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GROWING ENVIRONMENTAL CONCERNS: IS POPULATION CONTROL THE ANSWER?

I. INTRODUCTION

In addition to the discussions surrounding the new millennium's "Y2K" problem, a similar hysteria has been sweeping the nation and the international community. In October 1999, the world's population reached six billion.¹ As a result of this event, many are now worried that if the world population continues to grow, the Earth will run out of resources and the environment will not be able to sustain the number of people.² The assumption for many is that the more inhabitants there are on Earth, the more the Earth's resources will be depleted and, therefore, increased environmental problems will result.³

Population control has been a hotly debated and controversial issue since the 1994 United Nations ("U.N.") Population Conference in Cairo.⁴ Following the Cairo Conference, population con-

1. See Barbara Crossette, *Rethinking Population at a Global Milestone*, N.Y. TIMES, Sept. 19, 1999, at 4-1. On October 12, the world officially declared that it reached the six billion population mark. See *id.* Demographers made this projection based on "fertility, mortality and migration estimates." *Id.* A population control advocacy group, Zero Population Growth, has named this milestone "Y6B." See *Year of 6 Billion People, Living Dangerously*, N.Y. TIMES, Oct. 7, 1999, at G3. To draw attention to the event, on October 12, 1999, the Zero Population Growth organization flew a ten story high green "Y6B" hot air balloon. See *Giant Y6B Balloon Marks World Population Reaching 6 Billion*, U.S. NEWswire, Oct. 11, 1999. According to the United Nations Population Fund (UNFPA) the world's population stood at 5.9 billion in December 1998. See Danielle Knight, *Population: Rich Countries Not Keeping Promises to Poor*, INTER PRESS SERVICE, December 1, 1998. UNFPA reports that 78 million people are added to the world's population each year, and 95% of that number is in developing nations. See *id.*

2. See generally Paul R. Ehrlich & Anne H. Ehrlich, *The Population Explosion: Why We Should Care and What We Should Do About It*, 27 ENVTL. L. 1187 (1997) (noting that humanity must take action immediately to reduce impact of population on environment or face eventual environmental disaster). For further discussion of those adhering to this idea, see *infra* notes 28-39 & 218-30 and accompanying text.

3. See *id.* In his book *The Population Bomb*, Paul Ehrlich urged that population control is the answer to solving the Earth's environmental problems, noting that "[w]e must rapidly bring the world population rate to zero or mak[e] it go negative." PAUL R. EHRLICH, *THE POPULATION BOMB* 131 (1968). These ideas are currently held and remain the focus of the Washington, D.C. based organization Population Action International. See generally POPULATION ACTION INTERNATIONAL, *STABILIZING THE ATMOSPHERE: POPULATION, CONSUMPTION AND GREENHOUSE GASES* (1998) (suggesting links exist between population and environmental problems).

4. See Paula Abrams, *Population Control and Sustainability: It's the Same Old Song but with a Different Meaning*, 27 ENVTL. L. 1111, 1113-15 (1997). Human rights im-

trol captured the attention of the United States Congress.⁵ In addition, population control has spurred many interesting alliances, bringing together environmental and family planning special interest groups.⁶ Most interesting, and possibly most influential, has been the recent attraction of private dollars to this cause.⁷ In 1997, media millionaire Ted Turner began the trend of donating large sums of private money to population control when he donated one billion dollars to the U.N. Population Fund.⁸ Simi-

lications of family programs began to be recognized at the 1968 International Conference on Human Rights in Tehran. *See id.* at 1113. It was not, however, until the 1994 World Population Conference at Cairo that "the international community reached a consensus that population programs should comply with the basic human rights principles already protected by national and international laws." *Id.* at 1114. One reason that the Cairo conference has resulted in debate is because:

To many policy makers, the gradual and transformative process defined by the Cairo Programme is inadequate where rapid reductions in birth rates are desired. However, there is a great deal of controversy over whether alternative approaches which directly target reproductive behavior by limiting family size or aggressively recruiting for contraception or sterilization programs are inherently coercive. Thus, while most governments agree that coercive measures violate human rights, there is a great deal of disagreement about what constitutes coercive practices and regulation.

Id. at 1115. For further discussion of the population control debate, see *infra* notes 66-205 and accompanying text.

5. *See generally* U.S. Congress Maintains Abortion Ban On Aid Funds, DEUTSCHE PRESSE-AGENTUR, Apr. 28, 1998 (noting U.S. Senate narrowly approved provision, by 51-49 vote, banning U.S. support to international organizations which advocate abortion as means of population control). For further discussion of Congress's attention to population control, see *infra* notes 175-78 and accompanying text.

6. *See* Thomas A. Glessner, *Investigative Report: The Funding of Population Control/Family Planning Organizations*, Culture of Life Foundation (1997) (unpublished report on file with Concerned Women of America Organization) (noting different groups which support population control). One example of the interesting alliances that have been made occurred on March 8-10, 1999, when the Audobon Society, Sierra Club and Planned Parenthood demonstrated together in Washington, D.C. to encourage Congress to commit more funds to world population control. Telephone Interview with Scott Weinberg, Population Research Institute (Mar. 5, 1999). For further discussion of the different groups supporting population control, see *infra* notes 179-82 and accompanying text.

7. *See* David Ignatius, *A New Way of Giving*, THE SEATTLE TIMES, Feb. 7, 1999, at B7 (noting new causes to which billionaires are giving their money, such as population control). For further discussion of private donors, see *infra* notes 183-85 and accompanying text.

8. *See* Mary Ann Glendon, *On Abortion, It's Clinton vs. The U.N.*, WALL ST. J., May 5, 1998, at A22. Turner's one billion dollar donation was announced in the fall of 1997, and disbursements to the U.N. were planned in annual installments of \$100 million for 10 years. *See id.* Turner's donation would "rank behind the annual contributions of only the U.S., Japan and Germany." *Id.*; *see* Daniel Michaels, *Turner Apologizes to Polish People for Ethnic Joke*, WALL ST. J. EUROPE, Feb. 22, 1999, at 9 (noting Turner's one billion dollar donation and support of population control; also noting Turner's apology for offensive ethnic comments made at gathering of family planning and abortion rights group, the National Family Planning and Re-

larly, in February 1999, population control captured the attention and much sought after funds of the world's wealthiest individual, Bill Gates, who donated the largest private donation recorded in history, 2.2 billion dollars, to his private foundation which supports population control.⁹

An interesting development in the area of population control has been its link to the environment.¹⁰ As one scholar noted: "[i]n the last few decades, the effect of population control upon the environment has emerged as a justification for regulation of fertility independent of economic concerns. The impact of world population [reaching] six billion upon the world's natural resources presents profound questions of national and international policy."¹¹ Similar to population issues, "[e]nvironmental degradation is an issue of profound national and international significance. It is, in fact, one of the few truly international issues requiring a global community perspective for effective action."¹² Thus, this issue of population and its effect on the environment cannot be reviewed lightly.

In reviewing this complex issue, many factors must be considered in order to find a successful solution to the world's legitimate environmental and social concerns.¹³ The factors to be considered

productive Association, about Pope John Paul II due to Pope's anti-abortion stance).

9. See *UN Population Fund Hails Bill & Melinda Gates' \$2.2 Billion Donation*, M2 PRESSWIRE, Feb. 12, 1999, available in 1999 WL 12604836. The United Nations Population Fund hailed the \$2.2 billion donation given to the William H. Gates Foundation, a family foundation specializing in supporting population and health projects worldwide. See *id.* The \$2.2 billion gift brings the William H. Gates Foundation endowment to \$4.2 billion, making it one of the best-endowed foundations in the world. See *id.*; see also Andrew Serwer, *Bill Gates Gets Really Generous*, FORTUNE, Mar. 1, 1999, at 35; Andy Serwer & Jeanne Lee, *One Family's Finances: How Bill Gates Invests His Money Like A Lot of People, He's Got Stocks, Bonds, and a Money Manager*, FORTUNE, Mar. 15, 1999, at 68. This donation coincided with the opening of the February 1999 Hague Forum on population and development. See *UN Population Fund Hails Bill & Melinda Gates' \$2.2 Billion Donation*, *supra*. For a brief discussion on The Hague Forum, see *infra* notes 195-200 and accompanying text.

10. See Abrams, *supra* note 4, at 1112-13 (noting population and possible effects on environment). For discussion on population and the environment, see *infra* notes 206-57 and accompanying text.

11. Abrams, *supra* note 4, at 1112-13.

12. *Id.* at 1119.

13. See, e.g., Abrams, *supra* note 4, at 1112 (noting "[l]ike most complex social problems, development of successful strategies to address the population problem requires consideration of conflicting values and priorities"); see also POPULATION & ENVIRONMENT: RETHINKING THE DEBATE 1-2 (Lourdes Arizpe et al. eds., 1994) (noting that complex issues not addressed despite scientific advances must be addressed, and that population-environment debate has not significantly progressed in over 20 years). In order "[f]or social scientists to better understand the human dimensions of environmental change, both at the global and local level, they must ultimately adapt their models and analyses by collaborating with natural scientists."

include culture, government, tradition and religion.¹⁴ If the United States continues to support and participate with the U.N., which imposes population control policy across international borders, we as a nation must first critically review and seriously consider the different cultures, traditions, religions and governmental doctrines of the people upon whom these policies are imposed.¹⁵ If this review and critical consideration is not done, the United States will not only be insulting the people in other countries who are forced to abide by these population control policies, but also the United States may be encouraging ineffective or immoral policies.¹⁶

This Comment reviews the current state of the environment in Section II.¹⁷ Section III discusses population control, including current United States policies and international initiatives.¹⁸ Section IV analyzes the population-environment connection, discuss-

Id. at 2. Additionally, "social science approaches to understanding population and environment must themselves be reevaluated." *Id.*

14. See POPULATION & ENVIRONMENT: RETHINKING THE DEBATE, *supra* note 13, at 1-2. The population-environment debate has focused on using worldwide historical statistics and aggregate simulations, resulting in a macro level of analysis. See *id.* at 1. "Research in the social sciences in population and environment has largely followed traditional disciplinary boundaries, with separate analyses of demographic and environmental phenomena." *Id.* Review at the micro level provides data regarding social and economic factors that mediate the relation between population and the environment. See *id.* at 3. The population-environment issue "does not just involve absolute numbers of people nor even just population densities or overall rates of increase, but also, in important ways, social, political, and institutional factors." *Id.*; see also Harold Coward, *Religious Responses to the Population Sustainability Problematic: Implications for Law*, 27 ENVTL. L. 1169, 1170 (1997) (noting that religion and law can work powerfully together to protect both humans and nature from unethical exploitation). For further discussion of religion, philosophy, government and cultural perspectives on population control, see *infra* notes 70-108 and accompanying text.

15. See POPULATION & ENVIRONMENT: RETHINKING THE DEBATE, *supra* note 13, at 3. A careful review of the issues is necessary since "[c]omplex patterns of human relationships overlay, alter and distort the relation of people to the land and to the cities." *Id.* "[T]he terms and models of the debate on population and the environment have been oversimplified and decontextualized; they need to be recast to better reflect the complexities of the real world." *Id.* at 339.

16. Cf. Bharati Sadasivam, *The Rights Framework in Reproductive Health Advocacy—A Reappraisal*, 8 HASTINGS WOMEN'S L.J. 313, 315 (1997) (noting that in countries "such as the former Yugoslavia, Haiti, Rwanda, and Somalia, [population control] is a tool for political projects such as eugenics, 'ethnic cleansing', or rape as an instrument of war"). For further discussion of the moral and political perspectives presented by population control, see *infra* notes 109-61 and accompanying text.

17. For a discussion of the current state of the environment, see *infra* notes 22-65 and accompanying text.

18. For a discussion of population control, see *infra* notes 66-205 and accompanying text.

ing past and current theories.¹⁹ Section V raises alternatives to population control.²⁰ Lastly, Section VI concludes the Comment suggesting that population control is not the solution to the Earth's environmental problems.²¹

II. CURRENT STATE OF THE ENVIRONMENT

A debate exists over the current state of the environment and the Earth's resources.²² On one side of the debate are those who hypothesize that the Earth is running out of natural resources, and the human race is therefore on the brink of disaster.²³ People agreeing with this hypothesis claim the Earth will soon reach its limited "carrying capacity."²⁴ They claim, therefore, that "only a few decades remain to stop unrestrained population growth and environmentally devastating economic practices before efforts to

19. For a discussion of the population-environment connection, see *infra* notes 206-57 and accompanying text.

20. For a discussion of alternatives to population control for solving environmental issues, see *infra* notes 258-75 and accompanying text.

21. For the author's conclusion to this Comment noting that population control is not the solution to environmental problems, see *infra* notes 276-92 and accompanying text.

22. See Fred Smith, *Reappraising Humanity's Challenges, Humanity's Opportunities*, in *THE TRUE STATE OF THE PLANET*, 379, 379-82 (Ronald Bailey ed., 1995). Perhaps scholar Fred Smith best describes this debate:

"We now have in our hands—in our libraries, really—the technology to feed, clothe, and supply energy to an ever-growing population for the next 7 billion years," says Julian Simon. Not so, responds Vice President Al Gore: "Humankind has suddenly entered into a brand new relationship with our planet. Unless we quickly and profoundly change the course of our civilization, we face an immediate and grave danger of destroying the worldwide ecological system that sustains life as we know it."

