

# The Long Road of Eugenics: From Rockefeller to Roe v. Wade

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The infamous Roe v. Wade<sup>1</sup> decision relies directly and indirectly on the work of members of the British and American eugenic societies<sup>2</sup> and of eugenics-related groups and initiatives.<sup>3</sup> The evidence that eugenics was a basis for Roe helps explain the seemingly irreconcilable contradiction between constitutional theory and current constitutional practice. The inscription on the U.S. Supreme Court building proclaims, “Equal Justice Under Law”—but eugenics is based on the premise that people are not equal,<sup>4</sup> that some are lesser than others: particularly people who are disabled, but also people who are not white, or who are not well educated, or who are weakened by age or illness. In 1999, a Time magazine article described the 20th century as “cursed by eugenics”;<sup>5</sup> in 2004, the Holocaust Museum in Washington, D.C., sponsored an exhibit<sup>6</sup> about the Darwin-based eugenic theory behind the Nazis’ plans to breed a race of human thoroughbreds.

More than 30 years after Roe and 60 years after the Holocaust, the fact that eugenic theory has been an important basis for U.S. policy on reproductive rights continues to have global implications. American foreign policy today legitimizes groups that advocate abortion and other forms of population control in non-white countries.<sup>7</sup> At the domestic level, abortion has had a disparate effect on African-Americans: The reduction in the number of black voters from the number that would have existed absent Roe has diluted their political voice. In 1996, U.S. News & World Report reported that “blacks, who make up 14 percent of all childbearing women, have 31 percent of all abortions, and whites, who account for 81 percent of women of childbearing age, have 61 percent.”<sup>8</sup> In December 2003, the Centers for Disease Control reported that between 1980 and 2002 the African-American fertility rate per one thousand women had been cut from 84.9 to 65.8, while the fertility rate for whites moved down only slightly from 65.6 to 64.8 per one thousand women.<sup>9</sup>

## **The Nazi Connection**

U.S. abortion policy is visible in the American Eugenics Society’s 1956 membership records, which reveal that its members included a Planned Parenthood founder, Margaret Sanger, and at least two of its presidents, William Vogt and Alan Guttmacher.<sup>10</sup> This fact alone ought to give abortionrights advocates second thoughts about their pro-choice politics: The AES had an ugly history of multiple ties to prominent Nazis in Germany, and its members even assisted Hitler in crafting the 1933 German sterilization laws.<sup>11</sup> The group retained, while Hitler was in power, top Nazi scientists—Drs. Rudin, Fischer, and Ruttke—as advisers and journal contributors.<sup>12</sup> Among the AES members—after the Holocaust—was Dr. Otmar Freiherr von Verschuer, a co-director of the Rockefeller-funded Kaiser Wilhelm Eugenics Institute in Germany.<sup>13</sup> Before 1940, Verschuer had founded the Institute for Hereditary Biology and Racial Research at Frankfurt University,<sup>14</sup> and retained Dr. Josef Mengele as his assistant.<sup>15</sup> Verschuer had written a widely circulated paper in which he described the need for a “complete solution to the Jewish question.”<sup>16</sup> At one point, he provided Mengele with a recommendation letter, which praised Mengele’s “reliability, combined background in anthropology and medicine, and capacity for clear verbal presentation of difficult intellectual problems.”<sup>17</sup> It was Verschuer who made the fateful recommendation to Mengele that he request a transfer to Auschwitz, which offered a “unique possibility” for biological research.<sup>18</sup> At Auschwitz, Mengele dissected people

after they were tortured and killed, and sent his “research” to Verschuer.<sup>19</sup> Before the Holocaust, the AES had lobbied successfully for the Johnson Act, the restrictive 1924 immigration law that—among other things—caused the steamship *St. Louis* to be refused entry to the U.S. in 1939; the ship returned to Europe, where many of the Jews aboard were killed.<sup>20</sup>

The AES lobbied, with equal success, for involuntary-sterilization laws in the U.S., which were to claim an estimated 63,000 victims.<sup>21</sup> The laws were upheld by the U.S. Supreme Court in the 1927 case of *Buck v. Bell*,<sup>22</sup> which was cited in *Roe*. Some states—Oregon, Virginia, South Carolina, and California—have recently extended official regrets and/or apologies for those laws.<sup>23</sup>

### **Blackmun, the Rockefellers, and Eugenics**

Justice Harry A. Blackmun’s 1973 opinion in *Roe* is traceable to eugenics through his direct and indirect citations of works by members of the British and American eugenics societies. Among the other authorities he cited were lower federal court cases that expressly invoked overpopulation as a basis for legalizing abortion; projects and organizations tinged with eugenics, including the Rockefellers’ Kinsey-based Model Penal Code and the American Public Health Association, which was on record in favor of abortion as a form of population control; Justice Holmes’s *Buck v. Bell* decision; and *Roe*’s companion decision, *Doe v. Bolton*,<sup>24</sup> which effectively swept away the Model Penal Code’s state-by-state effort to liberalize abortion, thus realizing one of the stated aims of radical eugenic activists.

To interpret *Roe*, *Buck v. Bell*, and other Supreme Court cases as benchmarks in an organized political effort to establish a eugenic social vision for America may seem counterintuitive, considering current popular rhetoric emphasizing individual rights. But contemporary documents demonstrate the persistent popularity of eugenics among influential social figures and policymakers, which makes its incorporation into constitutional law less surprising.

In terms of U.S. public policy—military and foreign affairs, economics, health care, education, social welfare, commerce, and science—the aftereffects of *Roe* are visible everywhere. The central institution that has acted in opposition to the eugenicists has been the Catholic Church: For a century, the Catholic hierarchy has often been the lone organizational voice denouncing the enactment of eugenic measures, including restrictive immigration laws, sterilization laws, and systems under which the government delivers birth control and abortion.<sup>25</sup>

Politicians in both political parties have often aligned themselves with a host of eugenic strategies—including human-embryo exploitation (nicknamed embryonic-stem-cell research), trafficking in fetal body parts, and euthanasia.<sup>26</sup> In doing so, they have aligned themselves with one of America’s most important dynasties: Indeed, one can ask whether *Roe* in America, or the Holocaust in Germany, could have happened at all, were it not for the Rockefeller trusts.

Rockefeller money funded eugenic scientists decades before Hitler put eugenic theories into practice. After Pearl Harbor, the Rockefellers’ Standard Oil was still so heavily intertwined with Hitler’s powerhouse chemical concern, I. G. Farben, that in 1942 the antitrust section of the Justice Department filed criminal charges against both companies and their officers. By that time, I.G. Farben had already opened slave-labor plants at Auschwitz and Monowitz. In 1941, the Nazis had begun their first purchases of Zyklon B, the asphyxiating agent used in the gas chambers; the only manufacturer of Zyklon B was an I. G. Farben subsidiary, Degesch. Five of I. G.’s board members sat on the board of Degesch. Author Joseph Borkin reported that “I. G.’s dividends on its Degesch investment for the years 1942, 1943, and 1944 were double those of 1940 and 1941.”<sup>27</sup>

The Rockefellers were influential in leading a mainstream coalition in support of eugenic measures. They underwrote Margaret Sanger and her less well-known colleague, Dr. Robert L. Dickinson,

another AES member. In fact, the Rockefellers supported the two key men who led the AES for much of the 20th century: Henry Fairfield Osborn and his nephew Frederick Osborn. Numerous wealthy and powerful people, including such public figures as Britain's Sir Julian Huxley, dedicated their lives to putting eugenic theory into public policy, with the Rockefellers playing the role of financier. The Rockefellers' wealth and social standing gave them indescribable political influence, which, along with their money, they plowed into the eugenics movement around the world. Space does not permit me to cover all aspects of this family's role in promoting eugenics at the state, federal, and global levels, nor to discuss the many other "philanthropists" who promoted eugenics in its various forms. I want to focus, rather, on one central contention: that the Roe decision was in great measure the result of a seeming obsession with eugenics by at least two members of the Rockefeller family. I have taken much, but not all, information about the Rockefellers directly from a history of the family titled *The Rockefeller Century*,<sup>28</sup> written by two men whose combined years of work for the family totaled 23 years<sup>29</sup>; quotes not otherwise attributed are from their book.

### **Mastering Monopoly in Business and Philanthropy**

The family patriarch, John D. Rockefeller Sr. (1839-1937), a Baptist, founded Standard Oil in 1870; within a dozen years, it had become "a near monopoly of the oil industry in the United States, a giant combine of scores of companies in many states." The senior Rockefeller's wealth peaked at just under \$1 billion. In 1891, feeling that "the pressure of appeals for philanthropic causes on his time and strength had become too great to be borne," he hired Rev. Frederick T. Gates to assist him in giving away his money. Biographers attribute to Gates the decision to refuse gifts to individuals, local charities, and churches, and to develop a system of "wholesale philanthropy" that channeled money particularly to Baptist initiatives to encourage "the development of large, comprehensive denominational and charitable agencies." By 1897, health problems forced Senior's retirement at the age of 58, and his only son, John D. Rockefeller, Jr., usually called "Junior," was ready to take the reins of Standard Oil.<sup>30</sup>

Junior (1874-1960) had turned 19 in 1893.<sup>31</sup> He learned population theory from his 19th-century college professors at Brown University, who were enamored of Thomas Malthus.<sup>32</sup> The major intellectual influence on Junior was Brown's president, Elisha Benjamin Andrews, a one-eyed, larger-than-life Civil War veteran. Andrews influenced Junior directly in the courses he taught, and indirectly in the environment of the institution he shaped. "Alone among contemporary economists, Andrews considered rapid population growth, through both natural increase and immigration, as a serious threat." He exhorted his students to carry out their duty as Christians to solve these problems: "Where are the young men and women of means and leisure who will duly study the social problems of our time and help to their solution?"<sup>33</sup> In 1894, Junior wrote a sophomore essay, "The Dangers to America Arising from Unrestricted Immigration," denouncing immigrants as "the scum of foreign cities; the vagabond, the tramp, the pauper, and the indolent . . . ignorant and hardly better than beasts."<sup>34</sup>

Junior took over his father's oil empire.<sup>35</sup> By 1910, attorney Starr J. Murphy succeeded Gates as head of philanthropy. The biographers describe the Rockefellers during these early years as "institution builders," establishing the great trusts that would do so much to mold the world we know today. These trusts, according to the biographers, were not intended to relieve the needy: People with needs were considered to be displaying symptoms of other problems. Under Junior and Murphy, money was "diverted to . . . innovative groups that were attempting to deal with causes rather than symptoms."<sup>36</sup> Among these trusts were the Rockefeller Institute for Medical Research (1901; now Rockefeller University),<sup>37</sup> the General Education Board (1903), the Rockefeller Sanitary Commission (1909), the Rockefeller Foundation (1913),<sup>38</sup> and the Bureau of Social Hygiene (1913).<sup>39</sup>

The chairman of the medical-research institute was Dr. William H. Welch, dean of the medical school of Johns Hopkins University and "probably the foremost figure in American Medicine at the time." In

1910, a general manager of the institute was appointed: Jerome D. Greene, who had been secretary to Charles Eliot, president of Harvard University.<sup>40</sup> Welch, Greene, Eliot: All of these men would, like Junior, later belong to the AES. From the early days of the 20th century, Junior surrounded himself with eugenic-minded people; we shall meet more of them below.

