is reserved to the Federal Government. May we at this point call the attention of this committee to the fact that this is a business which is before this committee advocating this measure. The Federal Government should do nothing to assist a business in avoiding the laws of a particular State. National emergency does not exist and the Federal Government should pause and consider carefully the claims of persons who are pecuniarily interested in the outcome of the event. We appear here in opposition to this bill without any financial interest whatsoever. We are not stockholders, inventors, lecturers, clinics, writers or any other class of persons who will be benefited by an increase in the contraceptive business.

Even if everything that the advocates of this bill say were so, still they have no place here before this committee. Let them go into their several States and through the advocacy of well-recognized physicians establish their right to conduct the business within the States. They have even now caused a dangerous condition in the dissemination of this literature which has been disseminated in spite of the bill which this measure seeks to repeal.

There is nothing to the argument that because contraceptives are bootlegged that therefore they should be sold openly. Only a sophist could present an argument which claims that because we repealed the eighteenth amendment therefore we should repeal this bill. The use of alcohol is the use of a product of nature as it was designed by the Creator. These advocates are here asking this Government to permit them to advocate the frustration of a natural function designed by the same Creator.

The measure which they advocate is unpatriotic. The western nations are failing to reproduce themselves. "The birth-control movement", according to Dr. Louis I. Dublin, statistician of the Metropolitan Life Insurance Co., "will have much to answer for unless it can square its account with the American people by emphasizing at this very time the need for correctives of its activities in earlier years. It has placed bundles of dynamite all over the country."

In conclusion we ask this committee to disapprove this bill which is economically, morally, and socially unsound. It is violative of all of the American principles and is subversive of public morals and against the natural law. It has been buried by past Congresses. Let it remain buried in the slime of its origin.

Respectfully submitted.

**THE NATIONAL CATHOLIC ALUMNI FEDERATION ON ITS OWN BEHALF
AND ON BEHALF OF ITS CONSTITUENT MEMBERS AND THE ASSOCIATIONS JOINING HEREIN.**

EXHIBIT A

At a special meeting of the executive committee of the National Catholic Alumni Federation called for the purpose of authorizing the president of the National Catholic Alumni Federation, and its regional director in Washington, Mr. Joseph M. Murphy, to oppose the Pierce bill being H.R. 5978, at the public hearing before the Judiciary Committee of the House on Thursday, January 18, 1934, the following resolution was unanimously adopted:

Whereas there has been introduced into the House of Representatives by Congressman Pierce a bill known as H.R. 5978, and

Whereas a companion bill has been introduced into the Senate by Senator Hastings, known as S. 1842, to legalize the transmission of birth-control information and appliances for doctors, medical colleges, druggists, hospitals, and clinics, and

Whereas this federation has been requested to oppose this legislation by its constituent members, the alumni associations of the various Catholic colleges throughout the country, and

Whereas this executive committee has carefully considered the various measures and after such consideration and due deliberation is unanimously and unalterably opposed to the passage of these measures, it is hereby

Resolved, That the president of the National Catholic Alumni Federation, Edmond B. Butler, be and he hereby is authorized in the name of the federation and for its constituent members throughout the United States, being the alumni associations of more than 50 colleges, the alumni of which colleges number in excess of 350,000, to appear personally or through the regional director for the Southern Atlantic States—Mr. Joseph M. Murphy, of Washington, D.C.—and file a memorandum containing the objections of the federation and its constituent members to this legislation, and it is hereby further

Resolved, That we hereby call upon the Judiciary Committee of the House of Representatives and the Judiciary Committee of the Senate to disapprove these bills in order that the institutions of our country, which we so properly cherish, shall be preserved.

New York, January 16, 1934.

NATIONAL CATHOLIC ALUMNI FEDERATION,
By JOHN T. BALFE, *Secretary*.

The foregoing is an exact transcript of the resolution unanimously adopted at a special meeting of the national executive committee of the National Catholic Alumni Federation called pursuant to the authority vested in the president by the constitution and by-laws of our organization.

NATIONAL CATHOLIC ALUMNI FEDERATION,
By JOHN T. BALFE.

EXHIBIT B

COLLEGES—MEMBERS OF OUR FEDERATION

Boston College, Washington; Canisius College, Buffalo, N.Y.; Catholic University, Washington, D.C.; Cathedral College (Morgan Fraternity), New York; Columbia College, Dubuque, Iowa; Creighton University, Omaha, Nebr.; University of Dayton, Ohio; DePaul University, Chicago, Ill.; University of Detroit, Michigan; Duquesne University, Pennsylvania; Fordham University, New York; Georgetown University, Washington, D.C.; Gonzaga University, Spokane, Wash.; Holy Cross College, Massachusetts.

La Salle College, Philadelphia; Loyola College, Baltimore, Md.; Loyola University, Chicago, Ill.; Loyola University, Los Angeles, Calif.; Loyola University, Louisiana; Manhattan College, New York; Marquette University, Milwaukee, Wis.; Mount St. Mary's College, Maryland; New York Alumni Society of Georgetown University; Niagara University, New York; University of Notre Dame, Indiana; Providence College, Rhode Island; St. Anselm's College, New Hampshire; St. Benedict's College, Kansas; St. Bonaventure College, New York; St. Edward's College, Austin, Tex.; St. Francis College, Brooklyn; St. Francis College, Loretto, Pa.; St. Francis Xavier, New York; St. John's University, Brooklyn; St. John's University, Toledo, Ohio; St. Joseph's College, Philadelphia; St. Louis University, Missouri; St. Mary's College, Oakland, Calif.; St. Mary's College, Kansas; St. Norbert's College, De Pere, Wis.; St. Peter's College, Jersey City; St. Thomas' College, Scranton, Pa.; St. Thomas' College, St. Paul, Minn.; St. Viator College, Illinois; St. Vincent College, Pennsylvania; Santa Clara University, California; Seton Hall College, New Jersey; Spring Hill College, Alabama; Subiaco College, Subiaco, Ark.; University of San Francisco, Calif.; Villanova College, Pennsylvania; Xavier University, Ohio.

EXHIBIT C

COPY OF NEWMAN CLUBS AUTHORIZATION

NEW YORK, N.Y., *January 16, 1934.*

EDMOND B. BUTLER,
National Catholic Alumni Federation.

Three thousand members of Newman Clubs in New York area deeply oppose the Pierce birth-control bill.

WILLIAM MALONEY,
President of United Newman Clubs.

JANUARY 16, 1934.

EDMOND B. BUTLER:

Federation of College Catholic Clubs of 202 Newman Clubs in the secular colleges and universities having alumni members or bodies attached as auxiliaries to almost all these clubs protest against any birth-control bill proposed for adoption by Congress.

JOSEPH F. VANHORN,
President Federation of College Catholic Clubs.

EXHIBIT D

Organizations which have requested the National Catholic Alumni Federation to represent them in addition to their alumni associations constituent membership.

Loyola University, Los Angeles, Calif.; St. Edward's University, Austin, Tex.; St. John's University, Toledo, Ohio; Georgetown University, Washington, D.C.; Fordham University, New York City; De Paul University, Chicago, Ill.; St. Francis College, Loretto, Pa.; St. Mary's College, Oakland, Calif.; Providence College, Rhode Island; Manhattan College, New York City; St. John's College, Brooklyn, N.Y.; Mount St. Mary's College, Maryland; Loyola University, Louisiana; Villanova College, Pennsylvania; Xavier University, Ohio; Niagara University, New York; St. Peter's College, Jersey City; Marquette University, Milwaukee, Wis.; LaSalle College, Philadelphia; St. Thomas' College, Santa Clara University, California; Catholic University, Washington, D.C.; St. Norbert College, De Pere, Wis.; Boston College, Massachusetts; Canisius College, Buffalo, N.Y.; Loyola College, Maryland; St. Joseph's College, Philadelphia; University of Dayton, Ohio; Columbia College, Dubuque, Iowa; St. Bonaventure College, New York; Seton Hall College, New Jersey; Loyola University, Chicago, Ill.; University of San Francisco, California; Gonzaga University, Spokane, Wash.; Notre Dame University, Indiana; The Centre Association for Catholics of the City of New York, 120 Central Park South, New York City; The Newman Clubs in the City of New York; The Federation of College, Catholic Clubs, Scranton, Pa.

Other associations whose telegrams and letters of authorizations will be received subsequent to the printing of this memorandum, but will be filed with it.

EXCERPTS FROM ARTICLE AN AMERICAN CONFERENCE ON BIRTH CONTROL—
LITERARY DIGEST, DECEMBER 16, 1933

Marry and beget children is the slogan in Italy and Germany, in both of which the governments have stimulated the apparently dying instinct for racial preservation. France, however, has complained of her empty cradles since the Franco-German War. Australia, hearing a distant creak of heels from the north, is calling for more white immigration, but the birthrate has dropped in her chief source of supply.

In Asia, India, the Malay Archipelago, and the South Sea Islands, on the other hand, there is no birth control save that effected by nature in her normal routine and when she acts as the Great Destroyer. The influenza epidemic which ravaged the world after the war did more in a few months than artificial restriction could ever hope to do, and it was no respecter of race or person. The better breed was stricken with the poorest, the white race with the black and yellow. War itself takes its toll from the best, leaving the unfit to carry on.

Which very brief summary may or may not lend point to the American Conference on Birth Control and National Recovery to be held in Washington the middle of next month. To many it will appear farcical to relate birth control to a program designed to increase consumption.

That birth control is being widely practiced is generally conceded, and the fact is giving rise to serious alarm. Western civilization it seems (The Literary Digest, July 9, 1932), is facing possible extinction by race suicide. The 1932 birthrate in England, Wales, France, Germany, and Italy showed a startling decrease. In England and Wales the rate was 15.3, the lowest ever recorded for the period of the year. In 1876 the rate was 36.3. The decline is not a passing phenomenon, but a development that is gaining momentum. In France it was estimated that if the present rate of decline continues the population will have been diminished by nearly one half in 75 years. In Berlin, the birthrate for 1931, 16 per 1,000, was the lowest on record. In Italy the birthrate decrease was slighter, having dropped from 27 in 1927 to 25 in 1931. In both these countries, however, Government has since encouraged marriage and large

families by dispensation and appeal to national pride. In the United States the rate dropped from 24.3 in 1921 to 18.9 in 1930. Norway, Sweden, and Belgium also showed declining birth rates, while Spain, Portugal, and Ireland, all predominantly Catholic, had since 1923 a greater natural increase in population than in the opening years of the century.

Speaking of the declining birthrate in the United States (The Literary Digest, October 8, 1932), The Statistical Bulletin of the Metropolitan Life Insurance Co. said: "The present fecundity of the American population is barely adequate to maintain our numbers at a fixed level. Temporarily, we still have a good excess of births over deaths, but only because of past conditions, which have given us relative excess of women in the child-bearing ages.

"But a further fall in the birthrate will presently bring us below the self-sustaining level, when the effect of past high birthrates has worn off. It is, of course, possible that when the present economic stringency passes, there will also be a recovery in our fecundity to a higher point, through an increase in the not very distant date. Failing this, it appears inevitable that, at some not very distant date, our population will not only come to a standstill, but will actually decline, now that accretion from outside by immigration is precluded."

"The birth-control movement," said Dr. Louis I. Dublin, statistician of the Metropolitan Life Insurance Co. (The Literary Digest, July 22, 1933), "will have much to answer for unless it can square its account with the American people by emphasizing at this very time the need for correctives of its own activities in earlier years. It has placed bundles of dynamite all over the country. It is now high time that it began to bring back, or at least to remove, the fuses."

NON-CATHOLIC AND BIRTH CONTROL

[By Patrick J. Ward, from Homiletic and Pastoral Review, July 1933]

In the public hearings on the several birth control bills recently introduced in Congress, many public bodies and religious and semi-religious groups, other than Catholics, have come forward courageously and condemned the practice of contraception. They have strenuously opposed changes in the Federal penal laws which would permit a more widespread commercial traffic in contraceptive articles, drugs, and literature. These efforts have so far been successful and the bills have been rejected or have not been reported out of committee.

When the Hatfield and Hancock bills were before the last Congress, there came forward to oppose them the following non-Catholic religious bodies: The United Lutheran Church in America, the Evangelical Lutheran Augustana Synod, the United Danish Evangelical Lutheran Church in America and the Southern Baptist Convention, which groups represent congregations totaling about 5,000,000.

In addition the following non-Catholic and interdenominational religious organizations appeared against the bill: The International Reform Federation, the Lord's Day Alliance, the World Purity Federation, the New York Society for the Prevention of Vice. Further, the following nonreligious bodies registered their opposition: the Independent Order of Odd Fellows, the National Patriotic League, the Woman Patriot, the Sentinels of the Republic, the Foresters of America, and the American Federation of Labor. The number represented in all these groups is very large.

Many other religious bodies have on several occasions expressed their disapproval of birth control, as for example, on the occasion of the report, in 1931, of the Federal Council of Churches of Christ in America, which approved the practice. Among the largest religious groups represented in the Federal Council are the United Lutheran Church, the Northern Baptist Convention, the Presbyterian Church in the United States of America and the Presbyterian Church in the United States, which groups immediately made known their strong disapproval of that report.

The General Assembly of the Presbyterian Church in the United States, representing half a million communicants, not only protested but withdrew from the Federal Council and withheld its financial support.

The Lutheran Ministerium of Pennsylvania adopted a resolution urging the United Lutheran Church to withdraw. The United Lutheran Synod of New York took similar action as well as the Lake Erie Conference of the Missouri Lutheran Synod. The United Lutheran Church in the United States, while it did not withdraw from the Federal Council, most emphatically disapproved its action. This same body has opposed the recent birth control bills in Congress.

The Northern Baptist Convention, representing a million and a half communicants declared in a resolution that the Federal Council had departed from its original purpose.

The Presbyterian Church in the United States of America with almost two million adherents not only disagreed with the Federal Council but rejected a report of its own commission on marriage favoring birth control.

The Methodist Protestant Church, another important group of the Federal Council, stated that the council had gone on record "without the sanction of Methodist protestantism."

It is well known that several of the American Episcopal bishops at the Lambeth conference in 1930 did not approve or support the resolution of that conference recommending contraception. A resolution patterned after that of the Lambeth conference was tabled by the Brooklyn and Long Island Diocesan Convention of the Protestant Episcopal Church.

In addition, many non-Catholics of all faiths have at one time or another registered their disapproval of birth control and the attempts to amend the laws. Bishop Warren A. Candler, of the Methodist Episcopal Church South, was one of those who protested against the bills in the last Congress.

These non-Catholic religious bodies together represent almost nine million communicants.

Now let us turn to the other side and see what are the non-Catholic religious groups which have declared in favor of birth control. The Central Conference of American Rabbis is only one of three national federations of rabbis (not congregations). There is also on record approving birth control the Federation of Jewish Women's Organizations representing a membership of 100,000. These represent the more liberal trend among the some four million Jews in the country. On the other hand, Jewish opposition to the recent bills was also presented to the congressional committees.

The Universalist general convention in 1929 could only speak approval for a total group in the country of some 55,000 persons.

There is the approval of the American Unitarian Association representing a small group of 60,000. The General Council of the Congregational and Christian Churches which together include a million members has gone as far as approving the Federal Council report. Among the few Methodist Episcopal groups on record are the New York East Conference, the Wisconsin Conference, and the Southern California Conference of the Methodist Episcopal Church, and a group of ministers at Delaware, Ohio.

It cannot be said, therefore, that "practically all religious organizations in America except the Catholic Church have gone on record as favoring the qualified use of contraceptives." The facts point otherwise.

The advocates of contraceptive birth control and the proponents of the various Federal and State bills to promote it assiduously propagate the untruthful statement that only Catholics oppose these changes in the law.

It is well then to realize that the more important non-Catholic groups within this country are fully alive to the great dangers involved in contraception and its traffic, and that they have publicly and effectively registered their opposition.

January 17, 1934.

EDMOND B. BUTLER,
New York City.

You are hereby authorized to represent St. Louis University Alumni Association in hearing on Pierce Birth-Control Bill voicing the association's emphatic protest.

ROBERT S. JOHNSTON, S.J.,
President St. Louis University.

January 16, 1934.

EDMOND B. BUTLER,
New York City.

Federation of College Catholic Clubs of 202 Newman Clubs in the secular colleges and universities having alumni members or bodies attached as auxiliaries to almost all these clubs protest against any birth-control bill proposed for adoption by Congress.

JOSEPH F. VANHORN,
President, Federation of College Catholic Clubs.

NEW YORK, N.Y., *January 17, 1934.*

EDMOND BORGIA BUTLER, ESQ.
New York City.

You are hereby authorized to represent the alumni association of the college of St. Francis Xavier in opposing the Pierce Birth-Control Bill.

T. LOUIS A. BRITT, *President.*

NEW YORK, N.Y., *January 16, 1934.*

EDMOND B. BUTLER,
*National Catholic Alumni Federation,
New York City.*

Three thousand members of Newman Clubs in New York area deeply oppose the Pierce Birth-Control Bill.

WILLIAM MALONEY,
President of United Newman Clubs.

MOBILE, ALA., *January 17, 1934.*

E. B. BUTLER,
New York City.

Springhill alumni authorize you oppose Pierce birth-control bill.

JOHN J. DRUHAN, S.J.

ST. MARYS, KANS., *January 17, 1934.*

EDMOND B. BUTLER,
New York City.

St. Marys college's alumni association authorizes you to represent us in opposing Pierce birth control bill.

M. M. GANEY, S.J.,
Executive secretary.

LOS ANGELES, CALIF., *January 16, 1934.*

EDMUND B. BUTLER,
New York City.

The approval our association granted you for combating Pierce bill.

LOYOLA UNIVERSITY OF LOS ANGELES,
LEO ROSECRANS, *President.*
JAS. DONOVAN, *Secretary.*

AUSTIN, TEX., *January 15, 1934.*

EDMUND B. BUTLER,
New York City.

Authorization represent university alumni against passage Pierce birth-control bill.

ST. EDWARD'S UNIVERSITY,
REV. HUGH O'DONNELL, *President.*

TOLEDO, OHIO, *January 15, 1934.*

EDMOND B. BUTLER,
New York City.

Represent our alumni opposing bill success.

ST. JOHN'S UNIVERSITY,
G. A. FITZGIBBONS.

WASHINGTON, D.C., *January 15, 1934.*

EDMOND B. BUTLER,
New York City.

Georgetown University authorizes you protest against birth-control bill.

W. COLEMAN NEVILS, *president.*

CHICAGO, ILL., *January 16, 1934.*EDMOND B. BUTLER,
New York City.

Authorize you to voice De Pauls opposition to Birth Control Bill at Thursday hearing.

F. V. CORCORAN.

CRESSON, PA., *January 16, 1934.*EDWIN B. BUTLER,
New York City.

President of St. Francis College strongly opposes Pierce Birth Control Bill. You have authorization to represent our alumni.

REV. WILLIAM M. GRIFFITH.

SAINT MARYS, CALIF., *January 16, 1934.*EDMUND B. BUTLER,
President National Catholic Alumni Federation, New York City.

As president St. Mary's Alumni I strongly oppose Pierce Birth Control Bill.

DR. FRED T. WEST.

PROVIDENCE, R.I., *January 16, 1934.*EDMUND B. BUTLER,
New York City.

You are authorized to represent the Providence College Alumni Association, which has 1,300 members. in opposing the Pierce Birth Control Bill.

L. C. MCCARTHY, O. P.,
*President of Providence College.*NEW YORK, N.Y., *January 16, 1934.*EDMOND B. BUTLER,
New York City.

The Manhattan College Alumni is unalterably opposed to Pierce Birth Control Bill. Full authorization to so represent us is yours.

DAVID BRODERICK.

BROOKLYN, N.Y., *January 16, 1934.*EDMOND B. BUTLER,
New York City.

The Alumni Association of Saint John's College, Brooklyn, requests and authorizes you to represen' them in opposing Pierce Birth Control Bill at public hearing in Washington on Thursday.

FRANCIS J. GARTLAND, *President.*EMMITSBURG, MD., *January 16, 1934.*EDMOND B. BUTLER,
New York City.

You have authority to represent Mount St. Mary's.

JOHN L. SHERIDAN.

NEW ORLEANS, LA., *January 15, 1934.*EDMOND B. BUTLER,
New York City.

Kindly represent the Alumni Association of Loyola University of New Orleans in strenuous and unyielding opposition to Pierce Birth Control Bill.

J. W. HYNES, S. J.,
President Loyola University.

VILLANOVA, PA., *January 15, 1934.*

Hon. EDMOND B. BUTLER,
New York City.

By all means use my name protesting Birth Control Bill. Have already sent telegram direct.

ALBERT C. WAGNER,
Alumni Secretary, Villanova College.

CINCINNATI, OHIO, *January 15, 1934.*

EDMOND D. BUTLER,
New York City.

Full authorization extended to represent Xavier University Alumni Association opposing Pierce Birth Control Bill.

EDWARD P. VONDERHAAR, *Secretary.*

NIAGARA FALLS, N.Y., *January 15, 1934.*

EDMOND B. BUTLER,
New York City.

Please express indignant opposition of 3,000 Niagara University alumni to proposed Pierce birth-control legislation.

