

1920

## PROHIBITING VIVISECTION

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**ARGUMENT AGAINST PROHIBITING  
COMPULSORY VACCINATION.**

Speaking for the entire membership of the State Board of Health, I urge the voters of California to vote "No" and help to defeat Proposition No. 6, the anti-vaccination measure.

The State Board of Health is appointed by the Governor and charged by law with the responsibility of protecting and preserving the public health. It is the duty of the Board to warn the public of any approaching or present danger that threatens the health of the people.

Recognizing this responsibility and impelled by duty I hereby warn the people of California that if the anti-vaccination measure should be adopted, this state will be in constant danger of an epidemic from smallpox and your State Board of Health will be powerless to check any such epidemic.

To understand the real purpose of the alleged "Public School Protective League," which is the chief advocate of the Anti-Vaccination Act, the voter must read the official report of that anti-health organization. In its official report the "Public School Protective League" shows that it has hampered and frustrated the public health activities of the Children's Bureau, the Red Cross, the F. M. C. A., the War Camp Community Service, the Tuberculosis Association and the federal, state, county and city boards of health.

The specious plea of this misnamed "Public School Protective League," that its only object is to prohibit compulsory vaccination of school children, can not stand in the light of its record. All voters know that there is now a law in California exempting children from vaccination, whenever the parents, guardians or persons

responsible for them are conscientiously opposed to the practice of vaccination.

Why is it that in our army and navy smallpox is almost unknown? Vaccination is responsible for this commendable condition. The State Board of Health is often asked if vaccination is dangerous. When properly cared for it is no more dangerous than any pin scratch on the skin. Within the last two years alone over 3,000,000 persons have been vaccinated in this country without a single death.

Disease prevention depends upon scientific health work aided by community cooperation. Many diseases are not the fault of the individual and are not within his power to avoid or control. Collectively we create conditions and produce the causes, and individuals suffer the results. The conscientious objector that catches a communicable disease does not confine the evil results to himself but often spreads the contagion.

The duty of the state to protect the life and health of its citizens is a fundamental principle of government. When the state has a method of protection against the dreadful scourge of smallpox that is as reliable and thoroughly tested as vaccination it would be criminal folly to abandon it or impair its efficiency.

Mexico, our near neighbor, is frequently scourged by smallpox. Shall California render its State Board of Health powerless to cope with this devastating disease?

A vote for the Anti-Vaccination Act is practically a vote for smallpox. Vote "No" and defeat this menacing measure.

GEORGE E. ESHAUGH, M.D.,  
President, California State  
Board of Health.

**PROHIBITING VIVISECTION.** Initiative act. Declares it unlawful to dissect, vivisect or torture any living person or living animal, or aid or abet therein for purpose of experimental physiological or experimental pathological investigation in or at any university, school, society, college, hospital, institution or other place within California; declares nothing in act shall prohibit the dissection or vivisection, or aiding or abetting therein, of any living person when done with latter's consent, or prohibit surgical operations upon or rendering medical aid in case of physical injury, deformity or sickness of any person or animal; provides penalties and repeals conflicting acts.

YES

NO

Sufficient qualified electors of the State of California present to the secretary of state this petition and request that a proposed measure, as hereinafter set forth, be submitted to the people of the State of California for their approval or rejection, at the next ensuing general election. The proposed measure is as follows:

**PROPOSED LAW.**

(Proposed changes from provisions of present laws are printed in black-faced type.)

An act declaring it to be unlawful to dissect, vivisect, torture, or experiment upon any living human being or living animal for the purpose of experimental physiological or experimental pathological investigation; providing exceptions; defining certain words; providing penalty for the violation of its provisions; and repealing acts or parts of acts in conflict with the provisions of this act.

The people of the State of California do enact as follows:

Section 1. The words dissect, vivisect and torture as used herein are hereby defined to

mean the dissection of or experimentation upon any living human being or any living animal for the purpose of experimental physiological or experimental pathological investigation.

Section 2. The words university, school, society, college, hospital and institution as used herein, are hereby defined to mean any university, school, society, college, hospital or institution, whether the same be public or private, sectarian or non-sectarian, charitable or otherwise, and whether supported in whole or in part by public, private or other funds, or whether organized, created or existing under and by virtue of the constitution of the State of California or otherwise.

Section 3. It is hereby declared to be unlawful for any person or persons to dissect, vivisect or torture, or to aid or abet any person or persons to dissect, vivisect or torture, any living human being or any living animal for the purpose of experimental physiological or experimental pathological investigation in or at any university, school, society, college, hospital, institution or other place within the State of California. Provided, however, that nothing in this act shall be construed as prohibiting any person or persons from dissecting or vivisecting or aiding or abetting in the dissection or vivisection of any living human being when such

dissection or vivisection is done with the consent of such human being. Provided further, however, that nothing in this act shall be construed as prohibiting the performance of surgical operations upon or rendering of medical aid in case of physical injury, deformity or sickness to any human being or animal."