Id. at 379 (quoting NORMAN MYERS and JULIAN L. SIMON, *SCARCITY OR ABUNDANCE? A DEBATE ON THE ENVIRONMENT* 65 (1994); Albert Gore, *An Ecological Kristallnacht*. *Listen*, N.Y. TIMES, Mar. 19, 1989).

23. See Smith, *supra* note 22, at 379. Scholar Fred Smith notes that "[t]he doomsayers' viewpoint, shared by many conventional environmentalists, argues the human dilemma in Terrible Toos terms: There are *too* many of us! We consume *too* much! We rely *too* heavily on technology, which we understand *too* poorly!" *Id.* See generally ALBERT GORE, *EARTH IN THE BALANCE: ECOLOGY AND THE HUMAN SPIRIT* (1992) (noting problems facing environment so severe that if urgent measures not taken soon, we may reach point of no return). For further discussion of this side of the debate, see *infra* notes 28-39 and accompanying text.

24. See Mona L. Hymel, *The Population Crisis: the Stork, the Plow, and the IRS*, 77 N.C. L. REV. 13, 18 (1998) (noting tax policy can and should be used to address overpopulation problems). "Scientists describe carrying capacity as 'the maximum population size of any organism that an area can support, without reducing its ability to support the same species in the future.'" *Id.* at 18-19.

achieve a sustainable future 'will be lost and prospects for humanity immeasurably diminished.'"²⁵

On the other side of the debate are those who believe that although there have been, and still are, environmental problems, current measures have improved these problems.²⁶ In addition, they believe the Earth does not have a limited "carrying capacity" and that natural resources will continue to be plentiful.²⁷

A. The Bad News

The modern era of United States environmental law was established with the passing of the Clean Air Act of 1970.²⁸ From today's vantage point, this Act, as well as others passed in the 1970s, has been largely successful.²⁹ These laws, however, focused mainly on reducing pollution and waste and have largely ignored consumption of goods and resources.³⁰ Since the laws were focused on pol-

25. *Id.* at 15 (quoting Union of Concerned Scientists, World's Leading Scientists Issue Urgent Warning to Humanity, Nov. 18, 1992, Press release, *available in* LEXIS, Envirn Library, Panews File). For further discussion of theories supporting population control as a way to control environmental problems, see *infra* 218-30 and accompanying text.

26. See Sara M. Dunn, Comment, *From Flav'r Sav'r to Environmental Saver? Biotechnology and the Future of Agriculture, International Trade, and the Environment*, 9 COLO. J. INT'L ENVTL. L. & POL'Y 145, 145 (1998) (encouraging notion that preserving biodiversity could enable agriculture to meet new challenges yet unknown). For further discussion of this side of the debate, see *infra* notes 40-65 and accompanying text.

27. See generally JULIAN L. SIMON, *THE ULTIMATE RESOURCE* (1981) (noting that natural resources and energy not getting less scarce and technology has improved world's food supply); JULIAN L. SIMON, *THE ULTIMATE RESOURCE 2* (1996) (noting continued findings of scientific evidence for increase in natural resources).

28. Clean Air Act of 1970, Pub. L. No. 91-604, 84 Stat. 1676 (codified as amended at 42 U.S.C. §§ 7401-7671 (1994)).

29. See James Salzman, *Sustainable Consumption and the Law*, 27 ENVTL. L. 1243, 1244 (1997) (noting that "[o]verall, the air is purer, the water is cleaner"). Other successful Acts passed in the 1970s are the Clean Water Act and the Resource and Conservation and Recovery Act. See *id.*

30. See *id.* at 1244 (noting that "[b]y narrowly focusing on basic pollution issues such as the production and disposal of waste, our laws have largely ignored other significant contributors to environmental harms" and noting one main contributor is consumption); see also *THE TRUE STATE OF THE PLANET 3* (Ronald Bailey ed., 1995) (noting that part of problem with laws passed in 1970s, which involved top-down imposition of laws and regulations, impaired capacity of people to change their behavior on their own). Editor Bailey notes:

For many pollutants, the industrialized countries have reached the point that Supreme Court [J]ustice Stephen Breyer calls the "problem of the last 10%." We have taken care of the first 90 percent of the pollutants, but cleaning up the last 10 percent is exceedingly difficult and expensive. It is at this point of diminishing returns that we must consider whether devoting resources to cleaning up the last 10 percent is better for the natural environment than directing those resources to other problems.

Id.

lution regulation, factories are now cleaner and more efficient, thus, producing less pollution per unit of production.³¹ Although this is an important achievement, it is diminished by overconsumption, which results in the increased use of natural resources in both the United States and international communities.³²

Despite improvements resulting from the passing of environmental laws, environmental problems still remain.³³ For example, timber companies continue to log remnants of ancient forests, chemical companies still continue to produce tons of toxins, and corporate developers continue to dredge and fill fragile wetlands at an alarming rate.³⁴ The United States consumes thirty percent of the world's resources, yet makes up only five percent of the world's population.³⁵ Thus, in order to preserve the environment's ability to sustain life, some commentators state that overconsumption and the destructive practices that pollute the water and air must be addressed.³⁶

In addition to pollution and other environmental problems, some warn that world resources are at an all-time low level and are running out rapidly.³⁷ Paul Ehrlich, a well-known population control advocate, contends that soils are being eroded in many places at inches per decade, and groundwater which accumulated during

31. See Salzman, *supra* note 29, at 1244-45 (noting positive achievements of pollution regulations).

32. See *id.* at 1245; see also Tom Pierce, Comment, *A Constitutionally Valid Justification for the Enactment of No-Growth Ordinances: Integrating Concepts of Population Stabilization and Sustainability*, 19 U. HAW. L. REV. 93, 99-100 (1997) (stating that consumption and population trends during past 15 years have wiped out most gains achieved by air and water pollution laws and "human encroachment continues to threaten critical habitat and environmentally sensitive land areas despite increasingly restrictive land use laws and other creative land use measures").

33. See THE TRUE STATE OF THE PLANET, *supra* note 30, at 4. Editor Ronald Bailey notes that the "most serious instances of environmental degradation have proved hard to fix by law." *Id.* He notes that "[w]hile governments and interest groups spend a lot of time fighting about every last drop of 'toxic' waste, the ecological systems of ocean fisheries have deteriorated far more than any damage that landfills have caused." *Id.*

34. Melanie Mitsue Okamoto, *The Greening of Hate*, A. MAGAZINE, Nov. 30, 1998, at 34 (noting current environmental problems). Bailey notes another type of problem exists: "indoor air pollution in the form of smoke and carbon monoxide-the result of burning bio-fuels like wood and dung in houses in the developing world-is one of the chief global threats to human health. It is also one of the least discussed." THE TRUE STATE OF THE PLANET, *supra* note 30, at 4.

35. See Okamoto, *supra* note 34, at 34 (noting U.S. consumption of resources).

36. See *id.* (noting consumption and other items should be addressed in determining environmental problems).

37. See Ehrlich & Ehrlich, *supra* note 2, at 1192 (noting impending environmental disaster); see also EHRlich, *supra* note 3 (warning of decreasing resources).

the ice ages is overdrawn.³⁸ Ehrlich warns that although depletion and degradation of natural resources are as old as civilization, the amount occurring today is unprecedented in its "colossal and planet-wide scale."³⁹

B. The Good News

Although many environmental groups, especially population control advocates such as Ehrlich, note that the Earth has a finite amount of resources, evidence shows this is actually not the case.⁴⁰ Many scientists and economists strongly oppose Ehrlich and the other "doomsayers."⁴¹

One example of this opposition relates to the "greenhouse effect."⁴² Some support the greenhouse effect theory with the fact that the average global temperature has increased slightly over the past century.⁴³ The majority of this increase, however, took place before 1938, and greenhouse gases, primarily carbon dioxide, were released after that date.⁴⁴ Similarly, the problem of acid rain was

38. See Ehrlich & Ehrlich, *supra* note 2, at 1192 (noting depleting resources).

39. *Id.*

40. See Stephen Moore, *The Coming Age of Abundance*, in *THE TRUE STATE OF THE PLANET* 109, 132 (Ronald Bailey ed., 1995). Moore notes scientific evidence reveals that the doomsayers "were wrong in most predictions they made in the 1960s and 1970s when they forecast increasing natural resource scarcity and rising prices of commodities. In the 1980s in the United States and abroad, natural resources became more, not less, plentiful. Those trends have generally continued in the early 1990s." *Id.*

41. See *id.*; see generally *THE RESOURCEFUL EARTH: A RESPONSE TO GLOBAL 2000* (Julian L. Simon and Herman Kahn, eds., 1984) (indicating that aggregate global and U.S. environmental trends are improving rather than deteriorating); *THE TRUE STATE OF THE PLANET* (Ronald Bailey ed., 1995) (presenting ten scholars' views dispelling "myths" of overpopulation, food, global warming and pesticides and redirecting attention to more urgent problems of fisheries, fresh water and third-world pollution); Ronald A. Reno, *People Make the World Better: Exploding the Myth of the "Population Bomb"* (Feb. 1996) (unpublished manuscript, on file with Focus on the Family Organization) (noting that humanity is Earth's greatest resource and assessing true state of Earth).

42. See Michael Sanera & Jane S. Shaw, *Environmental Exaggeration*, *TEACHERS IN FOCUS*, July/Aug. 1997, at 6 (noting global warming, the theory that Earth will get significantly warmer due to greenhouse gases, is not severe problem).

43. See *id.* (noting some exaggerate greenhouse effect problem).

44. See *id.*; see also Robert C. Balling, Jr., *Global Warming: Messy Models: Decent Data, and Pointless Policy*, in *THE TRUE STATE OF THE PLANET* 83, 84-104 (Ronald Bailey ed., 1995). Professor Balling notes that "[t]he scientific evidence argues against the existence of a greenhouse crisis, against the notion that realistic policies could achieve any meaningful climatic impact, and against the claim that we must act now if we are to reduce the greenhouse threat." *Id.* at 84.

found to be far less severe of a problem as revealed by the largest scientific study of acid precipitation.⁴⁵

The “doomsayers” claim the Earth is running out of natural resources.⁴⁶ This hypothesis is refuted by University of Maryland economist Julian Simon, who reports the Earth’s crust presently contains millions of years of the natural resources of copper, iron, phosphorus, lead, zinc, sulphur, uranium, aluminum and gold.⁴⁷ Similarly, Carroll Ann Hodges, of the U.S. Geological Survey, has noted that minerals essential to industrial economies are neither currently in short supply, nor are they likely to be in future generations.⁴⁸ Hodges further notes that “despite the specter of scarcity that has prevailed throughout much of this century, no sustained mineral shortages have occurred.”⁴⁹

In addition, Ehrlich and others have claimed that the Earth will run out of food resources.⁵⁰ Thomas Malthus, who is credited with developing the first modern theory of population control, made predictions of mass world starvation in 1798.⁵¹ Many echoed this prediction when world food prices peaked in the 1970s.⁵² These predictions, however, have not materialized, partly because “they failed to take into account the ingenuity of those in agriculture,” which has lead to increased world food supplies.⁵³ An exam-

45. See Sanera & Shaw, *supra* note 42, at 6. The study was the National Acid Precipitation Assessment Program, which was a ten-year government project costing more than 500 million dollars. See *id.*

46. See Smith, *supra* note 22, at 379 (noting doomsayers dominate published literature claiming resources are depleting); see generally GORE, *supra* note 23 (noting problems facing environment are so severe that if urgent measures are not taken soon, we may reach point of no return).

47. See SIMON, *THE ULTIMATE RESOURCE*, *supra* note 27, at 33 (noting resources not depleting but getting less scarce).

48. See MERCEDES ARZU WILSON, *LOVE & FAMILY* 166 (1996). Wilson adds that the only thing getting more expensive is labor, “an indication of the scarcity of people.” *Id.*

49. *Id.*

50. See Dunn, *supra* note 26, at 145-46 (noting claims that food resources are depleting).

51. See Abrams, *supra* note 4, at 1116 (noting Thomas Malthus was first modern theorist of population control). For further discussion of Thomas Malthus and his theory, see *infra* notes 209-17 and accompanying text.

52. See Dunn, *supra* note 26, at 145 (noting rising food prices in 1970s caused concern that food resources were depleting).