MARTIN J. BLAKE, *Secretary.*

JERSEY CITY, N.J., *January 15, 1934.*

EDMOND B. BUTLER,
New York City.

Please represent alumni body of St. Peters College, Jersey City, as opposed to birth-control bill as being un-American, ineffective from broader viewpoint, and immoral.

R. RUSH RANKIN, *S.J. Moderator.*

MILWAUKEE, WIS., *January 15, 1934.*

EDMOND B. BUTLER,
New York City.

I authorize you to represent alumni of Marquette University in opposition to the Pierce bill.

WILLIAM MAGEE,
President Marquette University.

PHILADELPHIA, PA., *January 15, 1934.*

EDMOND B. BUTLER,
New York City.

Oppose Pierce birth-control bill for alumni of the LaSalle College.

BROTHER ANSELM, *President.*

SCRANTON, PA., *Jaaruny 15, 1934.*

EDMOND B. BUTLER,
New York City.

Permission granted to represent St. Thomas College Alumnae Association opposing Pierce Birth Control Bill on Thursday. Have also sent opposition telegram Chairman of Judiciary Committee, House of Representatives.

F. J. O'HARA,
St Thomas College.

SANTA CLARA, CALIF., *January 15, 1934.*

EDMOND B. BUTLER,
New York City.

Have full authority to represent Association of Santa Clara at hearing of Pierce Birth Control Bill. Oppose strenuously in our name.

GREGORY T. MARTIN,
Secretary to President, University of Santa Clara.

WASHINGTON, D.C., *January 15, 1934.*

EDMOND B. BUTLER,
New York City.

I hereby authorize you to represent the Catholic University of America Alumni Association at the hearing on the Pierce bill on Thursday. Under separate cover I am forwarding copy of telegram to House Chairman based on suggestion of Montavon of N.C.W.C. Shall I see you Thursday?

JOSEPH M. MURPHY.

GREENBAY, WIS., *January 16, 1934.*

EDMOND B. BUTLER,
New York City.

St. Norbert College Alumni authorize you to represent them at Pierce bill hearing about which they have sent House Committee following wire: "Two thousand college educated christian gentlemen denounce the unclean thing which drips the slime of prehistoric bestiality and is fostered by the Pierce birth control bill as biblically unarguable, biologically unnatural, medically unsubstantiated, socially selfish, philosophically indefensible, spiritually calamitous, ethically criminal, and nationally suicidal."

DR. ANSELM M. KEEFE,
St. Norbert College Alumni, West Deperre, Wis.

BROOKLINE, MASS., *January 15, 1934.*

EDMOND B. BUTLER,
New York City.

You are authorized to represent our alumni association in opposing Pierce bill. Am wiring Chairman Judiciary Committee.

L. J. GALLAGHER, S.J.,
President Boston College.

BUFFALO, N.Y., *January 15, 1934.*

EDMOND B. BUTLER,
New York City.

Canisius College Alumni Association protest vigorously against Pierce birth control bill and authorizes you to voice its opposition.

RUDOLPH J. EICHORN, *President.*

OMAHA, NEBR., *January 15, 1934.*

EDMOND B. BUTLER,
New York City.

Creighton University Alumni Association consisting of over 5,000 men and women in every State of the Union urges you to represent it in opposing vehemently the Pierce birth control bill pending before the National Legislature. Passage of this bill would be a deadly blow to our beloved Nation.

FRANK E. PELLEGRIN,
Secretary Creighton University Alumni Association.

BALTIMORE, MD., *January 15, 1934.*E. B. BUTLER,
New York City.

Full authority to represent Loyola College Alumni Association. All success.

T. J. LOVE, S.J.,
*Faculty Representative.*PHILADELPHIA, PA., *January 16, 1934.*EDMOND B. BUTLER,
New York City.

Represent our alumni for opposition to Pierce Birth Control Bill.

THOMAS J. HIGGINS,
*President of St. Josephs College.*DAYTON, OHIO, *January 15, 1934.*EDMOND B. BUTLER,
New York City.

Please represent University of Dayton alumni in opposing Birth Control Bill.

GEO. J. RENNEKER,
*Acting President, University of Dayton.*DUBUQUE, IOWA, *January 15, 1934.*EDMOND B. BUTLER,
New York City.

Represent Columbia College in opposing Birth Control Bill.

COLUMBIA COLLEGE.
REV. T. CONRAY.ST. BONAVENTURE, N.Y., *January 15, 1934.*EDMOND R. BUTLER,
New York City.

You are hereby authorized to represent the alumni of St. Bonaventyr College at the hearing of the Pierce Birth Control Bill. Put us on record as absolutely opposed to this bill. Can you notify the chairman of the Judiciary Committee and also our Representative? You have full authority. Best wishes.

ST. BONAVENTURE ALUMNI ASSOCIATION,
JOSEPH YANNER, *Permanent Secretary.*SOUTH ORANGE, N.J., *January 15, 1934.*EDMOND B. BUTLER,
*New York City.*Please represent the 1,400 members of the Alumnae Association of Seton Hall College in unqualified opposition to Pierce birth control bill. Am writin^g Chairman Judiciary Committee of our opposition.EDWARD L. JENNINGS,
*Executive Secretary.*CHICAGO, ILL., *January 16, 1934.*EDMOND D. BUTLER,
New York City.

Please Record Loyola University Alumni Association as opposing Pierce birth control bill at hearing in legislature, Albany, Tuesday, January 18.

JOSEPH McLAUGHLIN, J. S.
Director Loyola University Alumni Association.

SAN FRANCISCO, CALIF., *January 16, 1934.*

EDMOND B. BUTLER,
New York City.

The Alumni Association University of San Francisco with 1,600 members authorizes you to represent them and protest in their names passage Pierce birth control bill. Formal protest telegraphed chairman judiciary committee.

FRANK P. HUGHES, *Secretary.*

SPOKANE, WASH., *January 15, 1934.*

EDMOND B. BUTLER,
New York City.

Gonzaga Alumni Association hereby authorizes you to represent the association in opposing Pierce birth control bill. The association has wired Chairman Judiciary Committee, House of Representatives, its opposition to bill.

Rev. CURTIS J. SHARP,
Moderator, Gonzaga Alumni Association.

NOTRE DAME, IND., *January 15, 1934.*

EDMOND B. BUTLER,

Notre Dame Alumni pleased to authorize you agent, Pierce bill protest.

JANES E. ARMSTRONG,
Alumni Secretary.

QUINCY, ILL., *January 17, 1934.*

MISS AGNES REGAN,
Assistant Secretary N.C.C.W., Washington, D.C.

Am sending night letter to the Hon. Hatton W. Sumners, Chairman Judiciary Committee, House of Representatives in which I am expressing opposition to the purpose of the Birth Control Bill now under consideration. Am sending protest in the name of 50,000 members of National Catholic Women's Union.

SOPHIA CATHERINE WAVERING,
National President.

DUBUQUE, IOWA, *January 17, 1934.*

HENRY L. CARAVATI,
Washington, D.C.

Four hundred ladies of the Catholic Benevolent Society of Dubuque, Iowa, are unanimously opposed to the Pierce Birth Control Bill now before Congress, House Bill 5978.

Miss FLORENCE M. HENNING,
President.

PITTSBURGH, PA., *January 16, 1934.*

HENRY L. CARAVATI,
Washington, D.C.

I am commissioned by 450 women of St. Boniface Christian Mothers Confraternity to enter solemn protest against the iniquitous measure known as the "Pierce Birth Control Bill." We oppose it vehemently as contrary to the natural law and the dictates of a truly christian conscience.

Mrs. ANNA MUSER,
President Christian Mothers Confraternity.

CLEVELAND, OHIO, *January 18, 1934.*

HENRY L. CARAVATI,
Washington, D.C.

Please inform chairman and members of Judiciary Committee that Cleveland Diocesan Council of National Council of Catholic Women, representing 20,000 women oppose birth control bill covered in House of Representatives bill 5978, which we believe immoral and offensive to a great number of American citizens.

FRANCES F. BUSHEA,
President.

NEW YORK, N.Y., *January 17, 1934.*

NATIONAL CATHOLIC WELFARE CONFERENCE,
Washington, D.C.

As member Manhattanville Alumnae I protest against amendment to sections 211, 245, 312 of Criminal Code.

MERCEDES DE ARANGO.

NEW YORK, N.Y., *January 17, 1934.*

NATIONAL CATHOLIC WELFARE CONFERENCE,
Washington, D.C.

As a woman I protest against amendment to sections 211, 245, 312 of Criminal Code.

PETRONILA DE ARANGO.

FORDHAM UNIVERSITY, FORDHAM, N.Y., *January 15, 1934.*

CHAIRMAN JUDICIARY COMMITTEE,
House of Representatives, Washington, D.C.

MY DEAR SIR: As president of the largest Catholic university in the world, Fordham University, numbering more than 8,000 students, I hereby authorize the National Catholic Alumni Federation to represent the Fordham University Alumni Association in opposing the Pierce birth control bill at the hearing on Thursday, January 18.

Mr. Edmond B. Butler is hereby authorized to represent our Fordham University Alumni Association.

Very sincerely yours,

ALOYSIUS J. HOGAN, S.J.
President.

NATIONAL CIRCLE, DAUGHTERS OF ISABELLA,
Washington, D.C., January 19, 1934.

HON. HATTON W. SUMNERS,
*Chairman Judiciary Committee,
House Office Building.*

MY DEAR SIR: I am here to officially represent the National Circle, Daughters of Isabella, an organization with headquarters in New Haven, Conn., and branches in practically every State in the Union.

We have a membership of about 70,000 women, all over 18 years of age. We feel the passage of the bill now under your consideration would be a great detriment to our young girls and at our last convention, held in Montreal, Canada, August 1933, resolutions were passed protesting such action.

We urge you, Mr. Chairman, to have your committee give this protest their earnest consideration.

Respectfully submitted.

ALICE C. BICKSLER,
National Director, Daughters of Isabella.

CLEVELAND, OHIO, *January 15, 1934.*

DEAR SIR: I am writing to request that you do all in your power to prevent the passage of H.R. 5978. I consider it against decency, morality, and the sanctity of the home. Trusting that you will give this your immediate attention I am,

Sincerely,

KATHERINE M. REIDY.

JANUARY 18, 1934.

JUDICIARY COMMITTEE,
House of Representatives, Washington, D.C.

GENTLEMEN: The National Council of Catholic Women, whom I have the privilege of representing on this occasion, includes in its membership 18 national organizations and 2,000 local groups with an individual membership of 500,000.

At each succeeding annual convention since 1923 the delegates have protested the passage of any measure which would make possible the free dissemination of information and distribution of material concerning contraception, because they believe that such legislation is a direct attack upon the sanctity of marriage and the integrity of the family.

Respectfully submitted.

AGNES G. REGAN,
Executive Secretary.

JANUARY 14, 1934.

The Visitation Alumnae, as an organization of 500 Catholic women condemns and protests H.R. 5978, the hearing for which has been set for January 18, 1934.

MRS. G. F. CHOPIN,
President Visitation Academy, St. Louis, Mo.

JANUARY 15, 1934.

HATTON W. SUMNERS,
*Chairman Committee on the Judiciary,
House Office Building, Washington, D.C.*

DEAR SIR: We are informed that there is to be a hearing on bill H.R. 5978, the so-called "Birth Control Bill", and we write to protest against the provisions of this measure as subversive to decency, morality, and the public welfare.

The Milwaukee Archdiocesan Council of Catholic Women, representing the women of 256 Catholic parishes of southern Wisconsin and the Catholic women's clubs and other Catholic women's organizations of Milwaukee Archdiocese, in their annual convention adopted a resolution protesting all forms of such legislation as this.

The proposed amendment would permit young people and even children access to literature, information, and knowledge not suited to their years, inasmuch as both the manufacturer and the purveyor of materials advertised and distributed have already shown their lack of responsibility toward protecting our young people.

The Milwaukee Archdiocesan Council of Catholic Women has reiterated in the following resolution its objection to such measure:

"The propaganda of so-called birth control is an infidelity to God, a denial of individual dignity of man and woman, and a selfish betrayal of our country's welfare.

"It will, whenever advocated, injure the family as the unit of society and encourage an individualism destructive of the social body, of national life, and even of economic life, because it weakens the argument for a just wage, which should be based on the family unit."

We shall appreciate very much your presenting our opposition to this bill to the members of the House Judiciary Committee.

Yours very truly,

MILWAUKEE ARCHDIOCESAN COUNCIL OF CATHOLIC WOMEN,
By KATHERINE R. WILLIAMS, *President.*

JANUARY 16, 1934.

HON. HATTON W. SUMNERS,
House Office Building, Washington, D.C.

DEAR SIR: The Natchez Diocesan Council of Catholic Women, representing the Catholic women of Mississippi, protests the passage of bill H.R. 5978, which we feel would disrupt the sanctity of marriage and the integrity of the family and ultimately affect the morale of our citizens.

Yours truly,

Mrs. E. C. LEONARD, *President.*

DELPHOS, OHIO, January 16, 1934.

HON. HATTON W. SUMNERS,
Chairman Committee on the Judiciary, House of Representatives.

DEAR SIR: Bill H.R. 5978, the so-called "Birth Control Bill", has come to my notice. I wish to go on record as being very strongly opposed to such a bill.

Hoping you will use every influence to defeat this bill at the hearing before the Judiciary Committee of the House which has been set for January 18, 1934.

Very truly yours,

Mrs. JOHN McREDMOND.

—————
LIME SPRINGS, IOWA, *January 16, 1934.*

HON. HATTON W. SUMNERS.

DEAR SIR: In the name of our organization, St. Stephen's Parish, Chester, Iowa, I am protesting against H.R. 5978.

Mrs. WALTER G. MUNKLE.

—————
LAMAR, MO., *January 16, 1934.*

HON. HATTON W. SUMNERS,

Chairman Judiciary Committee, Washington, D.C.

DEAR SIR: As a practicing physician and surgeon of the State of Missouri, I wish to sincerely and earnestly protest against the favorable report of the Judiciary Committee on H.R. 5978, otherwise known as "the bill legalizing the prevention of conception by artificial means."

This law would not only serve to defeat the divine laws of God and pave the way towards a complete break-down of the whole family structure that has been sacred since the founding of the Christian religion, but would disgrace our statute books with a law legalizing murder and depopulating our great Republic.

Very sincerely yours,

SAML. R. HARWOOD, M.D.

—————
LAMAR, MO., *January 16, 1934.*

HON. HATTON W. SUMNERS,

Chairman Judiciary Committee, House Office Building, Washington, D.C.

DEAR SIR: As fifth vice president of the Lamar, Mo. branch of the National Council of Catholic Women, I wish to sincerely and earnestly protest against a favorable report of the Judiciary Committee on H.R. 5978, otherwise known as the bill legalizing the prevention of conception by artificial means.

This law would serve to defeat the laws of God and would pave the way toward a complete breakdown of the whole family structure that has been sacred since the founding of the Christian religion.

We earnestly hope that you will see fit to give due consideration to this request.

Very sincerely yours,

Mrs. S. R. HARWOOD.

—————
LAMAR, MO., *January 16, 1934.*

HON. HATTON W. SUMNERS,

Chairman Judiciary Committee, House Office Building, Washington, D.C.

DEAR SIR: As prosecuting attorney of Barton County, Mo., I wish to sincerely and earnestly protest against a favorable report of the Judiciary Committee on H.R. 5978, otherwise known as the bill legalizing the prevention of conception by artificial means.

I am a member of the Methodist Church of Lamar, Mo., and feel that this law would serve to defeat the laws of God and would pave the way towards a complete breakdown to the whole family structure that has been sacred since the founding of the Christian religion.

I earnestly hope that you will see fit to give due consideration to this request.

Very sincerely yours,

ROTH H. FAUBION,
Prosecuting attorney Barton County, Mo.

—————
CARSONVILLE, MICH., *January 16, 1934.*

NATIONAL COUNCIL OF CATHOLIC WOMEN.

DEAR MADAM: The following letter was mailed to Hon. Hatton Sumners, Mr. Joseph L. Hooper, and Mr. John C. Lehr:

The League of Catholic Women of Sanilac County, Michigan, wishes to protest against the passage of bill 5978.

We appeal to you, our duly elected Representative, to unite with us in protecting the sanctity of marriage.

Very sincerely yours,

Miss CLARA O'MARA,
President of Sanilac County League.

JANUARY 15, 1934.

HATTON W. SUMNERS,
House of Representatives, Washington, D.C.

In the name of the Altar and Rosary Society of the Good Shepherd Parish at Toledo, Ohio, the members whose names are enclosed hereby protest against the passage of H.R. 5978.

DELLA BRUCKEN, *President.*
MARY WARREN, *Recording Secretary.*

Am sending this copy of letter sent to Washington as you requested. Will send copy of answer, if any received.

MARY WARREN, *Recording Secretary.*

Copy of list sent to Washington: Mrs. T. J. Warren, Mrs. F. L. Hayes, Mrs. J. L. Ball, Mrs. J. T. Welsh, Mrs. M. Shlagheck, Mrs. P. Hertzfeld, Mrs. Carl Webbon, Mrs. Joe Tiernan, Mrs. Louise Ritter, Mrs. Martha Brack, Mrs. Mary Carrol, Mrs. K. K. Birkenhauer, Miss Dora O'Brien, Mrs. M. Harrington, Mrs. M. J. McAuley, Mrs. Anna Overburg, Mrs. Dan Hoctor, Miss Mary Bistner, Mrs. J. O. Brummett, Mrs. C. Grodi, Mrs. E. Collins, Mrs. J. E. Cullars, Mrs. E. McGarry, Mrs. A. J. Boots, Mrs. L. Royal, Mrs. Liebher, Mrs. F. F. Lark, Mrs. F. C. Moran, and Mrs. Della Brucken.

EPWORTH, IOWA, *January 15, 1934.*

HON. HATTON W. SUMNERS,
Washington, D.C.

DEAR MR. SUMNERS: In the name of the members of St. Paul's Mission Club, we wish to enter our objection to the passage of H.R. 5978. This bill is contrary to natural and supernatural laws, as also against our belief in fulfilling God's Commandments. Our organization represents 20 Catholic Women in the town of Epworth, Iowa.

Trusting you will give due consideration to our request.

Yours very truly,

EVELYN McGEENER, *President.*

CIRCLE OF MERCY,
Cleveland, Ohio, January 15, 1934.

Miss AGNES G. REGAN,
Executive secretary of N. C. C. W.

DEAR MISS REGAN: A copy of letter sent to Hon. Hatton W. Sumners, Washington, D.C., in protest by the Circle of Mercy Cleveland.

We as members of the Circle of Mercy composed of Catholic Women of Cleveland, Ohio, do enter our protest against the proposed Federal legislation which would permit distribution of information and material to be used for prevention of conception by artificial means.

ELIZABETH SCHWARTZ, *President.*
KATHERINE A. RIORDON, *Recording Secretary.*

NATIONAL COUNCIL OF CATHOLIC WOMEN,
Cleveland, Ohio, January 13, 1934.

HON. WILLIAM E. HESS,
Member of Congress, Washington, D.C.

HONORABLE SIR: I wish respectfully to protest the passage of H.R. 5978. It is contrary to sound morals and its adoption will promote promiscuity. It will be a blow to the dignity of womanhood and will contribute to the deterioration of our Nation.

The organization of which I am president consists of 8,000 members and is anxious to see this bill killed in committee. We will closely watch the deliberation and recommendation of your committee.

Respectfully yours,

MRS. W. S. HOUCK,
President Cleveland Deanery, Cleveland, Ohio.

NATIONAL COUNCIL OF CATHOLIC WOMEN,
Cleveland, Ohio.

HON. HATTON W. SUMNERS,
Chairman Judiciary Committee, Washington, D.C.

HONORABLE SIR: Cleveland Deanery Council of the National Council of Catholic Women, representing 8,000 members, in session today passed a resolution protesting passage of H.R. 5978, permitting dissemination of contraceptive information, etc. It is contrary to moral and natural law.

ALICE F. KELLY,
Chairman Legislative Committee.

MERIDEN, CONN., January 16, 1934.

HON. HATTON W. SUMNERS,
Chairman of Judiciary Committee,
House Office Building, Washington, D.C.

DEAR SIR: The Meriden Council of Catholic Women, representing about 1,000 Catholic women in this city, hereby register a protest against the passage of the Birth Control Bill H.R. 5978.

It is the belief of this organization that the enactment of such legislation would be productive of flagrant immorality, and the disintegration of the home and the family care and training, and a weakening of present religious and moral safeguards for the good of society.

The Meriden Council begs that the Judiciary Committee do not approve of bill H.R. 5978.

Very sincerely yours,

COUNCIL OF CATHOLIC WOMEN OF MERIDEN,
Mrs. MARION MURPHY, Secretary.

MERIDEN, CONN., January 15, 1934.

HON. HATTON W. SUMNERS,
Chairman of the Judiciary Committee, Washington, D.C.

SIR: We, the members of the "Mothers' Circle" of the Meriden Council of Catholic Women, who have been making a study of the Christian family and the integrity of the home, wish to go on record as opposed to the passage of Birth Control Bill, H.R. 5978.