Section 4. Any violation of the provisions of this act by any person or persons, irrespective of his or their relation to or connection with any of the places mentioned in this act, is hereby declared to be a misdemeanor punishable, on conviction, for a first offense, by a fine of not more than three hundred (300) dollars, or by imprisonment in a county jail for not more than ninety (90) days. And for every subsequent offense any violation hereof shall, upon conviction, be punishable by a fine of not less than fifty (50) dollars nor more than five hundred (500) dollars or by imprisonment in a county jail for not less than ten (10) days nor more than four (4) months or by both such fine and imprisonment.

Section 5. All acts or parts of acts in conflict herewith are hereby repealed.

#### EXISTING PROVISIONS.

Sections five hundred ninety-seven and five hundred ninety-nine b of the Penal Code, which define cruelty to animals, read as follows:

397. Every person who maliciously kills, maims, or wounds an animal, the property of another, or who overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, drink or shelter, cruelly beats, mutilates, or cruelly kills any animal, or causes or procures any animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, drink or shelter, or to be cruelly beaten, mutilated or cruelly killed; and whoever, having the charge or custody of any animal, either as owner or otherwise, subjects any animal to needless suffering, or inflicts unnecessary cruelty upon the same, or in any manner abuses any animal, or fails to provide the same with proper food, drink, shelter or protection from the weather, or who drives, rides or otherwise uses the same when unfit for labor, is for every such offense, guilty of a misdemeanor.

599b. In this title\* the word "animal" includes every dumb creature; the words "torment," "torture," and "cruelty" include every act, omission, or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted; and the words "owner" and "person" include corporations as well as individuals; and the knowledge and acts of any agent of, or person employed by, a corporation in regard to animals transported, owned, or employed by, or in the custody of, such corporation, must be held to be the act and knowledge of such corporation as well as such agent or employee.

Section five hundred ninety-nine c of the Penal Code, which exempts medical colleges and universities from certain provisions of the laws relating to cruelty to animals, reads as follows:

(Provisions which will be affected by proposed vivisection act are printed in italics.)

599a. No part of this title\* shall be construed as interfering with any of the laws of this state known as the "game laws," or any laws for or against the destruction of certain birds, nor must this title be construed as interfering with the right to destroy any venomous reptile, or any animal known as dangerous to life, limb, or property, or to interfere with the right to kill all animals used for food, or with properly conducted *scientific experiments or investigations performed under the authority of the faculty of a regularly incorporated medical college or university of this state.*

\*NOTE.—Title referred to is Title XIV of Part I; includes cruelty to animals.

#### ARGUMENT IN FAVOR OF PROHIBITING VIVISECTION.

A reading of the title of this measure gives complete understanding of the object to be accomplished.

Vivisection means experimenting upon live animals by means of cutting, starving, feeding with loathsome substance, inoculation, freezing, burning, drowning, etc. These practices have been accomplished naught in the interests of medicine or surgery, but have brought confusion, contradiction, dangerous medical practices, and deplorable waste of public money.

Many of the most eminent medical authorities declare vivisection of animals as applied to humans is misleading and valueless, owing to differences in construction and constitution of animals and humans.

Other schools of the healing art not practicing vivisection show a much larger percentage of cures than the schools believing in vivisection, and its products of serums and vaccines.

Notwithstanding false claims to the contrary, eminent medical authorities declare the great discoveries have not come through vivisection; the progress in surgery and healing is due to anesthetics and sanitation, neither being discovered by vivisection.

Animal vivisection leads to human vivisection. Vivisectors themselves declare "the final experiment must always be made upon man." The helpless, friendless poor in almshouses, hospitals, and prisons; the insane in institutions; and little children in orphanages are experimented upon. Vote "Yes" on this measure and stop this heartless inhumanity in California.

Vivisection and animal experimentation are useless as shown by the fact that disease has not been lessened by using serums, antitoxins and vaccines, which pollute the blood of humanity, thereby increasing insanity, cancer, tuberculosis, nervous and venereal diseases.

Government Public Health Report (1918) shows that our robust young soldiers, in peaceful home cantonments, under strict allopathic treatment, on top of a course of vaccination and inoculation, had a death rate over four and one-half times as great as the civil population including old and diseased.

Serum and vaccine factories represent investments of millions of dollars, and are builded upon the tortured bodies of God's sentient creatures. City, county, state, and federal governments pay for serums and vaccines out of the tax funds of the people.

If animals are completely anesthetized why are they bound down by steel clamps and bars in torture troughs? Why is *curare* used—that agonizing drug that paralyzes motion and increases sensation? If no cruelty is practiced in vivisection, why do vivisectors oppose the "open door" in their laboratories? In fact, in many horrible experiments anesthetics can not be used.