53. *Id.* at 145. In fact, as reported by the World Food Security, world food supplies are 18% above what they were 30 years ago, and the number of undernourished people in developing countries has declined from “thirty-five percent in 1969-1971 to twenty percent in 1990-1992.” *Id.* at 146; see also Reed Boland, *The Environment, Population, and Women’s Human Rights*, 27 ENVTL. L. 1137, 1139 (1997) (noting history has demonstrated that “doomsday” predictions, from Malthus’ time until present, about overpopulation and depletion of world’s resources have

ple of this ingenuity is in the area of agricultural biotechnology.⁵⁴ "Biotechnology appears to be leading the race as the primary tool of agriculture for the twenty-first century."⁵⁵ In addition to agricultural biotechnology, other new technologies in the areas of soil, fertilizer and DNA are breaking the link between food production and resource consumption.⁵⁶

Another positive development leading to less environmental waste has been instituted by many United States' companies.⁵⁷ The companies voluntarily participate in a practice which extends the producer's responsibility for the environmental impacts of its product even after the product is sold.⁵⁸ The basic idea is that producers design their products to reduce the environmental impacts of the products' lifecycle.⁵⁹

been proven wrong). Boland notes that "[h]uman ingenuity and technological progress have so far managed to outpace the natural forces conspiring to bring about the downfall of mankind and the despoliation of the environment. Ways have been found to solve even the most seemingly insurmountable problems." *Id.*

54. See Dunn, *supra* note 26, at 146 (noting advances in biotechnology).

55. *Id.* In 1997, over 20 million acres were planted with genetically enhanced seeds in the United States and Canada, and this process is expected to more than triple over the next several years. See *id.* In early 1997, 22 foods that were developed through biotechnology—in addition to the Calgene Flav'r Sav'r Tomato, the first engineered crop approved for sale in the U.S.—were approved by the Food and Drug Administration. See *id.*

56. See Stephen Budiansky, *10 Billion for Dinner, Please*, U.S. NEWS & WORLD REPORT, Sept. 12, 1994, at 57, 62. In the area of soil technology, conventional plowing that leaves bare soil exposed is being replaced; new "No-till" planters cut only a narrow slit through sod and crop residues, drastically reducing erosion. See *id.* Also, reductions are being made in the amount of fertilizer needed to grow crops. See *id.* "Precision farming" systems use satellite maps of fields to control the rate that seeds and fertilizers are spread. By precisely matching application rates to local soil conditions, yields are increased and waste is cut." *Id.* DNA manipulation also reduces the need for fertilizers. See *id.* at 62. Since most plants are difficult to manipulate with genetic engineering, a new "gene gun" has overcome this obstacle because it shoots new bits of DNA directly into plant cells. See *id.* This process has resulted in new varieties of barley that resist viral diseases, and work is currently underway to "modify corn plants genetically so that they can play host to nitrogen-fixing bacteria, which reduces the need for chemical fertilizers." *Id.*

57. See Salzman, *supra* note 29, at 1289-90. Examples of actions taken by United States companies include the following: "Xerox recovers its photocopiers, reconditions them, and puts them back in the market. Ford collects and reconditions bumpers. Dupont takes back its [products] and chemically breaks them down for reuse as raw material." *Id.* at 1290-91. Similarly, "[d]espite its name, the [disposable] camera is not thrown away. Instead, Kodak and Fuji pay developing labs to send cameras back to the appropriate factory where they are reconditioned and replaced back on the market." *Id.* at 1291-92.

58. See *id.* at 1270. This practice is called Extended Producer Responsibility, which is similar to a 1991 law implemented in Germany. See *id.*

59. See *id.* at 1270. Companies do this for a variety of reasons: good business practices result because it saves manufacturing and material costs; state legislation

As previously noted, two schools of thought exist regarding the issue of the current status of the world's environmental problems.⁶⁰ One group feels the Earth is being completely destroyed, and, in an effort to find remedies, they hypothesize that a reduction in the amount of people on the Earth will solve environmental problems.⁶¹ Thereby, the first school of thought endorses population control.⁶² Alternatively, others note the Earth's resources are plentiful and not finite.⁶³ They acknowledge that environmental problems exist, but the problems are caused by the *way* people treat the environment and not the *amount* of people in the environment.⁶⁴ This group, therefore, rejects population control, viewing

may be pre-empted; and, as companies' markets become more international, they will develop global designs to recognize economies of scale. *See id.* at 1291.

60. *See* Smith, *supra* note 22, at 379 (noting debate between those who state positive outlook on state of environment due to abundance of resources, and those who state environment is running out of resources and is in very bad state; noting actual debate of Julian Simon and Paul Ehrlich); *see generally* NORMAN MYERS & JULIAN L. SIMON, SCARCITY OR ABUNDANCE: A DEBATE ON THE ENVIRONMENT (1994) (reporting actual debate of Norman Myers and Julian Simon on October 14, 1992, before live audience at Kellogg Conference Center of Columbia University's School of International and Public Affairs).

61. *See generally* ROBERT ENGELMAN, PROFILES IN CARBON: AN UPDATE ON POPULATION, CONSUMPTION AND CARBON DIOXIDE EMISSIONS, POPULATION ACTION INTERNATIONAL (1998) (noting that climate and population are inseparable).

62. *See* Ben J. Wattenberg, *The Population Explosion is Over*, N.Y. TIMES, Nov. 23, 1997, at 60 (commenting on inaccuracies of this school of thought). Wattenberg notes that "[f]or 30 years, one notion has shaped much of modern social thought: that the human species is reproducing itself uncontrollably, and ominously." *Id.* Wattenberg points out that in Ehrlich's 1968 book *The Population Bomb*, "Ehrlich warned that 'the cancer of population growth must be cut out' or 'we will breed ourselves into oblivion.'" *Id.*; *see* Ehrlich & Ehrlich, *supra* note 2, at 1187. For further discussion of those who endorse the hypothesis that population effects the environment and, therefore, support population control measures in order to reduce environmental problems, *see infra* notes 218-30 and accompanying text.

63. *See, e.g.*, THE RESOURCEFUL EARTH: A RESPONSE TO GLOBAL 2000, *supra* note 41, at 2-3. Editors Simon and Kahn note that "[m]ineral resources are becoming less scarce rather than more scarce" *Id.* at 3. Similarly, regarding energy, they note:

The prospect of running out of energy is purely a bogeyman. The availability of energy has been increasing, and the meaningful cost has been decreasing, over the entire span of humankind's history. We expect this benign trend to continue at least until our sun ceases to shine in perhaps 7 billion years

Id. at 25.

64. *See* THE RESOURCEFUL EARTH: A RESPONSE TO GLOBAL 2000, *supra* note 41, at 3. Simon and Kahn note that they are not claiming that "all is well everywhere, and [they] do not predict that all will be rosy in the future. Children are hungry and sick; people live out lives of physical or intellectual poverty, and lack of opportunity; war or some new pollution may do us in." *Id.* They note, however, that their research has shown that "aggregate global and U.S. trends are improving rather than deteriorating." *Id.*; *see* BEN J. WATTENBERG, THE BIRTH DEARTH 129 (1987). Scholar Wattenberg, of the Washington, D.C. based American Enterprise

it as an illogical and ineffective way to improve the environment, and states that population control in and of itself is currently causing world-wide problems and will continue to lead to further problems.⁶⁵

III. POPULATION CONTROL

As divisive and controversial as the environmental debate has been, the population control issue has probably been even more so.⁶⁶ One reason it has been so controversial and complex is that it spans across many different religions, philosophies, cultures and governments.⁶⁷ Additionally, population control raises many difficult moral, political and human rights issues.⁶⁸ All of these elements result in varying policies concerning growing populations and what controlling their growth actually means.⁶⁹

Institute, a think-tank organization, noted that "[s]ome of the most densely populated countries are the most environmentally advanced—like Switzerland. More people can cause pollution. More people can also reduce pollution. It's what people do, not how many there are, that counts." *Id.*

65. See, e.g., Abrams, *supra* note 4, at 1129 (noting human rights abuses). One reason many do not support population control is due to the human rights violations it has produced. See *id.*; see also Wattenberg, *supra* note 62, at 60. Another reason many do not support population control is because "[n]ever before have birthrates fallen so far, so fast, so low, for so long all around the world." *Id.* This leads to an interesting issue, and Wattenberg notes:

When people have fewer babies and live longer, the median age of society climbs. In 1990, about 6 percent of the world's population was over age 65. By 2050, that figure will be in the 15-to-19 percent range—prompting a "grayby boom." By having relatively few children, people today are eroding the population base that should pay for their pensions in their old age. In 1955 there were nine American workers to support each Social Security recipient. Today there are three. By 2030, the number is expected to be two.

Id. For further discussion of those who reject the hypothesis of population as affecting the environment and, therefore, reject measures to control the population in order to reduce environmental problems, see *infra* notes 231-57 and accompanying text.

66. See, e.g., Sadasivam, *supra* note 16, at 315 (noting that issues surrounding reproduction evoke unease among families, political and religious powers, and nations).

67. See Abrams, *supra* note 4, at 1112 (noting "overpopulation is a multi-faced problem").

68. See, e.g., *id.* (noting "[a]n individual's decisions concerning reproduction are influenced by numerous factors, including religion, economics, culture and politics").

69. See *id.* at 1111 (noting "[t]he population problem is as hard to define as it is to solve"). Abrams observes that "[l]ike most complex social problems, development of successful strategies to address the population problem requires consideration of conflicting values and priorities. The resolution of these conflicts impacts the individual, the state, and the international community." *Id.* at 1112.

A. Historical Perspectives

1. Religion

Any discussion on population control would be incomplete without a review of the traditional beliefs of the major world religions on this issue.⁷⁰ This discussion is especially important since it is an issue upon which many religions historically and currently hold strong positions.⁷¹ As one scholar, Harold Coward, has noted, "[t]he debate over how many [people] is too many has ranged across the disciplines of biology, economics, ecology, anthropology, philosophy, and demography."⁷² While the role of religion is typically never mentioned, Coward notes, however, "it is clear that religions can and do shape people's attitudes about the environment, practices surrounding fertility and reproductive health, and the just sharing of the earth's resources."⁷³ As proof of this, human rights issues resulted in a strong religious response at the 1994 Cairo United Nations Conference on Population and Development.⁷⁴

On the population control issue, "[v]irtually all religions have been strongly pro-natal."⁷⁵ Believers of the Jewish and Christian religions rely on what is regarded as the inspired words of God, as recorded respectively in the Torah and Old Testament of the Bible.⁷⁶ Regarding the issue of increasing world population, these religions rely on the words that are similarly recorded in both the Torah and the Bible: "Be fruitful, and multiply, and replenish the earth."⁷⁷ In addition, these religions also emphasize that man has a stewardship role in taking care of the Earth.⁷⁸ The Torah and the

70. See, e.g., Coward, *supra* note 14, at 1170 (noting religions shape people's attitudes about environment and fertility).

71. See *id.* (noting religions hold strong viewpoint on population issue).

72. *Id.*

73. *Id.*

74. See Coward, *supra* note 14, at 1170. The religious response was evoked by the human rights issues that were discussed. See *id.* As reported by the U.N., "[t]he views of the world's religions, especially Islam and Christianity via the Vatican, had a strong influence on the drafting of preliminary documents, the Conference discussions, and the resulting 'Programme of Action.'" *Id.* (citing Report of the International Conference on Population Development, U.N. Dept. of Economic and Social Information and Policy Analysis, U.N. Doc. A/Conf. 171/13 (Oct. 18, 1994) <gopher://gopher.undp.org> (report from Cairo Conference, Sept. 5-13, 1994)).

75. Coward, *supra* note 14, at 1171.

76. See generally A NEW DICTIONARY OF RELIGIONS (John R. Hinnells ed., 1995) (discussing beliefs of world religions including Christianity, Judaism and Islam).

77. Genesis 1:28 (King James).

78. See POPULATION, CONSUMPTION, AND THE ENVIRONMENT: RELIGIOUS AND SECULAR RESPONSES 3 (Harold Coward ed., 1995) (noting these religions believe

Bible emphasize this role: "[F]ill the earth and subdue it. Rule over the fish of the sea and the birds of the air and over every living creature that moves on the ground."⁷⁹ Additionally, Islam, which regards the Qur'an as its holy writing, generally forbids fertility control.⁸⁰ Islam also advocates care for the Earth and "the Qur'an teaches that humans, as custodians of nature, [are] free to satisfy their own needs only with an eye to the welfare of all creation."⁸¹

Accordingly, the three major monotheistic world religions, Judaism, Christianity and Islam, share the same beliefs concerning humanity's responsibility to care for the Earth.⁸² Furthermore, they share a common positive belief toward fertility and multiplying humanity, which is ordered by their respective holy writings.⁸³ Thus, people with strictly held beliefs in these major world religions would not be able to reconcile their strongly held religious beliefs with a policy of population control which decreases humanity as a way to solve environmental problems.⁸⁴ This concept, in fact, internally conflicts with two of their strong beliefs: simply, take care of the Earth and fill it with people.⁸⁵

2. Philosophy

Historical philosophy also must be reviewed when analyzing population control.⁸⁶ The study of population is not new, and one

that God places upon humans responsibility of being co-stewards of environment that God has provided for their use).

79. Genesis 1:28 (New International). See Randall Edwards, *An Alliance That Works For Nature's Sake*, THE COLUMBUS DISPATCH, Oct. 23, 1998, at C1 (noting environmentalists and organized religion are coming together and finding more in common than either would have imagined ten years ago).

80. See Coward, *supra* note 14, at 1174 (noting Islam forbids fertility control).

81. *Id.* at 1173.

82. See Coward, *supra* note 14, at 1175. Coward notes that "all religions have at least an implicit environmental ethic." *Id.* See generally A NEW DICTIONARY OF RELIGIONS, *supra* note 76 (discussing beliefs of world religions, including Christianity, Judaism and Islam). Discussion of other major religions is beyond the scope of this Comment and this discussion is therefore limited to the three major monotheistic religions of the world. Two other major world religions include Hinduism and Buddhism. See *id.* Any population control policies with regard to India should include a review of Hindu beliefs, since in 1981, Hindus constituted 82 percent of the population of India. See *id.* at 215.