We feel that it violates moral laws and outrages the sanctity of nature and would cause the breakdown of fundamental religious principles, contribute to the debasing of our young people, and strike a blow to the sanctity of family life.

As a group of mothers, we beg that you do not approve this measure.

Yours very truly,

MOTHERS' CIRCLE, M.C.C.W.,
(Mrs.) HELEN MEALE, Secretary.

MERIDEN, CONN.,
January 16, 1934.

HON. HATTON W. SUMNERS,
Chairman of Judiciary Committee, Washington, D.C.

DEAR SIR: I am a member of national board of directors of the National Council of Catholic Women, and of the Catholic Women of the New England States in that board.

I am the mother of five children and I desire to be on record in your committee protesting against the passage of Birth Control Bill H.R. 5978 or any human

sterilization measure. They are an infidelity to God and an outrage to the sanctity of nature.

I beg, therefore, that your honorable committee do not approve this measure.

Very sincerely yours,

Mrs. L. J. HERRIGAN.

MERIDEN, CONN.

January 15, 1934.

HON. HATTON W. SUMNERS,

Chairman of Judiciary Committee, Washington, D.C.

DEAR MR. SUMNERS: As supreme president of the National Catholic Women's Benevolent Legion, I wish to protest against the passage of the Birth Control Bill, H.R. 5978.

It is the belief of this organization, which numbers over 10,000 members, that the proposed Federal legislation which would permit the distribution of information and material to be used for the prevention of conception by artificial means would mean the disintegration of the home and a decided weakening of moral standards.

Will you please do all within your power to see that the Judiciary Committee do not approve of bill H.R. 5978?

Very sincerely yours,

NATIONAL CATHOLIC WOMEN'S BENEVOLENT LEGION,
Mrs. WM. CASLEMAN, *Supreme President*

MERIDEN, CONN., January 15, 1934.

HON. HATTON W. SUMNERS,

Chairman of Judiciary Committee, Washington, D.C.

DEAR MR. SUMNERS: The Catholic Women's Benevolent Legion of Meriden, Conn., a branch of an national organization of over 10,000 Catholic women, objects to the passage of the Birth Control bill, H.R. 5978.

We feel that the passage of this bill would be dangerous to health and morals especially to our youth.

We, therefore, enter a united protest against the evil this bill would do the sanctity of the family and family life.

We wish to go on record as making a positive protest against this measure.

Very sincerely yours,

CATHOLIC WOMEN'S BENEVOLENT LEGION,
_____, *Secretary.*

MERIDEN, CONN., January 15, 1934.

HON. HATTON W. SUMNERS,

Chairman of Judiciary Committee, Washington, D.C.

We, the members of St. Anne's Society of St. Laurent's Church, Meriden, Conn., numbering over 300 women, vigorously protest the Birth Control Bill, H.R. 5978.

It is against our principles to favor any Federal legislation which would permit the distribution of information which would prevent conception by artificial means.

It strikes a severe blow at national morality, the integrity of the family, and the sacredness of marriage.

Very sincerely yours,

ST. ANNE'S SOCIETY,

_____,
Secretary.

GALVESTON, TEX., January 13, 1934.

Whereas efforts are being made before the Judiciary Committee of the House of Representatives of Congress at its forthcoming session in January 1934, a bill to provide for the amendment of present Federal legislation so as to exempt from the prohibition of sending or receiving by or from the United States mails, by physicians, medical colleges, druggists, hospitals, and clinics, information regarding prevention of conception and devices of contraceptions; and

Whereas the artificial limitation of offspring is contrary to the natural law, is prohibited by divine positive law as is seen in Genesis 38 :8, is a grave menace to society and the state, destructive to the family, and conducive to the promiscuous relationship between sexes, and contrary to basic morality; and

Whereas eminent physicians, gynecologists, scientists, specialists, and surgeons have declared and do declare that the use of contraceptives is harmful to mind and body; and

Whereas the repeal of present Federal legislation will lead to the further diffusion of knowledge and use of contraceptives, with the accompanying danger of their coming more into the hands of youth, to the further corruption of morals; therefore, be it

Resolved, that the Women's Catholic Action Guild of Galveston, Tex., in meeting assembled, voice their entire opposition to the proposed amendment, and their absolute and unqualified condemnation of the use of contraceptives as being sinful, immoral, and injurious to the individual and to society; and be it further

Resolved, that a copy of this resolution be sent to the Hon. Hatton W. Sumners, chairman of the Judiciary Committee of the House, Washington; and be it further

Resolved, that the Women's Catholic Action Guild of Galveston, Tex., call upon all who believe in God and reverence His word to join them in opposing the aims and purposes of the advocates of birth control, and the makers of devices of contraception, for the protection of our youth, the security of our morals, the sanctity of our homes, and the safeguarding of the heritage left us by our God-fearing forbears in the character of our national ideals and institutions.

Mrs. P. A. DROUILHET,
President Women's Catholic Action Guild of Galveston, Tex.
Mrs. C. LYNN KEENAN,
Secretary Women's Catholic Action Guild of Galveston, Tex.

DELPHOS, OHIO,
January 15, 1934.

HON. HATTON W. SUMNERS,
*Chairman Committee on the Judiciary,
House of Representatives, Washington, D.C.*

DEAR SIR: Bill H.R. 5978, the so-called "Birth Control Bill", has come to our notice. We wish to go on record as being very strongly opposed to such a bill.

Hoping you will use every influence to defeat this bill at the hearing before the Judiciary Committee of the House (which has been set for January 18, 1934) we remain,

Very truly yours,

THE 1925 FIVE-HUNDRED CLUB,
Delphos, Ohio.

WME:WRL

DELPHOS, OHIO,
January 15, 1934.

HON. HATTON W. SUMNERS,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.*

DEAR SIR: Bill H.R. 5978, the so-called "Birth Control Bill", has come to my notice. I wish to go on record as being very strongly opposed to such a bill.

Hoping you will use every influence to defeat this bill at the hearing before the Judiciary Committee of the House, which has been set for January 18, 1934, I remain,

Very truly yours,

MRS. ROSE WAHMHOF,
*Vice President Lima Deacry N.C.C.W.,
Delphos, Ohio.*

RMW:LRW

JANUARY 15, 1934.

Miss AGNES G. REGAN,
National Council of Catholic Women, Washington, D.C.

DEAR MISS REGAN: The following message has been sent to the Hon. Hatton W. Sumners and the three New York Representatives:

"As president of the Brooklyn Diocesan Sodality Union, I protest in the name of 30,000 young women against bill H.R. 5978 because it is injurious to the human race and detrimental to the welfare of our country as well as being unpatriotic to the ideals on which our country was founded."

They were urged to do all in their power to defeat this bill.

Sincerely yours,

FLORENCE SHANNON.

JANUARY, 15, 1933.

HON. HATTON W. SUMNERS,
Chairman Committee on the Judiciary,
Washington, D.C.

DEAR SIR: The National Catholic Federation of Nurses, impelled by the principles of intelligent patriotism as well as by those dictated by Christian morality and ethics, protests, in behalf of the 70,000 Catholic nurses of the United States adhering to these principles, the passage of H.R. 5973, or any similar legislation.

We respectfully request that our objections be given due consideration.

Very truly yours,

HELEN FINAN, R.N.,
National Catholic Federation of Nurses.

MOUNT KISCO, N.Y., *January 16, 1934.*

Miss AGNES G. REGAN,
Washington, D.C.,

DEAR MADAM: Following is a copy of the letter sent to Hon. Hatton W. Sumners and Hon. Charles Millard.

In the name of Court Newman No. 348, Catholic Daughters of America, numbering 212 members, I wish to protest the passage of H.R. 5978, presented by Representative Pierce.

We hope that you will use your influence to defeat this measure offensive to so many of us.

Very truly yours,

MARGUERITE A. COURSEN,
Grand Regent.

JANUARY 14, 1934.

HON. HATTON W. SUMNERS,
Chairman Committee on the Judiciary.

DEAR SIR: We wish to express our protest against H.R. 5978, which is coming up for your consideration. This bill to further amend sections 211, 245, and 312 of the Criminal Code is immoral and horrible in its consequences and we trust will die in committee. It urges, as you know, the removal of penalty for the dissemination of information regarding the use of contraceptives, and specifies the licensed persons and institutions who can give this information.

In its application, we foresee the extinction of the race, degeneracy, abominable excesses to which the unprincipled will go when sure of immunity from conception and parenthood.

Conscious of the havoc already done in this country by the prevalence of knowledge and practice of birth control, we wish to subscribe to the vehement protest of the better element in our commonwealth, both medical and civic, who wish to keep in their integrity sections 211, 245, and 312 of the Criminal Code.

Yours very sincerely,

NATIONAL COUNCIL OF CATHOLIC WOMEN,
Cooperstown, N.Y.

DELPHOS, OHIO, *January 13, 1934.*

HON. HATTON W. SUMNERS,
Chairman, Committee on the Judiciary, House of Representatives,
Washington, D.C.

DEAR HON. SIR: A communication was received by the president of the Ladies Branch 868 C. K. of A. regarding bill H.R. 5978. This bill, we understand, will be brought to your committee for a hearing on January 18, 1934.

Please be advised that our organization has gone on record as being very strongly opposed to this bill and we respectfully ask that you use your every influence to defeat this bill in your committee.

Very truly yours,

Mrs. OLIVIA MCKOWEN,
Vice President and Chairman, Ladies Branch,
Catholic Knights of America, Delphos, Ohio.

Letters as above were also sent to Hon. Warren J. Duffy and Hon. William E. Hess.

STACYVILLE, IOWA, *January 14, 1934.*

COMMITTEE ON THE JUDICIARY,
House of Representatives.

DEAR SIR: I as a physician am opposed to the amendment of the sections 211, 245, and 312 of the Criminal Code because it is breaking the national law, which, in my opinion, is our greatest standard and the basis of our ethics.

I also believe that the privilege of contraception would only be utilized by those people who could well afford to have a family and ought to have children. The poor would remain as they are now.

Yours sincerely,

T. E. BLONG, M.D.

P.S.—As I did not have an extra copy from Dr. Blong, copied this from one of his so I could send it to you.

Mrs. ANTON HALBACH.

STACYVILLE, IOWA, *January 14, 1934.*

COMMITTEE ON THE JUDICIARY,
House of Representatives.

DEAR SIR: I as president of our organization of the National Council of Catholic Women, as membership of 270, are opposed to the amendment of the sections 211, 245, and 312 of the Criminal Code, because it is breaking the natural law, which in our opinion should be our greatest standard.

We also believe that this will only lead to immorality, shame, and disgrace, not only to certain individuals but in time to a whole Nation.

Yours sincerely,

Mrs. GERTRUDE HALBACH.

CATHOLIC DAUGHTERS OF AMERICA,
COURT KATERI TEKAGWITHA, No. 837,
LYONS, N.Y., *January 14, 1934.*

HON. HATTON W. SUMNERS,
House Office Building, Washington, D.C.

SIR: This letter is sent as a protest against the passage of H.R. 5978, now before members of the Judiciary Committee. This bill is in regard to the dissemination of birth-control information and is against the teachings of the Catholic Church.

I am protesting in the name of an organization which has a local membership of 60 Catholic women. Each one is solidly back of me in my opposition to this bill.

It is our hope that you will see fit to use your influence against such an objectionable bill.

Respectfully yours,

MERCEDES V. TIERNEY, *Grand Regent.*

Similar letters sent to: Hon. Clarence E. Hancock, Hon. Frank Oliver, Hon. Emanuel Celler.

RICHMOND, VA., January 15, 1934.

HON. ANDREW J. MONTAGUE,

Member of Congress, House Office Building, Washington, D.C.

MY DEAR MR. MONTAGUE: I have read with much apprehension copy of H.R. 5978, amending sections 211, 245, and 312 of the Criminal Code, which I understand would permit the distribution of information and material to be used for the prevention of conception by artificial means.

I feel that your long and useful public service and experience in the handling of affairs of the Old Dominion and the Nation enable you to judge the effect of legislation which is inimical to the interests of a vast portion of the body politic. Therefore, an expression of disapproval from the organization for which I speak should be sufficient to impress you, rather than voluminous argument in numerous telegrams and letters.

Our attitude is that expressed in Pope Pius' Encyclical on Christian Marriage, December 31, 1930, and we hope that the Congress will do nothing to negative the God-given principles enunciated therein which support the life of the family and the Nation.

Thanking you for your consideration of this protest against the measure in H.R. 5978, we confidently expect your vigorous opposition to the passage of such legislation.

Yours sincerely,

Mrs. W. J. CONATY,

President Federation of Catholic Parent-Teachers Association,

RICHMOND, VA., January 15, 1934.

HON. HATTON W. SUMNERS,

Chairman Committee on the Judiciary,

House Office Building, Washington, D.C.

MY DEAR MR. SUMNERS: I have read with much apprehension copy of H.R. bill 5978, amending sections 211, 245, and 312 of the Criminal Code, which I understand would permit the distribution of information and material to be used for the prevention of conception by artificial means.

I am sure your public service to the country and your important office in the Congress enable you to judge the effect of legislation which is inimical to the interests of a vast portion of the body politic. Therefore, an expression of disapproval from the organization for which I speak should be sufficient to impress you, rather than voluminous argument in numerous telegrams and letters.

Our attitude is that expressed in Pope Pius' Encyclical on Christian Marriage, December 31, 1930, and we hope that the Congress will do nothing to negative the God-given principles enunciated therein which support the life of the family and the Nation.

In the name of the Federation of Catholic Parent-Teachers Associations of this city, I urgently request your consideration of this protest against the measure proposed in H.R. 5978, and ask your committee's rejection of this amendment to the statute.

Yours sincerely,

Mrs. W. J. CONATY,

*President, Federation of Catholic
Parent-Teachers Associations.*

3201 GROVE AVENUE.

TAUNTON, MASS., January 15, 1934.

HON. HATTON W. SUMNERS,

Washington, D.C.

DEAR SIR: We, the members of Cardinal Gibbons Circle 165, Daughters of Isabella, representing the Catholic women of our city, protest against the passage of H.R. 5978, amending sections 211, 245, and 312 of Criminal Code, as introduced by Mr. Pierce, at this session of Congress.

We feel, that the passage of this bill would lead to the destruction of the sanctity of matrimony, and the integrity of the family.

Very respectfully,

M. ELIZABETH PARKER,
Recording secretary.
NELLE M. LEANY, *Regent.*

AFTON, IOWA, January 14, 1934.

H. W. SUMNERS,

Chairman Committee on the Judiciary, Washington, D.C.

DEAR SIR: I find it my duty as a Catholic and citizen, in the name of the Rosary Confraternity (a group of 40 Catholic ladies), to protest H.R. 5978, on birth control. We think it entirely wrong and hope it can be proven so.

Yours sincerely,

MRS. FRANK CARTER.

CINCINNATI, OHIO, January 12, 1934.

HON. HATTON W. SUMNERS,

Chairman Committee on the Judiciary, Washington, D.C.

DEAR SIR: On behalf of the Cincinnati Archdiocesan Federation, we wish to request you do all in your power to discourage and defeat the birth control bill (H.R. 5978).

Our organization is composed of approximately 20,000 women from the southwestern district of Ohio, all of whom are opposed to the amendment in question, as it is generally conceded that birth control is being widely practiced and the fact is giving rise to serious alarm.

It is an objectionable, a dangerous, and vicious piece of legislation, which if passed would be morally detrimental.

Anything you may do to defeat this measure will be deeply appreciated.

Very respectfully yours,

MRS. FREDERICK W. HINKLE,
President.

(Letters of protest also sent Hon. William E. Hess and Hon. Warren J. Duffy)

LEIPSI, OHIO, January 13, 1934.

HON. WARREN J. DUFFY

House of Representatives, Washington, D.C.

DEAR SIR: In the name of the Catholic Ladies of Columbia, Branch No. 6, Leipsic, Ohio, representing 100 women, we wish to protest H.R. 5978, which we understand will be heard before Judiciary Committee of the House on January 18.

As Catholics and as citizens, we feel that we must lend every effort to prevent the passage of such objectionable legislation. Any cooperation on your part will be greatly appreciated.

Yours respectfully,

MRS. FLOYD WAGNER,
Chairman Legislative Committee.
I. B. REEKERS, M.D.
W. D. HICHEF, M.D.

CINCINNATI, OHIO, January 15, 1934.

HON. HATTON W. SUMNERS,

House Office Building, Washington, D.C.

We, the members of the Women's Irish Fellowship Club, hasten to enter our protest to H.R. 5978, which will come up in the House for passage this week.

This bill deals with birth control, and every member of our club being a true and loyal Catholic, bitterly opposed this issue, and prays for humanity's sake that it shall be defeated.

Very sincerely yours,

THE MEMBERS OF THE WOMEN'S IRISH FELLOWSHIP CLUB,
MRS. NEAL AHERN, *President*,
MRS. MAE SMALL, *Recording Secretary*.

ST. LOUIS, MO., *January 16, 1934.*

Miss AGNES REGAN,
Washington, D.C.

We, the Children of Mary of Strochs Parish of St. Louis, Mo., representing 100 Catholic women, protest most emphatically the passage of bill number H.R. 5978 advocating birth control. Request you to exert your power to defeat this bill.

Mrs. J. O'CONNOR, *Prefect.*
Miss ELISE GIGNOUX,
Corresponding Secretary.

JANUARY 16, 1934.

Dear Miss REGAN: Here is a copy of letter sent to Mr. Hatton W. Sumners:
"DEAR SIR: Branch 1129 L.C.B.A., members 140, wishes to register a protest against H.R. 5978, birth control.

"With Branch 1129, L.C.B.A.'s consent.

"I am sincerely,

"AKRON, OHIO."

"ANNA D. SCHAFER,
Past President."

ELMIRA, N.Y., *January 13, 1934.*

HON. HATTON W. SUMNERS,
Chairman Judiciary Committee, Washington, D.C.

DEAR SIR: At a meeting of the Sodality of St. Mary's Church this city, it was voted to send a letter of protest to the committee before whom the advocates of birth control present their arguments at the conference to be held in Washington, January 18.

In this discussion of birth control and the use of contraceptives our society agrees with Monsignor Blessing that the birth-control movement is "absolutely vicious and violates the fundamental feelings of right and wrong of any normal man or woman. The Church insists upon the sanctity of marriage and the natural and moral use of prerogatives."

Therefore this society is sending its unanimous protest against any contraceptive movement or the circulating of literature through the mails advocating such movement.

And further we petition that the Congress of this United States refuse to enact any law permitting birth control.

Respectfully submitted.

Very truly yours,

OLIVIA SHANNON,
President, Sodality St. Mary's Church.

LAKESWOOD, OHIO,
January 11, 1934.

HON. HATTON W. SUMNERS,
Washington, D.C.

DEAR SIR: Bill no. H.R. 5978 is in direct violation of the laws of God and nature. As a Christian mother I protest the passage of this bill and ask that you do all in your power to defeat it.

Yours very truly,

(Mrs. F. J.) MONICA C. MOONEY.

CUYAHOGA FALLS, OHIO,
January 11, 1934.

HON. HATTON W. SUMNERS,
*Chairman, Committee on the Judiciary,
Washington, D.C.*

DEAR SIR: We, the undersigned, acting by resolution of the National Council of Catholic Women, St. Joseph's Parish Unit of Cuyahoga Falls, Ohio, 150 members, all American citizens and voters, do respectfully petition your honorable body to report adversely House bill 5978, which would legalize the spread of information on the use of contraceptives.

We believe that such information and practices would be most harmful to good morals, and the decencies of good citizenship.

If our country is to remain in the forefront of the world's great powers, an artificial limitation of the birthrate would render such a hope vain and impossible of attainment.

Our organization protests most emphatically against favorable action on House bill 5978.

Very respectfully yours,

JANE J. WALSH,
Mrs. Cornelius M. Walsh, President, St. Joseph's Altar Society.

DEFIANCE, OHIO,
January 11, 1934.

HON. HATTON W. SUMNERS,
Washington, D.C.

DEAR SIR: We, the Christian Mothers' Society of Defiance, Ohio, with a membership of 175 ladies, kindly urge you to strongly protest H.R. 5978.

Sincerely yours,

CHRISTIAN MOTHERS' SOCIETY.
MRS. HILDA LAYMAN,
President.

DOMINICAN ALUMNAE ASSOCIATION,
SAINT AGNES ACADEMY,
Houston, Tex., January 12, 1934.

HON. HATTON W. SUMNERS,
House Office Building, Washington, D.C.

MY DEAR SIR: We wish to protest bill H.R. 5978 and beg your assistance in defeating any attempt to pass this bill, which is destructive of the sanctity of marriage and the integrity of the family.

Sincerely yours,

CARRIE MAE FOLEY,
President.
MARGARET L. BURKE,
Secretary.

JANUARY 15, 1934.

HON. HATTON W. SUMNERS,
Chairman Judiciary Committee, House Office Building,
Washington, D.C.

DEAR SIR: At an open session of this club, which has a membership of well over 300, it was unanimously voted that we go on record as protesting bill H.R. 5978.