In January 1910, Junior was appointed by a New York judge to investigate the traffic in “white slavery”: the sale of women and young girls. Junior, unhappy with official apathy toward his recommendations, formed a “Committee of Three,” with Jacob Schiff and Paul Warburg, to sponsor “activities among the Jewish immigrant population of the Lower East Side.” Schiff and Warburg were allegedly alarmed over the vulnerability of young immigrant girls to the temptations of the procurers and madams; their Committee’s effort sparked Junior’s interest in the work of Katherine B. Davis, who ran a women’s reformatory. In 1912, Junior and the Committee of Three began funding her work, with most of the money coming from Junior. Davis, too, would become a member of the AES.

Through his work to “institutionalize the ideas and commitment of the Committee of Three in the field of vice control,” Junior met Raymond B. Fosdick, who worked in the office of the mayor investigating graft and corruption. “Fosdick was to become intimately involved in many of Junior’s wide-ranging activities in the years ahead, finally serving as president of the Rockefeller Foundation and as Junior’s biographer.”<sup>41</sup> Fosdick’s older brother, the Reverend Harry Emerson Fosdick (1878-1969),<sup>42</sup> had already gained “recognition as a reform-oriented minister in Montclair, New Jersey, and was also to become closely associated with Junior.”<sup>43</sup>

Raymond Fosdick and Rev. Harry Fosdick both were close associates of Junior: They, too, would become members of the AES. Raymond Fosdick was Junior’s “closest and most trusted adviser,” and the fact that President Wilson appointed Raymond to the “senior post reserved for an American in the League of Nations administration”<sup>44</sup> hints at Junior’s ready access to political power.

In 1922, Rev. Fosdick defined in a sermon the same division in the United States that persists in 2004. His sermon was titled “Shall the Fundamentalists Win?”<sup>45</sup> He stressed the significance of eugenics: “Few matters are more pressingly important than the application to our social problems of such well-established information in the realm of eugenics as we actually possess. ...The failure to do this is almost certainly going to put us in the position of endeavoring to cure symptoms while basic causes of social degeneration and disorder go untouched.”<sup>46</sup>

Junior extended his influence over Protestantism, spending \$10 million to build a church for Rev. Fosdick: Riverside Church in New York,<sup>47</sup> which would become “a landmark of liberal Protestantism.”<sup>48</sup> Riverside’s main entrance featured 42 statues, including for such saints of secularism as Darwin, Einstein, Kant, and Hegel.<sup>49</sup> After 1922, Rev. Fosdick reached 2 to 3 million listeners with his weekly radio program, the National Vespers Hour; “his contemporaries consistently named him one of the most important Protestants of his age.”<sup>50</sup>

In 1913 Junior incorporated the Bureau of Social Hygiene (BSH), naming as trustees himself, Katherine Davis, Paul Warburg, Starr Murphy, and Junior’s office assistant Charles Heydt. The BSH was Junior’s “first largescale effort in philanthropy all on his own”; he gave it \$5.4 million over two decades. In the 1920s, the BSH “became a major force in supporting birth control clinics and research,” and played “a pioneering role in many areas, including the modern field of population studies.”<sup>51</sup> In 1920, it “made a five year grant to the National Research Council to establish and operate a Committee for Research in Problems of Sex.”<sup>52</sup> This Committee in turn used the Rockefeller money to fund university research in endocrinology—the study of human hormones—which would assist in the development of the birthcontrol pill.

Writing as general secretary of the BSH, Katherine Davis published an article in *Mental Hygiene*, the organ of the National Committee for Mental Hygiene (whose president was the same Dr. William H.

Welch who chaired the Rockefeller Institute). Davis's article carried a title that—given what is now known about the crimes against children perpetrated by Alfred Kinsey's Rockefeller-funded sex research in the 1930s and later 53—should raise eyebrows: "A Study of Certain Auto-Erotic Practices Based on the Replies of 2,255 Women to Questionnaires Prepared by the Bureau of Social Hygiene with the Advice of a Cooperative Committee—Part I." 54

### **The Eugenics Juggernaut of the 1920s**

Junior's zeal in footing the bill for the work of eugenicists would be felt around the world. By 1922, he had a personal fortune of half a billion dollars, 55 and "a key role to play in a whole set of major philanthropic organizations, a growing circle of trusted and talented advisers, and goals and interests ...both overseas and at home, on a wide-ranging scale never before seen and never since equaled." 56 In 1921, he helped organize the Council on Foreign Relations, with Elihu Root and AES-member Jerome Greene. Junior made significant contributions to the League of Nations 57 and spent \$28 million to establish the International Education Board, which sought to "identify scientists and institutions of great quality" to be "centers of inspiration and training" for an "international migration of select students." The IEB funded new biology laboratories at a dozen European universities. 58 In the U.S., Junior ensured his influence in academia by spending \$41 million between 1922 and 1928 in grants to 25 universities for social-science programs. Five institutions—the University of Chicago, Columbia, the Brookings Institution, and Harvard, along with England's London School of Economics—received more than half of the money. Others that received "substantial sums" were Yale, Minnesota, Iowa State, Vanderbilt, North Carolina, California, Stanford, and Texas. 59

As early as 1922, despite the American political animosity against Germany that remained from World War I, the Rockefeller Foundation, through its Paris office, began funneling exorbitant sums to a committee in Germany headed by a leading eugenicist, Heinrich Poll, who was an adviser to the Prussian Ministry of Health and a lecturer on hereditary traits and feeble-mindedness. 60

Rockefeller money built or supported three Kaiser Wilhelm Institute science centers that "made their mark for medical murder" under the Nazis: 61 • The Institute for Psychiatry, directed by Dr. Ernst Rudin, 62 whom Hitler honored with a national award, and who was congratulated for being a "meritorious pioneer of the racial-hygienic measures of the Third Reich." 63 • The Institute for Brain Research, which, during part of Hitler's rule, employed Hermann J. Muller, a Rockefeller-funded American geneticist, 64 and which later received "brains in batches of 150-250" derived from the victims of the T-4 euthanasia program in Brandenburg. 65

- The Institute for Anthropology, Human Heredity, and Eugenics, the directors of which were Dr. Eugen Fischer, Dr. Fritz Lenz, and Dr. Otmar Freiherr von Verschuer. 66 Dr. Fischer, a longtime Carnegie Associate, was a collaborator with Charles B. Davenport, 67 who in 1912 was head of the Eugenics Record Office (ERO) in the United States. Fritz Lenz had stated in 1923 that euthanasia "definitely had its place in the racial hygiene plan." 68 In 1921 Drs. Erwin Bauer, Fischer, and Lenz "jointly published the first edition of their two-volume book, *Human Hereditary Teaching and Racial Hygiene*, which was internationally recognized as a standard textbook." 69 In 1931 the famous textbook was translated into English. 70 In a chapter titled "Racial Psychology," they wrote: "It is said that the Jews are especially responsible for the circulation of obscene books and pictures, and for carrying on the White Slave Trade. Most of the White Slave Traders are said to be Ashkenazic Jews." 71 In 1936 the Eugenics Institute listed its activities for the previous year: "the training of SS doctors; racial hygiene training; expert testimony for the Reich Ministry of the Interior on cases of dubious heritage; collecting and classifying skulls from Africa; studies in race crossing; and experimental genetic pathology." 72

Junior also championed eugenics through birth control, by financing the work of Margaret Sanger and her colleague Dr. Robert L. Dickinson. Raymond Fosdick had been general counsel to Sanger's

American Birth Control League; in a 1924 memo, he drew Junior's attention to birth control by referring to Katherine B. Davis, who had "studied the field in depth and had advised support."<sup>73</sup> Fosdick asserted in the memo: "Personally, I believe that the problem of population constitutes one of the great perils of the future and if something is not done along the lines that these people are suggesting, we shall hand down to our children a world in which the scramble for food and the means of subsistence will be far more bitter than anything we have at present."<sup>74</sup>

According to the biographers, "Junior immediately authorized grants to Margaret Sanger's Birth Control Clinical Research Bureau and Dr. Robert L. Dickinson's newly formed National Committee on Maternal Health." (This Committee would later be headed by Christopher Tietze, a member of the renamed eugenics society. In the Roe opinion of 1973—at which time, remember, Planned Parenthood was an *amicus curiae* or friend of the court—Justice Blackmun would rely upon Tietze's work three times.) In 1924, Rockefeller's financial support for Sanger and Dickinson was "crucial," and began "more than half a century of involvement of the Rockefeller family in population studies and related issues." Junior and his Bureau of Social Hygiene, which lasted into the 1930s,<sup>75</sup> were steady supporters of an array of organizations created by Sanger and Dickinson, including groups such as the Birth Control Clinical Research Bureau (1923), the National Committee on Federal Legislation for Birth Control (1929), and the American Gynecological Society (1914).<sup>76</sup>

Before Junior began funding Margaret Sanger in 1924, he must have known of her 1922 book *The Pivot of Civilization*,<sup>77</sup> in which she contended that "penetrating thinkers" were "coming to see that a qualitative factor as opposed to a quantitative one is of primary importance in dealing with the great masses of humanity. . . . Not until the parents of this world are given control over their reproductive faculties will it be possible to improve the quality of the generations of the future, or even to maintain civilization at its present level" (emphasis added). Sanger railed against the "inferior classes": "The most urgent problem to-day is how to limit and discourage the overfertility of the mentally and physically defective." She hinted at the possibility of coercive force against what she called chaotic human breeding in the U.S.: "Possibly drastic and Spartan methods may be forced upon American society if it continues complacently to encourage the chance and chaotic breeding that has resulted from our stupid, cruel sentimentalism."<sup>78</sup> She thanked the "neo-Malthusian movement in Great Britain, with its history of undaunted bravery," for coming to her support.<sup>79</sup> She cited studies by the Galton Laboratory of National Eugenics in Great Britain<sup>80</sup> and quoted Sir Francis Galton, the founder of eugenics: "Galton's ideal was the rational breeding of human beings. The aim of Eugenics, as defined by its founder, is to bring as many influences as can be reasonably employed, to cause the useful classes of the community to contribute more than their proportion to the next generation."<sup>81</sup> She criticized Galton for being "unable to formulate a definite and practical working program."<sup>82</sup>

Most significant is Sanger's view of birth control as a method of implementing eugenics. She said the neo-Malthusians considered birth control as "the very pivot of civilization. . . . Birth control, which has been criticized as negative and destructive, is really the greatest and most truly eugenic program."<sup>83</sup> In a chapter titled "The Fertility of the Feeble-Minded," Sanger blamed civilization itself for its own deterioration. "Modern conditions of civilization, as we are continually being reminded, furnish the most favorable breeding-ground for the mental defective, the moron, the imbecile." Sanger quoted from the Eugenics Record Office's Charles Davenport: "We protect the members of a weak strain . . . up to the period of reproduction, and let them free upon the community, and encourage them to leave a large progeny of 'feeble-minded': which in turn, protected from mortality and carefully nurtured up to the reproductive period, are again set free to reproduce, and so the stupid work goes on of preserving and increasing our socially unfit strains."<sup>84</sup>