83. Cf. Coward, *supra* note 14, at 1171 (noting most religions are strongly pro-natal).

84. But see Coward, *supra* note 14, at 1174-75 (noting that some religious thinkers allow for this contradiction).

85. For a discussion of these religious beliefs, see *supra* notes 70-84 and accompanying text.

86. See Abrams, *supra* note 4, at 1115-16 (reviewing historical philosophers' view of population).

scholar notes that “[t]he impact of population on economic and social welfare has been debated since ancient times.”⁸⁷ In the past, large populations were considered positive, and those countries with large populations were viewed as being successful.⁸⁸ The famous philosophers “Aristotle and Plato [both] argued that successful city-states required optimal population size, and they advocated governmental action to achieve the desired population balance. The Romans under Augustus instituted legislation rewarding procreation and penalizing childless marriages.”⁸⁹

In addition, throughout most of history, large populations were “valued as essential to economic and military power.”⁹⁰ With only a few exceptions, kings, philosophers and economists have all traditionally been enthusiastic about an increasing population.⁹¹ Only recently in world history, with the development of demographic analysis, did economists begin to contemplate the controversial relationship among the number of births, deaths and economic well-being.⁹²

3. *Government/Cultural Perspectives*

The governments of the world and international agencies have had the most profound impact on population control.⁹³ Many contemporary governments have implemented population control measures and have done so with total disregard for the impact on the dignity or cultural heritage of their own people.⁹⁴ Historically,

87. *Id.* at 1115.

88. *See id.* at 1116 (noting historically large populations were viewed positively).

89. *Id.* at 1115-16.

90. *Id.* at 1116.

91. *See* Robert M. Hardaway, *Environmental Malthusianism: Integrating Population and Environmental Policy*, 27 ENVTL. L. 1209, 1213 (1997) (urging environmentalists to focus on population growth). In fact, a “numerous and increasing population was the most important *symptom* of wealth; it was the chief cause of wealth; it was wealth itself—the greatest asset for a nation to have.” *Id.* (citing JOSEPH A. SCHUMPETER, *HISTORY OF ECONOMIC ANALYSIS* 251 (1954)).

92. *See* Abrams, *supra* note 4, at 1116 (noting historically, population growth viewed positively; only currently viewing it differently).

93. *See* WILSON, *supra* note 48, at 168-69 (noting government population control programs of Tanzania, Singapore, Korea, Thailand, Indonesia and Brazil).

94. *See id.* Some governments implement population control measures after determining the ideal number of children couples should have. *See id.* Examples of government manipulation of tax and welfare structures instituted in order to meet government population levels include:

Tanzania: Working women in the government service are allowed paid maternity leave only once every three years.

Singapore: Children from smaller families are given priority in school admissions.

the only type of population control instituted by governments were those which *increased* nations' populations.⁹⁵ Only recently has population control been instituted in order to *decrease* population.⁹⁶

Contemporary governmental policies implemented to decrease population have been highly unsuccessful and have led to severe human rights abuses.⁹⁷ China and India are examples of countries where this has been the case.⁹⁸ In China, the one-child policy has led to high female infant mortality, since families seek the male child who is highly valued by cultural norms.⁹⁹ The reality that people reverted to having larger families once coercive restrictions were removed also indicates the failure of these population control policies.¹⁰⁰ Similarly, a substantial backlash occurred in India, and people began to have larger families when the coercive family planning programs implemented by Indira Gandhi were dismantled.¹⁰¹

In order to understand the scope of population control "[i]t is important to note the difference between birth control and population control."¹⁰² Birth control includes any method designed to limit births for any reason.¹⁰³ It can be used by couples or individuals, with no government or private agency involvement.¹⁰⁴ Popula-

Korea:	Free medical care and education allowances to two-child families providing one of the parents has been sterilised [sic].
Thailand:	Technical assistance in farm production made available to contraceptive users. . . .
[Indonesia]:	"A new policy . . . is that couples of reproductive age need to have a family planning card if they want an official letter from the government. An official letter is needed if a person wants to sell or buy land, to get a bank loan, to get permission to organised [sic] circumcision, hair cutting rituals and important events."

Id. at 167-68 (citations omitted).

95. See Hardaway, *supra* note 91, at 1213 (noting until middle of eighteenth century, most economists, philosophers and kings were "nearly unanimous in [a] 'populationist' attitude").

96. See Abrams, *supra* note 4, at 1112 (noting "[s]ince the 1960s, numerous developing countries with insufficient economic bases to support exponential growth in population have opted for programs of fertility regulation").

97. See *id.* at 1129 (noting human rights abuses in China and India).

98. See *id.* (highlighting atrocities in China and India).

99. See *id.* (noting effects of China government's one-child policy).

100. See *id.* (noting failure of population control policies).

101. See Abrams, *supra* note 4, at 1129 (noting failure of population control policy in India).

102. Mary Meehan, *How Eugenics Birthed Population Control*, THE HUMAN LIFE REVIEW, Sept. 22, 1998, available in 1998 WL 12577925.

103. See *id.* (defining birth control).

104. See *id.* (noting birth control does not involve governments).

tion control, however, is much different.¹⁰⁵ Population control involves a public or private program to reduce births within a specific area or group, such as China, while simultaneously increasing births elsewhere, such as among the wealthy or highly educated.¹⁰⁶ Those running the population control programs, therefore, have in mind specific demographic outcomes.¹⁰⁷ The population control measures implemented by governments and international organizations very often disregard cultural traditions, as well as the practical needs of those in agricultural economies which depend on large families to work on the family farms.¹⁰⁸

105. See WILSON, *supra* note 48, at 167 (defining population control).

106. See Meehan, *supra* note 102. For example, population control programs strive to reduce births in China or among African-Americans, while increasing births in wealthy areas such as France or among the highly-educated. See *id.*

107. See *id.* Interestingly, the early supporters of the eugenics movement, which is devoted to breeding a "better" human race, had its early roots in Nazi Germany and America. See *id.* Furthermore,

English scientist Francis Galton, a cousin of Charles Darwin, invented the term "eugenics" in 1883. Taken from the Greek words for "well born," the term is used to describe the movement to "improve" the human race by encouraging the healthy and well-off to have many children and persuading, pressuring or coercing others to have few or none at all. The eugenics movement took root in many Western nations and also in China and Japan, with results that are very much with us today.

Id.

The movement has had supporters from among the wealthiest and most influential in America. See *id.* John D. Rockefeller III gave much money to this cause in the past and, currently, the Rockefeller Foundation continues to support population control as one of its largest contributing foundations today. See *id.* (noting that John D. Rockefeller and John D. Rockefeller Jr. were members of American Eugenics Society, and John D. Rockefeller III kept eugenics group financially afloat during Depression). Also notable is that Frederick Osborn, the strategist of the American Eugenics Society, was the first administrator of a Rockefeller enterprise called the Population Council, one of today's leading population control information and lobbying groups. See *id.* In addition, George Eastman of Eastman Kodak also supported the eugenics movement and the practical efforts to limit births among the poor. See *id.* These wealthy individuals interestingly had many children themselves: John Rockefeller Jr. and Fredrick Osborn both had six children. See *id.* For further discussion on eugenics and concerns of racism, see *infra* notes 146 & 285. For further discussion of private donors and foundations donating today to population control, see *infra* notes 179-85 and accompanying text.

108. See WILSON, *supra* note 48, at 169. In many of these agricultural economies, children are considered a great asset. See *id.* Realizing this, adults in these economies therefore chose to have many children; "[t]hese people are neither stupid nor irresponsible . . . and [f]amily planning programs frequently decree that there is a need for population control . . . without regard for the cultural traditions and desires of their 'clients.'" *Id.*

B. Moral & Political Perspectives

Without question, population control raises many concerns and eyebrows of those concerned with moral and political issues.¹⁰⁹ Moral and political issues related to population control include: human rights,¹¹⁰ abortion,¹¹¹ racism¹¹² and immigration.¹¹³

1. Human Rights

The international community did not recognize the human rights implications of family planning programs until the late 1960s.¹¹⁴ Unfortunately, the negative effect of these family planning programs on individual rights did not change the programs.¹¹⁵ The international community finally agreed, at the 1994 U.N. World Population Conference in Cairo, that population programs should comply with basic human rights principles already in place by national and international laws.¹¹⁶

109. See WILSON, *supra* note 48, at 178-79 (noting concerns of racism and bigotry as premises for population control programs).

110. See, e.g., Associated Press, *China's 1-Child Policy Detailed : House Panel Hears How Population Limits Are Enforced*, THE SAN DIEGO UNION-TRIBUNE, June 11, 1998, at A15 (noting human rights violations resulting from China's one-child policy). For further discussion of human rights issues raised by population control, see *infra* notes 114-26 and accompanying text.

111. See, e.g., Glendon, *supra* note 8, at A22 (noting abortion issue in U.S. politics). For further discussion of abortion and its relationship to population control, see *infra* notes 127-34 and accompanying text.

112. See, e.g., WILSON, *supra* note 48, at 177 (noting racism premise for population control programs). For further discussion of racism as it relates to population control, see *infra* notes 135-48 and accompanying text.

113. See, e.g., Okamoto, *supra* note 34, at 34 (noting immigration blamed for population growth). For further discussion of immigration issues raised by population control, see *infra* notes 149-61 and accompanying text.

114. See Abrams, *supra* note 4, at 1113. At the 1969 Conference on Human Rights, The Proclamation of Teheran resulted. See *id.* at 1113 n.10. The Proclamation noted that "[p]arents have a basic human right to determine freely and responsibly the number and spacing of their children." *Id.* (citing *Final Act of the International Conference on Human Rights*, United Nations, U.N. Doc. A/CONF.32/41, at 3 (1968), available at <<http://www.umn.edu/humanrts/instree/12ptchr.html>>).

115. See *id.* at 1113-14 (citations omitted). In fact, the Proclamation of Teheran (resulting from the 1968 International Conference on Human Rights) did not even mention the human rights implications of family planning programs. See *id.* at 1113 n.10. Bangladesh is an example of lack of change in family planning programs; poor women in Bangladesh are targeted with aggressive sterilization drives and distribution of birth control pills are given without any instructions or information on side effects. See *id.* at 1114 n.11 (citing BETSY HARTMANN, *REPRODUCTIVE RIGHTS & WRONGS: THE GLOBAL POLITICS OF POPULATION CONTROL* 157, 222-23 (2d ed. 1995)).

116. See Abrams, *supra* note 4, at 1114. This agreement resulted in a report which states that "reproductive rights embrace certain human rights that are already recognized in national laws, international human rights documents and

Despite efforts to comply with internationally held notions of human rights, violations continue.¹¹⁷ In June 1998, the United States Congress heard the gruesome and sad details of the current human rights violations in China.¹¹⁸ Specifically, Congress learned of the terrible treatment of pregnant women in China, which occurred as a result of population control measures.¹¹⁹ A former population control administrator, who left China for the United States, testified in front of Congress about the horrible Chinese government tactics, which the administrator had seen and authorized.¹²⁰ Forced abortions, sterilizations and the demolition of women's homes who had given birth to unauthorized children were just a few of the atrocities named.¹²¹

other consensus documents." *Id.* at 1114 n.13 (citing *Report of the International Conference on Population and Development*, U.N. DEPT. OF ECONOMIC AND SOCIAL INFORMATION AND POLICY ANALYSIS, U.N. Doc. A/CONF.171/13 (1994), available at <gopher://gopher.undp.org:70/00/ungopherspopin/icpd/conference/offeng/poa.txt> [hereinafter Cairo International Conference Report]). The human rights most relevant to population control are the "rights to 'life, liberty, and the security of person,' prohibitions against torture, 'cruel, inhuman or degrading treatment or punishment' or medical or scientific experimentation 'without free consent,' and distinctions made on the basis of 'sex.'" *Id.* at 1114 (citing *Universal Declaration of Human Rights*, G.A. RES. 217(A)-III, U.N. Doc. ST/HR/1/Rev.4 (1948)). In addition to these general rights, international law specifically protects the right of individuals and couples to decide

freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. [International law protections] also include[] their right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents.

Id. at 1114 (citing Cairo International Conference Report).

117. See, e.g., Associated Press, *China's 1-Child Policy Detailed: House Panel Hears How Population Limits Are Enforced*, *supra* note 110, at A15 (reporting human rights violations in China).

118. See *id.* (noting Congressional testimony of former China population control administrator).

119. See *id.* (noting atrocities personally seen by China population control administrator).

120. See *id.* The former population control administrator in China who testified was Gao Xiao Duan. See *id.* She provided extensive details of China's "one child per couple" system to the House International Relations human rights subcommittee. See *id.*

121. See *id.* Gao Xiao Duan, the former population control administrator in China, noted: "I was a monster," and that she relied on "informer boxes," where citizens dropped incriminating messages about their neighbors' procreative activities; ordered abortions into the ninth month of pregnancy; sent 'planned-birth cadres' to demolish homes of women who had given birth to unauthorized babies; and supervised the punishment of women through fines and forced sterilizations." Victoria Pope, *A Studied Silence on Forced Abortions*, NATIONAL JOURNAL, July 18, 1998, available in 1998 WL 2089389; see Joseph Perkins, *America Bends While the Chinese Government Goes Its Way*, THE SAN DIEGO UNION-TRIBUNE, June 19, 1998, at B5. Gao Duan also noted that if a pregnant woman was not apprehended "one of her par-

One reason why these and other violations of human rights continue is that some governments, as well as special interest groups, desire rapid reductions in birth rates.¹²² Controversy, therefore, abounds over whether approaches that directly target reproductive behavior, either by limiting family size or by aggressive recruiting for contraception or sterilization programs, are inherently coercive.¹²³ Thus, while most governments agree that coercive measures violate human rights, they sharply disagree over what constitutes a coercive practice or regulation.¹²⁴ As a result of governmental population control abuses resulting in human rights violations, the alliances between feminists and population control advocates have weakened.¹²⁵ Women speaking out against population control point out that "women's interests and health needs be-

ents (usually the mother) would be thrown in jail until their expectant daughter came forward." *Id.*

122. See Abrams, *supra* note 4, at 1115 (noting "[t]o many policy makers, the gradual and transformative process defined by the Cairo Programme is inadequate where rapid reductions in birth rates are desired").

