

“A Vigorous Campaign against Abortion”: Views of American Leaders of Eugenics v. Supreme Court Distortions

Paul A. Lombardo¹

1: GEORGIA STATE UNIVERSITY, ATLANTA, GA, USA.

Keywords: Abortion, Eugenics, *Dobbs*, *Box*, Birth Control

Abstract: The Supreme Court decided *Box v. Planned Parenthood of Indiana and Kentucky* in 2019. Justice Clarence Thomas’s opinion in the case claimed there was a direct connection between the legalization of abortion, in the late 20th Century, and the beginnings of the birth control movement a full three quarters of a century earlier. “Many eugenicists,” Thomas argued, “supported legalizing abortion.”

Justice Samuel Alito highlighted similar claims in *Dobbs v. Jackson Women’s Health*, citing a brief entitled “The Eugenic Era Lives on through the Abortion Movement.” That brief was an echo of Justice Thomas’ misguided attempt at history in the *Box* opinion. Similar claims reoccur in Judge Matthew Kacsmaryk’s opinion in the Texas mifepristone case, *Alliance for Hippocratic Medicine v. U.S. Food and Drug Administration*.

These false claims are the focus of this article. There is no evidence that early leaders of the eugenics movement supported abortion as part of the movement for birth control. It is accurate to describe those leaders as anti-abortion, and their followers as people who condemned abortion for moral, legal, and medical reasons.

Introduction

Since 2013, at least twenty states have passed legislation to prohibit abortions based on sex, race, or genetic anomalies. Legislators who supported those laws cited fears of “a path down the slippery slope of eugenics.”¹ The attempt to link “eugenics” to disfavored political causes has been a feature of political advocacy that reaches back decades, and the term framed a potent argument against abortion most prominently at the end of the 2019 Supreme Court term, when the court decided the case of *Box v. Planned Parenthood of Indiana and Kentucky*.²

The decision itself was unexceptional. The case involved a challenge by Planned Parenthood to an Indiana law that prescribed procedures for disposal of fetal remains, requiring them to be buried or cremated, and prohibiting abortions based on race, color, sex, or potential disability. Noting Indiana’s “legitimate interest” in regulating the disposal of “fetal remains,” the court validated that portion of the law but declined

Paul A. Lombardo, Ph.D., J.D., *Regents Professor & Bobby Lee Cook Professor of Law, Georgia State University College of Law.*

to articulate a view on the abortion ban and deferred a decision on that issue until a later date after more federal courts had considered it. The decision was an unsigned “Per Curiam” opinion, of barely two pages.³

In contrast, Justice Clarence Thomas wrote a concurring opinion that eventually filled a full ten pages. His endorsement of the Indiana law said that it was appropriate to “promote a State’s compelling interest in preventing abortion from becoming a tool of modern-day eugenics.” He then claimed that there was a clear link between the legalization of abortion, in the late 20th Century, and the beginnings of the birth control movement a full three quarters of a century earlier. Justice Thomas announced: “The foundations for legalizing abortion in America were laid during the early 20th-century birth-control movement. That

anti-abortion groups.⁸ It is telling that in upholding the Mississippi law that penalizes abortion of what the state termed an “unborn human being,” Alito made no mention of the exception in the law to abortions involving pregnancies with “severe fetal abnormality,” one class of victims the “reason based” laws were supposed to protect.⁹

More recently, Judge Matthew Kacsmaryk cited Justice Thomas’s comments on eugenics from the *Box* opinion in *Alliance for Hippocratic Medicine v. U.S. Food and Drug Administration*.¹⁰ Kacsmaryk linked abortion and eugenics, dramatically invoking the Nazis and “the bloody consequences of Social Darwinists practiced by would-be *Urbemensch*en” and calling for the revival of the Comstock Act to criminalize distribution of medications for abortion such as mifepris-