In this 1922 book, many years before the Holocaust, Sanger made a seemingly inexplicable reference to the future: "Nor do we believe that the community could or should send to the lethal chamber the

defective progeny resulting from irresponsible and unintelligent breeding” (emphasis added).<sup>85</sup> Were eugenicists thinking about “lethal chambers” as early as 1922? Sanger argued that “the emergency problem of segregation and sterilization must be faced immediately. Every feeble-minded girl or woman of the hereditary type, especially of the moron class, should be segregated during the reproductive period.”<sup>86</sup> In a chapter titled “The Cruelty of Charity,” she said that “lavishing upon the unfit” was “dangerous,” “dysgenic,” and “blighting.”<sup>87</sup> She also inveighed against the Catholic Church, characterizing a 1921 pastoral letter by New York Archbishop Patrick J. Hayes as “extreme” and as “making this world a vale of tears.” She called his orthodoxy a “menace to civilization.” The Archbishop had provoked her tirade by writing the following: “Even though some little angels in the flesh, through the physical or mental deformities of their parents, may appear to human eyes hideous, misshapen, a blot on civilized society, we must not lose sight of this Christian thought that under and within such visible malformation, lives an immortal soul to be saved and glorified for all eternity among the blessed in heaven.”<sup>88</sup> Sanger made her own position clear: “Either rational selection must take the place of natural selection, which the modern State will not allow to act, or we must go on deteriorating.”<sup>89</sup>

In August 1928, the *Eugenical News* reported on a June meeting of the American Medical Association, at which Sanger’s associate, Dr. Dickinson, hosted an exhibit on the surgery of sterilization. “The data for this exhibit were taken from Dr. Harry H. Laughlin’s *Eugenical Sterilization*.”<sup>90</sup> Later, writing in a 1934 manual for the National Committee for Maternal Health, Dickinson and his co-author credited Rockefeller’s BSH for making possible, “among other work, the laboratory researches undertaken in cooperation with various hospitals, medical schools, and universities.”<sup>91</sup> Dickinson and his co-author thanked Mr. J. Noah H. Slee and Mrs. Slee (a.k.a. Margaret Sanger) for the privilege of making records of their exhaustive collection of European contraceptive devices.<sup>92</sup>

The manual clearly stated eugenic philosophy: “All feeble minded women under fifty of whatever level of mentality, should be sterilized . . . the safe procedure is to sterilize any feeble minded girl as close as possible to puberty.”<sup>93</sup> As to sterilizing males, the manual continued, “any feeble minded male of whatever grade who is not confined in an institution had best be sterilized, as sudden violent outbreaks are likely to occur in which he will rape any available female, of whatever age.”<sup>94</sup>

### **The Osborns**

Clearly, the Rockefellers were influencing—and were being influenced by—many people in favor of eugenics. From the time of Senior’s generation, the Rockefeller family had been acquainted with the Osborn family, two members of which helped create and then lead the American eugenics movement.<sup>95</sup> Henry Fairfield Osborn (1857-1935),<sup>96</sup> president of the American Museum of Natural History from 1908 to 1933, co-founded the AES in 1922.<sup>97</sup> His AES co-founders, Madison Grant and Harry H. Laughlin, helped develop the ideas that led to the Holocaust. Grant wrote in his 1916 book, *The Passing of the Great Race*, that “indiscriminate efforts to preserve babies among the lower classes often result in serious injury to the race . . . Mistaken regard for what are believed to be divine laws and sentimental belief in the sanctity of life tend to prevent the elimination of defective infants and the sterilization of such adults as are themselves of no value to the community.”<sup>98</sup>

Laughlin contributed to eugenics in various ways. From 1910 to 1921, he was superintendent of the Eugenics Record Office,<sup>99</sup> which opened in 1905;<sup>100</sup> Junior had helped fund it.<sup>101</sup> By 1917 the ERO had become a division of the Department of Genetics, Carnegie Institute, Washington, D.C.<sup>102</sup> Laughlin assisted in intellectualizing eugenics through his work as associate editor of *Eugenical News* from 1916 to at least 1935.<sup>103</sup> Laughlin testified before Congress in favor of the Johnson Act prior to its enactment.<sup>104</sup> Importantly, Laughlin shaped Supreme Court history by pronouncing that *Carrie Buck of Buck v. Bell* was “part of the shiftless, ignorant, and worthless class of antisocial whites in the South,” and that he therefore deemed her qualified for Virginia’s newly adopted compulsory-

sterilization law.105

Frederick Osborn (1889-1981) had been an investment banker. He was the grandnephew of J. Pierpont Morgan<sup>106</sup> and the nephew of Henry Fairfield Osborn. Junior got to know Frederick from the latter's work on a park project involving Junior and J. P. Morgan,<sup>107</sup> after which Junior asked Frederick to join the board of the Rockefeller Institute. After 1928 Frederick's life<sup>108</sup> would be devoted to eugenics and population control, in his roles as head of the AES, trustee of the Carnegie Corporation,<sup>109</sup> president of the racist Pioneer Fund, <sup>110</sup> and president of the Rockefeller-created Population Council.<sup>111</sup> Frederick's extensive leadership in the eugenics movement and his early support for German sterilization efforts are alarming facts, when considered in the context of his powerful post at the Population Council. Through this group, Osborn's eugenic goals were legitimized around the world, fueled particularly by the Rockefeller fortune. In 1965, John D. Rockefeller III testified to the Council's power: "Probably the single most important contribution of the Population Council to date has been the creation of a pool of skills that is unparalleled elsewhere. Within the Council are specialists in . . . physiology, gynecology, maternal and child health, public health administration, demography, sociology, psychology, and economics."<sup>112</sup>

The significance of appointing a leading eugenicist like Osborn to head the Council is easily illustrated. As JDR<sup>3rd</sup> testified, the group wielded vast amounts of money under Osborn's command: "In 1952, a group of us in New York founded the Population Council as an agency for constructive citizen action in the broad field of population. . . . Since its establishment the Population Council has put a total of \$20.4 million to work on the population problem."<sup>113</sup>

In 1934, Osborn had been elected to the board of the AES. He took an active part "in developing the program of the [AES] which . . . involved an enormous correspondence with leading authorities on population, genetics, psychology, and sociology."<sup>114</sup> He was an active leader in the AES, therefore, when the March-April 1936 issue of *Eugenical News*, subtitled *Current Record of Race Hygiene*, listed him as a member of an international advisory board from 27 countries—a board that also included German advisers Eugen Fischer, Ernst Rudin, and Falk Ruttke.<sup>115</sup> In the same issue of *Eugenical News*, C. G. Campbell, chairman of the AES Editorial Committee, wrote: "It is unfortunate that the anti-Nazi propaganda with which all countries have been flooded has gone far to obscure the correct understanding and the great importance of the German policy."<sup>116</sup>

In 1937 Frederick Osborn himself "praised the Nazi eugenic program as the 'most important experiment which has ever been tried.'"<sup>117</sup> In 1938 he lamented the fact that the public opposed "the excellent sterilization program in Germany because of its Nazi origin."<sup>118</sup> As will be discussed below, Osborn and other eugenicists later renounced German eugenics—while purposefully deciding that they would continue to pursue eugenics under other names.

The 1930s: Malthus and the Third Rockefeller Generation Junior's namesake, John D. Rockefeller III, was the oldest of his five sons. JDR<sup>3rd</sup> would facilitate the continuation of the eugenics movement after World War II by appointing Osborn to head the operations of the Population Council. This Rockefeller scion became known in some circles as "Mr. Population."<sup>119</sup> He viewed the task of philanthropy as needing "to be creative, to be venturesome, and to find effective methods of partnership with government and private enterprise."<sup>120</sup> His family history certainly revealed a knack for these things. He himself created "a scientific and technical assistance organization that became the world's leading resource in its field"; he became "the acknowledged world leader in combating overpopulation."<sup>121</sup>

In 1928, Junior put JDR<sup>3rd</sup> on the board of the BSH.<sup>122</sup> JDR<sup>3rd</sup> was then a college senior, majoring in economics at Princeton University. He studied under the head of the economics department, Frank A. Fetter<sup>123</sup>—who was a member of the AES. (This last fact might explain JDR<sup>3rd</sup>'s speech-class topic:

“The final assignment was ‘to convince the audience of something they did not believe in particularly.’ John’s topic was: ‘Negroes Should Be Admitted to Princeton.’”<sup>124</sup>

Like his father, JDR3rd studied Malthus. Fetter believed in Malthusian theory, and thought that “democracy and opportunity” were “increasing the mediocre and reducing the excellent strains of stock . . . Progress is threatened unless social institutions can be so adjusted as to reverse this process of multiplying the poorest, and extinguishing the most capable families.”<sup>125</sup> In 1929, after his college graduation, JDR3rd did a global tour. Doors swung open for him at the highest echelons of power. He stopped first in Washington to interview State Department officials, ambassadors from Spain, France, England, Germany and Poland, and officials from China and Japan. In Europe, he had lunch with the King of Spain, and dropped in at The Hague while wartime reparations were being debated.<sup>126</sup> At The Hague, he met with Rockefeller Foundation trustee Charles Evans Hughes, who was “serving a year as a judge in the Permanent Court of International Justice,”<sup>127</sup> and who went on to serve on the U.S. Supreme Court.<sup>128</sup> JDR3rd traveled on to Moscow and Leningrad, meeting with the Acting Commissar for Foreign Affairs; he learned that, because abortion and birth control were practiced in the cities, rapid population growth was mainly a rural problem. <sup>129</sup> He traveled on to China, and met there with a “war lord” from Manchuria. “Everywhere [his entourage] went in China, they enjoyed the hospitality, care, and advice of Standard Oil people.”<sup>130</sup> He had spent more than four months traveling the world and meeting its leaders.

By 1931, JDR3rd had joined the board of the Rockefeller Foundation. Arthur W. Packard, a philanthropic assistant, befriended and mentored him,<sup>131</sup> and, along with Raymond Fosdick, reinforced his interest in population.<sup>132</sup> JDR3rd became an active member of Junior’s Advisory Committee, and joined the boards of the General Education Board and the Rockefeller Institute. <sup>133</sup> He was also to join the board of the American Museum of Natural History, which Henry Fairfield Osborn had led, and to become a trustee of Princeton University.<sup>134</sup> After 1938, he “continued to work with the American Law Institute and other organizations to promote liberalized and effective laws relating to youthful offenders.”<sup>135</sup> The Rockefeller Foundation’s financial support for the American Law Institute and its Model Penal Code would assume historic significance in the decisions in *Roe and Doe v. Bolton*. In 1934, JDR3rd composed a memo to Junior, declaring that he wanted to concentrate his financial giving in the field of birth control and “related questions.”<sup>136</sup> In 1938, when Frederick Osborn was still openly supporting the sterilizations in Germany, JDR3rd met with him, and wrote afterwards: “[Osborn] told me about his work in the fields of population and eugenics. It was all exceedingly interesting. Do feel that he is doing a good job and should be encouraged. His two fields tie in, of course, very directly with birth control.”<sup>137</sup>

In 1940, Osborn received a public-relations boost from *Time* magazine, in an article titled “Eugenics for Democracy.” The article described him as being “among the leaders of the new, environmental eugenics.” In the article, Osborn articulated the meaning of this new eugenics: “An environment equalized at a higher level would show up a superior heredity in great numbers of persons now at a low level of development.” He believed doctors should involuntarily sterilize the feeble-minded, but said a “sound population policy stresses ‘freedom of parenthood’—freedom not to have children unless they are wanted.”<sup>138</sup> (Would politicians and movie stars continue to proclaim the pro-choice mantra so unashamedly, if they knew *Time* magazine had called it “eugenics for democracy”?)