123. See *id.*; see also Steven W. Mosher, *Too Many People? Not By A Long Shot*, WALL ST. J., Feb. 10, 1997, at A18. "The only population-control programs that have enjoyed conspicuous success have relied on the more or less compulsory sterilization of large numbers of women." *Id.* As noted, the worst example of population control programs is in China, "where for a decade and a half the government has mandated the insertion of intrauterine devices after one child, sterilization after two children, and abortion for those pregnant without permission." *Id.* Force is not limited to China, however. In Mexico, doctors in government hospitals are "under orders to insert IUDs in women who have three or more children. This is often done immediately after childbirth, without the foreknowledge or consent of the women violated." *Id.* Peru is another country where population control efforts raise questions; "[p]erhaps the practice in Peru, where women are offered 50 pounds of food in return for submitting to tubal ligation cannot be properly called coercive. Still, there is something despicable about offering food to poor, hungry" women in exchange for sterilization surgery. *Id.* Making matters even worse is the fact that "Peruvian government doctors must meet a quota of six certified sterilizations a month or lose their jobs." *Id.*

124. See Abrams, *supra* note 4, at 1115. "The Cairo Programme emphasized reduction in birth rates through voluntary, informed choice by individuals and couples. This approach [] require[s] dramatic changes in many cultures, foremost of which is providing women with sufficient education and economic opportunities so they have options . . ." *Id.* at 1114-15.

125. See WILSON, *supra* note 48, at 172 (noting women's issues are secondary to population programs goals); see generally Elizabeth Spahn, *Feeling Grounded: A Gendered View of Population Control*, 27 ENVTL. L. 1295 (1997) (noting that controlling female fertility should be abandoned as population control method). Spahn argues for a departure from the position held by many population control supporters which views "controlling female fertility as the panacea for the population control problem." *Id.* at 1295. Spahn notes that women's lives are destroyed or damaged by population control policies and states that "[w]e have given this approach nearly thirty years and untold millions of dollars. It is time to approach the problem from a different ground." *Id.* at 1322.

come secondary in population programs which stress the attainment of demographic targets."¹²⁶

2. Abortion

Anytime population control issues are raised, inevitably abortion is also mentioned.¹²⁷ Although abortion is a highly charged and controversial issue, the U.N. has taken a clear stance on the issue.¹²⁸ It is well-established U.N. policy that "abortion is never to be promoted as a means of family planning."¹²⁹ This policy was adopted by an overwhelming majority of votes of member states at the 1984 International Population Conference in Mexico City.¹³⁰ At the Cairo Population Conference in 1994, and again at the Beijing Women's Conference in 1995, the U.N. reaffirmed its position that abortion not be used as a mechanism for family planning.¹³¹

Until 1993, the United States accepted and adhered to the U.N.'s policy.¹³² President Reagan, in response to the U.N. policy, issued an executive order "barring the use of federal money for international organizations, such as the International Planned Parenthood Federation, that perform abortions as a family planning method or that lobby for unrestricted abortion overseas."¹³³ The United States' support of the U.N.'s policy ended, however, in 1993 when President Clinton, on his first day in office, reversed President Reagan's executive order.¹³⁴ Thus, the United States'

126. WILSON, *supra* note 48, at 172. Health Action International (HAI) in Amsterdam and Feminist International Network for Resistance against Reproductive Technologies and Genetic Engineering (FINNRAGE) are two organizations which are speaking out on such issues. See *id.*

127. See, e.g., Hardaway, *supra* note 91, at 1229 (discussing abortion in context of population control). A comprehensive review of the moral and political issues raised by abortion are beyond the scope of this Comment, and the issue of abortion is only discussed as it relates to population control policies.

128. See Glendon, *supra* note 8, at A22 (noting U.N.'s policy on abortion).

129. *Id.*

130. See *id.* (noting majority of U.N. member states support policy that abortion not be used for family planning).

131. See *id.* (noting U.N. reaffirming position on abortion policy).

132. See *id.* (noting U.S. support of U.N. policy, prior to President Clinton).

133. Glendon, *supra* note 8, at A22. In order to abide by the U.N.'s Mexico City policy, the Reagan and Bush Administrations implemented a policy that "abortion would not be part of the population programs sponsored by or through the U.S. Agency for International Development [USAID]." *Id.*

134. See *id.* Timothy Wirth, who has served as a Senator from Colorado and also has been President Clinton's Undersecretary of State for Global Affairs, made an unsuccessful attempt at the U.N.'s 1994 Population Conference to make abortion part of "reproductive rights" and therefore a part of family planning." *Id.* Wirth now serves as the head of Ted Turner's agency, which was set up for overseeing the disbursement of Ted Turner's one billion dollar donation to the U.N. for

population policies are currently the antithesis of those embraced at the 1994 U.N. Cairo Population Conference.

3. *Racism*

Population control also raises the red flags of those who feel that population control policies are a form of racism.¹³⁵ Many believe that the U.S. and other developed countries are practicing colonialism by endorsing and encouraging the current U.N. population control policies.¹³⁶ James A. Miller, director of research at the Population Research Institute, asserts that the population control programs have bred populist hostility against the U.S. and other nations.¹³⁷ Miller notes that some Third World nations resent foreign programs that attempt to undermine cultural traditions such as large families.¹³⁸

Miller states that "[o]ne of the reasons the U.S. faced such furor in Iran (in the 1970's) was outrage that the U.S. was promulgating birth control among Iranian women."¹³⁹ He indicates that U.S.

population control issues. *See id.* The U.N.'s chronically poor financial position, "together with the relative distance of its agencies from public scrutiny, [makes the U.N.] especially vulnerable to the influence of special-interest groups." *Id.* As Harvard Law professor Glendon notes, special-interest groups, such as "Planned Parenthood, the world's largest abortion provider, are hardly suffering from a lack of funds. They are bankrolled by foundations such as Rockefeller and Packard with assets that dwarf the budgets of most countries." *Id.* They already exert great influence within U.N. agencies and upon domestic political processes in many member states. *See id.*

135. *See WILSON, supra* note 48, at 177. Wilson notes:

[M]en and women in developing countries are beginning to recognize the "control" element in the population programs that are being forced upon them by the industrialized West. Many perceive racist overtones in the population control lobbies, as well as long-term agenda to prevent the growth of developing nations and thus a shift in the global balance of power. As recently as the 1992 United Nations Conference on Environment and Development, which was held in Rio de Janeiro, serious concerns were expressed in this area. . . . [The] co-chairman of the Brazilian Women's Coalition [stated that] "To say that women from the South who have many babies are responsible for the environmental crisis-it's a scandal."

Id. at 177-78.

136. *See Budiansky, supra* note 56, at 57 (noting population control policies may be endorsing colonialism).

137. *See id.* (noting population control policies imposed on countries breeds hostility).

138. *See id.*; *see also WILSON, supra* note 48, at 178. Wilson notes that Farida Akhter of Bangladesh stated that "[o]ne cannot separate [population controllers'] premises: racism, eugenics, and political and economic exploitation of the poorer countries by the Western world." *Id.* (quoting Farida Akhter, *The Eugenic and Racist Premise of Reproductive Rights and Population Control*, ISSUES IN REPRODUCTIVE AND GENETIC ENGINEERING 5, no. 1).

139. Budiansky, *supra* note 56, at 57.

efforts to control the population size of other nations essentially amounts to “a kind of colonialism.”¹⁴⁰ Miller also claims that, if population control is thought to be a way to reduce poverty, money would be better spent keeping children healthy once they were born.¹⁴¹ This would include more spending on such things as inoculations, upgrading health care, improving sanitation and providing clean drinking water.¹⁴²

University of Maryland economist Julian Simon is skeptical of those who support population control and contends that those supporters have a racist bigoted agenda and not a humanitarian one.¹⁴³ He notes that population control advocates

claim to help people get what they want by assisting couples to avoid “unwanted” children. Actually, they attempt to foist off upon other people their own desires that fewer children be born into the world. They pressure couples to have fewer children than the couples desire because [population control advocates] believe that will speed economic development. And in their name, the U.S. government pressures foreign countries to pressure their citizens to reduce fertility below what couples would freely desire.¹⁴⁴

Many have been skeptical of organizations, such as Planned Parenthood, which has been and continues to be one of the largest, most vocal and influential of today’s population control advocate organizations at both the national and international levels.¹⁴⁵ The reasons for the skepticism are due in part to the writings of the organization’s founder, Margaret Sanger, which reveal frighteningly racist beliefs and motivations for starting the organization.¹⁴⁶

140. *Id.*

141. *See id.* (noting better ways to spend money instead of on population control programs).

142. *See id.* (encouraging money be spent on more effective programs).

143. *See WILSON, supra* note 48, at 180 (noting relation of bigotry and racism to population control).

144. *Id.* (citing JULIAN L. SIMON, *POPULATION MATTERS: PEOPLE, RESOURCES, ENVIRONMENT, AND IMMIGRATION* 558-59 (1990)).

145. *See WILSON, supra* note 48, at 170 (noting U.S. engaging in population control through U.S. agency of International Development and private foundations such as Population Council, Pathfinder Fund, Population Institute, Ford Foundation, Rockefeller Foundation and others).

146. *See id.* at 180. Evidence of this was revealed when “[a]t a March 1925 international birth control gathering held in New York City, a speaker warned of the menace posed by the ‘black’ and ‘yellow’ peril. The man was not a National Socialist (Nazi) or a leader of the Ku Klux Klan. The [s]peaker was Dr. S. Adolphus Knopf, a member of Margaret Sanger’s American Birth Control League

This history adds to the skepticism of those who believe that there are racist motives and undertones to practices of population control.¹⁴⁷

Oxford economist and social philosopher Amartya Sen notes there is a “‘dangerous tendency’ on the part of affluent nations to search for solutions to overpopulation that ‘treat the people involved not as reasonable beings, allies faced with a common problem, but as impulsive and uncontrolled sources of great social

(ABCL), which along with other groups became known as Planned Parenthood. . . .” *Id.* (quoting ROBERT MARSHALL & CHARLES DONOVAN, *BLESSED ARE THE BARREN 1* (1991)). Sanger wired President Coolidge “urging him to establish a ‘Federal Birth Rate Control Commission,’ which was to have free access to all facts and statistics as to all customs and conditions now menacing the racial health of our country. . . .” WILSON, *supra* note 48, at 180-81. Additionally alarming is the fact that Sanger advocated birth control “to eliminate persons with disabilities and to combat those racial and religious groups that she deemed ‘unfit.’” *Id.* at 181. Some of Sanger’s early associates include: “Lothrop Studdard, a white supremacist who described the eugenic practices of the Nazi’s Third Reich as ‘scientific’ and ‘humanitarian’, and Dr. Harry Laughlin, whose proposals for ‘race betterment’ apparently served as inspiration for the Nazi’s compulsory sterilization law, which passed in Germany in 1933.” *Id.* Sanger and her followers went underground and resurfaced in the early 1950s with overpopulation as their new excuse for their eugenics agenda, and this was only after the Nazis gave eugenics a bad name. *See id.*; *see also*, Meehan, *supra* note 102. Some supporters of the eugenics movement combined possible humanitarian motives with their underlying racist and eugenic beliefs. *See id.* In 1944, a classic study was conducted by Gunnar Myrdal called “An American Dilemma,” which commented on race relations in the United States. *See id.* Although Myrdal genuinely wanted to improve the living standards of the black community, his eugenic beliefs were evident in his comments. *See id.* He noted that blacks “are so destitute that from a general social point of view it would be highly desirable that they do not procreate.” *Id.* Many, he said, “are so ignorant and so poor that they are not desirable parents and cannot offer their children a reasonably good home.” Meehan, *supra* note 102. He suggested that expanding birth control and lowering the black birth rate “could relieve the poverty of the Negro masses” and improve black women’s health. *Id.* “This mishmash of eugenic and humanitarian motivations became standard fare among population controllers in the decades after Myrdal wrote.” *Id.* Some population controllers “apparently made a bargain with their own consciences: they supported civil-rights laws and programs to fight poverty to contain or reduce the black community, while also supporting birth-control programs to contain or reduce the black population. Many of them probably believed the humanitarian rationale yet also had, deep down, a fear of growing numbers among non-whites.” *Id.* The study was funded by the Carnegie Corporation of New York with acknowledgments of Fredrick Osborn. *See id.* For further discussion of eugenics, see *supra* note 107. For discussion on current concerns over racist motivations of Planned Parenthood, see *infra* note 285.

147. *See* WILSON, *supra* note 48, at 180-81 (noting that “[o]nly after the Nazis gave eugenics a bad name did [Planned Parenthood founder Margaret] Sanger and her [followers reorganize and] resurface in the early 1950s with ‘overpopulation’ as their new excuse”). For a discussion of current skepticism surrounding racism as motivation for population control, see *infra* note 285.

harm, in need of strong discipline.’”¹⁴⁸ The United States must be aware of and certainly must avoid this racism and colonialism when involved in any population control policy making efforts.