The false claims about the history of eugenics made in *Box*, buried in a footnote in *Dobbs*, and amplified in the Texas mifepristone case, are the focus of this article. Contrary to Justice Thomas, and those who mimic his conclusions, no evidence exists that leaders of the U.S. eugenics movement supported abortion “during the early 20th-century birth-control movement.” In fact, the leaders of the eugenics movement were anti-abortion, and their followers condemned abortion for moral, legal, and medical reasons.

movement developed alongside the American eugenics movement.” For the rest of his opinion, Justice Thomas restated this claim: “Many eugenicists,” he argued, “supported legalizing abortion.”⁴ But Thomas was unable to identify a single leader in American eugenics movement who supported abortion in the early 20th Century.⁵

In his majority opinion in *Dobbs v. Jackson Women’s Health*, Justice Samuel Alito called attention to arguments nearly identical to those Thomas made in *Box*. Alito referenced the portion of the *Brief for Amici Curiae African American, Hispanic, Roman Catholic and Protestant Religious and Civil Rights Organizations and Leaders* entitled “The Eugenic Era Lives on through the Abortion Movement.” That brief echoed Justice Thomas’ misguided attempt to describe eugenic history. Alito appeared to agree with a major premise of the amicus brief concerning the “demographic effect” of *Roe* on people of color.⁶ He also cited Thomas’ screed in *Box*, and although he asserted that he was not impugning “the motives of either those who have supported or those who have opposed laws restricting abortions,”⁷ he ignored the statements of those who have disputed the “eugenic” arguments of

tone. He neglected to note that Anthony Comstock, book burner, self-proclaimed “terror to evildoers” and the author of that infamous 19th Century law was himself a public supporter of eugenic sterilization.¹¹

The false claims about the history of eugenics made in *Box*, buried in a footnote in *Dobbs*, and repeated in the Texas mifepristone case, are the focus of this article. Contrary to Justice Thomas, and those who mimic his conclusions, no evidence exists that leaders of the U.S. eugenics movement supported abortion “during the early 20th-century birth-control movement.” In fact, the leaders of the eugenics movement were anti-abortion, and their followers condemned abortion for moral, legal, and medical reasons. The current campaign against abortion as a vehicle of eugenics, whose capstone manifesto took the form of a Supreme Court opinion by Justice Thomas and was amplified in the opinion that overturned *Roe v. Wade*, is based on an historical lie. The so called “reason-based” anti-abortion laws, such as the Indiana law challenged in *Box*, rest on that same lie.

In his argument attempting to link abortion to eugenics, Justice Thomas emphasized the role of Margaret Sanger, one of the most famous advocates

of birth control. Sanger was certainly a supporter of eugenics and often echoed the prejudices of some of the movement's most rabid leaders. But she, like them, argued openly against abortion and objected regularly to those who attempted to conflate birth control with abortion. Justice Thomas's attempt to vilify Sanger by linking birth control to both eugenics and abortion employs the same deceptive strategy that opponents of birth control used early in the 20th century. It also parallels earlier attempts to conflate birth control and abortion.¹² And it is consistent with Justice Thomas's invitation to the Court in his *Dobbs* concurrence to now reconsider as "demonstrably erroneous" decisions that protect birth control, such as the 1965 decision in *Griswold v. Connecticut*.¹³

"Eugenics" is now the anti-abortion movement's favored descriptor for anything it wishes to condemn. Anti-abortion partisans use eugenics as a linguistic club, hoping to link their opponents with the horrific record of both the Nazis and those in the U.S. who championed forced sterilization, among other coercive legal strategies, without concern for whether their use of the word corresponds to any historical reality. This strategy relies on a false account of the attitudes and positions of leaders of the eugenics movement toward both abortion and birth control.