Our reasons for this protest are: (1) That it opposes the laws of nature and of God; (2) that it is pernicious legislation, which tends toward the destruction of our Nation (we already have a declining birth rate and statistics show that a further fall in the birth rate will presently bring us below the self-sustaining level); (3) that there is serious menace to the morality of our young people in the distribution of information along these lines, making it easy to procure material to prevent conception; all distinguished men and women of the medical profession are arrayed against birth control, believing that such literature would fall into the hands of adolescents and cause much human misery; (4) that it destroys the sanctity of marriage and the integrity of the family.

We are earnestly interested in the defeat of this measure and trust you will use the influence of your honorable office to oppose it.

Respectfully,

THE A'KEMPIS,
NOVITA K. McCUE,
Corresponding Secretary.

Also sent to Hon. Raymond Perkins, Representative from New Jersey.

TOPEKA, KANS., *January 13, 1934.*

HON. HATTON W. SUMNERS,
House Office Building, Washington, D.C.
 In re: H.R. 5978.

DEAR MR. SUMNERS: I am voicing my protest against the "Pierce Bill." The passing of such a measure would lower the standard of our civilization.

I am not only speaking for myself but for the Spalding Reading Circle, women who have for the past 40 years stood for what is highest and best in our moral code.

Mr. Chairman, may we hope that you will do all in your power to prevent the enactment of such an unhappy measure.

Sincerely,

Mrs. ELEANOR FLEISCH,
President Spalding Reading Circle.

—————
 MCGREGOR, IOWA, *January 13, 1934.*

Mr. HATTON W. SUMNERS,
Chairman Judiciary Committee,
House Office Building, Washington, D.C.

DEAR SIR: As representative Catholic women, organized as a parish study club, we wish to voice a protest against a bill known as H.R. 5978, to amend certain sections of the Criminal Code, which bill, it seems, will be given a hearing on January 18.

This bill is directly opposed to the teachings of the Catholic Church, to which we belong, and which has always taught and insisted upon the sacredness of marriage and the sanctity of the home. We are certain that this bill is objectionable to good citizens of all creeds, and, if passed, means the eventual destruction of the home and of marriage itself.

To such a piece of destructive legislation, our study club, our church, and each one of us individually are unalterably and irrevocably opposed on the grounds of good morals and good citizenship.

We are hopeful, Mr. Sumners, that this protest registered with you with all the vigor which we can command, will have some weight in deciding the fate of the bill.

Very truly yours,

ST. MARY'S STUDY CLUB,
 (Miss) KATE O'RIELEY, *President.*

—————
 MCGREGOR, IOWA, *January 13, 1934.*

HATTON W. SUMNERS,
Chairman of Judiciary Committee,
House Office Building, Washington, D.C.

DEAR SIR: In behalf of the members of the Catholic Ladies Aid, St. Mary's Parish, McGregor, Iowa, I am writing this letter as a protest against the Amendment to sections 211, 245, and 311, of the Criminal Code of bill known as H.R. 5798.

We feel this bill is opposed to the teachings of our church and will eventually destroy the unity of the home and the sacredness of marriage, and is therefore objectionable to all Christian people.

We hope this protest sent to you will carry weight and help to vote down this objectionable amendment.

Sincerely yours,

THE CATHOLIC LADIES AID,
 (Mrs.) DOROTHE BERGMAN, *President.*

—————
 JANUARY 12, 1934.

HON. WARREN J. DUFFY,
Washington, D.C.

DEAR SIR: Through the organization of the Altar Society of St. Thomas Aquinas Church, of Cleveland, Ohio, the members beseech you to voice a protest against bill H.R. 5978.

It is their desire that you act according to this request and hinder such vicious action that may arise in favor of its adoption.

Yours truly,

—————, *President.*

Hon. HATTON W. SUMNERS,
House Office Building, Washington, D.C.

The Pittsburgh Council of Catholic Women, representing 15,000 women of western Pennsylvania, respectfully protest the passage of H.R. 5978. We consider this an attack on the sanctity of marriage and the integrity of the family.

MARY T. HOKAN,
President.

PITTSBURGH, PA.

JANUARY 13, 1934.

Hon. HATTON W. SUMNERS,
House Office Building, Washington, D.C.

DEAR SIR: The Springfield Diocesan Council, representing approximately 30,000 Catholic Women of Central Illinois, wishes to protest against House bill 5978, which would permit greater dissemination of pernicious literature.

We believe this legislation to be detrimental to our good and to the good of our fellow citizens. Therefore we are irrevocably opposed to it.

Respectfully yours,

Mrs. JOHN J. SAXER
Chairman of the Legislative Committee.

NATIONAL COUNCIL OF CATHOLIC WOMEN
Austin, Tex., January 4, 1934.

Hon. HATTON W. SUMNERS,
Chairman of the House Judiciary Committee, Washington, D.C.

MISS AGNES REGAN: Whereas, efforts are being made to introduce before the Judiciary Committee of the House of Representatives of Congress, at its forthcoming session in January 1934, a bill to provide for the amendment of present Federal legislation so as to exempt from prohibition of sending or receiving by or from the United States mails, by physicians, medical colleges, druggists, hospitals, and clinics, information regarding the prevention of conception and devices of contraception; and

Whereas it is the firm belief of the Catholic women of Austin, Galveston, Houston, and Beaumont, Tex., that such efforts are being made entirely by propagandists advocating birth control and

Whereas the artificial limitation of offspring is contrary to the natural law, is prohibited by Divine, positive law as is seen in Genesis 38:8, is a grave menace to society and the state, destructive to the family, and conducive to the promiscuous relationship between sexes, and contrary to basic morality; and

Whereas eminent physicians, gynecologists, scientists, specialists, and surgeons, have declared and do declare that the use of contraceptives is harmful to the mind and body; and

Whereas the repeal of the present Federal legislation will lead to the further diffusion, knowledge and use of contraceptives with an accompanying danger of their coming more into the hands of youth, to the further corruption of morals; Therefore be it

Resolved, That the Catholic women of Austin, Galveston, Houston, and Beaumont, Tex., in meeting assembled voice their entire opposition to the proposed amendment and their absolute and unqualified condemnation of the use of contraceptives as being sinful, immoral, and injurious to the individual and to society; and be it further

Resolved, That copies of this resolution be sent to the local press with the request for publication, and to Hon. Hatton W. Sumners, chairman of the House Judiciary Committee, Washington; and be it further

Resolved, That the Catholic women of Austin, Galveston, Houston, and Beaumont, Tex., call upon all who believe in God and reverence His word to join them in opposing the aims and purposes of the advocates of birth control, and the makers of devices of contraceptives, for the protection of our youth, the security of our morals, the sanctity of our homes, and the safe guarding of the heritage left us by our God-fearing forbears in the character of our national ideals and institutions.

LUCY HERMES,
Chairman, Austin District N.C.C.W.
MISS MARION DARWIN,
Secretary Austin District N.C.C.W.

GALION, OHIO, January 13, 1934.

HON. HATTON W. SUMNERS,
*Chairman Judiciary Committee of the House,
 House Office Building, Washington, D.C.*

DEAR SIR: The following Catholic organizations, comprising total membership of 442, wish to voice their protest most emphatically against the passing of House bill 5978, as we think it detrimental to the morals of our country.

Very respectfully,

ST. THERESE LITERARY CLUB,
 By LAURA M. SCHULER, *President*.
 ST. THERESE SODALITY,
 By ELLEN C. SHEA, *President*.
 DAUGHTERS OF ISABELLA,
 By MRS. CATHERINE MOCHEL, *Regent*.
 CATHOLIC LADIES OF COLUMBIA,
 By MRS. ISABELLA LEECH, *President*.

LITITZ, PA., January 15, 1934.

HON. HATTON W. SUMNERS,
*Chairman Committee on the Judiciary,
 House Office Building, Washington, D.C.*

MY DEAR SIR: We earnestly request that you and the other members of the House of Representatives do all in your power to prevent the passage of bill H.R. 5978.

Thanking you, we are,
 Very respectfully yours,

ALTAR SOCIETY, ST. JAMES' CATHOLIC CHURCH,
 _____, *Secretary*.

DELPHOS, OHIO, January 13, 1934.

HON. HATTON W. SUMNERS,
*Chairman Committee on the Judiciary,
 House of Representatives, House Office Building.*

DEAR SIR: Bill H.R. 5978, the so-called "Birth Control Bill," has come to my notice. I wish to go on record as being very strongly opposed to such a bill.

Hoping you will use every influence to defeat this bill at the hearing before the Judiciary Committee of the House which has been set for January 18, 1934.

Very truly yours,

LUELLA GROTHOUSE.

JANUARY 15, 1934.

DEAR SIR: We are writing to voice our strongest objections to bill H.R. 5978, which we understand is to come up for hearing this week. We are opposed to this bill, first, on principles, as we feel that information such as suggested in this amendment should be imparted to persons only by physicians who understand all of the effects of such practices, and, secondly, we have had the experience in this State that young people and even children have been permitted access to literature and materials such as would be permitted to be circulated freely under the proposed amendment. If it is difficult now to keep this material and such information from young people, how much worse would be the condition should the manufacturers, industrialists, and misguided individuals who are backing this measure be permitted additional channels by mail or otherwise to propagandize and sell their wares.

As president of a federated organization of Christian women covering the whole State of Wisconsin, to the number of over 20,000, I am writing to say that we by resolutions on more than one occasion have condemned such lack of consideration for the protection of the morals of our youth.

We bespeak your serious consideration of our protest.

Yours very truly,

Mrs. E. A. CONWAY,
President Wisconsin Council of Catholic Women.

BIRMINGHAM, MICH., *January 18, 1934*

HON. HATTON W. SUMNERS,
Chairman Judiciary Committee, Washington, D.C.

The Birmingham (Mich.) Unit of the League of Catholic Women wish to protest emphatically against the passage of bill 5978 now before the House of Representatives which would legalize the dissemination of contraceptive information through the mails of the United States.

MRS. W. L. CONNELLY,
President Birmingham Unit.

NATIONAL ORDER OF THE CATHOLIC DAUGHTERS OF AMERICA,
COURT "STAR OF THE SEA" No. 228,
Galveston, Tex., January 15, 1934.

HON. HATTON W. SUMNERS,
Chairman Judiciary Committee of the House, House Office Building, Washington, D.C.

DEAR MR. SUMNERS: The Catholic Daughters of America, Court "Star of the Sea" No. 228, of this city, vigorously protest the passage of H.R. 5978.

We believe it would be a grave mistake to permit the passage of such detrimental legislation.

We are writing our Senators and Congressmen requesting active opposition to the bill and we are hopeful that you also will disapprove of same.

Trusting our protest be given due consideration by the Judiciary Committee of the House, of which you are chairman, we remain,

Yours, very truly,

CATHOLIC DAUGHTERS OF AMERICA,
LILLIE R. ROSSO, *Grand Regent.*
MARIE ROSS, *Historian.*

NEW ALBIN, IOWA, *January 16, 1934.*

HON. H. W. SUMNERS,
House Office Building, Washington, D.C.

HONORABLE SIR: A bill to amend sections 211, 245, and 312 of the Criminal Code is to be introduced to your committee. I, as a Christian woman, object to the amending of these sections and ask that you use your influence against it, because of the effect it will have on the morals of our young, unmarried people.

Thanking you for your attention,

Sincerely yours,

ANGELA E. O'REILLY, *R.N.*

LAKEWOOD, OHIO, *January 15, 1934.*

HON. WILLIAM E. HESS,
House Office Building, Washington, D.C.

HONORABLE SIR: We strenuously object to any legislation which would permit the distribution of information and material to be used for the prevention of conception by artificial means.

Therefore, our entire membership protests against the enactment of H.R. 5978 and we trust that, as a God-fearing American Citizen, you will use every effort at your command to defeat such iniquitous measures.

Respectfully yours,

LAKEWOOD COURT, CATHOLIC DAUGHTERS OF AMERICA,
MARY LORETTA SPITZIG, *Grand Regent.*

CATHOLIC WOMEN'S CLUB OF ROCHESTER, INC.,
Rochester, N.Y., January 16, 1934.

HON. HATTON W. SUMNERS,
Chairman Committee on Judiciary, House Office Building, Washington, D.C.

MY DEAR SIR: Thursday, January 18, we understand has been set for the hearing before your committee of H.R. 5978, a bill to amend sections 211, 245, and 312 of the Criminal Code, as amended.

The Catholic Women's Club of Rochester, N.Y., protests vigorously against the passage of this legislation. In common with millions of American citizens,

Catholic and non-Catholic, we abhor such legislation as tending to foster the violation of the sanctity of marriage and undermine the integrity of the family, and we respectfully ask when the bill comes up for discussion that our protest be made known to your committee.

We are sending a copy of this letter to members of your committee from New York State, under whose laws we are incorporated.

Very truly yours,

CATHOLIC WOMEN'S CLUB,
Per EMILY S. CONNOR, *President*.

CATHOLIC DAUGHTERS OF AMERICA,
COURT AVE MARIA No. 302,
Des Moines, Iowa, January 15, 1934.

HON. HATTON W. SUMNERS,
*Chairman Judiciary Committee,
House of Representatives, Washington, D.C.*

DEAR SIR: The Catholic Daughters of America, Court Ave Maria No. 302, Des Moines, Iowa, affiliated with the National Council of Catholic Women, hereby ask you to register our protest against the passage of H.R. 5978, which seeks to liberalize the dissemination of birth-control propaganda.

Parenthood is a powerful influence making for the conservation of the Nation. We believe this measure to be detrimental to the morality and health of any people.

Yours truly,

FLORENCE CROSK, *Grand Regent*.

LORETTO HEIGHTS ALUMNAE ASSOCIATION,
Denver, Colo., January 13, 1934.

HON. HATTON W. SUMNERS,
*Chairman Committee on the Judiciary,
House Office Building, Washington, D.C.*

MY DEAR MR. SUMNERS: In the name of Loretto Heights Alumnae Association we strongly object to the passing of H.R. 5976. We represent 350 catholic college women, all exponents of social justice and desirous of furthering christian principles and ideals through sound legislation. We base our opposition to the proposed bill H.R. 5978 on our belief that such legislation is in direct opposition to the preservation of the sanctity of marriage and the integrity of the family, both ideals fundamental in the minds of the founders of our country and embodied in the principles of our Government.

We urge you and the members of your committee to oppose with all the intellectual power at your command the degradation which, by the enactment of such a bill, threatens to strike at our American women and girls, the potential mothers of the leaders of tomorrow.

Our faith in the earnest efforts and accomplishments of our President, Franklin D. Roosevelt, prompts us to ask that you add to the glorious record already written into the pages of history by voicing, wholeheartedly and fearlessly, the objections of the committee. On the Judiciary of the House of Representatives to H.R. 5978 and so preventing the enactment of legislation which is primarily objectionable, contrary to christian principles and un-American.

Sincerely yours,

MARIE McNAMARA, *President*.
By HELEN CANNON, *Corresponding Secretary*.

ELMIRA DEANERY ROCHESTER DIOCESAN COUNCIL,
NATIONAL COUNCIL OF CATHOLIC WOMEN,
Elmira, N.Y., January 15, 1934.

HON. HATTON W. SUMNERS,
Chairman Judiciary Committee, Washington, D.C.

DEAR SIR: The Elmira Deanery of the Rochester Diocesan Council of the National Council of Catholic Women, which comprises the church societies of five counties of the Southern Tier of New York State, do hereby unanimously protest to the Committee before whom the advocates of the birth-control movement will be heard on January 18.

The National Council of Catholic Women renews its consecration to the preservation and defense of the Christian ideal in family life. It deplors and protests the disintegration of the family through artificial birth prevention.

We trust that our appeal and protest to you will prohibit such a vicious movement.

Very cordially yours,

Mrs. FREDERIC W. CAUSER, *Secretary.*

ELMIRA, N.Y., *January 12, 1934.*

HON. HATTON W. SUMNERS,
*Chairman Judiciary Committee,
House Office Building, Washington, D.C.*

DEAR SIR: At a meeting of St. John's Altar and Rosary Society of St. John the Baptist Church of this city it was voted to send a letter of protest to the committee before whom the advocates of birth control present their arguments at the conference to be held in Washington January 18.

In the discussion of birth control and the use of contraceptives our society agrees with Monsignor Blessing "that the birth-control movement is absolutely vicious and violates the fundamental feelings of right and wrong of any normal man or woman. The church insists upon the sanctity of marriage and the natural and moral use of prerogatives."

Therefore, this society is sending its unanimous protest against any contraceptive movement or the circulating of literature through the mails advocating such movement.

And further, we petition that the Congress of this United States refuse to enact any law permitting birth control.

Respectfully submitted.

Very truly yours,

Mrs. H. A. ELIAS, *President.*

ROSARY SOCIETY, SAINTS PETER AND PAUL'S CHURCH,
Elmira, N.Y., January 11, 1934.

HON. HATTON W. SUMNERS,
House Office Building, Washington, D.C.

DEAR SIR: The Rosary Society of Saints Peter and Paul's Church, Elmira, N.Y., numbering 265 members, do hereby register their objection and protest to bill H.R. 5978 and feel that by passing this bill it would work great harm to the sanctity of marriage and integrity of the family, which should at all times be preserved.

Trusting that you will do everything in your power to defeat this measure, we remain.

Very cordially yours,

Mrs. F. W. CAUSER, *Secretary.*

ELMIRA, N.Y., *January 11, 1934.*

HON. HATTON W. SUMNERS,
Chairman, Judiciary Committee, Washington, D.C.

HON. MR. SUMNERS: Our club which comprises 15 members deplors and protests the disintegration of the family through violation of the natural and divine laws through birth control and artificial birth prevention and we trust that you will be instrumental in defeating bill H.R. 5978 when presented to the legislature.

With best wishes, I remain.

Very sincerely,

Mrs. HARRY O'NEIL.

ELMIRA, N.Y., *January 12, 1934.*

MR. HATTON W. SUMNERS,
Chairman, Judiciary Committee, Washington, D.C.

DEAR SIR: I wish to protest against the passage of such objectional legislation as set forth in bill H.R. 5978 and trust that God will enlighten the minds and move the hearts of those who have the decision of this momentous question in hand.

Have been connected with all classes of people for many years in volunteer work and sincerely feel that the sanctity of marriage and the home would be jeopardized by these means.

Trusting that you will work against this bill, I remain.

Very sincerely yours,

Mrs. JOHN CLARK.

ELMIRA, N.Y., *January 12, 1934.*

HON. HATTON W. SUMNERS,
House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: As a mother of a large family and from my practical knowledge, I wish to protest most strongly against the passage of bill H.R. 5978, which will be acted upon by this session of the legislature.

It would be a crime for these blessed United States of ours, for which our forefathers fought and died, to have such a bill passed, and I trust that you will see that this is not passed.

Hoping for a favorable reply, I am,

Most cordially yours,

Mrs. THOMAS FALSEY.

ELMIRA, N.Y., *January 11, 1934.*

HON. HATTON W. SUMNERS,
House Office Building, Washington, D.C.

DEAR SIR: To you, as chairman of the Judiciary Committee, I herewith protest the passage of the bill H.R. 5978 proposed Federal legislation which would permit the distribution of information and material to be used for the prevention of conception by artificial means, and hope that you will do all in your power to defeat this bill.

Yours, very sincerely,

JANE WIPFLER.

DENVER DIOCESAN COUNCIL OF CATHOLIC WOMEN,
DENVER, COLO., *January 15, 1934.*

HON. HATTON W. SUMNERS,
Washington, D.C.

DEAR SIR: Representing 53 affiliated organizations which mean about 4,000 representative citizens of this great Commonwealth, I wish to offer a very definite protest against H.R. 5978, bill to amend sections 211, 245, and 312 of the Criminal Code.

We are opposed to this bill for these reasons:

(1) The bill violates public decency by encouraging the vilest propaganda spread about to even the young.

(2) It is an attempt to legalize birth control—a pagan measure tending as it does to the debasement of woman and the brutalization of the race, which must necessarily result in the decline of civilization. Contravention of the natural law has figured in the downfall of nations since history began; it will be a denial of progress if we resort to it now.

(3) It is not necessary to revert to the degenerate practices of Greece and Rome to relieve economic pressure in the United States. Let us rather take the Christian position to the end that Christian principles and Christian standards shall prevail in the spirit and letter of the laws of our great country.

Respectfully,

EDNA H. JACKSON,
Secretary of Legislative Committee.

ENGLEWOOD, COLO.,
January 15, 1934.

HON. LAWRENCE LEWIS,
Washington, D.C.

DEAR SIR: Representing about 200 of your constituents, I offer a vigorous protest against H.R. 5978, bill to amend sections 211, 245, and 312 of the Criminal Code on the grounds that it is spreading propaganda harmful to the well-being of the Nation and contrary to good morals.

Humanity comes first in all of President Roosevelt's social and economic program. He is striving to make Christian principles permeate our economic life. Work with him for the common good, not against him.

Respectfully,

Mrs. J. F. ALEXANDER,
President of St. Louis P.T.A.

LEAGUE OF CATHOLIC WOMEN,
Pontiac, Mich., January 13, 1934.

Hon. JOHN C. LEHR,
House Office Building, Washington, D.C.

DEAR SIR: The League of Catholic Women of the City of Pontiac, Mich., an association representing 400 women, wishes to protest earnestly and emphatically against the passage of bill 5978 now before the House of Representatives, which would legalize the dissemination of contraceptive information through the mails of the United States.