4. *Immigration Policies*

Another issue related to population control is immigration.¹⁴⁹ Some U.S. groups argue that immigrants cause overpopulation and environmental degradation.¹⁵⁰ Immigrants are blamed for things as varied as urban sprawl and traffic jams.¹⁵¹ This new use of immigrants as scapegoats for environmental problems has been termed the “greening of hate.”¹⁵²

Groups endorsing these ideas encouraged anti-immigration lobbying efforts which proposed anti-affirmative action legislation and “English Only” initiatives in California.¹⁵³ As a result, Asian immigrants were stripped of social benefits, access to education and

148. Glendon, *supra* note 8, at A22. There is concern that the U.N. is currently participating in ethnic cleansing in Kosovo. See Mindy Belz, *Ethnic Cleansing in a Pill*, *WORLD*, Oct. 30, 1999, at 23. Some stated that the U.N. is “operating from a double standard in Kosovo.” *Id.* They note that “UN refugee officials called for the indictment of Yugoslav President Slobodan Milosevic as a war criminal, while [the UN Population Fund] UNFPA officers were apparently working with Mr. Milosevic’s health minister to set up the Kosovo [population control] plan.” *Id.* The UNFPA conducted a needs assessment showing that “ethnic Albanians in Kosovo have children at a rate that is five times the rate of Serbs in the province.” *Id.* at 23-24. The UNFPA then supplied the Kosovars with “emergency contraceptive kits” which included the post-conception drug RU-486, which the UN Population Conference was stalling over whether to accept as an acceptable form of family planning. See *id.* at 23. Milosevic’s Minister of Family Concerns noted that “[t]he state must find a way to stimulate the birthrate of the populations in central and northern Serbia and to limit or forbid the enormous increase of the birthrate in Kosovo.” Belz, *supra*, at 24. Steven Mosher, president of Population Research Institute, noted that “[t]he UNFPA is complicit in Milosevic’s ‘stealth’ ethnic cleansing campaign against the Kosovar population.” *Id.* He also noted that the “UNFPA has admitted that it is working hand-in-glove with the Milosevic regime, which the world knows has recently attempted the forceful extermination of its Kosovar minority.” *Id.* A legislative aide for Representative Tom Coburn of Oklahoma noted that “[t]he UNFPA knew what Milosevic wanted. They knowingly participated in a mission that was intended to redress the population balance in Kosovo.” *Id.* Thus, some feel the UNFPA is assisting Milosevic in his plan of ethnic cleansing of the Kosovars by using population control. See *id.*

149. See Okamoto, *supra* note 34, at 34 (noting immigrants being blamed for population growth and environmental problems).

150. See *id.* The groups which are specifically claiming that immigrants cause these problems are the Federation for American Immigration Reform and the Carrying Capacity Network. See *id.*

151. See *id.* (noting immigrants incorrectly blamed).

152. See *id.* (noting immigrants are scapegoats for environmental problems).

153. See *id.* The anti-immigration lobby, for example, also pushed in California for proposition 187. See *id.*

jobs, and their basic right to speak their native language.¹⁵⁴ It is not difficult to conclude that reducing immigration into the U.S. will not effectively deal with the real environmental problems of today.¹⁵⁵ These measures only mask the real problems of overconsumption and the ecologically destructive practices of our society.¹⁵⁶

This anti-immigration trend is not just occurring in the United States.¹⁵⁷ Until recently, Europe had compensated for its reduction in birth rates through immigration.¹⁵⁸ European countries, however, are now seeking to pursue more "closed-door" immigration policies.¹⁵⁹ Social researchers warn, however, that rather than causing unemployment, immigrants actually add to the tax base by performing jobs Europeans are unwilling to perform.¹⁶⁰ Contributions of these immigrants help to fund and subsidize social welfare programs, such as pensions and health care, which have shortages due to low amounts of young people.¹⁶¹

154. See Okamoto, *supra* note 34, at 34 (noting immigrants treated poorly due to anti-immigration initiatives).

155. See *id.* (noting if we are serious about solving environmental problems, we must address issues of consumption and ecologically destructive practices).

156. See *id.* (noting "immigration symptom of growing economic and environmental instability, not the cause"). For further discussion of current environmental problems, see *supra* notes 28-39 and accompanying text. A positive reaction has been that of the Sierra Club, the largest environmental group in the U.S. See *id.* In the spring of 1998, Sierra Club voted to reject an anti-immigration measure "that would have supported new immigration restrictions in the guise of population stabilization." *Id.* Despite the anti-immigration lobbying efforts and spending millions of dollars, "immigration restrictionists couldn't convince the Sierra Club to support a short-sighted and xenophobic proposition." *Id.*

157. See WILSON, *supra* note 48, at 191 (noting negative sentiment toward immigrants occurring in Europe).

158. See *id.* at 190-91 (noting in past, Europe dealt with increased life expectancies and dwindling birth rates through immigration).

159. See *id.* at 191 (noting European countries now seeking to pursue more "closed-door" immigration policies; yet also noting immigrants from Turkey and North Africa have been performing jobs Europeans are unwilling to do).

160. See *id.* Wilson notes that "Europe's 'birth dearth' means that new means of subsidizing programs for the elderly must be explored." *Id.* (citing William Drozdiak, *Europe's 'Birth Dearth' Spawns Reappraisal of Immigration*, THE WASHINGTON POST, Jan. 20, 1994, at A19).

161. See WILSON, *supra* note 48, at 191. Wilson notes: Increased life expectancies and dwindling birth rates are already starting to have a dramatic impact on parts of Europe. Of the 340 million citizens of the twelve states of the European Union, about 20 percent are over age sixty. Demographers say that, as this trend continues, the ratio will also increase. Their projection is that by the year 2010 there will be "more Europeans drawing pensions than contributing to them."

Id. at 190-91.

C. Current U.S. Initiatives

The current initiatives taking place in the U.S. regarding population control are diverse. Some initiatives arise from traditional influences, such as the President's Administration,¹⁶² Congress,¹⁶³ non-governmental organizations (NGOs),¹⁶⁴ private donors¹⁶⁵ and the public.¹⁶⁶ In addition, nontraditional initiatives have been proposed, such as tax legislation, land-use restrictions and immigration legislation.¹⁶⁷

1. The Clinton Administration

Vice-President Al Gore, as many know, has a strong interest in environmental issues.¹⁶⁸ His beliefs on environmentalism and population control were captured in his 1992 book, *Earth in the Balance: Ecology and the Human Spirit*.¹⁶⁹ As Gore, father of four, noted in his book, "[n]o goal is more crucial to healing the global environment

162. See, e.g., Pranay Gupte & Bonner R. Cohen, *Gore's Crusaders*, FORBES, Feb. 22, 1999, at 74 (noting Vice President Al Gore's involvement in environmental and population issues). For further discussion of President Clinton's Administration as it relates to population control, see *infra* notes 168-74 and accompanying text.

163. See, e.g., *U.S. Congress Maintains Abortion Ban On Aid Funds*, *supra* note 5 (noting Senate's narrow approval of provision banning U.S. support to international organizations advocating abortion as a means of population control). For further discussion of Congress and population control, see *infra* notes 175-78 and accompanying text.

164. See, e.g., WILSON, *supra* note 48, at 170 (noting influence on population control by powerful private organizations and foundations). For further discussion of non-governmental organizations and their influence on population control, see *infra* notes 179-82 and accompanying text.

165. See, e.g., Ignatius, *supra* note 7, at B7 (noting Bill Gates 2.2 billion dollar donation to population control). For further discussion of private individuals donating funds to population control, see *supra* notes 7-9 and accompanying text and *infra* notes 183-85 and accompanying text.

166. See, e.g., Hardaway, *supra* note 91, at 1219 (noting majority of American public views population control separate from environmental policy). For further discussion of American public opinion regarding population control, see *infra* notes 186-88 and accompanying text.

167. See, e.g., Hymel, *supra* note 24, at 16 (proposing taxes as means to control population); Pierce, *supra* note 32, at 94-95 (proposing land-use restrictions to control population growth in certain areas); *Population-Environment Balance Says: Sierra Club Rejects Immigration/Environment Link*, PR NEWswire, Apr. 26, 1998 (noting some groups blame population growth on immigration and therefore propose immigration limiting legislation). For further discussion of tax, land-use and immigration legislation proposals relating to population control, see *infra* notes 189-94 and accompanying text.

168. See Gupte & Cohen, *supra* note 162, at 74 (noting "Al Gore is obsessed with protecting the environment").

169. See generally, GORE, *supra* note 23 (alerting readers of growing environmental problems and encouraging change and public activism).

than stabilizing human population."¹⁷⁰ Congress has ceded law-making power to the executive branch with regard to environmental issues, and, therefore, Gore is able to influence American law.¹⁷¹ Any involvement he has with policy will likely contain population control directives for the good of the environment.¹⁷²

In addition to influencing U.S. policies, Gore was appointed by President Clinton as the President's main conduit to the social and economic development programs of the U.N., including such issues as climate change and population control.¹⁷³ Thus, any discussions, bills or proposals which include population control, especially as a means to control environmental issues, will be welcomed and supported by the Clinton Administration.¹⁷⁴

170. *Id.* at 307. Gore continues by stating that "[t]he rapid explosion in the number of people since the beginning of the scientific revolution—and especially during the latter half of this century—is the clearest single example of the dramatic change in the overall relationship between the human species and the [E]arth's ecological system." *Id.*

171. See Gupte & Cohen, *supra* note 162, at 74. Gore has reportedly filled positions in the Environmental Protection Agency, the Council on Environmental Quality and the Department of Energy with his friends and ex-staffers. See *id.*

172. See Gupte & Cohen, *supra* note 162, at 74 (noting "Gore gave America an alarmingly revealing peak at his environmental extremism in his 1992 bestseller, *Earth in the Balance*, a bleak tome on our 'dysfunctional' society that was devoid of any recognition of the potential of science and technology to improve lives"). Unfortunately, Gore's obsession with the environment seems to be clouding his vision since "[t]he things Gore believes aren't supported by facts," reported William Happer, a Princeton University physics professor who worked at the Department of Energy from 1991 to 1993. *Id.* "He is surrounded by like-minded people, and they all want to save the world. That's a recipe for disaster." *Id.*

173. See *id.* (noting Gore's appointment to this role by Clinton).

174. See Gupte & Cohen, *supra* note 162, at 74. Many of Gore's friends and allies are currently in high level positions of influence. See *id.* Some of those include: Carol M. Browner, whom Gore persuaded Clinton to name head of EPA; Kathleen McGinty, formerly Gore's Senate staffer and, until recently, the director of the White House Council on Environmental Quality; Jonathan Lash, another friend of Gore's, and former Attorney General of Vermont, who is now president of the World Resources Institute—"the Administration's favorite eco think tank;" Maurice F. Strong, a "millionaire Canadian businessman and former secretary-general of the 1992 United Nations Earth Summit, [w]ho is Gore's link to non-governmental organizations;" Ted Turner, multimillionaire, who donated one billion dollars to United Nations Population Fund in 1997; and Timothy E. Wirth, former democratic senator from Colorado, who now heads the Washington, D.C.-based foundation that Ted Turner set up to fund the United Nations population control projects. See *id.*

In addition to government agencies, Gore has influence over federal monies and has made sure that environmental lobby groups received funding. See *id.* In 1998, the Global Environment Facility, a World Bank-related program supporting the global-warming treaty, "began passing out \$193 million in U.S. funding . . . \$43 million of it has been committed to implementing the treaty. Among the environmental groups that have already received such funds are Greenpeace, the World Wildlife Fund and Jonathan Lash's World Resources Institute - all fervent Gore supporters." *Id.*

2. Congress

In Congress, the majority of the population control issues have revolved around limiting funding for international family planning measures which provide for abortion.¹⁷⁵ This has become a political battlefield between the President and Congress.¹⁷⁶ While President Clinton pledged to the U.N. that he will increase funding for population control efforts, Congress repeatedly restricts funding that supports abortion as a family planning technique.¹⁷⁷ Although the U.N. does not support abortion as a family planning technique, President Clinton has vetoed all bills which restrict abortion.¹⁷⁸

3. U.S. Non-Governmental Organizations (NGOs)

Non-Government Organizations ("NGOs") comprise one of the largest influences on population control policies in the U.S. and the international community.¹⁷⁹ Although termed "non-gov-

175. See, e.g., *U.S. Congress Maintains Abortion Ban On Aid Funds*, *supra* note 5 (noting conflict between Congress and Clinton over legislative bills relating to abortion and U.N. funding). For further discussion of the U.N.'s position on abortion, see *supra* notes 128-31 and accompanying text.

176. See *id.* (noting President Clinton threatened to veto any measure that contained anti-abortion provision on support of international population control organizations); *Albright Urges U.S. Editors to Campaign for U.N.*, DOW JONES INT'L NEWS, Apr. 2, 1998 (noting Secretary of State Madeline Albright tried to persuade Congress to separate International Monetary Fund and U.N. funding since Congress added amendment restricting funding for international population control organizations to IMF appropriations bill); *U.S. Senate Panel Attaches Conditions To IMF funding*, DEUTSCHE PRESSE-AGENTUR, Mar. 17, 1998 (reporting Congress approved 18 billion dollars in funding for International Monetary Fund without controversial anti-abortion provisions); Jesse Helms, *Helms Letter to Albright on Haiti*, Government Press Release by Federal Document Clearing House, Feb. 16, 1999, available in 1999 WL 2222438 (noting Senator Helms' wish that Secretary Albright condition funding to Haiti due to questionable population control programs in Haiti); see also *Bid To Finance IMF Faces Threat by Foes of Abortion in GOP*, WALL ST. J., Feb. 12, 1998, at B12 (noting Congressmen supporting amendment restricting IMF for international population control organizations); William Murray, *U.S. Lawmakers Lash Out, Urge Compromise Over IMF Funding*, DOW JONES INT'L NEWS, Feb. 11, 1998, at 1 (noting conflict between Congress and President Clinton over restriction on IMF funding which contained anti-abortion provision).