This article surveys statements that capture the common position on abortion from the actual leaders in the American eugenics movement from its beginnings in England in 1904, through its appearance in America in 1905,¹⁴ until its demise as an organized movement following World War II.¹⁵ The article focuses on Charles B. Davenport and Harry H. Laughlin (Eugenics Record Office), Irving Fisher (Eugenics Research Association), Ellsworth Huntington (American Eugenics Society) and John H. Kellogg (Race Betterment Foundation). This survey reveals that while there was a wide variety of opinion among those who endorsed eugenics concerning the value of birth control, these eugenic leaders, and the vast majority of eugenic activists uniformly rejected abortion. Many in the eugenics movement were as fully opposed to abortion as a modern anti-abortion advocate. Yet in that earlier era, opponents of birth control often attempted to link it to abortion to discredit those who would make birth control more accessible. The article also addresses misuse of history and the inaccurate targeting of Margaret Sanger as a eugenic "leader" as a way of attacking the emergence of reproductive rights.

It is certainly true that some of the most vile and bigoted language about immigrants, people of color, people with disabilities, those who embodied uncon-

ventional sexuality, and the poor, was spoken by those who called themselves "eugenicists," nevertheless, they did not commonly endorse abortion.

Leaders of the US Eugenics Movement

Charles B. Davenport

Although there is extensive evidence that British leaders in eugenics who endorsed Francis Galton's policies in the earliest years of eugenics popularity also condemned abortion,¹⁶ this article focuses only on U.S. leaders. Charles B. Davenport, uniformly considered the most prominent leader in the American eugenics movement, met with Galton only a year after Galton endowed a university chair in eugenics in 1904.¹⁷ In 1906 Davenport helped found the first national eugenics organization, the Committee on Eugenics of the American Breeders Association, then founded the Eugenics Record Office in 1910. He supported every negative eugenics policy including segregation, sterilization, eugenic marriage laws, immigration restriction, and "racial purity" law. He was anti Black, anti-Semitic, anti-Asian and anti-Catholic. He died in 1944 holding these positions.

Davenport wrote one of the earliest and most successful textbooks on the topic, *Heredity in Relation to Eugenics*. In its first pages, he stated that while the state should without question control "propagation of the mentally incompetent" no eugenicist could support destruction of the unfit either before or after birth.¹⁸ Davenport was particularly fearful of being linked to Margaret Sanger. He considered her a radical and he staked out an early position against birth control.¹⁹ For decades scholars of eugenic history have made Davenport's contempt for Sanger clear, as well as his "antipathy" as a member of "the old guard" of eugenics toward birth control.²⁰

Davenport's papers contain an exchange between Paul Popenoe, coauthor of *Sterilization for Human Betterment*, and arch eugenicist Madison Grant, who wrote *The Passing of the Great Race*, declaring Popenoe's opposition to Sanger's organization, the American Birth Control League. Popenoe described the Birth Control League as a "lunatic fringe in the eugenics movement." It was controlled, he said by people who "really have no conception of what eugenics is and are actually opposed to it."²¹

Harry Hamilton Laughlin

Harry H. Laughlin, second only to Davenport at the Eugenics Record Office, shared his aversion to birth control advocacy and abortion. It would be hard to find a person so publicly linked to the most intolerant policy initiatives of the eugenics cause than Laughlin.

He provided the template for the Virginia sterilization law that was successfully argued before the U.S. Supreme Court in *Buck v. Bell*, and testified by deposition in that case. He helped orchestrate several “anti-miscegenation” laws that were designed to prohibit interracial marriage, and he functioned as an “expert eugenics agent” testifying to Congress and providing research in support of the Immigration Restriction Act of 1924. For these efforts he was rewarded by the Nazis with an honorary medical degree from the University of Heidelberg in 1936 for his work in the “science of race cleansing.”²²