### **A Key British Eugenicist of the 1930s**

Osborn’s “new, environmental eugenics” of 1940 sounded more polished, but his emphasis on achieving greater numbers of people possessing superior heredity sounded basically the same as the old 1922 eugenics in Margaret Sanger’s *Pivot of Civilization*, in which she quoted Galton’s view of eugenics as a matter of “proportions” in the population. Moreover, the report in *Time* seemed to echo the same emphasis on social factors contained in the writings of Britain’s leading popularizer of

eugenics, Julian Huxley. In 1931 and 1932, Huxley expressed in two layman's magazines the version of eugenic theory that did not expressly denounce particular races, but that did denounce "defectives." Huxley's articles illustrate the high degree of intellectual analysis being poured into the development of eugenics as a "science." He distinguished—in his 1931 article, "The Vital Importance of Eugenics"<sup>139</sup>—between negative eugenics (methods to prevent degeneration) and positive eugenics (methods to improve the human stock). He also emphasized the difference between short-range eugenics ("altering the proportions of already existing and commonly recurring human types within the total population") and long-range eugenics ("bringing new [human] types into existence").<sup>140</sup> He defined long-range eugenics as "the attempt to alter the character of the human race out of its present mold, to lead it on to new evolutionary achievements."<sup>141</sup>

It was before the genocide of the Jews in Germany that Huxley stressed the importance of proportions within a population: "It matters a great deal whether one quarter or three quarters of the community shall have brains of poor quality or of good quality; whether the proportion of those endowed by nature with initiative be halved or doubled" (emphasis added).<sup>142</sup> He emphasized that short-range eugenics is of "utmost importance," which must be considered "in relation to the much larger aims of long-range eugenics, and to the slow and enormous processes of evolution in general." Huxley also wrote that "the purely biological method of keeping the stock up to standard by natural selection is, though effective, cruel and uneconomical. It involves wholesale destruction to make sure that the few types you want destroyed shall be included in the holocaust." (Like Sanger's reference in 1922 to a "lethal chamber," Huxley's reference to a "holocaust" before the actual Holocaust is chilling to modern ears.) Huxley characterized this method as "haphazard, blind, and wasteful," and contended: "There is only one immediate thing to be done—to ensure that the mental defectives shall not have children."

Huxley urged that after defectives are prevented from reproducing, the "next step" is to "diagnose the carriers of defect," so they could be "discouraged or prevented from reproduction . . . If, by whatever means, defectives can be prevented from reproduction, then, since the considerable majority of mental defect is due to hereditary factors, it will decrease from generation to generation" (emphases added). He said that the number of mental defectives had increased over the previous 25 years, owing to "improvement in our measures of public health and preventive medicine, especially with regard to infant welfare."<sup>143</sup>

"Accordingly," he argued, "if our infant welfare schemes save a thousand babies which otherwise would have died, we are likely to save a disproportionate number of mentally defective children among them. Nine hundred and ninety of them may be fine babies, whose preservation is a national asset; but if the remaining ten are mental defectives, and if ten per thousand is a higher proportion of defectives than exists in the population at large, then we are increasing the percentage of defectives in the new generation. By reducing the rigor of natural selection, we are allowing an undue proportion of unfit types to survive" (emphasis added).<sup>144</sup>

Huxley repeated a "general law" that he attributed to evolutionist R. A. Fisher: Successful people are less fertile. Fisher, in turn, had based his general law on an observation by Francis Galton that "noble (or other) families whose representatives marry heiresses tend to die out with abnormal frequency." Citing Galton, Huxley asserted that heiresses inherited low fertility along with their wealth. "Thus two factors which are not of necessity interconnected, female wealth and low fertility, are automatically brought into correlation." Huxley gave credit to Fisher for applying Galton's discovery to a commercial economy, such that the "two biologically independent variables of those tendencies making for success and those making for low fertility, of social necessity become coupled together."

Huxley contended, in effect, that the modern structure of the economy was causing a "progressive and cumulative diminution within the population of the proportion of gene-units making for success, and therefore, of the successful type of person" (emphasis added). Huxley regarded the state of hereditary

affairs in 1931 as “extremely gloomy”; his “ultimate goal” was to alter the “whole economic and social system.” In the meantime, he suggested a scheme of family allowances per child, even for the wealthy, in order to combat the “dysgenic process” that was already at work in the existing system.<sup>145</sup>

On the positive side was what Huxley called “constructive” eugenics. He dismissed critics who charged that it would be too dangerous to allow one group to decide “who should be allowed to propagate and who should not.” Ignoring the Nazis, Huxley said that “no eugenicist in his senses ever has suggested or ever would suggest that one particular type or standard should be picked out as desirable, and all other types discouraged or prevented from having children.” He went on, however, to say that “all ordinary people would agree that there are certain qualities which it is desirable for the race to possess,” and that the “simple task” was “to encourage the breeding of those with desirable qualities, even if they also possess defects in other qualities . . . It will be time enough after a thousand or ten thousand years of this to look into further questions such as the precise proportion of poets, physicists, and politicians required in a community, or the combination of a number of different desirable qualities in one human frame”(emphasis added).

Huxley said it was difficult to “envisage methods for putting even this limited constructive program into effect,” because of “difficulties inherent in our present social-economic organization” and especially “the absence of a eugenic sense in the public at large.” Huxley called for a change in public opinion, so that eugenics would become “one of the supreme religious duties.” He asserted that man “has become what he is by a process of evolution” and there is “no reason why that evolution should not continue.” He queried, “What may not man do in the future with the aid of conscious reason and deliberate planning?” He argued for man’s birthright “to become the first organism exercising conscious control over its own evolutionary destiny.”<sup>146</sup>

In the 1932 article “Heredity and Humanity,”<sup>147</sup> Huxley explained that the eugenics ideal is “a variety of type” (i.e., diversity), though the “practical realization of the eugenic ideal is not easy.”<sup>148</sup> He again urged a long view of the evolutionary goal: “We must educate ourselves to think in terms not of years or decades, but of generations. But once we have resigned ourselves to the idea of slow progress . . . there should be no particular difficulty in raising the all-round level of humanity to a very appreciable degree. We might for instance readily raise mankind, as regards physique, health and general intelligence, from its present average to the level of today’s top five per cent. If we did that . . . it can be prophesied with a high degree of probability not only that there would be a greater proportion of what we today would call very exceptional people, but also that the very exceptional people of that day, the geniuses of the future, would transcend in capacity the geniuses of the present and the past. . . . If we bring selection to bear, we should expect hereditary progress”<sup>149</sup> [emphasis added].

### **The Geneticists’ Manifesto: A Totalist Vision**

In 1939, Huxley, Hermann J. Muller, and other eugenicists and biologists who were attending a meeting of the Seventh International Congress of Genetics in Edinburgh, Scotland, seemed to formalize Huxley’s earlier writings in a declaration. They were asked the question, “How could the world’s population be improved most effectively genetically?” (emphasis added).<sup>150</sup> Their response was touted as a “biological blueprint for a better humanity.”

The document, which I will refer to here as the Geneticists’ Manifesto, was first publicized in 1939 with the headline: “Plan for Improving Population Drawn by Famed Geneticists: All Could Be Geniuses in World Based on Biology; World Federation Needed; Birth Control Advocated.” In June 1946, during Frederick Osborn’s tenure as president of the AES, the Geneticists’ Manifesto was republished in the AES journal, *Eugenical News*, with the title “Improving Genetically the World Population.” Osborn’s editorial committee opined that “the statement on genetic improvement deserves some careful consideration in post-war discussions of eugenics programs. It is reprinted in order to

make it available to the present generations of students of human eugenics.”<sup>151</sup>

Osborn’s 1946 republishing of the 1939 declaration is significant. It establishes that eugenics was not destroyed along with National Socialism, but rather that the eugenics movement was emphasizing global goals instead of national ones. It also shows that JDR3rd’s encouragement of Osborn was showing results—in a eugenicist direction.

In the Manifesto, Huxley, Muller, and their coauthors declared that “the question of population improvement is not merely a biological one,” because “the worth of individuals can not be compared without economic and social conditions which provide approximately equal opportunities for all members of society.”<sup>152</sup> Thus the motive behind eugenicists’ arguments for equal opportunity was not an altruistic quest for fairness, but rather a desire “to compare the worth of individuals.”

The Manifesto continued: “Birth control, both positive and negative, is . . . a prerequisite to human improvement. The superstitious attitude toward sex and reproduction now prevalent needs to be replaced by a scientific and social attitude. . . . Raising the level of the average of the population nearly to that of the highest now existing is considered possible within a comparatively small number of generations, so far as purely genetic considerations are concerned.”

The Manifesto’s authors—after calling for equal opportunity—articulated a global, bio-social quest. They called for a world federation that would permit them to pursue their eugenic dreams. They envisioned removing the “conditions which make for war and economic exploitation” through “some effective sort of federation of the whole world.” They also held that—because it was important to raise children who could be actively influenced “by considerations of the worth of future generations”—parents must not be financially strained, and women should not be distracted from their “opportunities to participate in the life and work of the community at large.” Therefore, there must be “an organization of production primarily for the benefit of consumer and worker.” They declared that a prerequisite “for effective genetic improvement” was the “legalization, the universal dissemination, and the further development . . . of ever more efficacious means of birth control, both negative and positive, that can be put into effect at all stages of the reproductive process—as by voluntary temporary or permanent sterilization, contraception, abortion (as a third line of defense), control of fertility and of the sexual cycle, artificial insemination, etc.” (emphasis added).

The document called for “a wider spread of knowledge of biological principles,” for “conscious selection” of each generation, and for “an agreed direction selection would take” to raise “the level of the average of the population nearly to that of the highest now existing in isolated individuals.”<sup>153</sup>

The Manifesto’s demands seemed to find an audience. Gunnar Myrdal wrote a book stemming from a 1935 proposal by a trustee of the Carnegie Corporation of a study of “negro education and negro problems.” [sic]<sup>154</sup> In 1944—nine years after the proposal, and eight years after Osborn had become a trustee for the Carnegie Corporation—Myrdal published the highly influential report, *An American Dilemma: The Negro Problem and Modern Democracy*.<sup>155</sup> Myrdal’s massive 1,500-page study was received in the highest circles of power in the U.S.; the U.S. Supreme Court even cited it in its famous school-desegregation decision, *Brown v. Board of Education*.<sup>156</sup>

On one hand, Myrdal thoroughly documented the inequality between blacks and whites. He recommended social changes to accomplish equality, as did the Geneticists’ Manifesto. On the other hand, Myrdal openly advised that to “get rid of the Negroes,”<sup>157</sup> the only possible way “is by means of controlling fertility.” Myrdal warned that it would have to be done surreptitiously: “But as we shall find, even birth control—for Negroes as well as for whites—will, in practice, have to be considered primarily as a means to other ends than that of decreasing the Negro problem.”<sup>158</sup> If there were no “caste” differences, there would be “no more need for birth control among Negroes than among whites.” But until reforms are carried out, “and as long as the burden of caste is laid upon American

Negroes, even an extreme birth control program is warranted by reasons of individual and social welfare.”<sup>159</sup> Myrdal advised: “A...serious difficulty is that of educating Southern Negroes to the advantages of birth control. Negroes, on the whole, have all the prejudices against it that other poor, ignorant, superstitious people have. More serious is . . . that even when they do accept it, they are not very efficient in obeying instructions...An intensive educational campaign is needed, giving special recognition to the prejudices and ignorance of the people . . . The use of Negro doctors and nurses is essential.”<sup>160</sup>