We appeal to you as our duly elected representative, to unite with us in protecting the sanctity of marriage, of the integrity of the family, upon which depends the moral and material welfare of our country, and which the enactment of this legislation would contravene.

Very sincerely yours,

Mrs. J. PRICE HILL,
President.

LEAGUE OF CATHOLIC WOMEN,
Flint, Mich., January 12, 1934.

HON. HATTON W. SUMNERS,
*Chairman of Committee,
House Office Building, Washington, D.C.*

DEAR SIR: The League of Catholic Women of Flint, Mich., wish to register its protest against proposed Federal legislation in regards to H.R. 5978.

We wish it known that we as a unit and as individual members are strongly against the use of contraceptives in the practice of birth control.

Very sincerely,

LEAGUE OF CATHOLIC WOMEN OF FLINT,
MARGARET A. LACEY, *Corresponding Secretary.*

NEW ALBIN, IOWA, *January 12, 1934.*

AGNES G. REGENA,
Washington, D.C.

DEAR MADAM: Herewith is a copy of letter sent to Congress in the name of 120 members of the Rosary Society of St. Joseph's Parish. We do most earnestly protest against the bill H.R. 5978, which would amend sections 211, 245, and 312 of the Criminal Code, permitting the distribution of information and material to be used for the prevention of conception by artificial means, the passage of which would lead to the disintegration of social order.

Very sincerely yours,

Mrs. JOHN J. KROACK,
Secretary of Rosary Society.

THE CHRIST CHILD SOCIETY,
Washington, D.C.

The Christ Child Society, a national organization established in 33 cities of our Union with national headquarters situated in Washington, D.C., representing 15,000 women, and having for its object the welfare of children, desires to record its protest against the proposed bill H.R. 5978.

MARY V. MERRICK,
National President, Christ Child Society.

NATIONAL COUNCIL OF CATHOLIC WOMEN,
Washington, D.C., January 18, 1934.

JUDICIARY COMMITTEE,
United States House of Representatives,
Washington, D.C.

GENTLEMEN: The National Council of Catholic Women, whom I have the privilege of representing on this occasion, includes in its membership 18 national organizations and 2,000 local groups with an individual membership of 500,000.

At each succeeding annual convention since 1923, the delegates have protested the passage of any measure which would make possible the free dissemination of information and distribution of material concerning contraception, because they believe that such legislation is a direct attack upon the sanctity of marriage and the integrity of the family.

Respectfully submitted.

AGNES G. REGAN,
Executive Secretary.

EXHIBIT A

At a special meeting of the executive committee of the National Catholic Alumni Federation called for the purpose of authorizing the president of the National Catholic Alumni Federation, and its regional director in Washington, Mr. Joseph M. Murphy, to oppose the Pierce bill, being H.R. 5978, at the public hearing before the Judiciary Committee of the House on Thursday, January 18, 1934, the following resolution was unanimously adopted:

"Whereas there has been introduced into the House of Representatives by Congressman Pierce a bill known as "H.R. 5978", and

"Whereas a companion bill has been introduced into the Senate by Senator Hastings, known as "S. 1842", to legalize the transmission of birth-control information and appliances for doctors, medical colleges, druggists, hospitals, and clinics, and

"Whereas this federation has been requested to oppose this legislation by its constituent members, the alumni associations of the various Catholic colleges throughout the country, and

Whereas this executive committee has carefully considered the various measures and after such consideration and due deliberation is unanimously and unalterably opposed to the passage of these measures, it is hereby

Resolved, That the president of the National Catholic Alumni Federation, Edmond B. Butler, be and he hereby is authorized in the name of the federation and for its constituent members throughout the United States, being the alumni associations of more than 50 colleges, the alumni of which colleges number in excess of 350,000, to appear personally or through the regional director for the Southern Atlantic States—Mr. Joseph M. Murphy, of Washington, D.C.—and file a memorandum containing the objections of the federation and its constituent members to this legislation, and it is hereby further

Resolved, That we hereby call upon the Judiciary Committee of the House of Representatives and the Judiciary Committee of the Senate to disapprove these bills in order that the institutions of our country, which we so properly cherish, shall be preserved."

New York, January 16, 1934.

NATIONAL CATHOLIC ALUMNI FEDERATION,
By JOHN F. BALFE, Secretary.

The foregoing is an exact transcript of the resolution unanimously adopted at a special meeting of the national executive committee of the National Catholic Alumni Federation called pursuant to the authority vested in the president by the constitution and bylaws of our organization.

NATIONAL CATHOLIC ALUMNI FEDERATION,
By JOHN F. BALFE.

SUPREME COURT OF THE FORESTERS OF AMERICA, INC.
Jersey City, N.J., December 7, 1933.

Mr. PATRICK J. WARD,
Director Bureau of Publicity and Information,
National Catholic Welfare Conference, Washington, D.C.

DEAR DIRECTOR: Thank you very much for yours of the 5th instant, in relation to the birth control bills introduced in both branches of Congress.

The position of the Foresters of America is the same as it was in the beginning; we will do everything we can to help.

Fraternally,

T. M. DONNELLY,
Supreme Secretary.

GALVESTON, TEX., *January 17, 1934.*

HON. HENRY L. CARAVATI,
National Council of Catholic Men.

Speaking for 150,000 Catholic laymen in this diocese we protest the passage of H.R. 5978 known as "Pierce Birth Control Bill" and request and authorize you to voice our views before the committee.

JOHN L. DARROUZET,
Chairman of lay activities, Galveston diocese.

CHICAGO, ILL., *January 16, 1934.*

HENRY L. CARAVATI,
*National Council of Catholic Men,
1814 Massachusetts Ave.*

Our organization vigorously protests passage of "Pierce Birth Control Bill." We speak for 1,650 and fifty subordinate branches and a membership of approximately 120,000.

THOS. CANNON,
High Chief Ranger, Catholic Order of Foresters.

WASHINGTON, D.C., *January 17, 1934.*

HENRY L. CARAVATI,
General Secretary National Council of Catholic Men.

Speaking for the Knights of Columbus, with a membership of 500,000 representing the largest Catholic lay body in the United States, we desire to express our most emphatic opposition to the Pierce Birth Control Bill now pending in Congress as being directly contrary not only to the divine will of the Creator, but in every way tending to impede and influence the best home environment. You may present this protest to the committee handling the bill as expressing the views of the Knights of Columbus.

D. J. CALLAHAN, *Supreme Treasurer.*

NEW YORK, N.Y., *January 17, 1934.*

HENRY L. CARAVATI,
*Secretary National Council of Catholic Men,
Washington, D.C.*

The Union of Holy Name Societies of the Archdiocese of New York, comprising more than 100,000 members, do vigorously oppose the passage of the Pierce Birth Control Bill by Congress as immoral and inhuman legislation. Its purposes are contrary to both divine and natural law and inimical to the preservation of family life which is the very foundation of this great Republic.

FRANCIS X. STEPHENS, JR., *President.*

ST. LOUIS, MO., *January 17, 1934.*

DEPARTMENT OF SOCIAL ACTION, NATIONAL CATHOLIC WELFARE CONFERENCE,
Washington, D.C.:

Executive committee, college section, National Catholic Educational Association, representing 104 colleges and universities, in session at St. Louis University, St. Louis, Mo., voices its emphatic protest to the Pierce Birth Control Bill now under discussion and condemns all efforts toward extension of the birth-control propaganda, and the wider diffusion of birth-control practice as subversive of national and personal morality and hence destructive of all educational effort toward personal and national uprightness.

EXECUTIVE COMMITTEE,
College Section, N.C.E.A.

BUFFALO, N.Y., *January 16, 1934.*

HENRY I. CARAVATI,

We the undersigned officers of the Diocesan Union of the Holy Name Society of Buffalo, N.Y., in meeting assembled and representing 50,000 members do here and now vehemently oppose the passage of any bill advocating birth control.

AUSTIN J. ROCHE,
EDWARD BARRETT, JR.,
SIMON J. CULLEN,
JOHN F. COSTELLO,
GEORGE M. WHITE.

CLEVELAND, OHIO, *January 17, 1934.*

HENRY L. CARAVATI,
Washington, D.C.

Holy Name Society of Cleveland representing 50,000 members hereby registers a strong protest against the passing of the Pierce Birth Control Bill.

HOLY NAME SOCIETY OF CLEVELAND,
REV. S. J. KREMER, *Diocesan Director.*

HAZLETON, PA., *January 15, 1934.*

HENRY L. CARAVATI,
Washington, D.C.

Thirty-thousand Holy Name men of the Scranton Diocese protest the passage of the Pierce Birth Control Bill. We pray that decency will prevail.

DENNIS J. KANE,
Diocesan Spiritual Director.

GREENBAY, WIS., *January 15, 1934.*

HENRY CARAVATI,
Washington, D.C.

The Diocesan Union of the Holy Name Society of the Catholic Diocese of Greenbay, Wis., representing a membership of 25,000 men emphatically protest and oppose the Pierce Birth Control Bill No. H.R. 5978.

REV. HENRY C. HEAD,
Diocesan Director.

NEW ORLEANS, LA., *January 17, 1934.*

HENRY L. CARAVATI,
Washington, D.C.

The Arcdiocesan Union of Holy Name Societies of New Orleans comprising thousands of men strenuously object to any legislation of a nature favorable to birth control. Will you kindly prepare such protest as you deem essential and sign our name thereto. This is your authority to do so. Thanks.

JOHN X. WEGMANN, *President.*

LOUISVILLE, KY., *January 16, 1934.*

HENRY L. CARAVATI,
Washington, D.C.

Holy Name Union, Louisville Diocese, above 15,000 men protest change in penal law inhibiting use United States mail to disseminate information for reduction of our population which now about 40 per square mile is least of all the great powers. We hold immoral the limitation of families by artificial means as in contravention of nature and law of God. We protest as intelligent creatures of God and as patriotic citizens against United States mails being used to further a practice which immediately defies the will of God and ultimately must bring disaster to our Nation. With all our hearts we plead to the Congress of the United States to hold fast to things tried, to remember that laws and institutions are made for man and not man for them. Human beings made to the image of God are the salt of the earth.

GEORGE MARKING,
*President, Diocesan Union, Holy Name Society,
Diocese of Louisville, Louisville, Ky.*

ROCHESTER, N.Y., *January 16, 1934.*

HENRY L. CARAVATI,
Washington, D.C.

You are hereby authorized to appear for and represent the 15,000 men who comprise the Diocesan Holy Name Union of the Rochester, N.Y. Diocese and to express and voice their strenuous opposition to any and all legislation that may be now pending or which may be introduced in the Congress of the United States favoring what is commonly called birth control.

ROCHESTER DIOCESAN HOLY NAME UNION,
By ROY W. CRISSY,
Secretary of Executive Committee.

DENVER, COLO., *January 17, 1934*

HENLEY L. CARAVATI,
Washington, D.C.

The Diocesan Union of the Holy Name Society, Diocese of Denver, embracing State of Colorado, representing 14,000 Catholic men, wish to protest the passage of the Pierce Birth Control Bill.

REV. HAROLD V. CAMPBELL,
Spiritual Director.
F. L. KELLY, *President.*
JOS. SCHMITTLING, *Secretary.*

DUBUQUE, IOWA, *January 16, 1934.*

HENRY L. CARAVATI,
Washington, D.C.

The members of the Holy Name Society of the Archdiocese of Dubuque, 10,000 membership vigorously oppose and object to this enactment of the Pierce Birth Control Bill now before the House.

JOSEPH J. ZEYEN.

ST. LOUIS, Mo., *January 17, 1934.*

HENRY L. CARAVATI,
Washington, D.C.

On behalf of 10,000 members of the Holy Name Society, in the City of St. Louis, and its suburbs, most of them heads of families, I wish to protest against the Pierce Birth Control Bill which I understand will be brought to the attention of the House Judiciary Committee tomorrow. I trust that the honorable gentlemen of the Committee will see the bill in its true light and realize that legislation of this sort would have for its effect, the frustration of countless American lives and is not fit to be recommended to the Congress of our beloved country. Our President has made it clear in his program for National recovery that we are the dependent creatures of an Omnipotent God. Let us not incur the anger of this God who is also a just God, by defying the sacred natural law which He ordained.

RUDOLPH W. HOOGSTRAET,
President St. Louis Archdiocesan Union, Holy Name Society.
4913 SUTHERLAND.

MOBILE, ALA., *January 16, 1934.*

HENRY L. CARAVATI,
Washington, D.C.

Please file with Judiciary Committee our earnest protest against birth control measure as outlined in bills H.R. 5978 and S. 1842. Such legislation is contrary to the best traditions of our country. These bills glorify immorality and defile greed and lust and should bring the blush of shame to all Christian people.

UNION OF HOLY NAME SOCIETIES,
By J. M. McCOWN, *President.*
Mobile Diocese, comprising all Alabama and West Florida.

HOMESTEAD, PA., *January 17, 1934.*

HENRY L. CARAVATI,
Washington, D.C.

One thousand men of St. Mary Magdalene Parish vehemently protest against iniquitous Pierce Birth Control Bill.

JAMES A. SHAY.

PITTSBURGH, PA., *January 17, 1934.*

HENRY L. CARAVATI,
Washington, D.C.

We, 900 men, vehemently oppose passage of iniquitous Birth Control Bill.
HOLY NAME SOCIETY, ST. AGNES CATHOLIC CHURCH.

PITTSBURGH, PA., *January 16, 1934.*

HENRY L. CARAVATI,
Washington, D.C.

I am commissioned by 900 men of this town to enter solemn protest against the iniquitous measure known as the "Pierce Birth Control Bill." We oppose it vehemently as contrary to the natural law and the dictates of a truly Christian conscience.

HOLY NAME SOCIETY, ST. ANTHONY'S PARISH, MILLVALE, PA.

HOLY NAME SOCIETY, ST. MICHAEL'S PARISH,
Pittsburgh, Pa., January 16, 1934.

HENRY L. CARAVATI,
Washington, D.C.

I am commissioned by 745 men of this district, seventeenth ward, south side of Pittsburgh, to enter solemn protest against the iniquitous measure known as the "Pierce Birth Control Bill." We oppose it vehemently as contrary to the natural law and the dictates of a truly Christian conscience.

JACK DUSCHEID, *President.*

HOLY NAME SOCIETY, ST. MARY'S PARISH,
Pittsburgh, Pa., January 16, 1934.

HENRY L. CARAVATI,
Washington, D.C.

I am commissioned by 600 men of this parish to enter solemn protest against the iniquitous measure known as the "Pierce Birth Control Bill." We oppose it vehemently as contrary to the natural law and the dictates of a truly Christian conscience.

Rev. LAMBERT DALLER, *Pastor.*

HOLY NAME SOCIETY OF ST. PATRICK'S PARISH,
Cannonsburg, Pa., January 16, 1934.

HENRY L. CARAVATI,
Washington, D.C.

I am commissioned by 600 men of this parish to enter solemn protest against the iniquitous measure known as the "Pierce Birth Control Bill." We oppose it vehemently as contrary to the natural law and the dictates of a truly Christian conscience.

Rev. J. EDW. ISTUCIN.

PITTSBURGH, PA., *January 17, 1934.*

HENRY L. CARAVATI.

Be it known that 600 men of this town vehemently oppose the Pierce Birth Control Bill as contrary to the natural law and the dictates of a truly Christian conscience.

HOLY NAME SOCIETY, SAINT MARY'S PARISH.

HOLY NAME SOCIETY, SAINT RAPHAEL'S PARISH,
Pittsburgh, Pa., January 16, 1934.

HENRY L. CARAVATI,
Washington, D.C.

I am commissioned by 500 men of this city to enter solemn protest against the iniquitous measure known as the "Pierce Birth Control Bill." We oppose it vehemently as contrary to the natural law and the dictates of a truly Christian conscience.

NEIL CRANE, *President.*

PITTSBURGH, PA., January 16, 1934.

HENRY L. CARAVATI,
Washington, D.C.

I am commissioned by 500 men of this district to enter solemn protest against the iniquitous measure known as the "Pierce Birth Control Bill." We oppose it vehemently as contrary to the natural law and the dictates of the truly Christian conscience.

HOLY NAME SOCIETY, SAINT LEO'S PARISH.

CLAIRTON, PA., January 16, 1934.

HENRY L. CARAVATI,
Washington, D.C.

I am commissioned by 500 men of this city to enter solemn protest against the iniquitous measure known as the "Pierce Birth Control Bill." We oppose it vehemently as contrary to the natural law and the dictates of a truly Christian conscience.

HOLY NAME SOCIETY, SAINT CLARE'S PARISH.

JEANNETTE, PA., January 17, 1934.

HENRY L. CARAVATI,
Washington, D.C.

I am commissioned by 500 men of Jeannette to enter solemn protest against the iniquitous measure known as the "Pierce Birth-Control Bill." We oppose it vehemently as contrary to the natural law and the dictates of a truly Christian conscience.

HOLY NAME SOCIETY, SACRED HEART PARISH.

HOLY NAME SOCIETY, SAINT BONIFACE PARISH,
Pittsburgh, Pa., January 16, 1934.

HENRY L. CARAVATI,
Washington, D.C.

I am commissioned by 400 men of Saint Boniface Holy Name Society to enter solemn protest against the iniquitous measure known as the "Pierce Birth-Control Bill." We oppose it vehemently as contrary to the natural law and the dictates of a truly Christian conscience.

EUGENE G. BECK, *President.*

ST. MARY'S CHURCH,
Freeport, Pa., January 15, 1934.

MR. HENRY L. CARAVATI,
Washington, D.C.

DEAR SIR: I am commissioned by 300 men of this district (Freeport, Pa.) to enter a solemn protest against the iniquitous measure known as the Pierce birth-control bill. We oppose it vehemently as contrary to the natural law and the dictates of a truly Christian conscience.

Do not let this bill pass.

Respectfully yours,

S. J. BENSON,
Senior Director of Holy Name Society.

DUQUESNE, PA., *January 17, 1934.*

HENRY L. CARAVATI,
Washington, D.C.

I am commissioned by 200 men of this district (or city or town) to enter solemn protest against the iniquitous measure known as the Pierce birth-control bill. We oppose it vehemently as contrary to the natural law and the dictates of a truly Christian conscience.

HOLY NAME SOCIETY, HOLY TRINITY PARISH.

GREENSBURG, PA., *January 16, 1934.*

HENRY L. CARAVATI,
Washington, D.C.

I am commissioned by 150 men of this congregation to enter solemn protest against the iniquitous measure known as the "Pierce Birth Control Bill." We oppose it vehemently as contrary to the natural law and the dictates of truly Christian conscience.

FATHER GILBERT STROUB,
Holy Name Society, St. Bruno Parish, South Greensburg, Pa.

GREENSBURG, PA., *January 16, 1934.*

HENRY L. CARAVATI,
Washington, D.C.

I am commissioned by 100 men of this congregation to enter solemn protest against the iniquitous measure known as the "Pierce Birth Control Bill." We oppose it vehemently as contrary to the natural law and the dictates of truly Christian conscience.

REV. FATHER K. TRAXLER,
Holy Name Society, St. Cecilia Parish, Whitney, Pa.

MCKEESPORT, PA., *January 17, 1934.*

HENRY L. CARAVATI,
Washington, D.C.

Eighty members of Holy Cross branch of Holy Name Society of Glassport vehemently oppose Pierce Birth Control Bill.

JOSEPH J. PROHASKA, *President.*

PITTSBURGH, PA., *January 16, 1934.*

HENRY L. CARAVATI,
Washington, D.C.

Respectfully undersigned in the name of my congregation, I would ask you to do all possible against the birth control bill now pending.

REV. DR. M. KOMLOSSY
*Rector Stanns Hungarian Roman Catholic Congregation,
Hazelwood, Pittsburgh, Pa.*

PITTSBURGH, PA., *January 16, 1934.*

HENRY CARAVATI,
Washington, D.C.

I am commissioned by St. Mary's Ukrainian Parish to enter solemn protest against the iniquitous measure known as the "Pierce Birth Control Bill." We oppose it vehemently as contrary to the natural law and the dictates of a truly Christian conscience.

REV. DENNIS KULNATCKY.

PITTSBURGH, PA., *January 16, 1934.*

HENRY CARAVATI,
Washington, D.C.

I am commissioned by St. Michael's Greek Catholic Parish to enter solemn protest against the iniquitous measure known as the "Pierce Birth Control Bill." We oppose it vehemently as contrary to the natural law and the dictates of a truly Christian conscience.

REV. STEVEN ZARGALY.

PITTSBURGH, PA., *January 16, 1934.*

HENRY L. CARAVATI,
Washington, D.C.

I am commissioned by St. Augustine Parish, Pittsburgh, to enter protest against the iniquitous measure known as the "Pierce Birth Control Bill." We oppose it vehemently as contrary to natural law and the dictates of a truly Christian conscience.

REV. FATHER HENRY,
Pastor St. Augustine Church.

PITTSBURGH, PA., *January 16, 1934.*

HENRY CARAVATI,
Washington, D.C.

I am commissioned by St. Francis Friary to enter solemn protest against the iniquitous measure known as the "Pierce Birth Control Bill." We oppose it vehemently as contrary to the natural law and the dictates of a truly Christian conscience.