Yet like Davenport and so many others in the early years of American eugenics, Laughlin openly opposed abortion. His policy brief on eugenic sterilization emphasized the goal of organized eugenics, saying: “Preventing the procreation of defectives rather than destroying them before birth, or in infancy, or in the later periods of life, must be the aim of modern eugenics.”²³ Later, Laughlin focused on the pronatalist Nazi program of outlawing abortions emphasizing that, of all the measures inaugurated by the Nazis in favor of a larger population, the most effective was the closing of all doctors’ offices where unwarranted operations were reported to have been performed.” The French, said Laughlin, “are deprived of approximately 400,000 births per year by ‘illegal, criminal abortions’” and he applauded a French official’s policy “to wage a relentless fight against abortions” but was skeptical of a legislative program of paid bonuses for births. Instead he favored “a vigorous campaign against abortion” that could produce “immediate results.”²⁴

Laughlin is recognized as one of its most fervent supporters of eugenic policies and among its most effective leaders. But while he embraced every policy that now evokes the most thorough disgust, he simultaneously opposed abortion. His perspective on abortion remained even after his time at the Eugenics Record Office. As late as 1947, *The Eugenic News*, edited for years by Laughlin, ran advertisements offering two pamphlets published by the Planned Parenthood Federation of America: “Abortion: Crime and Social Failure,” and “Don’t Have An Abortion.”²⁵

John Harvey Kellogg

John Harvey Kellogg was the Founder and President of the Race Betterment Foundation in Battle Creek Michigan, and he presided over national conferences there in 1914, 1915, and 1928.²⁶ He called “the unfit” a “menace to the race” and warned that philanthropy leads to “ultimate race destruction.” His solution: we must “prevent the multiplication of their defects by recognizing the laws of eugenics.”²⁷ Kellogg believed

that eugenics would “create a new and improved human race... an aristocracy of health and biologic fitness ...the founders of the new race of man.”²⁸

But like his colleagues, Kellogg approvingly repeated the sentiment that, “Of all the sins, physical and moral, against man and God, I know of none so utterly to be condemned as the very common one of the destruction of the child while yet in the womb of the mother.”²⁹ He equated infanticide and abortion, saying that denying that a child has a “soul or individual life until the period of quickening” was a “modern notion” and “an error.”³⁰ “There is, in fact, no, moment after conception when it can be said that the child has not life, and the crime of destroying human life is as heinous and as sure before the period of ‘quickening’ has been attained as afterward.”³¹

Irving Fisher

Yale political scientist Irving Fisher, like many in the eugenics movement, followed the lead of Teddy Roosevelt who fought constantly for pronatalist policies while railing about “race suicide” that would deprive the nation of healthy white babies. Fisher broke with many other more established eugenicists and in contrast to Roosevelt, supported birth control methods while simultaneously opposing abortion. As President of the Eugenics Research Association, Fisher noted that unwanted births were previously dealt with through “infanticide and abortion. Birth-control offers another way, easier, less objectionable and therefore destined to be far more widely practiced among civilized peoples,” he concluded.³²

Ellsworth Huntington

Ellsworth Huntington was a Yale University professor of geography, and President of the Board of Directors of the American Eugenics Society from 1934 to 1938. His book *Tomorrow’s Children* was meant to be “an attempt to state in simple but accurate language the main principles of eugenics” and serve as a replacement for the organization’s 1923 manifesto, *A Eugenics Catechism*.³³

In *Tomorrow’s Children*, Huntington explained the relationship between birth control and abortion, contrasting the prevention of conception, with “the dangerous and cruel practices of abortion and infanticide.”³⁴ Repealing laws against birth control was necessary, said Huntington, because doctors in many states were forbidden to tell patients “how to prevent the conception of children.” This situation resulted in the birth of “hundreds of thousands of unwanted and often undesirable children” while the “birth of other

hundreds of thousands is prevented by the dangerous and wholly undesirable method of abortion.”³⁵

In the final year of Ellsworth Huntington’s presidency of the American Eugenics Society, he repeated the policy in favor of birth control and in opposition to abortion in an article for the *Eugenics Review*:

Contraception violates our existing mores less than any other form of population control. Abortion, asceticism, infanticide, have in the past supplemented the effects of famine, disease, or war. Aside from eugenics, the avoidance of these evils furnishes urgent social reasons for the extension of the knowledge of methods of contraception.³⁶