It has been urged this measure interferes with surgery, and ordinary processes of horticulture, agriculture, and stock raising. Careful reading of the measure shows the fallacy of this assertion and insincerity of those making it. This measure in no wise interferes with destruction of animal or insect life, but does prevent torture—the foundation of vivisection.

Vivisection is founded upon torture of humans and animals alike. It violates the laws of God and nature, and imposes upon humanity a system barbarous, immoral, unscientific, and misleading.

Vote "Yes" on No. 7 on the ballot.

ROSEMOND RAB WRIGHT.

**ARGUMENT AGAINST PROHIBITING  
VIVISECTION.**

The initiative measure against experiments on animals is unnecessary special legislation based on a prejudice and misinformation. It will promptly be rejected if correctly understood. No one will tolerate cruelty to animals. The present laws of California are very drastic in their control of any abuses.

There is no cruelty to animals in the laboratories of the state. Those in charge of them are men and women of the highest character, unselfishly working to help their fellowmen. *Anesthetics are always used for animals in the laboratories in exactly the same way that they are used in the operating room.*

This measure will affect every resident and every animal in the state if it becomes a law. It is aimed at every effort being made to control and understand the diseases of men and animals.

By years of hard study much is now known of the cause and progress of disease. We no longer need fear scourges of smallpox, cholera, typhoid fever, yellow fever, diphtheria, hydrophobia and a host of other diseases. We built the Panama Canal after the French failed because we knew how to control the terrible diseases there. In the Great War our boys were protected by modern sanitation, and cared for by skilled surgeons and nurses. Every prospective mother, every father can thank Providence that child-bed fever with its large death rate need not be feared. All of these

things we owe entirely to careful experiments on animals. We still have much to learn. We can only win out against many forms of heart and kidney disease, diabetes, cancer and tuberculosis by further studies on animals. Common sense tells us that we must make trials to learn. We must know how things work. No engineer would be trusted with a passenger train who had never seen an engine go, no matter how much he knew of its parts. No physician or scientist can be trusted with the lives of our families or the safety of our communities who has not studied carefully the way living animals carry on their functions and the way they react to disease.

Without dairy cattle we could not raise our children. Only by animal experimentation have we learned to protect them, and to save millions of dollars and great suffering by the control of hog cholera, blackleg, and other diseases of horses, cattle, hogs, sheep, chickens and dogs.

Only by animal experiments have we been able to learn how to stop botulism, the kind of food poisoning that nearly wrecked the olive industry, and is a source of danger to every fruit and vegetable industry.

The question is between prejudice and science, ignorance and knowledge, fancy and fact. This measure will tie the hands of every physician. It may be your baby or your wife or your husband who will need an animal sacrificed to save life or give life saving information.

Your vote means your choice. Which shall it be—a guinea pig or an innocent baby?

RAY LITMAN WILBUR.

**POISON ACT.** Submitted to electors by referendum. Amends act regulating sale and use of poisons, exempting therefrom preparations of United States pharmacopoeia and national formulary and other established remedies, except paregoric which may be sold only upon physician's prescription.

8 Regulates amount of opium, morphine, cocaine and heroin which licensed physician may prescribe for habitual user thereof, but excepts cases of incurable disease, ailment or injury, and requires report thereon to state pharmacy board; regulates sale, gift and possession of hypodermic syringes and needles, requiring written order of physician, dentist, veterinarian, or osteopath therefor; and prescribes penalties.

YES

NO

Whereas, the legislature of the State of California, in regular session in April, 1919, passed, and the governor of the State of California, on the twenty-seventh day of May, 1919, approved a certain act, which act, together with its title, is in the words and figures following, to wit:

**PROPOSED LAW.**

An act to amend sections seven, eight and nine of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, and to add four new sections thereto to be numbered eight and one-half, eight e, eight f and eight g.

The people of the State of California do enact as follows:

Section 1. Section seven of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, is hereby amended to read as follows:

Section 7. Any person violating any of the provisions of sections eight or eight a of this act shall upon conviction be guilty of and shall be punished as follows, viz: for the first offense

said person so convicted shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars, and not to exceed four hundred dollars, or by imprisonment for not less than fifty days and not exceeding one hundred eighty days, or by both such fine and imprisonment; for the second offense said person so convicted shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than two hundred fifty dollars, and not to exceed five hundred dollars, or by imprisonment for not less than ninety days and not exceeding six months, or by both such fine and imprisonment; and for the third offense said person so convicted shall be deemed guilty of a felony and shall be punished by imprisonment in the state prison for not less than one year and not more than five years. Any person violating any of the provisions of this act, except those contained in sections eight or eight a, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than thirty dollars, nor more than two hundred dollars, or by imprisonment for not less than thirty days and not more than fifty days, or by both such fine and imprisonment. All moneys, forfeited bail or fines, received under the operation of this act shall be paid by the magistrate receiving same, seventy-five per cent to the state board of pharmacy, and twenty-five per cent to the city treasurer of the city, if incorporated, or