177. See Danielle Knight, *Population: Rich Countries Not Keeping Promises To Poor*, INTER PRESS SERVICE, Dec. 1, 1998, available in 1998 WL 19901770 (noting Clinton pledging to increase funding to U.N. for population control efforts and Congress restricting release of population fund assistance without limits on abortion as family planning technique).

178. See Glendon, *supra* note 8, at A22 (noting U.N. must have been baffled and disappointed by Clinton's intent to ban Congress's May 1998 bill, which was to provide long awaited payment in arrears of the U.S. to the U.N.; Clinton refused to sign bill since it did not allow for abortions as family planning method). For further discussion of the differing positions of the U.N. and President Clinton on abortion, see *supra* notes 127-34 and accompanying text.

179. See *id.* Harvard Law professor Glendon notes:

ernmental," these organizations receive substantial government grants and contracts.¹⁸⁰ In December 1998, many NGOs met in Washington for a conference to discuss progress made in population control since the 1994 Cairo Conference.¹⁸¹ These organizations, though not government agencies per se, have strong influence and power over the international community, U.S. government and policy makers due to their size and stabilization of resources.¹⁸²

Organizations like Planned Parenthood, the world's largest abortion provider, are hardly suffering from a lack of funds. They are bankrolled by foundations such as Rockefeller and Packard with assets that dwarf the budgets of most countries. They already exert great influence, within U.N. agencies and upon domestic political process in many member states.

Id. For further discussion of the Rockefeller foundation, see *supra* note 107.

180. See Glessner, *supra* note 6. Glessner conducted an investigative report on the funding of population control and family planning organizations, which revealed that in 1995 and 1996, forty-six percent of the total revenue, totaling \$356 million, of twelve NGOs which support international population control policies, came from government grants and contracts. See *id.* Dollar amounts received by some of these groups include: \$171.9 million to Planned Parenthood Federation of America (comprising 34% of total revenue); \$31 million to Population Services International (comprising 89% of total revenue); \$7.9 million to The Center for Development and Population Activities (CEDPA) (comprising 89% of total revenue); \$40 million to Pathfinder International (comprising 92% of total revenue); \$62 million to Family Health International (comprising 90% of total revenue); \$28 million to The Population Council (comprising 45% of total revenue); \$1.2 million to Population Action International (comprising 35% of total revenue); and more than one half of a million dollars to Zero Population Growth (comprising 17.8% of total revenue). See *id.*

181. See THE WASHINGTON DAYBOOK, Dec. 1, 1998, available in 1998 WL 19833010. Invited speakers included: Secretary of State Madeleine Albright; Frank Loy, Undersecretary of State for Global Affairs at the State Department; Dr. Nafis Sadik, executive director of the U.N. Population Fund; and Representative John Porter of Illinois. See *id.* Organizing and sponsoring the conference were Population Action International and the U.S. NGOs in support of the Cairo Consensus. See *id.* Population Action International distributes to NGOs a bi-monthly journal and, in 1999, focused the journal on reviewing the developments made since the 1994 Cairo Conference. See Cairo Plus Five: A Bulletin for Journalists (U.S. NGOs in Support of the Cairo Consensus, Washington, D.C.), June/July 1998 (noting that Cairo Plus Five is media bulletin and joint effort of U.S. NGOs in Support of Cairo Consensus, network of non-governmental organizations supporting implementation of Programme of Action adopted at 1994 Cairo Conference). This media bulletin lists 40 NGOs that support this endeavor, and also encourages involvement in population control by listing contact information such as: "building a grassroots base: contact Planned Parenthood Federation of America," "Telling the Cairo Story, contact: CEDPA," and "Mobilizing Resources, contact: Population Action International." *Id.* For discussion on the 1994 Cairo Conference, see *supra* note 4 and accompanying text.

182. See Judie Brown, *All Congress Must Reject the 'Business of Death'*, PR NEWSWIRE, Mar. 2, 1999 (noting that Planned Parenthood asked Congress on March 2, 1999, "to reestablish 25 million dollar fund for the United Nations Fund for Population Activities (UNFPA) worldwide 'family-planning' goals"). One NGO with definite political ties is the Washington, D.C. based Zero Population Growth. See

4. Private Donors

One of the most recent and powerful developments in population control is the attention that it has received by the wealthiest individuals in the United States.¹⁸³ These donors include Microsoft founder Bill Gates, Time Warner Vice Chairman Ted Turner, and Wall-Street financier Warren Buffet.¹⁸⁴ In addition to the money that they donate, these individuals also bring with them strong political ties and influence.¹⁸⁵

generally <<http://www.zpg.org>> (indicating which senators and representatives support population control). Also indicating the political ties of Zero Population Growth is the fact that its executive director, former Representative Peter Kostmayer of Pennsylvania, took a leave of absence on February 1, 1999, to run for Senate during the 2000 elections against incumbent Senator Rick Santorum. See Lisa Kozleski, *Kostmayer Eyes A Seat In The Senate, He Says Santorum Is Vulnerable 'Because He Is Wrong On The Issues People Care About'*, ALLENTOWN MORNING CALL, Jan. 7, 1999, at B4.

183. See, e.g., Ignatius, *supra* note 7, at B7 (noting new causes to which billionaires are giving their money, such as population control); see also Constance Casey, *Gates, Wife the Big Fish in Philanthropy Sea: Couple Donate Stock Worth \$3.35 Billion to Their 2 Foundations*, THE STAR-LEDGER (Newark, N.J.), Feb. 23, 1999, at 60 (noting William H. Gates Foundation, supporting population control activities, in number six spot on Chronicle of Philanthropy's annual ranking of ten wealthiest foundations); U.N. Population Fund Hails Bill & Melinda Gates' \$2.2 Billion Donation, M2 PRESSWIRE, Feb. 12, 1999, available in 1999 WL 12604836 (noting donation coincided with opening of Hague Forum on population and development). Dr. Nafis Sadik, the United Nations Population Fund (UNFPA) executive director, noted that "[t]his donation is especially important in light of the leveling-off of official assistance for population and reproductive health programmes. It will give new impetus to efforts to make the [1994 Cairo Conference program] a reality" *Id.*; see *Gates Gives Away 3.3 Billion in Largest Private Donation in History*, AGENCE FRANCE-PRESS, Feb. 6, 1999, available in 1999 WL 2541313 (noting that Gates' donation believed to be largest private donation ever given); Maria Saporta, *Billionaires vs. Babies*, THE WASH. TIMES, Feb. 22, 1999, at A2 (noting Ted Turner and Bill Gates met in Switzerland at World Economic Forum resulting in agreement to work together on future philanthropic endeavors, which following Gates' recent donation, appears to be population control).

184. See Joseph W. Bartlett, *For A New Generation of Mega Philantropists, All the World's Their Stage*, THE WORLD PAPER, Jan. 14, 1998 (noting change in philanthropic giving from historical charitable giving to giving with public purpose). Other donors include the Rockefeller Foundation and Hewlett-Packard. See *Country Still Model for Population Development Programmes*, THE NEW STRAITS TIMES, (Kuala Lumpur, Malay.) Feb. 19, 1999, at 2.

185. See, e.g., Robert Stacy McCain, *Turner Supports One-Child Policy Says Idea Could End Overpopulation*, THE WASH. TIMES, Feb. 17, 1999, at A3 (noting Ted Turner's strong urging to elect into public office population control advocates). Ted Turner, speaking at the 27th annual meeting of the National Family Planning and Reproductive Health Association on February 16, noted that "[e]nvironmentalists and population control activists need to elect 'people who get it' if they wish 'to succeed in saving humanity.'" *Id.* He also noted that "[w]e have to defeat those congressman and senators who are standing in the way of progress. . . . We've got to win the next election." *Id.* Ted Turner, father of five, then "suggested that world population could be reduced by the adoption of an international 'one-child policy.'" *Id.*; see Walter Williams, *Population Alarms Have Socialist Ring*, DESERET

5. *American Public*

Although private organizations and donors may be supporting population control, it is not clear if the American public feels the same way.¹⁸⁶ A 1991 survey in the Wall Street Journal revealed that a "vast majority of Americans consider themselves to be 'environmentalists'—that is, they express concern about their environment and favor policies which retard its degradation. Relatively few Americans, however, sympathize with any type of serious governmental population policy. Rather, environmental policy is viewed as separate from population policy."¹⁸⁷ Thus, major population measures supported by the U.S. government, whether directly through legislation or through funding by government grants, could result in a backlash by the American public.¹⁸⁸

6. *Non-traditional Proposals: Taxes, Immigration and Land-Use*

In addition to the traditional influences previously discussed, several interesting non-traditional methods of population control have been proposed. Professor Mona Hymel has suggested the use of tax policy to address what she describes as overpopulation in this country.¹⁸⁹ Another interesting development has been the use of growth control regulations by some local governments trying to reduce population in their particular areas.¹⁹⁰ Courts, however, such

NEWS, Feb. 24, 1999, at A11. A Clinton Administration official, on March 3, disavowed Turner's call for the global one-child policy. See *No Big Brother*, THE WASH. TIMES, Mar. 4, 1999, at A6.

186. See Hardaway, *supra* note 91, at 1219 (noting few Americans sympathize with serious governmental population policy).

187. *Id.* (citing Rose Gutfield, *Shades of Green: Eight of Ten Americans Are Environmentalist, At Least So They Say*, WALL ST. J., Aug. 21, 1991, at A1).

188. Cf. Hardaway, *supra* note 91, at 1219 (raising question of how effective an environmental policy based on population policy would be if Americans view them separately). For further discussion of government support of population control, see *supra* notes 168-74.

189. See Hymel, *supra* note 24, at 16. Professor Hymel notes that the current tax system "exacerbates the problems associated with overpopulation." *Id.* She argues that "the U.S. tax system has a pronatalist bias, it fails to encourage sustainable farming practices and the conservation of resources, and it actually encourages overconsumption." *Id.* She defines the U.S. carrying capacity as the number "we can support without harming the physical, ecological, cultural and social environments." *Id.* at 20 (emphasis added). She further notes "[i]n places where population size reduces the ability to provide the *desired environment*, overpopulation exists." *Id.* (emphasis added) (footnote omitted).

190. See Pierce, *supra* note 32, at 94-95 (concluding that no-growth ordinances enacted to implement sustainability goals are constitutional). These growth control regulations typically seek to slow growth or completely stop growth. See *id.* at 95. Regulations which stop growth are referred to as "no-growth" regulations and are typically implemented through zoning ordinances. See *id.* Such ordinances usually control population by limiting the number of people or structures that may

as the Supreme Courts of Pennsylvania and New Hampshire, have not been in favor of such regulations and have held them unconstitutional.¹⁹¹ Other courts, such as the Ninth Circuit Court of Appeals, have allowed slow-growth plans on a temporary basis, but have rejected any permanent plans.¹⁹² Immigration legislation has also been urged as a way to control population.¹⁹³ This movement has caused a split among environmentalists with some supporting anti-immigration legislation and others opposed to it.¹⁹⁴

occupy a given area. *See id.* By using these no-growth ordinances "communities attempt to halt environmental, economic, and social problems by treating the 'disease' rather than the 'symptoms.'" *Id.*

191. *See id.* at 109-10. The New Hampshire Supreme Court, for example, has held that "[a]ny limitations on expansion must not unreasonably restrict *normal growth*." *Id.* at 109 (emphasis in original). Similarly, the Supreme Court of Pennsylvania questioned whether a township could "stand in the way of the *natural forces* which send our growing population into hitherto undeveloped areas in search of comfortable places to live;" and concluded that "[z]oning provisions may not be used . . . to avoid the increased responsibilities and economic burdens which time and *natural growth* invariably bring." *Id.* at 110 (footnote omitted). One judge of the Supreme Court of California has noted that inhibiting natural growth, "[w]hatever the motivation, . . . is both immoral and illegal." *Id.* Similarly, ten years later, the same judge noted that "a[n] impermissible elitist concept is invoked when a community constructs a legal moat around its perimeter to exclude all or most outsiders." *Id.* at 110 n.107.

192. *See id.* at 110. Even deferential courts will not allow ordinances that seek to limit growth indefinitely. *See id.* For example, the New York Court of Appeals allowed a restriction on growth until necessary public facilities became available, but only because the plan "seek[s] not to freeze the population at present levels but to maximize growth by the efficient use of land, and in so doing testify to this community's continuing role in population assimilation." *Id.*

193. *See Okamoto, supra* note 34, at 34 (noting anti-immigration legislation proposals). For further discussion of immigration, see *supra* notes 149-61 and accompanying text.