Confusing Birth Control and Abortion

Like Justice Thomas and Justice Alito today, opponents of birth control in the early 20th Century often conflated it with abortion, condemning both practices. In 1930, University of California professor Dr. Samuel J. Holmes criticized a book by prominent life insurance researcher Frederick L. Hoffman, saying:

Stillbirths, which Dr. Hoffman believes are proportionately on the increase, are attributed to a certain extent to birth control practices, and the reader is left to infer that the author includes attempts at abortion under the term birth control, an interpretation against which all birth controllers would strongly protest.³⁷

In an article entitled “Birth Control Fallacies” Mary Louise Inman decried the confusion of birth control and eugenics written into the Comstock laws. Inman explained: “One of the crudest of these popular fallacies regarding birth control—and one which is fostered by opponents of the movement — is the identification in the popular mind of birth control with abortion.”³⁸

Prolific eugenicist writer William Robinson spoke similarly:

In one brief sentence, birth control means controlling the size of the family... And it is only the malicious and dishonest opponents of birth control who are trying to discredit the movement by making the people believe that we advocate abortion.³⁹

The Trial of Margaret Sanger

Perhaps the most relevant material that contradicts those who would link eugenics, Margaret Sanger, and abortion is found in the appellate records following

the 1915 trial of Sanger for violating New York’s “little Comstock” law which made distribution of information about birth control or abortion criminal. Sanger argued that laws such as this were harmful to women, because it denied them control of their own bodies, but it also pushed them toward abortion. A woman who became pregnant because of the inaccessibility of birth control was forced “to unnecessarily expose herself to the hazardry of death.” A Sanger brief in the case quoted Professor Zueblin, of Harvard University, writing on the subject of “Birth Control,” who pointedly said that “[t]he methods of preventing the birth of children range from chastity to abortion. None of these must be confused with contraception, the purpose of which is to allow women to determine when they shall be pregnant,” and “Abortion is the destruction of gestating life. It is a crime against society to confuse the *unconceived with the unborn*.”⁴⁰

In 1918, Margaret Sanger repeated the same message about abortion that her colleagues had stated during her trial: “the hundreds of thousands of abortions performed in America each year are a disgrace to civilization.”⁴¹ But disagreement over the value of birth control persisted among the eugenists.

Sanger launched the First American Birth Control Conference in 1921, with supporters including British statesman and eventual Prime Minister Winston Churchill, racial propagandist Lothrop Stoddard, and prominent New York physician S. Adolphus Knopf. At her opening speech Sanger declared: “the healthy and fit elements of the nation [carry] the burden of the unfit who are increasing in numbers ... This is the program of the Birth Control movement ... to stop at its source those processes which are making for a weakened and deteriorated race.”⁴² Other participants opposed Sanger’s position on the eugenic value of birth control.

Roswell H. Johnson, later president of the American Eugenics Society, argued: “We have an alarmingly low birth rate from intellectually superior persons ... [we need] more births from superior and less from inferior.” Echoing Teddy Roosevelt, he said “The Aryan stock is today the most given to Birth Control and it must see that it does not suffer internationally by the relative ignorance of inferior stocks.”⁴³ Sanger and Johnson agreed about the need for birth control, and made their eugenic motivation clear, but neither of them endorsed abortion.

Conclusion

As this article has demonstrated, mainstream leaders of eugenics condemned abortion generally, even while they disagreed about how useful birth control

One of the most powerful lessons of eugenics in the U.S. is that giving the state control over reproduction ends in tragedies that future generations uniformly condemn. Decisions like *Dobbs* are not an attack on eugenics. Like now defunct eugenic legislation, cases like *Dobbs* reinstall governmental control over the most private decisions of individuals. Those who claim that “eugenics” is driving abortions share the same position on abortion as those who led the eugenics movement, and they share the same desire to make control of reproduction a governmental prerogative. That idea is the antithesis of the principles that undergird reproductive justice.

could be to the eugenic goals they supported. They also understood that opponents of both birth control and abortion were playing upon public ignorance to erase the distinctions between preventing conception and ending pregnancies. Justices Thomas and Alito are repeating the strategy of confusing abortion and birth control in a campaign that would ultimately abolish both practices. By adopting the campaign of anti-abortion activists, they have repurposed the term “eugenics” toward that goal.