### **The Postwar Fight: Eugenicists vs. the Catholic Church**

Frederick Osborn officially became president of the AES on April 1, 1946, but he is listed as president in the March 1946 issue of *Eugenical News*. In that same issue is a twelve-page article, illustrated with tables and charts, titled “The Present Status of Sterilization Legislation in the United States.” The article was written by the president of Birthright, Inc. (not related to the Birthright pregnancy aid centers of today), a group which took “the place of the Human Betterment Foundation of California.”<sup>161</sup> The article reports the number of sterilizations per state: “California’s record of 17,835 officially reported sterilizations prior to 1945 is so impressive that it comes as a shock to learn that this program is not given as much protection as Delaware’s 705.” Kansas ranked third<sup>162</sup> among the states in sterilizations performed per 100,000 population: “One Kansas superintendent wrote us, ‘Since the Army took our surgeon and help has been so difficult to secure, we have not been able to do any sterilizations during 1945. We expect, however, to begin very shortly.’”<sup>163</sup>

The state-by-state report on sterilizations also reported on the opposition by Catholic hierarchy, religious, and laity: “The opposition of the Roman Catholic leaders constitutes the greatest obstacle that is encountered in applying, or in acquiring this therapeutic protection. From Maine come complaints that the Catholics of Quebec are moving southward and obstructing the proper use of their sterilization law. From Arizona we hear that no use has been made of their law ‘because of religious objections.’ Three States, Arizona, Arkansas, Nevada, have no institution for the feebleminded or epileptics, though some are cared for in the mental hospitals. Connecticut’s population has a greater proportion of Catholics than any other State having a sterilization law. This accounts in part for the fact that only an occasional operation is being done there.”<sup>164</sup>

The article reported that in Wisconsin, just before the war there was a group called the Wisconsin Race Conservation Committee actively engaged in trying to get improved sterilization legislation for that State. Their bill was finally defeated by the following tactics: A priest called upon an assemblyman and told him that he controlled 1,200 votes in his parish, that these votes would be necessary for his re-election and that only by voting against the sterilization could he hope to be returned to the Assembly. Another assemblyman was threatened with a boycott of his store by all Catholics in his district if he continued to favor the bill. Another assemblyman who was in the insurance business was told that the policies he had written on a Catholic church would not be renewed if he voted for the bill. A fourth assemblyman who published a newspaper was told that his Catholic subscribers would drop the paper unless he voted against the bill. This sort of economic pressure is being used in other States, as we shall see . . . those who are dedicated to biological improvement [must] learn to work together before it is too late.”<sup>165</sup>

According to the same article, in 1934 Alabama courts had struck down the state’s sterilization law as unconstitutional. In 1939, when the same bill was introduced, it “was killed in committee under Catholic influence.” Again, in 1943, it was killed “under the same influence.” In 1945 Catholics continued their political resistance: “Though the state is non-Catholic (1.2 percent Catholic) there are centers of Catholicism, around Mobile and a few other towns, that form solid blocks of votes. Whenever sterilization bills are introduced the Catholics descend upon the capital in numbers—priests, nuns and laity—and attack the bill as ‘against the will of God’ and ‘an attack on the American home.’”

During the political struggle, a bill for “cancer research funds” became a bargaining point: “The bishop sent an ugly letter resigning from the State cancer control board and threatening the cancer bill. In this instance the legislator refused to be intimidated. Priests all over Alabama preached sermons against the sterilization bill, using as a main argument that it was an opening wedge in a Hitlerian program of mutilation.”<sup>166</sup>

The article marched on through the states: In Colorado, a 1945 bill failed passage due to “vigorous Catholic opposition.”<sup>167</sup> In Pennsylvania, “the Cardinal’s office in Philadelphia immediately sent a letter to every legislator directing him to oppose the bill, and they were visited by the parish priests in their home communities. It is known in some instances that they were told that if they had any respect for their political futures they would defeat the bill; that if they favored it, the priests would instruct their people to vote against them at the next election. The bill did not even get a public hearing.”<sup>168</sup> In Canada, an effort in Saskatchewan “was met by strong Catholic protest. Every Catholic church in the capital of Saskatchewan had the Pope’s encyclical read and the cry was heard that this was ‘a beginning in reducing human beings to the category of livestock in a barnyard.’”<sup>169</sup>

### **JDR3rd Marches On**

During World War II, John D. Rockefeller III took a job in Washington with the Red Cross, and then joined the Navy—where his uncle, Winthrop Rockefeller, had been “appointed by the Navy, to help in securing officers for specialized jobs.”<sup>170</sup> JDR3rd worked in the main centers of power. He helped draw up the United Nations Relief and Rehabilitation program, and was appointed to a State-War-Navy Coordinating Committee that functioned as the “focal point at the working level for all political military problems in which the Navy was involved.” Before the Japanese surrendered in 1945, he authored a paper for “the reorientation of the Japanese people.”<sup>171</sup> He saw population as “a logical broadening of my interest in the birth control problem,” and believed that the future of world stability was directly linked to population: “I have come to the conclusion that if I am to make a contribution in international affairs, it must be through specialization in some one international problem.”<sup>172</sup>

JDR3rd’s work took place in the context of his family. He had four brothers—Nelson (1908-1979), Laurence (1910-2004), Winthrop (1912-1973), and David (1915-)—with their own spheres of power over Latin America, the governorships of New York and Arkansas, the airline industry, the conservation movement, the New York Metropolitan Museum of Art, and the Chase National Bank (in 1930, the world’s largest bank).<sup>173</sup> Moreover, “John and Nelson both figured in the successful effort to secure the permanent home of the United Nations in New York.”<sup>174</sup> In 1948, the Rockefellers cemented their influence over mainstream Protestantism by the creation of the National Council of Churches, and by constructing an Interchurch center next to the Riverside Church in New York, “where the four large denominations”—Presbyterians, Methodists, Congregationalists, and Northern Baptists—“make their headquarters.”<sup>175</sup>

JDR3rd made many study trips to Europe, the Far East, Africa, and Latin America. The main purpose of these travels was to “ascertain the current status of the population problem.”<sup>176</sup> He once presented his views for two hours to State Department and White House officials.<sup>177</sup> He also worked through the Rockefeller Foundation, which “served as a kind of incubator, holding ground, and financial resource for the ‘establishment.’ This was not a conspiracy of any kind, as frequently alleged by both the left and the right, but a natural convergence . . . a logical center and sponsor of programs and thinking on world affairs.”<sup>178</sup>

In 1947, JDR3rd first met Margaret Sanger. Until that year, no Rockefeller had been publicly associated with birth control. “Junior’s support had always been channeled through one or another organization or, when given directly, had been anonymous.” By the late 1940s JDR3rd had two objectives: to stimulate more activity domestically in the birth-control movement, and to use the Rockefeller Foundation to do

more internationally.<sup>179</sup> Frederick Osborn and Frank Notestein—yet another member of the AES—would give important aid to JDR3rd as he pursued these goals.<sup>180</sup> Osborn wanted to establish population studies in the academic world “in order to create acceptability for the new field.” The Office of Population Research was established at Princeton, where JDR3rd was a trustee. Frank Notestein was asked to head the office; his leadership, his research, and his publication of the Population Index soon “constituted a force in the development of demography.”<sup>181</sup> When JDR3rd wanted to send a representative of the Rockefeller Foundation to the occupied countries of Japan and Korea “to undertake a survey of the related matters of health and population,” he selected Notestein. To pave the way, JDR3rd talked to the president of Princeton, Harold Dodds, who was conveniently a trustee at the Rockefeller Foundation. To obtain military clearance for Notestein’s mission, JDR3rd met with General William Draper, the undersecretary of war at the Pentagon, who “would soon be possibly the most vocal of all the proponents of population programs.” Raymond Fosdick appointed Marshall Balfour, another AES member, to accompany Notestein, and they were joined by Irene B. Taeuber, also of the AES. The group became known as the Balfour Commission.<sup>182</sup>

In 1946 Notestein worked for the U.N. as first head of its Population Division. He worked with “leading scholars in the field,” whose names will all be important to the years just before Roe: Kingsley Davis, Frederick Osborn, Clyde V. Kiser, Pascal Whelpton, Philip Hauser, Frank Lorimer, as well as two members of his own staff, Taeuber and Ansley J. Coale.<sup>183</sup> All of these names, with the exception of Coale and Taeuber, appear on the 1956 membership list of the AES.

Meanwhile, British eugenicist Julian Huxley became “the first director-general of the U.N. Educational, Scientific and Cultural Organization.” In his second annual report in this position, Huxley wrote: “Somehow or other population must be balanced against resources or civilization will perish. War is a less inevitable threat to civilization than is population increase.”<sup>184</sup> Significantly, Huxley changed his argument from that contained in his 1939 Geneticists’ Manifesto, which had called for birth control as a means to “improve the world population genetically.” He replaced this with an argument that we should protect “resources” by controlling the population. (In this shift there is a harbinger of today’s political alliance between environmental groups and Planned Parenthood’s constituency.) Huxley’s changed rhetoric was consistent with other suggestions that eugenics be conducted secretly, such as Myrdal’s proposal for quietly reducing the number of blacks with birth control, and Osborn’s proposals on several occasions to operate secretly, including in his 1968 book discussed below. The fact that Notestein and his “leading scholars” were nearly all members of the AES, which advocated the idea of raising the average intelligence of the population through birth control, sterilization, and abortion, ought to provoke a question of possible bias in their demographic studies and conclusions. Osborn himself had said that “in a period of declining births,” his group should place particular emphasis “on increasing births among parents whose socially valuable qualities rise above their neighbors’ in whatever environment they may be found.”<sup>185</sup> The Rockefeller biographers say that books by Julian Huxley, William Vogt, and Henry Fairfield Osborn contain “dire pronouncements and extremist views.”<sup>186</sup>

Frederick Osborn, after assuming day-to-day operational supervision of the Population Council, was invited in 1956 to address the British eugenics society. In his speech, Osborn affirmed his continued belief in “Galton’s dream,” but he expressed dismay that “the very word eugenics is in disrepute in some quarters.” In response to the challenge, Osborn proposed what he called “voluntary unconscious selection” to encourage individuals to exercise choice over childbearing, making use of the idea of “wanted” children. Osborn said: “Let’s base our proposal on the desirability of having children born in homes where they will get affectionate and responsible care.” In this way, the eugenics movement “will move at last towards the high goal which Galton set for it.”<sup>187</sup>

In the Population Council’s 1964 annual report, JDR3rd is listed as Chairman of the Board, Notestein

as President, Frederick Osborn as Chairman of the Executive Committee, Marshall Balfour as Staff Medical Advisor to the President. Alan Guttmacher, an AES member, and Christopher Tietze were listed as well. If ever one wonders how America was overtaken by eugenicist thought, the list of members of the Population Council's 1964 Board of Trustees tells the story. On this board sat representatives of the World Health Organization, the Rockefeller Institute, Harvard, the Carnegie Institute of Washington, the New York Times, AT&T, and the University of Chicago. The Population Council's finance committee was made up of representatives from AT&T, Continental Can Company, General Electric, and Chase Manhattan Bank.

Also in the 1964 annual report is the Council's expression of gratitude to its financial supporters: "From the Ford Foundation, \$5,000,000 over four years, from the Rockefeller Foundation, \$2,000,000 over four years, and from Mrs. Alan M. Scaife and the members of the Rockefeller family, \$1,150,000 for the year." The Chairman of the board of trustees for the Ford Foundation, according to its 1962 annual report, was John McCloy. In 1949, McCloy had been appointed as high commissioner for Germany, but he had also served on the board of trustees of the Rockefeller Foundation.<sup>188</sup> Other Ford Foundation trustees included Ford family members, together with executives from Time, Inc., Newsday, the Minneapolis Star and Tribune, and MIT. Knowing that members of the nation's largest media concerns and their advertisers were directing the nation's foremost population-control organization may help explain the media bias in favor of eugenics-oriented candidates and issues, notably abortion and the exploitation of human embryos. From 1965 to 1968, the Senate Government Operations Subcommittee on Foreign Aid Expenditures, chaired by Alaska senator Ernest Gruening, held 41 days of hearings on a bill to reorganize the Department of State and the Department of Health, Education, and Welfare. The transcripts, in 18 bound volumes titled Population Crisis, contain the testimony of 120 witnesses who spoke in favor of population control, and one or two witnesses who spoke against it. Many of the witnesses were employed by or affiliated with Rockefeller-funded universities or organizations (including the Rockefeller Institute, the Brookings Institution, the National Council of Churches, and the Population Council). Many were from Planned Parenthood affiliates, and many were from "population" offices in government agencies.