REV. OSWALD GREINER, O.M. Cap.,
St. Francis Friary.

PITTSBURGH, PA., *January 16, 1934.*

HENRY CARAVATI,
Washington, D.C.

I am commissioned by St. Barnabas Parish to enter solemn protest against the iniquitous measure known as the "Pierce Birth Control Bill." We oppose it vehemently as contrary to the natural law and the dictates of a truly Christian conscience.

REV. J. E. MARTIN,
Pastor St. Barnabas Church.
HOLY NAME SOCIETY, BLESSED SACRAMENT CHURCH.

ALBANY, N.Y., *January 17, 1934.*

HENRY L. CARAVATI,
Washington, D.C.

We protest against any legislation favorable to birth-control propaganda.

JAMES MEANEY, *President.*
Rev. E. D. WHALEY, *Director.*

WILMINGTON, DEL., *January 17, 1934.*

HENRY L. CARAVATI,
Washington, D.C.

The Holy Name Society of St. Elizabeth's, Wilmington, wishes to voice to you, the Delaware Senators and Representatives, through their chaplain, their strongest opposition to the Pierce Birth Control Bill.

REV. WILLIAM J. McELWAIN.

PITTSBURGH, PA., *January 17, 1934.*

HENRY CARAVATI,
Washington, D.C.

I am commissioned by St. Henry's Roman Catholic Church to enter solemn protest against the iniquitous measure known as the "Pierce Birth Control Bill." We oppose it vehemently as contrary to the natural law and the dictates of a truly Christian conscience.

Rev. JOSEPH MYERS,
St. Henry's Catholic Church.

WASHINGTON, D.C., *January 13, 1934.*

Mr. CARAVATI,
National Catholic Welfare Council, Washington, D.C.

School and College Sodality Union in their meeting today passed resolution unanimously protesting Pierce Birth Control Bill.

VINCENT S. McDONOUGH, S.J.

SAN ANTONIO, TEX., *January 18, 1934.*

HENRY L. CARAVATI,
Washington, D.C.

The men of Holy Name Society diocese of San Antonio, Tex., do hereby most heartily protest against adoption of Pierce Birth Control Pill for the reason that they consider same to be detrimental to our national life and contrary to the Christian principles of our beloved Republic.

F. C. SULLIVAN,
President.

SPOKANE, WASH., *January 18, 1934.*

HENRY L. CARAVATI,
Washington, D.C.

We oppose dissemination of birth-control propoganda. Advise proper authorities.

RAYMOND F. KELLY,
President Diocesan Union of Holy Name Societies.

EAST ST. LOUIS, ILL., *January 18, 1934.*

HENRY L. CARAVATI,
Washington, D.C.

The East St. Louis Conference of Holy Name Societies emphatically oppose the Pierce Birth Control Bill. It is vicious and a detriment to the welfare of our Nation.

THOS. E. PROSSER, D.D.S.,
President of Holy Name Conference.

JANUARY 19, 1934.

STATEMENT SUBMITTED BY HON. MARTIN L. SWEENEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO

Mr Chairman and members of the Judiciary Committee, H.R. 5978, under consideration before your committee and sponsored by Congressman Pierce, is commonly known as the "Birth Control Bill." This measure seeks to amend sections 211, 245, 312, Federal Criminal Code, to remove the inhibitions against the mailing, the transporting, or circulating any goods or information relative to the prevention of conception, or article, instrument, substance, drug, medicine or thing designed, adopted, or intended for the prevention of conception for uses (1) by any physician legally licensed to practice medicine in any State, Territories, or the District of Columbia, or by his direction or prescription; (2) by any medical college legally chartered under the laws of any State, Territories, or the District of Columbia; (3) by any druggist in filling any prescription of a licensed physician; or (4) by any hospital or clinic licensed in any State, Territories, or the District of Columbia.

Mr. Chairman and members of the committee, under the guise of protecting the rights and privileges of physicians, medical colleges, druggists, hospitals, and clinics, this measure, if enacted into law will open up the flood gates and insure the promiscuous and dangerous practice of birth control throughout the United States, its Territories, and the District of Columbia.

In May 1932, during the session of the Seventy-second Congress, a hearing was held on a similar measure before the Ways and Means Committee of the House of Representatives. This bill was known as the "Hancock bill", and sought to amend our tariff laws to permit the importation from foreign countries of literature and contraceptives for the purpose of spreading information and encouraging birth control in this country. I appeared before this committee and registered my protest against the pending measure. I said then, and I say now to this committee that the birth-control movement in the United States is a vicious doctrine which, if not restrained, will ultimately destroy the Nation itself.

The basic argument of the proponents for birth control through contraceptive methods is that it will serve as a protection to society from the birth of mentally abnormal and physically defective children. This premise assumes that all defectives of the class referred to are the offspring of abnormal or defective parents. I think every fair-minded person will agree that this assumption is false. Many mentally and physically fit parents procreate children who are physically and mentally defective, and at times such results even baffles the medical profession, and only a Divine Providence alone has the answer to this occurrence.

Another argument advanced is that the poor of our Nation are in need of information and contraceptives. I am of the firm conviction that if this class could speak as a whole, a vigorous denial would be made of this so-called "necessity." The poor class, as a rule, does breed large families. It is this class that form the backbone of the Nation; that furnish the hewers of wood, the drawers of water, the toilers of the soil, the industrial workers, and the man power for national defense.

There is no immediate fear of a population pressing upon the soil, as was the case when the distinguished clergyman, Malthus, advocated the scourage of war and disease as a means of removing excess population, and did in particular advocate continence, which has been the only sane and recognized course to follow during the marital state.

This great Nation of ours, according to our experts, can sustain comfortably a population close to 100,000,000 more human beings. We produce an average food supply each year to sustain a population of 200,000,000 people. In quoting from the column of Arthur Brisbane, January 18, 1934, in discussing the question of the birth control bill he states:

"But fewer babies in the United States, barring children of the very poor, whose parents cannot give them proper care, would be a calamity. We need 50,000,000 more population to eat what farmers produce, and buy second-hand automobiles."

Our wide expanse of territory invites millions of our inhabitants to take up their abode.

Slum elimination in our large cities, and a readjustment of the national wealth looking to a wide and more equitable distribution among the working class, will do more to correct the abuses of our capitalistic system than the argument advanced by the advocates of birth control, who claim for it the elimination of war, and physical and mental disease. Shorter hours of labor with higher wages, old-age pension, and nonemployment insurance, in my opinion, will remove many of the evils referred to by proponents of this measure.

The Nation is conscious now of the drive for social economic justice that will prevent starvation and malnutrition among the poor classes of our people, and create a new and wholesome environment throughout the land. It is strange that many of the wealthy individuals who finance and urge the birth-control movement are rarely found in any movement for social economic justice. Many of the advocates here today were leaders in the national prohibition movement, which now, thank G. d., has been destroyed, we hope, forever. This type to which I refer use to characterize violators of the dry law as "Scofflaws." It would seem to me that before they be permitted to present an argument for the birth-control movement that they ought to come into court with clean hands. It was testified at a former hearing on a similar measure, and it is testified before this committee, that birth-control clinics are springing up all over the country, and that the mails are being utilized in violation of the law to forward to individuals literature on the birth-control subject. It should be the function of this committee with the information before you to notify the Department of

Justice to investigate the numerous cases of law violations which take place every day, without compunction on the part of the offender.

Many patriotic, religious, and civic organizations oppose the birth-control movement. Chief among them is the Roman Catholic Church, which has come down through the centuries weighing in season and out the social problems of mankind in issuing a warning with all the vigor it commands against the suicidal policy of any means of thwarting the will of a Divine Providence. The argument is presented that this movement desires the responsibility of contraceptive information be placed in the hands of the medical profession, it is well known despite the fact that the American Medical Association, with over 100,000 members, has not, nor in my opinion will not, endorse such a dangerous movement.

It seems to me members of the committee that this should be ample proof that this movement is unsound and destructive of family life. Paternalism in government is one that should be shunned at all times. We learned the costly and bitter lesson when the government attempted to dictate to the American public on the subject of alcoholic beverages.

The advocates of the birth-control movement join in every instance with the disciples of sterilization, and if successful in this vicious undertaking, the creatures composed of body and soul and made to the image and likeness of God will be no more than stallions and jacks, or cattle, in the minds of the propagandists of birth control. I sincerely trust your committee, which consists of the best judiciary minds in this Congress, after due deliberation, in the interest of social justice and common decency make an adverse report on the measure under consideration.

STATEMENT SUBMITTED BY HON. WILLIAM J. GRANFIELD, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF MASSACHUSETTS

Mr. Chairman and gentlemen of the committee, at the outset I wish to endorse the very splendid and informative statements made before this committee yesterday afternoon by the distinguished clergyman from Detroit, Mich., Father Coughlin.

I am opposed to this bill, which received the consideration of the subcommittee of the Senate Judiciary Committee 2 years ago. At that time I entertained the views that I intend to present to you briefly this morning.

The birth-control movement in America, to my mind, is akin to the prohibition movement which received the legal sanction of our people some 12 years ago, and which has proven to be the greatest social and political mistake in the history of the country. At that time the advocates of prohibition insisted that prohibition would insure temperance and make America a happy and better place in which to live, but the fallacy of this is known to every man, woman, and child. In the light of our experience with that "noble experiment," I am unalterably opposed to this measure.

The advocates of birth control seek legislative sanction which if given would degrade the home and prove a travesty on the sacrament of matrimony. I am satisfied that the Congress of the United States will never place its stamp of approval upon legislation of this character.

Mr. BURTON. I thank the committee for your courteous attention, and state that I believe our side rests at this point.

The CHAIRMAN. We have 43 minutes reserved for rebuttal, but in view of the fact that 10 minutes was extended to those who have been opposed to the bill I assume it is in agreement with the judgment of the committee that 10 minutes be added to the time of those who favor the bill may have, so that the committee would give you, I believe, 53 minutes.

STATEMENT OF HON. WALTER M. PIERCE, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF OREGON

Mr. PIERCE. Mr. Chairman, may I, as the introducer of the bill, take a few minutes of Mrs. Hepburn's time in making a short statement?

We are willing to concede that the law should only be operative in States that do not prevent the use of contraceptives, as, for instance, Mississippi and others; so an amendment has been drawn along the line of the Webb-Kenyon law, almost in the words, so as to get the judicial interpretation of that act, and it will be inoperative in States that have such laws.

Shall I present the amendment to you, or shall I read it?

The CHAIRMAN. You may submit or read it, as you like.

Mr. PIERCE. I will read it. It is as follows: "A Proposed Amendment to H.R. 5978 to Incorporate Provisions Explicitly Protecting the Laws of the Several States." Add at the end of the bill the following:

"Provided, however, That nothing in this paragraph (amendment 7) shall be construed to permit the shipment or transportation in any manner, or by any means whatsoever, of any book or information relating to the prevention of conception, or article, instrument, substance, drug, medicine, or thing, designed, adapted, or intended for the prevention of conception, from one State, Territory, or district of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any State or from any foreign country into any State, which said book or information relating to the prevention of conception, or article, instrument, substance, drug, medicine, or thing, designed, adapted, or intended for the prevention of conception, is intended by any person interested therein to be received, possessed, sold, or in any manner used, either in the original package, or otherwise, in violation of any law of such State.

The time is now for Mrs. Hepburn to manage.

The CHAIRMAN. Thank you, Mr. Pierce.

Mrs. HEPBURN. Mr. Chairman, and members of the committee, the leader of the opposition, who introduced the speakers, said he did not care for us, because we did not come here bringing a lot of little children. I think this is not a nursery or at all proper to do that; but I also have not noticed that he brought any women here with their little children, the little children are all at home.

If a woman has little children, we think she had better stay at home and take care of them. After a woman has had a family and brought them up and learned more or less about things, she has time to get out and do public work.

Another thing I noticed that interested me very much in connection with all of the arguments of the opposition, was that their entire hope of morality is apparently based on fear and ignorance, and they are determined to keep people in fear and ignorance, in order to make them moral.

We do not believe morality is based on fear and ignorance, and we believe they cannot keep the people in fear and ignorance.

Now, a woman came to me this morning who said she came from Tacoma, Wash., to make an appeal. She is very anxious to talk to you gentlemen, so we told her we would give her 4 or 5 minutes of our time. Is Mrs. Thompson here?

Mr. BURTON. May I interrupt, Mrs. Hepburn, to say I did not advocate making a nursery of this committee room, but merely said as to bringing the mothers here—

The CHAIRMAN. I think everybody understands your statement.

Mrs. HEPBURN. So far as mothers are concerned, I will wager we have more than the ones he has brought here. All of us are mothers.

Mr. Chairman and members of the committee, I introduce Mrs. Thompson.

STATEMENT OF MRS. THOMPSON, OF TACOMA, WASH.

Mrs. THOMPSON. Honorable Chairman and members of the committee, I was hurt yesterday at a statement that was made in this room when it was said that the married men and women of our land are to consider that matrimony is not simply a legalized bed of prostitution, and to consider that matrimony means something more than for man and woman to live together like two animals; and that a man should so love his wife that he will not make her a play toy.

You know I thought it was just obscene, and I thought, and I am sure if my husband were here, he would have resented that statement, as I am sure every married man at this table resents it.

I was hurt, not only for myself, but for the majority of the women in our country who are clean-minded women. For 12 years my husband has been superintendent of a community center. He is a Methodist minister and has been for more than 30 years. In this community center we have many, many folks coming of many religious beliefs. We have Jews, Gentiles, Catholics, and Protestants, and the only thing we ask these folks is, can we be helpful to you, is there anything you do need. I have found their greatest need is the knowledge in the care of their children that are born, and to be relieved of the fear of having other children when they are not physically able and capable of having them.

I can truthfully say that when I am at home, I have from 1 to 10 women every week of my life coming to me and pleading with me to tell them how they can keep from having more babies in their home. But I couldn't tell them, I didn't have this knowledge.

Then I heard of this conference on birth control and national recovery, and I came from the West, from Tacoma, Wash., and I came at my own expense for the simple purpose, and the only object, that I might get this knowledge and take it back to the women in my city and in my State.

Then it has been stated over and over here that if this knowledge were made general that our young folks and our high-school boys and girls would become immoral. I just cannot believe that. I do not believe that your daughters, or your sisters, or men would become immoral if this knowledge were made known to them. They are not that type.

I deal with hundreds of young folks, and I am sure that was a misstatement.

I wish I might bring to you in this very room, scores of women that have come to me and pleaded with me for this knowledge. I wish I might just take you into one home where there is a little mother there I have known for a number of years. When I first knew her she had 8 children and she has 14 now—not all living, but she has had fourteen.

Just about Christmas time when I was out there, I found another unwanted pregnancy, and she said to me, "Oh, Mrs. Thompson, how I have pleaded with you for this knowledge"; and I said, "I know, but I didn't have it to give to you."

I have carried on my lap many and many caskets of little babies that were still-born, because the mothers did not have the strength to give those kiddies; I have helped them, and have followed the hearse time after time with a young mother or mothers who had too many kiddies.

I believe if you vote wisely on this, that the coming generation will rise up and will call you blessed, because they will be a strong, stalwart nation, and that is what we want, because they will be conceived in love and in hope, and not in hate and fear.

May God just bless you, and may He give you the wisdom to vote right in this, not only for my State, but for the States you represent and the women of our Nation.

God bless you.

Mrs. HEPBURN. The next speaker is Dr. Prentiss Willson, a practicing gynecologist and president of the Medical Society of the District of Columbia, and who wants me to emphasize the fact that he is speaking in his personal capacity.

STATEMENT OF DR. PRENTISS WILLSON, OF WASHINGTON, D.C.

Dr. WILLSON. Mr. Chairman and gentlemen of the committee, there are a few points I should like to make in rebuttal of some of the testimony which has been brought here this morning, and the first point to which I would address myself has been brought up by my good friend Dr. Mundell with regard to this so-called "safe period."

I call your attention to the fact that the moment any clerical group admits the right in matrimony of controlling conception by limiting the relations to a safe period, they have admitted the justice of this movement.

It is either right or wrong to control conception. If it is wrong, the publication of a book on "Rhythm" to guide women in controlling conception is wrong; and parenthetically, one wonders why this book is being admitted to the United States mails under the present law.

The next point I would like to make with respect to this, as Dr. Mundell knows perfectly well, having listened to a paper not later than Tuesday afternoon on this subject, that the findings of those who have been investigating the subject are in direct opposition to an enormous mass of statistics on the subject accumulated in Germany during the war, statistics based on the numbers of conceptions following the furlough of the husbands who were at the front in relation to the time of the furlough with their wives' menstrual cycle.

The third point I want to make is, it simply is not so.

I had the pleasure Tuesday afternoon of discussing with Dr. Miller, who read this paper before the Birth Control Conference, and I asked him this question: Under the operation of this supposed law of rhythm, is intercourse in the first 2, 3, 4, or 5 days following menstrual period absolutely safe under any circumstances, no matter what the woman's sexual rhythm may be? He said it is absolutely true.

He went so far as to tell me in answer to a direct question that if an unmarried girl came into his office and wanted to know, and to pay him for his advice to that effect, that that period was safe, that aside from the moral implication of telling her so, he would be willing to say to her it was safe.

Then, the very next morning a private patient of mine in the office, whose friend had attended the hearing, called my attention to the fact she was to have a baby the 10th of June, and I would stake my reputation on that, and that her last menstrual period came on the 3d of September, and her husband left on September 10, and she felt life 2 weeks ago.

The next point I want to bring out is in opposition to my very good friend, Dr. William Gerry Morgan, ex-president of the American Medical Association, and when I see Dr. Morgan, I want to ask him this question before somebody else tells him.

Dr. Morgan appeared before a committee of Congress to advocate the liberalization of the right to physicians to dispense liquor prescription under the late lamented prohibition act. Physicians were permitted to prescribe 90 pints of whisky in a period of 90 days, as I recall, and anyone who knows anything about medicine knows that no one except a man who is a specialist in the handling of delirium tremens, could legitimately write prescriptions for that amount of liquor in that period.

Dr. Morgan told me he personally was opposed to the use of liquor in the practice of medicine, yet he came up before Congress and advocated the removal of restrictions in that regard, because it was in his opinion an unwarranted interference with the right of physicians to practice medicine under the laws of the United States, and I also don't think Congress had the right to tell physicians how to practice medicine.

Yet, now, when legislation is proposed to repeal certain sections of the act which are interfering with perfectly legitimate legal practice of medicine by physicians, Dr. Morgan comes in here and opposes that movement.

The next matter, Mr. Chairman, I want to call to your attention, is the alleged attitude of the American Medical Association in this matter—and I may say parenthetically I am not speaking extramurally, because I am a member of the association. It is both a political and a scientific body, and it believes in the old adage of not letting your right hand know what your left hand is doing.

I say this, because those engaged in the practice of medicine as it relates to women, are represented by three organizations that are looked up to by the whole profession, the American Gynecological Association, the American Association of Gynecologists and Obstetricians and the section of Obstetricians and Gynecologists of the American Medical Association. The American Gynecological Society in May 1925 endorsed the propriety of this proposed legislation, and the Section of Obstetricians and Gynecologists of the American Medical Association endorsed it May 29, 1925. The other association, the American Association of Obstetricians and Gynecologists, has received a report from its committee on maternal welfare, advising this subject to be studied by that association.

At the meeting of the American Medical Association in Milwaukee last June, the chairman of the Section of Obstetricians and Gynecologists of the American Medical Association read a paper in which he listed birth control as one of the four major problems of gynecology at the present time, along with cancer and sterility, and I forget the other one of the four. At the same time Dr. Plass introduced a resolution in the American Medical Association to appoint a committee to study the subject—not to endorse it, but study it. It was turned down and tabled by a vote of sixty some to forty some, so the American Medical Association comes into this court with unclean hands.

It refuses, as a political organization, to even study a subject which as a scientific organization it lists as one of the four major problems affecting womanhood of America.

Dr. Howard Kelly, of Baltimore, testified here today, and it has been read, that Dr. Barton Cooke Hirst of the University of Pennsylvania, is opposed to this liberalization of the birth-control information. In that connection I only want to point out in Dr. Kelly's own university of Johns Hopkins there exists a department which deals with diseases of women in that school, represented for years by Dr. Williams, a noted gynecologist, and the author of a text book which is still in use, has appeared, not once, but I believe more than once, before a former committee of this Congress to endorse the legislation which Mrs. Sanger hopes to see you gentlemen put through.

It has also been stated before this committee that birth control should be opposed because it is contrary to natural law. If I were a member of this committee I would feel insulted that anyone had that opinion of my intelligence. What is civilization but opposition to natural law? Natural law means that children should die of measles--that women should die of sepsis. Are we to go to the law of the jungle so far as the control of population is concerned? Is *lex talionis* to be the law of the land? Is that what these gentlemen and ladies advocate? It is not a question of the law of nature, in the natural control of population, whether it be rabbits, guinea pigs, or human beings; it is a question of the survival of the fittest, and when we get up to human beings it has been controlled, as history indicates, by war, pestilence, and famine.

I make a living by helping women have babies, and have no other livelihood; my practice is limited entirely to obstetrics; therefore, I have no particular ax to grind in appearing here to advocate birth control.