The eugenics movement was nurtured on the expectation that the U.S. populace would join in voicing contempt and open hatred for several kinds of people. The movement successfully embedded that contempt in scores of U.S. laws. They targeted the incarcerated, the poor, those who endured disease, or lived with disabilities, immigrants, and anyone with sexual identities or practices that did not reflect conventional morality. In the United States, that contempt was used to give government control over the reproduction of disfavored groups. But even authentic disgust at the atrocities perpetrated by supporters of eugenics does not justify intentional falsification of the historical record. Those who wish to oppose some modern version of “eugenics” bear the burden of showing how they are working to repair the historical campaign of contempt for all those groups, rather than perpetuating the injustices eugenics yielded in the name of single-issue politics.

One of the most powerful lessons of eugenics in the U.S. is that giving the state control over reproduction ends in tragedies that future generations uniformly condemn. Decisions like *Dobbs* are not an attack on eugenics. Like now defunct eugenic legislation, cases like *Dobbs* reinstall governmental control over the most private decisions of individuals. Those who claim that “eugenics” is driving abortions share the same position on abortion as those who led the eugenics movement, and they share the same desire to make control

of reproduction a governmental prerogative. That idea is the antithesis of the principles that undergird reproductive justice. At the very least, Supreme Court opinions that strip long established rights from the majority of citizens should not be founded on a false version of the past.

Note

The author has no conflicts to disclose.

References

1. “Abortion Bills Passed,” *Bismarck Tribune* (Bismarck, North Dakota), March 16, 2013, 9; S. Kalantry, “Do Reason-Based Abortion Bans Prevent Eugenics?” *Cornell Law Review Online* 107, no. 1 (2021): 1. Kalantry counts eleven state laws in this category, though there are now at least nine more, see S. M. Suter, “Why Reason Based Abortion Bans are Not a Remedy Against Eugenics: An Empirical Study,” *Journal of Law and Biosciences* 10, no. 1 (2023) Table 2d.
2. *Box v. Planned Parenthood of Indiana and Kentucky*, 139 S.Ct. 1780 (2019).
3. 139 S.Ct. 1780 (2019) at 1782.
4. *Box*, 139 S.Ct. 1780 (2019) at 1783.
5. Thomas identified one British commentator from 1957 (“... legal scholar Glanville Williams wrote that he was open to the possibility of eugenic infanticide, at least in some situations,” G. Williams, *Sanctity of Life and the Criminal Law* 20 (1957)), and an American from 1959 (“In 1959, for example, [Alan] Guttmacher explicitly endorsed eugenic reasons for abortion.) *Box* at 1789.
6. “And it is beyond dispute that Roe has had that demographic effect. A highly disproportionate percentage of aborted fetuses are black.” *Dobbs v. Jackson Women’s Health*, 142S.Ct. 2228 (2022) 2256, note 41.
7. See *Brief for Amici Curiae African-American, Hispanic, Roman Catholic and Protestant Religious and Civil Rights Organization and Leaders Supporting Petitioners* 14-21; (Arguing that “Many eugenicists supported legalizing abortion”) at 14.
8. Such as K. M. Bridges, “The Dysgenic State: Environmental Injustice and Disability-Selective Abortion Bans,” 110 *California Law Review* 110 (2022) (“there really is no evidence that anyone is targeting black women for abortions, nor is there evidence that sex-selective abortions are occurring with any frequency in the United States”) citing G. Donley, “Does the Constitution Protect Abortions Based on Fetal Anomaly?: Examining the Potential for Disability-Selective Abortion