At these hearings, future president George Herbert Walker Bush, then a congressman from Texas, testified: "I think there is some feeling among some of the more militant civil rights people that any effort in Planned Parenthood is going to try to breed the Negro out of existence, which is absolutely ridiculous."<sup>189</sup> John D. Rockefeller III testified: "If this simple device [IUD] continues to justify expectations, it will represent a major breakthrough in population control, and might even change the history of the world."<sup>190</sup> Seven members of the AES also testified:<sup>191</sup> Henry Caulfield, Robert Cook, Alan Guttmacher, Frank Notestein, Irene Taeuber, Phillip M. Hauser, and William Vogt. Robert Cook and his Population Reference Bureau accounted for twelve out of 58 exhibits in the 1965 hearings, and AES members submitted numerous other exhibits in the course of the hearings.

### **Osborn: Roe Minus Five Years**

In 1968, as if to belie widespread claims that the American eugenics movement had disappeared, Frederick Osborn published a book, *The Future of Human Heredity: An Introduction to Eugenics in Modern Society*.<sup>192</sup> Theodosius Dobzhansky—a member of the renamed AES and a leader in the field of evolutionary biology, the theory underpinning eugenics—wrote the book's foreword. Dobzhansky reaffirmed the original theory of Francis Galton, with a slight word change. In 1883, Galton had defined eugenics as "the study of agencies under social control that may improve or impair the racial qualities of future generations either physically or mentally." Today, wrote Dobzhansky, "we would use the word 'genetic' in place of Galton's 'racial.'"<sup>193</sup>

Dobzhansky lamented how eugenics had been hampered: "Ironically enough, eugenics was hindered more often by its overzealous proponents than by its opponents . . . and yet eugenics has a sound core.

The real problem which mankind will not be able to evade indefinitely is where the evolutionary process is taking man, and where man wishes to go. Mr. Osborn has for several decades been the clear-sighted leader of the eugenical movement in America, who strove to make the substance of eugenics scientific and its name respectable again.”<sup>194</sup> In praising Osborn for helping to overcome “some eugenicists” who had had “excessive enthusiasm,”<sup>195</sup> Dobzhansky insulted the memory of those who had been victimized by the millions of individual atrocities committed in the name of eugenics.

Osborn’s book reiterated the goal of raising the “average” intelligence and character of each generation:<sup>196</sup> “If the birth rate of individuals with less than average intelligence is above replacement, an excess of ‘poor’ [quality] genes will be continued to the detriment of society.”<sup>197</sup> He quoted Hermann J. Muller’s mad suggestion: “It would in the end be far easier and more sensible to manufacture a complete new man de novo, out of appropriately chosen raw materials, than to try to refashion into human form those pitiful relics which remained.”<sup>198</sup>

Osborn complained that Hitler had “prostituted eugenics,” such that “the American public was ready to drop the word from its vocabulary.”<sup>199</sup> He praised Muller’s proposals to increase the use of sperm banks that “would make available the sperm of highly qualified donors” and found it “a shocking commentary on public ignorance of genetics that so little concern is shown for quality of the donor in inseminations.”<sup>200</sup> Yet he questioned Muller’s proposal that “we would breed from selected donors, chosen originally by qualified judges, and selected from this group by women desiring children”; he said even Muller thought “there is a danger that it might be misused.”<sup>201</sup>

Osborn pointed to studies indicating that, with the proper approach, lessintelligent women can be convinced to reduce their births voluntarily: “A reduction of births at this level would be an important contribution to reducing the frequency of genes which make for mental defect.”<sup>202</sup> He asserted that birth control for the poor would help improve the population “biologically.” As to families whose employment is irregular and who are “well known to all the social and welfare agencies of their community,” Osborn said studies showed that half of their children were from pregnancies that were not wanted by one or both parents at the time. “Such couples should not be denied the opportunity to use new methods of contraception that are available to better-off families. A reduction in the number of their unwanted children would further both the social and biological improvement of the population” (emphasis added). He used a euphemism for racial minorities when he explicitly called for “making available the new forms of contraception to the great number of people at the lower economic and educational levels” (emphasis added).<sup>203</sup>

“The most urgent eugenic policy at this time,” Osborn reiterated, “is to see that birth control is made equally available to all individuals in every class of society,” because “there is new evidence that the more successful or high IQ individuals within each group may soon be having more children than the less intelligent individuals within the group . . . these trends are favorable to genetic improvement” (emphasis added).<sup>204</sup> He recommended that the reason for making birth control “equally available” should be disguised: “Measures for improving the hereditary base of intelligence and character are most likely to be attained under a name other than eugenics . . . Eugenic goals are most likely to be attained under a name other than eugenics”<sup>205</sup> (emphasis added).

### **Roe: The Fruition of Eugenic Activism**

Against the backdrop of the foregoing evidence that the Rockefeller family supported eugenicists before and after World War II, Roe represents the culmination of two competing Rockefeller-funded legal efforts toward achieving legalized abortion, the goal the eugenics movement had enumerated as early as 1939 in Huxley and Muller’s Manifesto.

One Rockefeller-funded initiative was the development of the American Law Institute’s Model Penal Code, through which abortion laws were loosened, state by state, on the basis of sex studies by the

Kinsey Institute. In *Kinsey: Crimes and Consequences*,<sup>206</sup> Dr. Judith Reisman has masterfully documented the criminal conduct and outright fraud perpetrated by the Kinsey Institute in its sex studies. The Rockefeller foundation had also funded the Kinsey Institute.

The Model Penal Code allowed for eugenic abortion to kill disabled babies. It also allowed the killing of healthy babies if they were conceived from incest or rape. The Supreme Court in *Roe* noted that 14 states had already adopted some version of the Model Penal Code.<sup>207</sup> The most radical eugenicists advocated the alternative proposal before the Supreme Court in *Roe*: unrestricted abortion. As Mary Meehan points out in her article in the Summer 2004 issue of this journal,<sup>208</sup> the outcome of *Roe* and its companion case, *Doe v. Bolton*, was effectively the adoption of the radical position. Curiously, the first four paragraphs of Justice Harry Blackmun's introduction in *Roe* mention nothing about the newly decreed right of privacy in support of abortion. Nothing later in the opinion explains Blackmun's unsupported early comment that "population growth, pollution, poverty, and racial overtones tend to complicate and not to simplify the problem" (emphasis added)<sup>209</sup>; after the introductory paragraphs, these issues are never raised, and Blackmun never defines "the problem." The reader wonders: Just which problem is the one he perceived would be solved by legal abortion? Blackmun went on to cite directly two men closely connected to the British and American eugenics societies. Glanville Williams (a Fellow of the British eugenics society) is cited twice, at footnotes 9 and 21 of the opinion, and Christopher Tietze is cited three times. Moreover, Blackmun—by virtue of his heavy reliance on Lawrence Lader's book *Abortion*,<sup>210</sup> cited seven times (at footnotes 9, 21, 26, 33, 44, 57, and 58 of the opinion)—indirectly relied on the people and groups to whom Lader's book expressed profuse gratitude: Glanville Williams, Christopher Tietze, and at least five additional AES members (Alan Guttmacher, the president of Planned Parenthood; Garrett Hardin, professor of biology at the University of California at Santa Barbara; Sheldon Segal of the Population Council of New York; Sophia Robison of the Columbia University School of Social Work; and Dr. Robert Laidlaw of New York's Roosevelt Hospital).<sup>211</sup> Lader thanked his friend Cyril Means,<sup>212</sup> an attorney who would later be legal counsel to the National Association for Repeal of Abortion Laws or NARAL. Lader also thanked the officers of England's leading abortion-rights group, the Abortion Law Reform Association (ALRA)—whose leaders included Julian Huxley, and whose members included 27 members of the British eugenics society. In 1954, the British eugenics society had voted to support the ALRA's efforts to end restrictions on abortion.<sup>213</sup> Blackmun cited the success of that effort in his opinion: "Recently, Parliament enacted a new abortion law. This is the Abortion Act of 1967."<sup>214</sup> (Lader's other books included a biography of Margaret Sanger and one titled *Breeding Ourselves to Death*.<sup>215</sup>)

The mystery of Blackmun's curious opening paragraphs in *Roe* may indeed be solved by Lader's *Abortion*. The book begins by declaring the motive behind legalizing abortion, in words that remind us of the work of JDR3rd's Balfour Commission on Japan: "Each woman who decides whether or not a fetus shall become a child affects the population charts . . . a process strikingly evident in Japan, where legalized abortion has cut the birth rate in half."<sup>216</sup> In relying on this book, Blackmun was relying on panicked rhetoric such as the following: "The frightening mathematics of population growth overwhelms piecemeal solutions and timidity. No government, particularly of an underdeveloped nation, can solve a population crisis without combining legalized abortion with a permanent, intensive contraception campaign"(emphasis added).<sup>217</sup>

"The ultimate reality [is] that only legalized abortion can cut to the core of the problem . . . We have reached the point where warnings are no substitute for a decisive population policy . . . As a result of the baby boom after World War II, and a sharp increase in the number of women of procreative age, the U.S. population should double in the next forty or fifty years" (emphasis added).<sup>218</sup>

Lader had served on the board of directors for the New York-based Association for Humane Abortion (AHA). Its founders had invoked the Fourteenth Amendment as a possible basis for legalizing

abortion;<sup>219</sup> among the AHA board members were AES members Joseph Fletcher and Alan Guttmacher,<sup>220</sup> making it a fair question whether, for many of the men involved, the women's rights issue was just another smokescreen issue to advance eugenicist goals. Harriet Pilpel, also on the AHA board,<sup>221</sup> was an attorney who later filed an amicus brief in the Supreme Court on behalf of Planned Parenthood in Roe.<sup>222</sup>

In April 1965, the AHA changed its name to the Association for the Study of Abortion (ASA).<sup>223</sup> In 1966, New York's governor, Nelson Rockefeller, called for "abortion reform"; by 1967, Lader was leading legislative initiatives in New York, hoping for a bill with measures more liberal than the Model Penal Code.<sup>224</sup> ASA's funding came primarily from two members of the Rockefeller family and from Cordelia Scaife May.<sup>225</sup> The group channeled a portion of the money to Cyril Means to write a favorable abortion history;<sup>226</sup> the strategy proved significant, in that Blackmun cited Means in Roe (at footnotes 21, 22, 26, 33, 42, and 47). Means had served on Nelson Rockefeller's 1968 Commission to Review New York State's Abortion Law.<sup>227</sup>