I have made that my practice for over a quarter of a century, and in that time I think I have accumulated some knowledge as to the attitude of women on this subject; I have accumulated a considerable knowledge as to the attitude of women, Catholics, Protestants, and Jews, and I would like to say to you gentlemen from mature judgment, that the dread of pregnancy for the women of this land hangs over the majority of them month after month like the sword of Damocles, suspended by a single hair.

I have been speaking in rebuttal of this testimony given today on points of which I have some information because of the fact I have been a practicing physician, but in conclusion, Mr. Chairman, I should like to call your attention to another phase of this legislation. The reason why I am opposed to continuing this obsolete, archaic statute as the law of the land any longer, is because as a citizen, and in common I am sure with a great many others in the country, resent this type of legislation; and we wonder how long it will take the Congress of the United States to understand, with their recent experience in prohibition, that this type of legislation is resented.

It is based, as has been said, on the sociology of fear, and you cannot legislate morality into people of this country any better than you succeeded in legislating into their make-up a desire not to take alcoholic liquors for beverage purposes.

When everything is said and done, let me make this one more statement from my medical experience, then I am through. The demand for birth control among the women in this country, unless my experience and practice with them for a quarter of a century has

been no criterion of the rest of the country, and that assumption would be ridiculous—the demand of the women of this country is for birth control, and when the Congress of the United States refuses them that information legally, they should bear in mind the experience of King Canute when he told the tide not to come in.

AMERICAN MEDICAL ASSOCIATION MEETING, MILWAUKEE, WIS., JUNE 12, 1933

The attached resolution was introduced by Dr. E. B. Plass, gynecologist and obstetrician, of the University of Iowa. It was referred to a committee on preventive medicine, of which Dr. Draper, State health officer of Virginia, was chairman.

This committee reported the resolution favorably, and unanimously, to the House of Delegates. The resolution was voted down, however, in executive session, by a vote of 66 to 46, only 112 delegates present out of a total of 175.

Note that the resolution asked only "for the appointment of a committee to study the question." It did not refer to legislation, nor did the unfavorable vote have any bearing on legislation.

RESOLUTION, HOUSE OF DELEGATES, AMERICAN MEDICAL ASSOCIATION, 1933 ANNUAL SESSION

Whereas the problems and methods of birth control are of vital concern to the health as well as the social and economic welfare of our American people, and,

Whereas the statements of proponents and opponents of birth control are at wide variance, thereby creating confusion and uncertainty, and,

Whereas a demand has been made by various groups for dependable evaluation of methods of contraception and of the conditions that justify their employment, and,

Whereas these questions are intimately related to medical science and medical practice, therefore, be it

Resolved: 1. That this House of Delegates create a special committee of five on "The Study of Contraception" to be appointed by the speaker, with the advice of the executive committee of the board of trustees.

2. That this committee is hereby instructed to study the problem of birth control in all its aspects, particularly as they relate to methods of contraception, conditions indicating its employment, and the best manner of imparting instruction to physicians and to the lay public.

3. That this committee be provided by the council on pharmacy and chemistry with a statement of the value and effectiveness of contraceptive products and preparations that are or may be recommended by manufacturers; and, be it

Resolved, That the board of trustees be requested to instruct the council on pharmacy and chemistry to render all reasonable assistance and advice to this special committee, and to provide this special committee with a fund to be determined after conference with the committee chairman, for clerical and correspondence expenses, and, be it

Resolved, That the report of this committee, together with all its findings and recommendations, be not disclosed until it has been presented at the 1934 executive session of this House of Delegates for consideration and action by this house of Delegates; and, be it

Resolved, That the appointment of this special committee shall in no way be construed as an endorsement of birth control on the part of the American Medical Association and that the appointment of this committee is for the purpose of compiling dependable facts for future guidance when dealing with this question as closely related to public health and medical practice.

Mrs. HEPBURN. Mr. Chairman and members of the committee, Mrs. Sanger will make our concluding statement.

STATEMENT OF MRS. MARGARET SANGER

Mrs. SANGER. Mr. Chairman and Gentlemen of the Committee, it must be rather confusing to you to hear so many statements, mis-statements, overlapping of evidence, as has been given to you in the past 2 days.

We have had the introduction of the amendment, but I want to tell you that in approving this bill about a year ago, I believed that those who opposed it, especially the Catholic organizations, should be interviewed, and that it would be a good thing to submit this bill to them and to see just where we could get together on the bill.

This bill was drafted, gentlemen, with the advice of the physician recommended by the National Catholic Welfare Council and that physician considers this a good bill, and he was the one referred to me by this organization.

There was a question asked about the condition in England relative to birth control, and I would like to give you this. In July of 1930 the government in England issued a memorandum to all public health authorities informing them that birth control information might be supplied on medical grounds to women in attendance upon the maternity and child welfare centers, so that today in England all maternity and infant welfare centers are allowed to give this information.

Then the League of Nations has officially recognized contraception and abortion as problems of public health. Under date of October 15, 1931, the health organization of the League issued a report on maternal welfare and the hygiene of infants of free-school age; and on February 1, 1933, the Council of the League of Nations adopted the report in its amended form. I would like also to submit for the record the report of the League of Nations recommending contraception in the various health centers throughout the world.

Now, there is one other point that seems to me very interesting, and that is that it may seem there has been a great deal of warfare practiced between the people who oppose the bill and we who propose it, and that the people who have come here to oppose this bill are at the north pole and we are at the south pole; but I beg to inform you that is not true.

There is a book that has recently been published by the Latz Foundation called "The Rhythm of Sterility and Fertility in Women." This has been published with "ecclesiastical approval", and this has been recommended by all of the Catholic societies and Catholic publications.

Mr. HEALEY. May I ask when you consulted with the representative of the National Catholic Welfare Association?

Mrs. SANGER. A year ago.

Mr. HEALEY. Who was that; do you recall his name?

Mrs. SANGER. Colonel Toy, who represented our organization, went to see both of these gentlemen who are present here, and also Father Ryan, and we were recommended to see Dr. Mundell, who appeared here this morning.

Mr. BURTON. You were not recommended by me to do that?

Mrs. SANGER. We went to him on that recommendation.

Mr. HEALEY. What did you do?

Mrs. SANGER. We went to see him and found him very sensible.

The CHAIRMAN. You may proceed.

Mrs. SANGER. The particular thing in this bill that seems to be objected to by Father Coughlin is the phrase, "by any physician, or by his direction or prescription."

I don't quite understand what he means, but if Father Coughlin or those opposing this measure want to take that phrase out, "or by his direction or prescription", I can't quite understand why, but if they want to take that out, it can be done, but at the same time they are

talking about the control of these contraceptives that are flooding the country today. I believe the only way that contraceptives can be controlled, is when this dissemination of information and appliances is put in the hands of the medical profession where they rightfully belong.

Mrs. Norton brought in this morning the suggestion of commercial activity, I believe it was Mrs. Norton or Mrs. McGoldrick, intimated that we are associated with commercial firms, or with some of the manufacturers who are bringing forth these contraceptives so widely. We deny that. There is not one person in our organization associated in any way with any manufacturer of contraceptives. I don't mind telling you that a year ago I was offered an immense sum of money, nearly a quarter of a million dollars, if I would speak on the radio for a firm that has a product that is perfectly legitimate, it is not a contraceptive, but I thought that people listening in might think it was a contraceptive, and I refused that offer.

We have had numerous offers during these many years, and at no time has any of us been associated in any way with any manufacturer of any kind whatever. This is not a commercial concern, we are not interested in that part of it, we are only interested in trying to see, so far as our research is concerned, what can be done, and what can be found to be effective and helpful to the vast millions of women who are seeking sound advice on how to limit their families and limit them safely.

Here is a copy of a clipping from a paper called the Western Catholic, dated February 17, 1933, published in Quincy, Ill., which mentions birth control by the so-called contraceptives, which says:

We have received many inquiries about the remarkable book by Dr. Leo J. Latz on natural, rational, safe birth control as a potent means to combat the hideous, horrible, unnatural vice of contraception. This remarkable book published by Dr. Latz, of Chicago, Ill., should be read by confessors, physicians, editors, preachers, nurses, social workers, etc. Send us a new subscription for the Western Catholic, and we will send you a free copy of this great work.

So the racket is not all on one side. If we are going to have a racket, let us look at it squarely and take our share of the responsibility.

To me it is a very dangerous thing to put out a book like that, when the physicians and the scientists of the country do not by any means agree that there is a safe period for all women, as Dr. Willson has suggested to you.

Now it comes down to a safe device or a safe period, and that is just about where both sides are now. I can read to you out of this book, "Rhythm," answers to everything that has been said here. Out of this book comes answers, and I will take up your time to read at least some of them. It states here that Catholic doctors are not in agreement as to the serious physical consequences of contraception, and the answer is that they are by no means in agreement on this, and I would want you to understand, they agree that the consequence of over-child bearing and the consequences of prolific child-bearing are to a certain extent a greater cause for worry and anxiety than the other point of contraception.

That is right from this book. There are many of these questions that should be answered, and they have been answered here in this study of the Rhythm.

Father Coughlin in his statement yesterday gave us to understand he is Irish, and I am Irish myself for many generations back, and I know how charming such a personality can be, and how facetious it can be, too, when it is coupled with a medieval mind. I think Father Coughlin should study up a little bit on Malthus. Malthus did not coin the words "birth control", but he believed in late marriage and continence until such a day when only a few children could be conceived, and that was the time they should be married, when they had decided how many children they could economically take care of.

Father Coughlin also said it is our duty to increase and multiply, and he quoted the Bible, and he said that today, "we, believing as Catholics that marriage was invented by God for the primary purpose of propagating children." This was rather humorous to me, that he, a celibate, never knowing the joys of fatherhood, could come here and tell us to increase and multiply. It seems to me if that is the word of God, certainly he should be on the job.

It was brought up about Holland; I think Mrs. McGoldrick or Mrs. Norton said the laws of Holland had been rescinded. But that is untrue. Let me explain what Holland has done. Holland had gone far on the way to the practice of methods of contraception. Back from the time of 1878, physicians of Amsterdam were concerned about this question and they formed clinics in Holland, and it is an interesting thing, if you will look at the facts and statistics, to see that Holland right through for the past 50 years has had a low birth rate, and also has had a low infantile death rate, but has had a higher survival than any country in Europe, and has the lowest death rate in Europe, and three of her cities have the lowest infant mortality of any country in Europe.

About the time of the World War Holland had a perfectly open law. I myself learned the technique of contraception at The Hague in 1914. It was not necessary to be a trained nurse, or a doctor, but anyone old enough to be married, by the laws of the State could receive or give such information or instruction. During the war there was an amendment of the law to the effect that articles of contraception should not be exposed or exhibited in the drug stores, and that is as far as that law has been rescinded; otherwise, it is the same as it was.

In our clinic, where many Catholic women come, we have all due respect for them, and all due respect for everyone who has an opinion, whether religious or moral. We know that this bill is not mandatory, it is not asking those opposed to do anything different than they do today. It is permissive legislation we are asking for.

There are twenty or twenty-one million Catholics in the country, and there are about a hundred million other people who are not Catholics. It seems to me there is no reason why any one group should impose their will upon the rest of the country, whether it is their moral or religious or their political ideas.

I think you should know, as we have found, that women who come to our clinics average just about equal. We have had 35,000 women in one clinic in New York City, and there are over 150 clinics throughout the country; and every one of them reports the same thing, that there are about one third Catholic, one third Protestant, and one third Jews, so that they run about even.

I have myself had the most pathetic cases of Catholic women torn by their loyalty to the church and their desires to control the size of the family. They have exactly the same problems every other woman has, except it is a greater hardship on them not to be able to have religious sanction of the thing they feel they should do.

To give you briefly a picture of the thing, we find there are two groups of people, on one side you see the people who practice birth control, and control the size of the family, and then the other group who have not done that, not because they do not want to, but because they cannot get the information, and have to resort to operations. Look down among our own friends and see what you find, you find in one group under average conditions today, if they control the size of the family, you will see the highest percentage of health among the women and the lowest percentage of mortality. There may be only two or three children brought into the world, but more is done for those children. They live longer, they go to schools, and they go through college; then their mothers are able to participate in public life and help bring along the general progress of our civilization, and do not neglect their children either.

I find that those engaged in our welfare and social activities, and most of our culture activities come out of that group. It is they who are paying the highest taxes, and paying in philanthropies for the other group.

My experience as a nurse in New York brought me into this. I was a member of a large family, 11 children, and my mother died just after the last one was born. I maintain if she had had some knowledge of birth control she would not have died; but they say, in that event, I would not have been born, and maybe some of you would not be sorry. Nevertheless, if my mother had had some knowledge of birth control she might have been alive today and able to take care of the children, which she could not do.

In my practice as a trained nurse I found women were trying to find some methods by which they could limit as well as control the size of the family; where should they go? They asked each other. It was a sort of common gossip about this or that. They go to the hospitals, dispensaries, and public agencies, and always they are refused when it comes to asking for this particular kind of information.

One woman would ask me what to do; and they say, "You give it to the rich; they get the information; why must we bear all of the burden? You see what I have got, how many children I have got; my husband is a good man, we are trying to do the best we can for the children; won't you help me?"

I came to this movement after one case I had, the last one, who died with septicemia. We had worked very hard with her; it was on the East Side in New York, on Grand Street, in the summertime; the doctor worked hard on her, and we finally brought her back to her home and the doctor said, "Now, young lady, you don't go through this again, or don't call me in." She said, "Yes; what shall I do?" He said, "You tell Jim to sleep on the roof." We left that woman with that kind of advice after she had gone through an operation and nearly died.

We went on, went on our way, irrespective of what happened to her, and within 3 months I was called back to that case. The doctor was there ahead of me, and that woman had not been able to

survive, she had gone through another operation and she had no resistance, that woman passed out, leaving a frantic husband with two little children.

I went home that night, gentlemen, away back in 1912, and I decided then and there that life was not worth living in this country unless we could give back to society some of the benefit of our experience. Of course, we had no idea what we would get into with such a decision, but we then found the Federal law which had been on the statute books since 1873. We asked the physicians, and they shook their heads.

Mr. KURTZ. Pardon me, I would like to ask this question. Is there any reason why you or the physician in the case referred to should not have given to that lady the necessary information for her protection?

Mrs. SANGER. Today she would get it if her doctor happened to know it.

Mr. KURTZ. Why didn't she get it then?

Mrs. SANGER. Because in the first place I knew practically nothing about it. I was a mother myself, but I knew nothing about getting the information, and the doctor assumed there was a law against it.

Mr. KURTZ. The New York statute did not prevent him from giving it.

Mrs. SANGER. Quite right, but they didn't know it. The New York State statute was never construed, and in fact, some of us went to jail to get a decision on it. It is only under that decision we are operating today in New York, in all the clinics.

This law as we find it, affects the United States mail and common carriers. Someone asked about a physician prescribing by mail. No physician would prescribe by mail, but a physician needs to get proper information of newer means and methods, he needs to exchange with other physicians, clinics, laboratories, and so forth, through the United States mails. As it is now, as one of our physicians testified yesterday, the medical publishers do not want to jeopardize their liberty under such conditions of the law. This book here, Rhythm, is going through the mails, not by right, but by privilege, and it gives illegal information just as any book I might write on preventing conception.

Mr. HEALEY. Can you differentiate somewhat between that? One is an interference with life itself, isn't it?

Mrs. SANGER. I beg you pardon, not any more than information in this book is.

Mr. HEALEY. The method you advocate is an interference with life?

Mrs. SANGER. It prevents conception, it is not an interference with life.

Mr. HEALEY. It does interfere with it.

Mrs. SANGER. So does anyone remaining single; so does continence.

Mr. HEALEY. You are not opposed to continence?

Mrs. SANGER. No; I am not.

Mr. HEALEY. That does not in any way oppose the policy you advocate here.

Mrs. SANGER. No; I am not opposed to that, and I am not opposed to this book, if we can find a safe method. We are coming down now, not to a question of principle, but a question of methods. We have no objection whatever to this. We say there are three methods of

preventing conception, continence, sterilization, mechanical method, or chemical means of contraception. One group believes in mechanical or chemical and the other group believes in continence, and this book, I feel it will do harm to send it through the mails until there is a study made of it. Possibly, if it were found there was a safe period, it would have to be the physician who advises the patient as to her safe period.

Mr. CELLER. You have read that book; doesn't it say that study would indicate there is a safe period, or does it give a full guarantee there is a safe method?

Mrs. SANGER. It gives a calendar which shows the date exactly of the variations of the menstrual cycle. Here is one of the little ones with those dates and the concept calendar.

Mr. CELLER. Is the language all through the book indicative of absolute assurance to the reader, or are there no qualifications whatsoever in the book?

Mrs. SANGER. No more than we give with our contraceptive. It depends on the individual, I would say, and the doctor to advise her, but if I picked up that book and read it and believed as a Catholic, and saw an ecclesiastical approval, I would follow it to the letter.

Mr. CELLER. Insofar as the ecclesiastical feature is concerned, I don't know whether the people who read it pay any attention to the ecclesiastics in the book; that has nothing to do with the scientific fact.

Mrs. SANGER. No; I am not intimating that.

Mr. CELLER. What I am trying to get from you is whether or not the author of that book has made the absolute declaration that there is a period in which there can be no conception.

Mrs. SANGER. Yes.

Mr. CELLER. Without any qualification?

Mrs. SANGER. Without qualification, it gives the definite statement. They tell you exactly when your period of sterility starts and when to depend on the period of fertility.

Mr. HEALEY. There is not anything in the book, no method prescribed, that would interfere with the laws of nature.

Mrs. SANGER. Do you want to argue that?

Mr. HEALEY. I say there is not anything. There is no artificial means prescribed, and no use of medicines or drugs or any thing that would interfere with the natural laws.

Mrs. SANGER. If we are going to argue natural law, it is something different. I will say if there is a period of sexual sterility and a day when nature makes the woman sterile, it is most likely that is the time she would repulse the idea of relationship, and so far as any natural law is concerned, I think that is the period to stay away.

Mr. CELLER. That is your viewpoint, or medical opinion?

Mrs. SANGER. It is my opinion.

Mr. CELLER. You have no medical opinion to back it?

Mrs. SANGER. Yes; I have some of the world authorities that claim that is true.

Mr. CELLER. That say that period of sterility would be the time when there would be a repulse on the part of the woman?

Mrs. SANGER. Yes; when nature sort of closes the door toward this attraction.

The CHAIRMAN. I want to get clear the thing under consideration and discussion. Is it your contention that the difference between

your position and the position of the opponents is to be found only in the method to be used?

Mrs. SANGER. Yes; we both have the same principle.

The CHAIRMAN. In your case the purpose would be to have the relationship without the possibility of conception. Is that your contention?

Mrs. SANGER. Yes, that is my contention. We are both together on the principles, and we separate on the question of methods.

Mr. CELLER. Don't you separate right here, in the case of that book, there is nothing done to interfere with the natural results of sexual functions, but you advocate the introduction of foreign substances by your chemicals or instruments seeking to prevent the natural result of the sexual function?

Mrs. SANGER. Not of the sexual function, but of reproduction.

Mr. CELLER. Isn't that where you and the author of this book, whoever he is, differ?

Mrs. SANGER. There is nothing in the book which gives contraceptive information as to chemicals or devices and they object very strongly to them, but they agree to our contention that children should be spaced and women should not have a large number of children. We say there is not a safe period, and if there was, we would gladly accept it and say blessings on you for advocating it. But we claim that in the meantime we should have the right to use our knowledge as we see it, just the same as in eyeglasses or other things individually advised.

Mr. CELLER. Don't you recognize there is a vast difference between the propagation of the race and the fact that you may have poor eyesight or poor hearing?

Mrs. SANGER. There is quite a difference, but I am talking about the question of the mechanical means toward the preventing of conception.

Mr. CELLER. But you must agree you are interfering with a function of the human body.

Mrs. SANGER. You are not interfering with a function, any more than you are by remaining single, if you wish to go into detail.

Mr. CELLER. You don't interfere there, you refrain.

Mrs. SANGER. In this you don't refrain.

Mr. CELLER. In that book there it is said there is no outside interference with the natural result that would come. This physician says there is a period when there is no possibility of conception, but there is no outside interference.

Mrs. SANGER. As far as conception is concerned, in the method we advocate, by the use of the contraceptive, the ovum is not fertilized, it passes out of the body just the same as if she had never used one. We do not believe in interfering after conception has taken place. We do not believe in destroying after conception, but preventing conception. There is where we differ, and that is what I want to make clear. We maintain that prevention is the important thing and not interference afterwards.

We want this bill passed because we know operations are going on at a tremendous rate, and we are trying our best with all the human decency we can command to take care of that problem and to help abolish it.

We know there are very few married women in the United States, that haven't a conscience toward their children, they are seeking the best way out to protect themselves.

Physicians have gone on record to get the American Medical Association to have a research body to investigate all of these newspaper advertisements of contraceptives and other things in the drug stores, we have made a brief investigation ourselves. We have records that 43 percent of the contraceptive chemicals on the market are absolutely useless. A woman doesn't know where else to go. She will go to the druggist and ask what to do, or her husband will ask, and the druggist will give to them whatever a high-powered salesman has loaded him up with.