- Bans in the Age of Prenatal Whole Genome Sequencing," *Michigan Journal of Gender & Law* 20 (2013).
9. *Dobbs v. Jackson Women's Health*, 142 S. Ct. 2228 (2022) Thomas, J., concurring at 2234.
 10. *Alliance for Hippocratic Medicine v. U.S. Food and Drug Administration*, United States District Court, N.D. Texas, Amarillo Division. --- F.Supp.3d ---- 2023 WL 2825871.
 11. "A Symposium on Sterilization of the Unfit," *Medical Review of Reviews* 20 (1914): 19.
 12. See *Burwell v. Hobby Lobby Stores, Inc.*, 573 US 682 (2014) and related Brief of Amici Curiae Physicians for Reproductive Health, et al., no. 13-354 (Contraceptives v. Abortifacients: the Difference between Pregnancy Prevention and Pregnancy Termination, at 12).
 13. *Dobbs v. Jackson Women's Health*, 142 S. Ct. 2228 (2022) at 2301.
 14. Though Galton coined the term eugenics in 1883, see F. Galton, *Inquiries into Human Faculty and Its Development* (London: J. M. Dent & Co. 1883) 17, n. 1, it was not until he endowed a position at the University of London in 1904 that eugenics began to be popularized in England, and soon thereafter in the U.S., see "Mr. Francis Galton on Eugenics," *The Times* (London) May 17, 1904, 14, and "Lecture on Eugenics: Francis Galton Discussed the Science at London," *Houston Post* (Texas) June 5, 1904, 16.
 15. John Harvey Kellogg died in 1943, see H. Markel, *The Kelloggs: The Battling Brothers of Battle Creek* (New York: Pantheon, 2017), as did Harry Hamilton Laughlin ("Dr. Harry H. Laughlin Geneticist and Author, 62, Once with Carnegie Institute, Dies," *New York Times*. January 28, 1943), 20; Charles Benedict Davenport died in 1944 (O. Riddle, "Biographical Memoir of Charles Benedict Davenport, 1866-1944," *Biographical Memoirs* (Fall 1947), 75); Ellsworth Huntington (C. Brooks, "Dr. Ellsworth Huntington," *Nature* 160 (1947): 666-667 and Irving Fisher died in 1947 ("Prof Irving Fisher of Yale Dies at 80; Famed, Economist Succumbs Here After 2-Month Illness — On Faculty 45 Years," *New York Times*, April 30, 1947, 25.)
 16. See, for example, Caleb Saleeby, *Parenthood and Race Culture, An Outline of Eugenics* (New York: Moffat, Yard and Co., 1911) 120. Saleeby was unequivocal in the conviction that "when a new human life is conceived our duty is to preserve it," no matter "whether it were conceived only twenty-four hours ago or whether it be a decrepit and helpless centenarian." He asserted that "real birth" occurred at "the union of the maternal and paternal germ-cells at conception." P. A. Lombardo, "We Who Champion the Unborn: Racial Poisons, Eugenics, and the Campaign for Prohibition," *Journal of Law, Medicine & Ethics* 50, no. 1 (2022): 124-138.
 17. F. Galton, "Eugenics: Its Definition, Scope, and Aims," *American Journal of Sociology* X; (1904): 1-25.
 18. C. Benedict Davenport, *Heredity in Relation to Eugenics* (New York: Holt & Company, 1911) 4.
 19. A. Chase, *The Legacy of Malthus: The Social Costs of the New Scientific Racism* (1977).
 20. R. A. Soloway, "The 'Perfect Contraceptive': Eugenics and Birth Control Research in Britain and America in the Interwar Years," *Journal of Contemporary History* 30, no. 4 (1995): 637-664.
 21. Paul Popenoe to Madison Grant, April 14, 1928. American Philosophical Society (APS), Charles Benedict Davenport Papers.
 22. P. A. Lombardo, "Miscegenation, Eugenics, Racism: Historical Footnotes to *Loving v. Virginia*," *UC Davis Law Review* 21 (1988), note 140.