Lader's 1971 book *Breeding Ourselves to Death* opened with a foreword by Paul Ehrlich, an early population-control advocate.<sup>228</sup> Ehrlich wrote that the book was being published "with the hope that methods and techniques employed by the Hugh Moore Fund may be of use to the growing army of devoted men and women—and organizations—now engaged in the struggle to control the greatest menace of our time. We must check the present unbridled population growth in order to stop the deterioration of our environments."<sup>229</sup> By 1969, according to Lader, over 1.5 million copies of Hugh Moore's alarmist pamphlet *The Population Bomb* had been distributed to "leaders throughout the country."<sup>230</sup> Lader further quoted Frederick Osborn, who had, in 1964, "agreed that the Bomb had helped change the climate of public opinion, enabling great foundations like Ford and Rockefeller together to concentrate over \$100,000,000 on the population problem."<sup>231</sup>

In 1969, JDR<sup>3rd</sup> personally addressed Lader's ASA, and advocated a broad legal loophole to permit many if not all abortions on demand: "Repeal [of abortion restrictions] will inevitably be the long range answer," but in the interim, reform statutes have to offer "a broad interpretation of mental health that would allow many if not all women to qualify under such a provision"(emphasis added).<sup>232</sup>

In addition to the citations to Lader, Roe demonstrates its eugenic roots by citing Glanville Williams, a Fellow of the British eugenics society.<sup>233</sup> In 1956, Williams was a visiting professor of law at Columbia—where he served as a consultant to the Model Penal Code project. In England he served as president of the Abortion Law Reform Association and vice president of the Voluntary Euthanasia Society; not surprisingly, he was an adviser to Britain's Birth Control Commission. Presumably, Blackmun read Williams's book, *The Sanctity of Life and the Criminal Law*,<sup>234</sup> before citing it in Roe. If he had, he would have seen the following section, and its heading with explicit reference to eugenics:

Contraception and Eugenics: The problem does not only concern the limits of subsistence, though this in itself is one of sufficient magnitude. There is, in addition, the problem of eugenic quality. We now have a large body of evidence that, since industrialization, the upper stratum of society fails to replace itself, while the population as a whole is increased by excess births among the lower and uneducated classes. (Emphasis added.)<sup>235</sup>

Williams quoted favorably from AES member Robert Cook, who was also director of the Population Reference Bureau: "Economic and educational success works eugenic miracles in reverse in an industrial society. The price for success is a slow, steady, remorseless biological extinction . . . Today, in the United States, the intelligent get degrees, and the diligent and competent get houses and bank accounts and stomach ulcers. But it is the poor and unschooled who beget."<sup>236</sup> Williams expressed the eugenicists' view that widespread birth control—of which abortion would be the surest form—would

improve the gene pool by lowering the birth rate of the poor and unschooled: “There is evidence the [differential fertility between different social classes] would be radically altered if the number of birth control clinics in the country were made adequate between all classes of people.” This measure, Williams contended, would help prevent the “running down” of the “national stock of favourable genes.”<sup>237</sup>

Williams’s book voiced genuinely horrifying suggestions—arguing, for example, that it is not immoral for a mother who has “given birth to a monster or idiot baby” to kill it, just as a bitch would kill her “misshapen puppies.”<sup>238</sup> Williams applauded a father who drowned his daughter because she had tuberculosis.<sup>239</sup> He argued that “human stud farms” can be justified on a “utilitarian basis.”<sup>240</sup> He expressed abhorrence for “human fecklessness in our own reproduction” in contrast to “other forms of life under man’s control” like rose-growing, pigeon breeding, and cattle breeding.<sup>241</sup>

In 1966, prior to the Roe decision, Williams’s book had been the subject of a strong reply from future Irish cardinal Cahal B. Daly, in his book, *Morals, Law and Life*<sup>242</sup>: “Dr. Glanville Williams does not wish to understand, or to be just to Catholic teaching; he only wishes to destroy it.”<sup>243</sup> Daly detailed Williams’s anti-Catholic rhetoric: “Examples of the technique occur on every alternate page . . . Christian moral teaching is ‘reactionary,’ ‘old-fashioned,’ ‘unimaginative,’ ‘primitive if not blasphemous,’ ‘restrictive,’ ‘irrational,’ ‘out-moded,’ ‘dogmatic,’ ‘doctrinaire,’ ‘authoritarian.’ Contrasted with it are ‘enlightened opinion,’ ‘interesting medico-social experimentation,’ ‘progressive statutes,’ ‘empirical, imaginative humanitarianism.’”<sup>244</sup>

Still more evidence that Roe is a benchmark in eugenic history is its reliance on Christopher Tietze, whom Blackmun cited in footnote 44. Tietze was a member of the British eugenics society,<sup>245</sup> and belonged to the American group after its 1973 name change. An Austrian, Tietze started his American career in 1938 as an associate researcher on the “mental hygiene” project at William H. Welch’s Johns Hopkins University. <sup>246</sup> (Recall that Welch was president of the National Committee for Mental Hygiene.) Tietze left Johns Hopkins for another Rockefeller-funded organization, Dickinson’s National Committee on Maternal Health (NCMH).<sup>247</sup> When Dickinson died, Tietze took over as head of the NCMH.

According to the preface to a 1987 compilation of Tietze’s selected works, “the footnotes and references to [Tietze’s] work in [Roe] are testimony to the importance and impact of Tietze’s abortion studies.”<sup>248</sup> It can be added that the citations are testimony to the financial and ideological power of the Rockefellers. Indicative of the company Tietze kept, the Selected Papers list other eugenicists as co-authors and contributors to the compilation, including Clarence J. Gamble, founder of the Pathfinder Fund; Sheldon Segal of the Population Sciences division of the Rockefeller Foundation; and two members of the Population Council.

“[Tietze] enlisted an ever-growing network of collaborators and prevailed on them to apply new tools to new issues. As Director of the [NCMH], and later at the Population Council, he became the focal point of a vast network of physicians and family planning professionals, demographers, statisticians, and biological research workers dealing with the problems of human reproduction, and laboratory technicians seeking new, simplified, and effective contraceptives.”<sup>249</sup> Based on his “intensive research,” Tietze “announced that it was clear that the maximum effectiveness in the prevention of unwanted births was in the combination of contraceptive use with abortion in those cases where the contraceptive had failed.”<sup>250</sup>

In Roe, Blackmun noted that a majority of states had laws making it a crime to procure an abortion.<sup>251</sup> He also noted that in seven states and the District of Columbia, courts had overturned restrictions on abortion.<sup>252</sup> One of those cases was from the federal district court in Connecticut. In *Abele v. Markle*,<sup>253</sup> the court relied on Tietze’s studies for the Population Council in addition to relying on

Lawrence Lader's book *Abortion*, and on the eugenicists-developed Rockefeller Report (formally named the Presidential Commission on Population Growth and the American Future.)<sup>254</sup> Just as Lader had done, the Abele court had invoked a sense of panic, and had elevated the demographic studies before it to the level of "unimpeachable": "The Malthusian specter, only a dim shadow in the past, has caused grave concern in recent years as the world's population has increased beyond all previous estimates. Unimpeachable studies have indicated the importance of slowing or halting population growth. And with the decline in mortality rates, high fertility is no longer necessary to societal survival. . . . In short, population growth must be restricted, not enhanced and thus the state interest in pronatalist statutes such as these is limited."<sup>255</sup> The concurring opinion in Abele relied heavily on articles by Cyril Means.<sup>256</sup>

In another of the cases Blackmun cited, *Babbitz v. McCann*,<sup>257</sup> a Wisconsin federal district court had seemingly rejected panic-laced arguments about "over-population, ecology and pollution." Nevertheless, even if the embryo is "a human being, as the Wisconsin statute declares," the court accepted the eugenic argument in support of a woman's desire to reject it, such as in the case of a rubella or thalidomide pregnancy, a rape, or an act of incest.

Blackmun cited a case from a Kansas federal district court, *Poe v. Mengheni*, which struck down a requirement that abortions be performed in accredited institutions. The Kansas court quoted from a law-review article: "Procreation is certainly no longer a legitimate or compelling State interest in these days of burgeoning populations."<sup>258</sup> Blackmun also cited an Illinois case, *Doe v. Scott*, in which the court had found no state interest to support a statute "which forces the birth of every fetus, no matter how defective or how intensely unwanted."<sup>259</sup>

Another authority Blackmun cited was the American Public Health Association (APHA),<sup>260</sup> which itself had a history of promoting eugenic ideas. In March 1934, it published an article applauding "Germany's Sterilization Program which had gone into effect on January 1, 1934." The article reported: "A government announcement states that approximately some 400,000 are to be sterilized in a short time." The writer observed that "under the present regime orders from the top reach down to the very bottom without the obstruction, delay, detraction, and dilution which minority and opposition parties contribute." He contended that the German program merited attention of all public health authorities: "If the objective of eliminating parenthood by those unfit is actually achieved in a thorough but legally and scientifically fair way, Germany will be the first modern nation to have reached a goal toward which other nations are just looking or approaching at a snail's pace."<sup>261</sup>

The APHA article explained the "important safeguards" in the German program, such as the creation of "1,700 Hereditary Health Courts" and "27 Hereditary Health Supreme Courts," whose proceedings are "not public" and whose participants must "maintain secrecy."<sup>262</sup> The author of the article had traveled in Germany for 6 months, and felt he understood the reason behind the sterilization program, which was only part of the government's racial-hygiene program.<sup>263</sup> The author sounded much like the postwar Huxley: "[German] resources are much depleted. Hence the present load of socially irresponsibles are liabilities which represent a great deal of waste. . . . The state has not determined who shall breed, but in this and other laws it has most definitely stated who shall not become parents, and why."<sup>264</sup>

The article reported the Germans' "widespread, varied, concentrated propaganda": The German Medical Society was preparing 17 special films, and special magazines on racial hygiene were founded with government aid. The author spoke approvingly of special conferences and training for physicians. "Such training schools are being operated all over the country with great success except in the strongly Catholic areas." He further reported: "The opposition voiced thus far has centered largely around Catholic church influence. This influence flows through many church organization channels both inside and outside Germany. Open opposition can no longer be voiced by the Catholic party, for this Centrum

party in common with all others has been suppressed. Neither the Catholic church nor the German Government is inclined to yield.”<sup>265</sup>

In 1959, the APHA’s Governing Council adopted a policy statement consistent with the eugenicists’ aims of pervasive birth control, with justification reminiscent of the “depleted resources” argument used to justify Germany’s sterilization laws: “There is today an increase of population which threatens the health and well-being of many millions of people . . . Full freedom should be extended to all population groups for the selection and use of such methods for the regulation of family size as are consistent with creed and mores of the individuals concerned.”<sup>266</sup> In 1962, the APHA urged in an editorial: “We cannot afford to be timid in our national approach to the problem of overpopulation . . . We may anticipate that developments in population control and family planning will expand further the possibilities for dealing with the population problem.”<sup>267</sup>

In October 1972, just a few months before the announcement of Roe, the APHA journal carried an article explicitly tying legalized abortion with population control and preservation of the environment: “It would appear that legalization of abortion is probably the single most effective practical measure that can be taken to lower the birth rate, and by doing so, preserve the environment from further deterioration.”<sup>268</sup>