Mr. HEALEY. You do contend that because of the physiological differences in women, each woman presents almost a new case?

Mrs. SANGER. That is right.

Mr. CELLER. And any information along this line to be imparted should be imparted by a physician or someone in a position to impart knowledge?

Mrs. SANGER. That is right.

Mr. HEALEY. You say the reason the poorer classes are not getting that is because they can't afford to get that information from physicians; is that why they are not getting it?

Mrs. SANGER. Yes; partly.

Mr. HEALEY. If we passed this bill, do you think there will be any reason why they can afford after the passage of this bill to get it any more than they can now?

Mrs. SANGER. Yes.

Mr. HEALEY. What is the reason?

Mrs. SANGER. In New York City, for instance, or most of the cities, if the woman can go to the private family physician and pay his charges, there is no hesitancy then on the part of the doctor if he has been instructed in methods, but if she goes to the hospital he will not break the law. There are 7,177 hospitals in the United States. In addition, the hospitals have to pay for these articles at their own cost, and they will not do it. I know a woman who was dismissed from a hospital for giving a contraceptive device to a woman who was in there and who had six children already, and was not in a physical condition to have more.

Mr. HEALEY. As a practical matter, women will not go to a physician if we pass this bill any more than they go now, and won't this information pass on from person to person, and therefore the information will be abused and will not be used in a manner beneficial to that particular person?

Mrs. SANGER. It cannot be done that way any more than you can get proper eyeglasses today at the 10-cent store.

That is the main thing, when they go to qualified persons at established places where competent instruction is given, they simply cannot pass it on. A woman would be a fool to use it when advised for someone else. She might as well not have anything at all as to try to use something given to someone else.

I am of the opinion that the medical profession will have to do away with all of this scattered broadcasting of chemicals and materials, and have it tied up in a way it will be distributed at the proper place

where the women can seek advice, and I believe that is the only possible safeguarding of the whole question we are talking about.

Now, here is a little book that is an introduction to the Rhythm, and gives the contents of the book, and I would like you to see just what it is.

Now, Mr. Chairman, I believe we are all very much in the same boat and this whole thing is getting beyond us, and I believe it is time for Congress to take action on this and try to establish it on right principles. I have every faith in the medical profession. I know that among physicians there are good and bad, but the great mass of them are decent men of integrity. We have got to trust them, and we have got to have a thing of this kind placed somewhere, in my opinion, and it cannot be in better hands than in the hands of our medical profession.

Mr. HEALEY. You don't mean to leave the impression with this committee that the opposition to the passage of this law is confined to Catholics?

Mrs. SANGER. I think the organized opposition is.

Mr. HEALEY. In view of all of the people who testified here from the other religions?

Mrs. SANGER. Yes, they were mostly individuals.

Mr. HEALEY. There are millions of people throughout the country opposed to birth control, of all religious denominations.

Mrs. SANGER. I doubt it, but if you are going to put in individual letters, I could have brought in trunks of individual letters, if I had an idea you wanted them.

Mr. HEALEY. There are millions of non-Catholics throughout the country who are opposed to this, and you know that, as a matter of fact.

Mrs. SANGER. No; I don't—not millions.

Mr. HEALEY. You ought to know there is considerable opposition to it from every State.

Mrs. SANGER. There is no organized opposition except from the Catholic Church. A small group of Lutherans have opposed it, and they are the only groups we have any record of.

Mr. HEALEY. Have you tried to get resolutions from other churches sponsoring your view?

Mrs. SANGER. We have, yes.

Mr. HEALEY. Have you such resolutions of endorsement?

Mrs. SANGER. They have gone in the record; I think they were put in yesterday. The endorsements of some medical organizations and some religious organizations are in the record.

Mr. HEALEY. I mean the national bodies representing the churches throughout the country.

Mrs. SANGER. Yes; there are individual churches just like those read here today, individual Presbyterians, Baptists, Methodists—there are lots of them.

The CHAIRMAN. Are you through, Mrs. Sanger?

Mrs. SANGER. Yes; and if there are any questions I would be glad to answer them.

THE BIG PROBLEM OF MARRIED PEOPLE SOLVED

1. What is the big problem of married people?—The problem of being able to regulate the size of their families in accordance with their financial, health, social, and moral conditions and needs, of determining when they are performing that tremendously important act which will result in a new human being, their child,

coming into the world, of being able to select the month and the week when their child shall be born.

2. How about contraceptives?—1. They can only prevent children from coming into the world. 2. Their use is immoral. 3. They are not safe. 4. They are distasteful for all, repulsive for many. 5. Their habitual use is bound to cause much physical harm.

Dr. van de Velde, an advocate of contraception, known the world over for his writings, admits: "There is no ideal contraceptive and there never will be. By an ideal contraceptive I understand one that will not cause any inconvenience or disturbance, that will exclude the possibility of doing harm to the user herself, and that is at the same time fool-proof." Many other authorities in the field of gynecology could be quoted to the same effect.

3. How can married people solve their "big problem?"—By familiarizing themselves with the theory of the rhythm of sterility and fertility in women and by applying it to their case. To illustrate: If a couple desires a child, they will select the day, for the parental act, when pregnancy must result and when there is the greatest promise of insuring for their child a rich heritage of physical, emotional and mental endowments. If on the other hand, financial, health or other reasons make it desirable or imperative that the arrival of the next child be delayed, they will confine marriage relations to the time when it is impossible for the wife to conceive, to the weeks that are called "the safe period."

4. Was not "the safe period" exploded as very unsafe a long time ago?—Dr. Capellmann's theory of "the safe period," which he made known in about 1880, has been shown to be unreliable. It has proven satisfactory in some cases but unsatisfactory in many more. We have reference to something quite different, to the rhythm theory, which was brought to public attention very recently, in 1930.

5. How does the new theory differ from the old?—1. The rhythm theory is scientifically established. The Capellmann theory was a matter of surmise. 2. The Capellmann theory applied the same rule in the same way to all women. The rhythm theory must be adapted to each woman individually. 3. The safe period according to the Capellmann theory comprises only five or six days as determined by its latest defender, Dr. Niedermeyer. According to the rhythm theory 20 days in a 28-day cycle are sterile, which means "safe." 4. The rhythm theory can explain why the Capellmann theory will work in some cases and why it must fail in others.

6. Who discovered the rhythm theory and established it scientifically?—Mainly two scientists, Drs. Ogino and Knaus—gynecologists and university professors in Japan and Austria, respectively. Though working independently of one another and though approaching the problem from entirely different angles, they arrived at the same results, namely, that there is a period of sterility and a period of fertility in each woman, and that these periods can be determined.

7. Where can information about the Ogino-Knaus theory be obtained?—In "The Rhythm of Sterility and Fertility in Women," a book written by Leo J. Latz, M.D., LL.D., a member of the staffs of Loyola University Medical School and of several Chicago hospitals. The book is "a discussion of the physiological, practical, and ethical aspects of the discoveries of Drs. Ogino and Knaus." Seven months after its first appearance, the third edition, thirty-fifth thousand, was called for. The book is illustrated, pocket-size, and has royal blue, flexible, gold stamped covers.

8. What authorities can be quoted in favor of the rhythm theory?—Drs. Miller, Anderson, and Schultz reported the results of their extensive research in the June 1933, issue of *Surgery, Gynecology and Obstetrics*, the official journal of the American College of Surgeons, the foremost scientific periodical in its field in America. A conclusion forced upon these scientists by their observations reads: "Every normal regularly menstruating woman has a definite period of physiological sterility and a definite period of fertility in each cycle; pregnancy may be brought about or avoided at will by the observation of these two periods of time." Dr. Carl G. Hartman, Research Associate, Laboratory of Embryology, Carnegie Institution, an authority recognized through the world, reviewing *The Rhythm*, writes: "By and large the reviewer subscribes to most of these conclusions—the reviewer has made dozens of exact determinations of ovulation in the menstruating monkey—and observations on the monkey agree almost to a day with Knaus' findings. The natural method does offer Catholic women who avoid contraceptives out of religious scruples something that is likely, if

followed closely, to reduce the incidence of pregnancies to a point approximating the record of our birth control clinics." For further authorities the reader is referred to *The Rhythm*.

9. Has experience confirmed the positive phase of the rhythm theory?—Striking cases are mentioned from his own medical practice by Dr. Latz in *The Rhythm*. He writes: "A couple had been childless for 11 years . . . The most favorable time for pregnancy . . . was pointed out to them. Directions were followed and the woman became pregnant. In another case a couple had been childless for nearly 6 years. By following the directions suggested by the rhythm theory their wish to have a child was gratified."

10. Has experience confirmed the negative phase of the theory?—"With 50,000 proofs." Space will permit us to quote only a small section from the evidence contained in *The Rhythm*: "In the French Review of Gynecology and Obstetrics, Dr. de Guchteneere refers to more than 100 cases of Dr. Knaus, 59 cases of Dr. Ogino, and 160 of Dr. Wholers and to his own 45 cases, all of which confirm the rhythm theory. Adding to these the cases referred to by Dr. Smulders, those that have been reported to me by physicians from their own experience, those of Dr. Miller and those that I have been able to observe myself, we can confidently say that upwards of 50,000 cohabitations, during most varied menstrual cycles, and under the greatest variety of circumstances, is evidence of the reliability of the rhythm theory."

11. Does *The Rhythm* give directions as to how the rhythm of sterility and fertility can be determined in the case of each woman?—That precisely was one of the reasons Dr. Latz had in publishing the book. He presents the matter in a simple, clear manner so that the average person should have no difficulty in understanding it. Many illustrations assist the reader in following the text.

12. What other information is contained in the book?—That can be learned best by glancing at the table of contents.

PART I. PHYSIOLOGICAL ASPECTS

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| 1. Rhythm in nature | 19. Discoverers Ogino and Knaus |
| 2. Sterility | 20. Dr. Ogino's evidence |
| 3. Fertility | 21. Dr. Knaus' evidence |
| 4. Conception | 22. Possibility of extraordinary ovulation |
| 5. The marital act | 23. Sufficient data for determining the rhythm |
| 6. Sexual intercourse outside of marriage | 24. The basic data |
| 7. The spermatazoon | 25. The 28-day rhythm in figures and in graph |
| 8. The ovum | 26. The 29-day rhythm |
| 9. The ovaries | 27. The 26-, 27-, and 30-day rhythms |
| 10. Ovulation | 28. Irregular cycles |
| 11. Corpus luteum | 29. Inconstancy of the rhythm |
| 12. The uterus | 30. Premature menstruation |
| 13. Pregnancy | 31. Delayed menstruation |
| 14. Menstruation | 32. The rhythm in its simplest form |
| 15. Menstruation cycle | |
| 16. Determining the menstrual cycle | |
| 17. Ovulation and menstruation | |
| 18. Time of menstruation in regard to ovulation | |

PART II. PRACTICAL ASPECTS

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| 33. Conscious cooperation with the Creator | 40. A defender: R. de Guchteneere |
| 34. A natural method of regulating offspring | 41. Other opponents |
| 35. Natural birth control | 42. Another defense |
| 36. Predecessors of Ogino and Knaus | 43. Favorable authorities |
| 37. Reliability of the natural method of birth control | 44. Proof from experience |
| 38. Doctors disagree | 45. The physician's aid in determining the rhythm |
| 39. An opponent | 46. When pregnancy may cause death |
| | 47. Directions for the application of the rhythm theory |

PART III. ETHICAL ASPECTS

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| 48. The Pope and periodic abstinence | 60. Catholic doctors and the physical effects of contraception |
| 49. Theologians in the past | 61. The difference between natural birth control and contraception |
| 50. A parallel case | 62. Unlimited procreation of children |
| 51. Theologians of today: The natural method of birth control justified; how it differs from contraception; conditions to be observed | 63. Periodic abstinence and nature |
| 52. The 3-fold purpose of marriage | 64. Periodic abstinence and the will of God |
| 53. Characteristics of sex—an aid to a proper perspective; centrality of sex; the profundity of sex; the peculiar intimacy of sex; the mysteriousness of sex; the sacredness of sex; the power of evil in sex | 65. Periodic abstinence and under-population |
| 54. Relationships between sex and marriage | 66. Frustration of the principal purpose of marriage |
| 55. Contraception | 67. Frustration of the act of marriage |
| 56. Seriousness of contraception | 68. Married people and continence |
| 57. Contraception criticised by contraceptionists | 69. Difficulties of continence in married life |
| 58. Medical authorities oppose contraception | 70. Obligation to practice natural birth control |
| 59. Medical authorities support contraception | 71. Acquainting married couples |
| | 72. The rhythm and a frightful increase in vice |
| | 73. Good effects of periodic abstinence |
| | 74. The solution of the family problem, |

13. What is the attitude of the clergy toward the Rhythm?—In the first place the book is “published with ecclesiastical approbation.” This means that authorities in the Catholic church have officially declared that the book contains nothing against faith or morals. Pages could be filled with enthusiastic commendations by priests from every section, not only of the United States, but of the whole world.

14. Can you quote some comments of the press?—One can hardly do better than quote with full approbation the closing words of the introduction of Father Joseph Reiner, S.J.: “No physician, no nurse, no social worker, no clergyman, can afford to disregard the information contained in this book.”

We do not know of a more potent antidote to the contraception heresy so widespread today, than this explanation and justification of what Dr. Latz rightly calls the only rational method of birth control.

ARTHUR PREUSS,
Editor, The Fortnightly Review.

A sound Catholic medical man discusses a most serious problem, one he correctly calls “the only rational method of birth control.” Dr. Latz has written a golden book for married people. As the country today is flooded with mechanical birth control literature in which all moral considerations are cast to the winds, the only corrective lies in a like dissemination of facts and discoveries that do not go counter to nature and are made plain from the Catholic point of view.

CATHOLIC DAILY TRIBUNE.

15. Is there no danger that broadcasting this information will do harm?—The answer to this question can be found in *The Rhythm*: “To attempt to keep the rhythm theory from becoming generally known is to attempt the impossible. Before long it is bound to become a topic for discussion in the daily papers and in the popular magazines. Would it not be wiser to be beforehand and to furnish the information in a wholesome fashion? We should not make it necessary for our people to turn to muddied springs and unhallowed sources to obtain information about a law of their Creator which He designed for the purpose of lightening their burdens.”

16. What good can come from acquainting married people with the rhythm theory?—Here again we get our answer from *The Rhythm*: “First of all we have a right to expect that the married lives of many couples will be vastly enriched with the values, physical, psychic and moral, of married life, as it was intended by the Creator. Burdens that test human endurance to the utmost limit, and to which all too many succumb, will be lightened. I speak of economic burdens the burdens of poverty, of inadequate income, of unemployment, which make it

impossible for parents to give their children and themselves the food, the clothing, the housing, the education and recreation they are entitled to, as children of God. I speak of physiological burdens, the burdens of depleted physical energies and exhausted vitality resulting from a previous birth or miscarriage, the burden of chronically or temporarily adverse conditions of the heart, the kidneys, or other organs, or of conditions that threaten the life of the mother in case of pregnancy. I refer to psychic burdens not infrequently more difficult to bear than any I have so far mentioned, burdens of uncontrollable fear, anxiety, irritability, of rebellion against God and His Church for seeming to make demands beyond human nature, beyond human powers to endure.

"The greatest gain that will accrue to the human race from a judicious dissemination of this knowledge is the prevention of countless crimes against nature, especially abortions and contraception." It is estimated that about 30,000,000 contraceptive devices are used in the United States every week (about 600,000 in a city like Chicago) and that every week about 800,000 abortions are performed (approximately 1,600 for Chicago). These harrowing conditions which are growing worse from year to year, surely call for a remedy. It is the writer's opinion that change for the better cannot be expected until women generally become familiar with the rhythm of sterility and fertility, a provision of an all-wise and all-kind Creator that will add to the happiness of married people and make it easier for them to lead lives in accordance with God's holy law.

17. Where can *The Rhythm* be obtained?—By sending \$1 in United States of America exchange (75 cents for leatheroid cover) to the publisher: Latz Foundation, 1228 Republic Bldg., Chicago, Ill., or from bookstores.

COMMENTS

"* * * an excellent survey of the various aspects of the Ogino-Knaus theory * * *. The author has tried to present those rather intricate matters in a very simple manner * * * he has also contended to neutralize the unpleasant impression derived from a purely technical discussion * * * he has brilliantly succeeded in both purposes * * *."

* * * the author is right in saying that the method is as reliable as any physiological law can be * * * some sort of family limitation has become a necessity in modern countries * * * it is essential to help Catholic people * * * without compromising on principles. A rational use of the sterile period is the right means to that end * * *."

The only difficulty then is not to foster birth control mentality * * * but to place married life upon the plane connoted by the term "Sacrament." Dr. Latz has done so excellently * * * "married people cannot read this book without deriving benefits for their minds and hearts, for their bodies and souls." Dr. Raoul de Guchteneere, of the Lambert Gynecological Institute of Brussels, one of the most distinguished gynecologists of today, in the *Catholic Medical Guardian*.

"The observations and experiments of Drs. Ogino and Knaus have been rather thoroughly corroborated by a number of clinical investigators * * *." James J. Walsh, M.D., Ph.D., Homiletic and Pastoral Review.

"I have applied the Ogino-Knaus Method since March 1930 * * * and find it fully confirmed by my observations * * * An ever increasing number of physicians report to me * * * the successful application of this discovery." Prof. J. N. J. Smulders, chief attending physician of the Huize Assissie Hospital, Udenhout, Holland, in his book, "Periodic Abstinence."

"* * * the Ogino-Knaus theory seems to hold good; thus this book should be of great value in lessening marital burdens. Its contents should be known to all physicians * * *." *Colorado Medicine*, official journal of the Colorado and Wyoming State medical societies and of the Colorado Hospital Association.

[Excerpts from "The Rhythm"]

LIMITATION OF OFFSPRING BY PERIODIC ABSTINENCE

63. Question. Why is the limitation of offspring by periodic abstinence not a crime against nature? It seems to "reap the pleasures of sex, while at the same time evading the normally consequent sacrifices and responsibilities of sex."

Answer. Provided that the married couple have a good reason and honorable motives, periodic abstinence, far from being a crime against nature, is entirely in harmony with the recently discovered laws of nature. Nothing is done to

interfere with nature's processes. There is nothing reprehensible in enjoying the pleasures of sex without having to bear the burdens ordinarily resulting therefrom, provided no violence is done to nature, no law of God is violated. Nature does not direct marital intercourse among human beings as it directs copulation among animals. It provides sex stimulation during the period of sterility as well as during that of fertility and must be assumed to intend the marital act for other purposes than procreation. If the latter were nature's only objective it could be taken care of by married couples' uniting once about every fifteen months.

64. Question. But does periodic abstinence not seem opposed to God's holy will as expressed in the command "Increase and multiply and fill the earth" (Gen. 1.28)?

Answer: If the literal meaning of these words is stressed too much, every person reaching puberty would have to enter the married state, vows of chastity would have to be abrogated, married people would not be allowed to observe continence and would be obliged to bring into the world a maximum number of children. This evidently cannot be the meaning of the text, nor can it be the will of God.

65. Question. Will not the effect in both cases be the same, namely underpopulation and possible race extinction?

Answer. My first answer is: Be it so. Underpopulation and even the extinction of an entire race are not in themselves intrinsic evils. In fact, they may be distinct blessings. If the moral deterioration of western nations is to continue at the rapid rate that characterized it during the post-war period, a reduction in that element of population most affected should be welcomed. Birth control, natural or unnatural, is primarily a symptom, an effect. Let us devote more attention to the causes.

My second answer is: What the results of periodic abstinence as regards population are going to be, is a matter of speculation, where everyone is allowed to make a guess. That it must lead to a greater restriction of offspring than we witness today I deny. That it may do so, is not at all probable.

ENGLAND

In July of 1930, the Government in England issued a Memorandum 153 M.C.W. to all public-health authorities, informing them that birth-control information might be supplied on medical grounds to women in attendance upon the maternity and child-welfare centers.

LEAGUE OF NATIONS

The League of Nations has officially recognized contraception and abortion as problems of public health. Under date of October 15, 1931, the health organization of the League issued a report (C.H. 1060) on maternal welfare and the hygiene of infants of preschool age, and on February 1, 1933, the Council of the League of Nations adopted the report in its amended form.

The CHAIRMAN. If the members of the committee do not desire to ask any more questions, and if you have no other testimony to tender, we will adjourn at this time.

I don't know whether any Members of Congress here want to make any statements, and I would like to suggest if there are Members of Congress who would like to make statements for the record, I would suggest they be just as brief as possible, and they may tender them to the committee and the committee will handle them in a way satisfactory to the Members of Congress. We do want to hold this record down as much as possible, to make it at least so that the members of the committee will examine it.

Mr. PIERCE. Mr. Chairman, may I file a copy of the Harvard Law Review, page 723, which is the only copy I have, but I will

place in the hands of each of you a copy of the New Republic of last week, to which I call your attention, and which contains the clearest statement of the situation I have read since this fight was on. I am sincerely hoping you will give us a favorable report. (See page 33.)

The CHAIRMAN. The committee very much appreciates the presentation of the matter both by those who favor the legislation and those who oppose it and want to congratulate you on the good humor that has prevailed.

(Whereupon, the hearing was adjourned.)