 23. H. H. Laughlin, *Report of the Committee to Study and to Report on the Best Practical Means of Cutting off the Defective Germ-Plasm in the American Population*, *Eugenics Record Office Bulletin* no. 10a (1914).
 24. H. Hamilton Laughlin, [*A Report of the Special Committee on Immigration and Naturalization of the Chamber of Commerce of the State of New York*] *A report of the Special Committee on Immigration and Naturalization, Submitting a Research on Conquest by Immigration, a Study of the United States as the Receiver of Old World Emigrants who Become the Parents of Future-Born Americans* (New York City, 1939): 16-17.
 25. "News and Notes Relating to Eugenics," *Eugenical News* XXXII (1947) 14.
 26. E. F. Robbins and Race Betterment Foundation, *Proceedings of the First National Conference on Race Betterment*, January 8, 9, 10, 11, 12, 1914: Battle Creek, Michigan. [Battle Creek, Mich.: Gage Printing Company, Ltd.,] 1914; "Dr. J.H. Kellogg Urges Eugenistry at Race Betterment Conference," *Chicago Tribune*, Jan 11, 1914, 7; "Registry Bureau for Humans Kellogg's Suggestion," *Los Angeles Times*, Aug 8, 1915, 4; "Noted Men Appearing on Program of Third Race Betterment Conference," *News Journal* (Wilmington, Delaware), Jan 3, 1928, 13.
 27. J.H. Kellogg, "Tendencies Toward Race Degeneracy," Reprinted from the *New York Medical Journal*, September 2 and 9, 1911, 22.
 28. J.H. Kellogg, *Ideas* (Battle Creek: Good Health Publishing, 1916) 75-77.
 29. J. H. Kellogg, *Plain Facts* (Battle Creek, Mich. Good Health Pub. Co., 1917), 593.
 30. Kellogg, *supra* note 29, 596.
 31. Kellogg, *supra* note 29, 602.
 32. I. Fisher, "Impending Problems of Eugenics," *Scientific Monthly* 13, no. 3 (1921) (Address of the president of the Eugenics Research Association, Cold Spring Harbor, June 24, 1921). 214-231.
 33. E. Huntington, *Tomorrow's Children; The Goal of Eugenics by Ellsworth Huntington in Conjunction with the Directors of the American Eugenics Society* (New York: John Wiley & Sons, 1935) vii.
 34. Huntington, *supra* note 33.
 35. Huntington, *supra* note 33.
 36. E. Huntington, "Practical eugenics: Aims and Methods of the American Eugenics Society," *Eugenics Review* 30, no. 3 (1938) 187-197.
 37. "Books and Bibliography," S. J. Holmes, *Eugenics: A Journal of Race Betterment* III, no. 12 (1930) 479.
 38. M. L. Inman, "Birth Control Fallacies," *Eugenics: A Journal of Race Betterment* II, no. 5 (1929).
 39. W. J. Robinson, "Birth Control: Its Incalculable Benefits to the Individual, the Family and the Race, and the Immorality of Its Opponents," in Drysdale, C. V. et al., *Small or Large Families*. (New York: Critic and Guide Company, 1917).
 40. J. Goldstein, *Appellants Brief in Support of Motion for a Stay of the Proceedings in People of the State of New York ex rel. Margaret H. Sanger* (New York: Hecla Press, 1916); *People of the State of New York ex rel. Margaret H. Sanger*, 34-35. Emphasis in the original.
 41. M. Sanger, "Birth Control or Abortion," *Birth Control Review* (1918): 3-4.
 42. M. Sanger, *Birth Control: What it Is, How it Works, What it Will Do. Proceedings of the First American Birth Control Conference*, 1921.
 43. Johnson quoted in J. Carey, "The Racial Imperatives of Sex: Birth Control and Eugenics in Britain, the United States and Australia in the Interwar Years," *Women's History Review* 21, no. 5 (2012): 733-752.