Blackmun treated the fact that life begins at the moment of conception as merely a “belief” of the Catholic Church, and of many non-Catholics, including physicians. In rejecting this fact, Blackmun cited articles and notes from law reviews,<sup>269</sup> and in the same footnote cited a 1968 book, *The Biological Time Bomb*.<sup>270</sup> Chapter 6 of this book includes the subheading “The New Eugenics,”<sup>271</sup> in which section the author, Gordon Rattray Taylor, cites Hermann J. Muller, Kingsley Davis, and William Shockley—all three of whom seem to have suffered from eugenicist paranoia about a deteriorating human heredity. Muller, one of Huxley’s 1939 Manifesto coauthors, had proposed “germ-cell” banks, containing a variety of semen types, to which people could apply to get their offspring.<sup>272</sup> Davis, throughout his career, emphasized the need for socioeconomic measures to reduce the unfit: He contended that, in reducing births, the effectiveness of sterilization and “unnatural forms of sexual intercourse” could not be doubted. In an article published in 1967, Davis criticized the failure of family planners to utilize abortion: “Induced abortion . . . is one of the surest means of controlling reproduction, and one that has been proved capable of reducing birth rates rapidly.”<sup>273</sup> Shockley advocated programs of voluntary sterilization of people with lower than the average IQ score of 100.<sup>274</sup>

That Blackmun built his new constitutional theory for legal abortion on eugenics is further illustrated in the *The Biological Time Bomb*: Until the day of gene surgery, therefore, eugenics must be a hit-and-miss business. Even so, it might be advantageous to a country to encourage selection, since subjective judgments are not without value and on the whole the genetic standard would tend to rise (emphasis added).<sup>275</sup>

The book seems prophetic now, in regard to China’s unspeakable atrocities against the unborn and their parents:

And once the right to bear children comes under regulation, the use of those [scientific] powers to improve the genetic stock rather than to degrade it could follow relatively easily . . . In short, it must be concluded that, sooner or later, genetic regulation will be adapted . . . It seems more likely that some eastern country will be the first to try the experiment—it might well be China. If it is seen to bestow advantages, the countries which are slow to make social experiments may be driven to follow.<sup>276</sup>

The *Biological Time Bomb* also contemplates the use of genetic research derived from human embryos

to wage war: Viral epidemics could be spread intentionally among people or crops in order to tamper with the genes, and thus with the existence of disfavored gene-types or nations: “If viruses can be used to carry new genetic material into cells, perhaps one could tamper with the genes of another nation without their ever realizing it.”<sup>277</sup> These were the possibilities being considered in the 1968 book cited in Roe; the Court nonetheless—by making human embryos a new form of chattel that could potentially be used for any and every purpose—put the world on the path to legal development of these methods of terror.

In Roe’s footnote 62, Blackmun cited an article titled “The New Biology and the Future of Man.”<sup>278</sup> The article speaks for itself:

Taken together, [artificial gestation, genetic engineering, suspended animation]—they constitute a new phase in human life in which man takes over deliberate control of his own evolution. And the consequence is arresting: There is a qualitative change to progress when man learns to create himself . . . For our appropriate guidance in this new era, a reworking of values is required, which will take into account the new, and which will be as rapid and effective in its evolution as are the new techniques . . . Our task will be easier if we regard value systems as complex adaptations to specific sets of realities, which adaptations must change when the realities change . . . Chastity is not particularly adaptive to a world of effective contraception . . . Respect for elders is less and less adaptive to a world in which life-spans greatly exceed the period during which great-grandchildren find their senior progenitor’s wisdom of any interest. Submission to supernatural power is not adaptive to a world in which man himself controls even his own biological future . . . high regard for the dignity of the individual may prove difficult to maintain when new biologic techniques blur his very identity . . . What counts is awareness of the unmistakable new fact that in general new biology is handing over to us the wheel with which to steer directly the future evolution of man.”<sup>279</sup>

In March 1973, two months after Roe was handed down, the American Eugenics Society announced that it had changed its name to the Society for the Study of Social Biology. The announcement said: “The change of name of the Society does not coincide with any change of its interests or policies.”<sup>280</sup> The group had already changed the name of its journal in 1968, from *Eugenics Quarterly* to *Social Biology*.<sup>281</sup> Commenting on the new title, Osborn remarked: “The name was changed because it became evident that changes of a eugenic nature would be made for reasons other than eugenics, and that tying a eugenic label on them would more often hinder than help their adoption. Birth control and abortion are turning out to be great eugenic advances of our time. If they had been advanced for eugenic reasons it would have retarded or stopped their acceptance.”<sup>282</sup>

## Notes

1. 410 U.S. 113 (1973).
2. In this article, unless otherwise noted, any reference that identifies a person as a member of a eugenics society is either from the December 1956 membership list of the American Eugenics Society, published in Vol. 3, no. 4 of *Eugenics Quarterly*, or from the compilation of members assembled from the 1956 list and from additional sources noted and posted at the Eugenics Watch website, [www.eugenics-watch.com](http://www.eugenics-watch.com).
3. I continue to thank the discoverers, who introduced me to their field of study. The idea for this article and many of the sources and quotes come from their published and unpublished works: Katharine O’Keefe, Mary Meehan, John Cavanaugh-O’Keefe, Dr. David Reardon, Suzanne Rini, and Elizabeth Liagin.
4. “As Bertrand Russell puts it: ‘The ideas of eugenics are based on the assumption that men are

unequal, while democracy is based on the assumption that they are equal. It is, therefore, politically very difficult to carry out eugenic ideas in a democratic community when those ideas take the form, not of suggesting that there is a minority of inferior people such as imbeciles, but of admitting that there is a minority of superior people. . . . Measures embodying the former fact can therefore win the support of the majority, while measures embodying the latter cannot.”Glanville Williams, *The Sanctity of Life and the Criminal Law* (New York: Alfred A. Knopf, 1957), 73.

5. *Time*, January 11, 1999: 84.

6. “The Tainted Science of Nazi Atrocities,” Edward Rothstein, *New York Times*, January 8, 2005, A13; CNN.com, April 23, 2004, Brian Todd, reporter, “The Deadly Medicine of the Holocaust.”

7. *Excessive Force: Power, Politics & Population Control* (Washington, D.C.: The Information Project for Africa, Inc., 1995).

8. *U.S. News & World Report*, August 19, 1996: 8, citing Alan Guttmacher Institute.

9. Vol. 52, No.10, *National Vital Statistics Reports*, Table 5, Dec. 17, 2003, [http://www.cdc.gov/nchs/data/nvsr52/nvsr52\\_10.pdf](http://www.cdc.gov/nchs/data/nvsr52/nvsr52_10.pdf)

10. *Eugenics Quarterly*, Dec. 1956: 243-252.

11. Stefan Kuhl, *The Nazi Connection: Eugenics, American Racism and German National Socialism* (Oxford: Oxford University Press, 1994), 42. (“The leaders in the German sterilization movement state repeatedly that their legislation was formulated only after careful study of the California experiment as reported by Mr. Gosney and Dr. Popenoe. It would have been impossible, they say, to undertake such a venture involving some 1 million people without drawing heavily upon previous experience elsewhere.”)

12. *Eugenical News*, *Current Record of Human Genetics and Race Hygiene*, January-February 1938, inside front cover.

13. *Eugenics Quarterly*, Dec. 1956: 252.

14. Bernard Schreiber, *The Men Behind Hitler: A German Warning to the World*, translated by H. R. Martindale, [www.toolan.com/hitler/index.html](http://www.toolan.com/hitler/index.html), chapter 5.

15. Kuhl, 102.

16. James M. Glass, *Life Unworthy of Life: Racial Phobia and Mass Murder in Hitler’s Germany* (New York: Basic Books, 1997), 64.

17. Robert Jay Lifton, *The Nazi Doctors: Medical Killing and the Psychology of Genocide* (New York: Basic Books, 1986), 340.

18. Kuhl, 102.

19. *Ibid.*, 103.

20. John Cavanaugh-O’Keefe, *The Roots of Racism and Abortion: An Exploration of Eugenics* (Xlibris Corporation, [www.Xlibris.com](http://www.Xlibris.com), 2000), 72-74; Lyrick Wallwork Winik, “The Hunt for Survivors of a Doomed Ship,” *Parade* magazine, Dec. 7, 2003:4.

21. Cavanaugh-O’Keefe, 77; Aaron Zitner, *Los Angeles Times*, 16 March, 2003, “Davis’ Apology Sheds No Light on Sterilizations in California,” [www.geocities.com/madlinefelkins/CAeugenics.htm](http://www.geocities.com/madlinefelkins/CAeugenics.htm).

22. 274 U.S. 200 (1927).

23. Zitner, fn 21, *supra*; Wyethwire, January 9, 2003, “SC: Hodges Issues Formal Apology for Eugenics,” [www.polstate.com/archives/000938.html](http://www.polstate.com/archives/000938.html).

24. 410 U.S. 179 (1973).

25. Christine Rosen, *Preaching Eugenics* (Oxford: Oxford University Press, 2004).

26. Strategies to reduce population were assembled by Bernard Berelson, “Table 1. Examples of Proposed Measures to Reduce U.S. Fertility, by Universality or Selectivity of Impact,” *Journal of Planned Parenthood—World Population*, Special Supplement, Oct., 1970: ix (listing numerous proposals, including: restructure family, put fertility-control agents in water supply, encourage women to work, encourage increased homosexuality).

27. Joseph Borkin, *The Crime and Punishment of I.G. Farben* (New York: Free Press, 1978), 89-93;

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28. John Ensor Harr and Peter J. Johnson, *The Rockefeller Century: Three Generations of America's Greatest Family* (New York: Scribner's, 1988).

29. According to the book jacket's description of the authors, Mr. Harr worked as an associate of John D. Rockefeller III for eleven years. Harr had been a journalist and a member of the U.S. Foreign Service. He earned a Ph.D. at the University of California at Berkeley. He became vicepresident of Capital Cities/ABC, Inc., and had authored four other books. Mr. Johnson worked for the Rockefeller family for twelve years. He earned an advanced degree in American history from the Maxwell School of Citizenship and Public Affairs.

30. Harr and Johnson, 18-31.

31. *Ibid.*, 33.

32. *Ibid.*, 49.

33. *Ibid.*, 45, 49.

34. *Ibid.*, 452-453.

35. *Ibid.*, 56.

36. *Ibid.* 61, 62, 66.

37. *Ibid.*, 62, 70.

38. *Ibid.*, 62. The Rockefeller Foundation absorbed the Rockefeller Sanitary Commission, which had ceased its work by 1914. *Ibid.*, 79.

39. *Ibid.* 362. In 1940, the Rockefeller Brothers Fund was created, and "would gradually succeed to the work of the Davison Fund." *Ibid.*, 393.

40. *Ibid.*, 68, 79.

41. *Ibid.*, 109-113.

42. Rosen, 116.

43. Harr and Johnson, 113.

44. *Ibid.* 160, 161.

45. Rosen, 116.

46. *Ibid.*

47. Harr and Johnson, 178-179.

48. Rosen, 221.

49. Harr and Johnson, 179.

50. Rosen, 117.

51. Harr and Johnson, 113-115.

52. *Ibid.*, 191.

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54. Katherine B. Davis, *Mental Hygiene, 1924*: 668.

55. Harr and Johnson, 149, 158.

56. *Ibid.*, 149.

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61. *Ibid.*, 283.

62. Kuhl, 20.

63. *Ibid.*, 32-33.

64. Black, 302-303; a Rockefeller Foundation grant, together with a grant from the Guggenheim Foundation, permitted Muller to spend eight years in Berlin, the U.S.S.R., and Edinburgh. He returned to the U.S. in 1940 after the outbreak of the war. He felt he would have had to give up his work, "had

not the Rockefeller Foundation supported a position for me . . . at Amherst University. Equally critical for my continuance in scientific work was the support which the Rockefeller foundation gave to Indiana University, that allowed me to be appointed a Professor there.” Warren Weaver, U.S. Philanthropic Foundations: The History, Structure, Management and Record (Harper & Row, 1967), 227.

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69. Ibid.

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