194. *See Population-Environment Balance Says: Sierra Club Rejects Immigration/Environment Link, supra* note 167. Sierra Club rejected "a long-standing position on population-related environmental problems" by voting against an immigration reduction plan. *Id.* Other groups that support limiting immigration are Population-Environment Balance, a Washington, D.C. non-profit group that "supports a five-year moratorium on immigration to stabilize U.S. population." *Id.*

[This] organization is the founding sponsor of the Alliance for Stabilizing America's Population (ASAP!), which has 40 signatory organizations nationwide, including population, environmental and immigration groups. ASAP! support[s] a five-year moratorium in excess of 100,000 immigrants per year. It also supports enforcement of current immigration laws, and The Citizenship Reform Act, which would stop practice of granting automatic citizenship to the offspring of illegal aliens.

Id. "According to Population-Environment Balance, the root cause of every environmental problem in the [U.S.] is population growth." *Earth Day 1998: Immigration Moratorium Essential for U.S. Population Stabilization to Protect the Environment*, PR NEWswire, Apr. 21, 1998. Another indication of the interesting "sides" to the immigration issues is demonstrated by the following: the Sierra Club, the largest environmental group in the country, is opposed to immigration reform, yet, a leading anti-immigration group, the Federation for American Immigration Reform, had its roots among environmentalists and population control advocates. *See Virginia Pos-*

D. Current U.N. Initiatives

In February 1999, the Hague Forum, a U.N. event, was held to discuss population control.¹⁹⁵ The Forum was held with the goal of evaluating the progress of the population control policies set forth five years earlier at the 1994 International Conference on Population and Development (ICPD) in Cairo.¹⁹⁶ Another goal of the Forum was to solicit funds to continue the population control programs set forth at the 1994 Cairo Conference.¹⁹⁷ Nafis Sadik, executive director of the U.N. Population Fund (UNFPA), was the organizer of the meeting.¹⁹⁸ Hillary Rodham Clinton attended and spoke at the conference giving her support to plans to establish population control by 2015.¹⁹⁹ She announced to the 1,500 people attending, representing 180 countries, that the Clinton Administration plans to donate twenty-five million dollars to the U.N. Population Fund next year.²⁰⁰

In July 1999, a three-day Special Session of the U.N. General Assembly met to discuss population control issues.²⁰¹ This conference marked the culmination of the five-year review of the 1994 Cairo Conference plans.²⁰² The conference resulted in an agree-

ment, *Editorial: Green Is Also the Color of Envy*, PORTLAND OREGONIAN, May 12, 1998, at E11. In addition, the Carrying Capacity Network, which is dominated by environmentalist intellectuals, strongly opposes immigration and supports immigration reform. See *id.* For further discussion of immigration, see *supra* notes 149-61 and accompanying text.

195. See Farhan Haq, *Population: U.N. Forum Focuses on Funds For Progress*, INTER PRESS SERVICE, Feb. 8, 1999, available in 1999 WL 5946932. The Forum took place in Netherlands from February 8-12, 1999. See *id.*

196. See *id.* (noting focus of Forum was to evaluate progress and raise funds).

197. See *id.* Bill Gates' donation helped meet this goal. See *id.* For further discussion of private donations, see *supra* notes 183-85 and accompanying text.

198. See *id.* This was unusual since most U.N. conferences are convened by the member states for member states. See Austin Ruse, *Consensus or Conspiracy?*, PITTSBURGH POST-GAZETTE, Feb. 28, 1999, (editorial) at E1 (noting also that 720 hand-picked NGOs participated and only six other NGOs, such as those opposing abortion, were allowed to participate; and pro-life NGOs, along with journalists and lobbyists opposed to abortion, were harassed, leading to U.S. congressional investigation).

199. See *Hillary's Population-Control Pep Talk: Folks, You're Having An Impact*, WORLD, Feb. 20, 1999, at 12.

200. See *id.* Congress withdrew funding for the agency in 1998, partially because of its activities in China. See *id.* For further discussion regarding the Clinton Administration's position on population control, see *supra* notes 168-74.

201. See Paul Lewis, *Conference Adopts Plan On Limiting Population*, N.Y. TIMES, July 3, 1999, at A3.

202. See POPULATION ACTION INT'L, *Cairo Plus Five: A Bulletin for Journalists* (U.S. NGOs in Support of the Cairo Consensus, Washington, D.C.), Sept.-Dec. 1998, at 3 (noting planning for upcoming July event). For further discussion of a five-year review conducted by NGOs, see *supra* note 181 and accompanying text.

ment of 179 nations, but drew objections from several other countries.²⁰³ These countries objected to the final adopted recommendations of “unrestricted access to safe abortions in countries where it is legal, education in ‘sexual and reproductive health issues’ at all school levels, and confidential contraceptive advice to ‘sexually active adolescents.’”²⁰⁴ It was noted that “[t]hese new recommendations go far beyond those of the Cairo plan. . . .”²⁰⁵

IV. THE POPULATION-ENVIRONMENT CONNECTION

Human society “necessarily consumes food, water, energy, land and minerals, and each act of consumption has environmental consequences.”²⁰⁶ This concept has led environmentalists, concerned that the world’s resources are being depleted and will eventually run out, to turn to population control for answers.²⁰⁷ They hypothesize that by reducing the world’s population, the Earth’s resources will not be depleted and environmental degradation will decline.²⁰⁸

203. See Lewis, *supra* note 201, at A3. The countries objecting were conservative Muslim and Roman Catholic countries. See *id.* The nations participating in the conference, which were to meet and then present an updated action plan to the United Nations General Assembly, remained divided, on the eve of the start of the conference, over abortion and sex education issues. See Paul Lewis, *U.N. Meeting Splits Sharply On Limiting Population*, N.Y. TIMES, June 30, 1999, at A9.

204. Lewis, *Conference Adopts Plan On Limiting Population*, *supra* note 201, at A3. Argentina, Nicaragua and the Vatican filed reservations to the recommendations. See *id.* Chile and El Salvador ban abortions outright and another 75 countries allow abortions only when the mother’s life is directly threatened. See *id.* Almost equally as contentious as the abortion issue, were the recommendations regarding children. See *id.* “The conference called for schoolchildren at *all* levels to be instructed in ‘sexually and reproductive health issues’ in order to teach them ‘responsible sexual behavior.’” *Id.* (emphasis added).

205. *Id.* The Cairo plan “simply asked governments to provide adolescents with ‘guidance in sexual and reproductive matters’ and not to restrict their access to ‘appropriate service and the advice they need.’” *Id.* In addition, the countries had agreed five years ago at the Cairo Conference that the “best way to curb population growth is not by setting numerical targets and mounting birth-control campaigns. Instead, they decided to try to improve the social status, education and health of young women and men in the belief that they [would] then limit the size of their families.” Lewis, *U.N. Meeting Splits Sharply On Limiting Population*, *supra* note 203, at A9.

206. Salzman, *supra* note 29, at 1249. As a result, many have recognized the importance of maintaining levels of consumption within an environment’s carrying capacity or natural limits to growth. See *id.*

207. See Smith, *supra* note 22, at 379 (noting doomsayers and environmentalists are concerned there are too many people which leads to environmental problems); see generally GORE *supra*, note 23 (noting problems facing environment so severe that he urges measures be taken or else environment will be destroyed).

208. See Smith, *supra* note 22, at 379 (noting doomsayers argue “[t]he human impact on the environment is directly related to our numbers, our affluence, and our reliance on technology”).

A. The Initial Theory

Thomas Malthus is generally credited with the first modern theory of population control.²⁰⁹ Malthus warned of the dangers of overpopulation in his 1798 *Essay on the Principle of Population*.²¹⁰ He was primarily concerned with food shortages and postulated that while population increases exponentially, food production increases only arithmetically.²¹¹ Although Malthus' hypothesis of world-wide starvation proved to be incorrect, he found a great deal of support for his theory.²¹² Those who support population control today, referred to by some as neo-Malthusians, build upon his initial theories of food shortages and extend them to environmental degradation and the depletion of world resources.²¹³

Malthus' hypothesis, however, was not supported by everyone.²¹⁴ Analysts of his day disputed his hypothesis by arguing that either the "infinite reason of humans would lead to voluntary reduction of fertility, or that [people] were capable of feeding and

209. See Abrams, *supra* note 4, at 1116. Malthus advocated:

"Moral restraint" in the form of delayed marriage or celibacy as the means of reducing population growth. [He] ultimately concluded, however, that voluntary means would be insufficient. Natural forces such as occupational hazards, severe labor, extreme poverty, disease, war, plague, and famine ultimately would be necessary to lower the population, particularly that of lower classes. Poverty, in other words, was necessary to check unrestrained population growth.

Id. (footnotes omitted).

210. See Hardaway, *supra* note 91, at 1209 (noting Malthus' warnings); see generally THOMAS ROBERT MALTHUS, FIRST ESSAY ON POPULATION, 1798 (James Bonar ed., Reprints of Economic Classics 1965) (1798) (noting that if population growth was not stopped, world resources would run out resulting in famine and poverty across Earth).

211. See Abrams, *supra* note 4, at 1116. Malthus argued, "[t]aking the population of the world at any number . . . the human species would increase in the ratio of 1, 2, 4, 16, 32, 64, 128 . . . and subsistence as 1, 2, 3, 4, 5, 6, 7 . . ." *Id.* at 1116 n.25 (quoting THOMAS R. MALTHUS, POPULATION: THE FIRST ESSAY, at 9 (University of Michigan Press 1959) (1798)).

212. See *id.* at 1116-17 (noting that "[a]lthough Malthus found a great deal of support for his theory, it was disputed by more optimistic analysts of his day"). When reviewing Malthus' position on population, the context in which Malthus wrote is significant. See PAUL HARRISON, THE THIRD REVOLUTION: ENVIRONMENT, POPULATION AND A SUSTAINABLE WORLD, at 15-17 (1992). The French revolution, which awakened demands for radical reform in Britain, had exploded in 1789, just eight years prior to Englishman Malthus' Essay. See *id.* at 12. Malthus was a son of a landowner and wrote from an "anxious position of threatened privilege." *Id.*

213. See generally Ehrlich & Ehrlich, *supra* note 2 (noting that humanity must take action immediately to reduce impact of population on environment or face eventual environmental disaster).

214. See Abrams, *supra* note 4, at 1116-17 (noting some of Malthus' contemporaries disagreed with his theories).

sustaining far greater numbers than predicted.”²¹⁵ Today, this reasoning is still maintained and followed by those referred to as anti-Malthusians.²¹⁶ Anti-Malthusians, therefore, reject the hypothesis that population control is the cause of today’s environmental concerns.²¹⁷

B. Current Theories

1. *Supporting Population Control for Environmental Preservation: A Neo-Malthusian Perspective*

United States’ economist Paul Ehrlich has assumed the role as the modern day Malthus.²¹⁸ This role began with his 1968 book, *The Population Bomb*.²¹⁹ In 1970, Ehrlich wrote that “[n]o geological event in a billion years has posed a threat to terrestrial life comparable to that of human overpopulation.”²²⁰ He predicted that hundreds of millions of people would die of starvation unless plague or thermo-nuclear war killed them first.²²¹ Ehrlich’s incorrect predictions of the past have not dissuaded him from continuing to hold onto his ideas.²²² In fact, in 1997, Ehrlich continued his urging for

215. *Id.*

216. See HARRISON, *supra* note 212, at 13-14. Interestingly, Malthus went on to become one of the first anti-Malthusians. See *id.* at 13. As evidence of this “[i]n 1803, only five years after the first edition of his *Essay*, he published a second, much expanded, much improved version, which so modified the original argument as to be almost its opposite.” *Id.* This second edition emphasized that humans among all classes had the potential power of self-control. See *id.* If this control was exercised, he stressed, population growth would not outrun the increase in food supply. See *id.* Malthus noted that “an increase in population, when it follows in its natural order, is both a great positive good in itself, and absolutely necessary to a further increase in the annual produce of the land and labour of any country.” *Id.*

217. See *id.* at 13-14 (noting anti-Malthusians’ belief in human ingenuity for creating new technology). For further discussion of anti-Malthusians’ rejection of population control, see *infra* notes 231-57.

218. See *id.* at 16.

219. See *id.*; see generally EHRlich, *supra* note 3 (predicting that millions would starve to death due to overpopulation). Harrison notes that “Ehrlich advocated compulsory measures if voluntary efforts failed.” HARRISON, *supra* note 212, at 16.

220. HARRISON, *supra* note 212, at 16.

221. See *id.* (noting Ehrlich’s doomsday predictions).

222. See generally Ehrlich & Ehrlich, *supra* note 2 (continuing to support population control noting that “humanity must take action immediately to reduce the impact of population on our environment or face eventual environmental disaster”). The incorrectness of Ehrlich’s 1968 predictions was revealed in the persistent price declines of the 1980s, indicating that natural resources became more plentiful, not less, as Ehrlich had predicted. See Moore, *supra* note 40, at 132. A bet between Ehrlich and Julian Simon was an example of this. See *id.* In 1980, Simon bet Ehrlich “\$10,000 that the real price of five natural resources of Ehrlich’s own choosing would be less expensive in 1990 than in 1980. All five of the resources Ehrlich chose—copper, chrome, nickel, tin, and tungsten—fell in price. Ehr-

population control, yet he changed his rationale.²²³ His justification for population control switched from mass starvation to environmental degradation and disaster.²²⁴ Apparently, other scholars are following Ehrlich's lead and subscribing to a type of environmental Malthusianism.²²⁵ Law Professor Robert Hardaway, for example, warns that overpopulation depletes natural resources and degrades the environment.²²⁶

In addition to scholarly writers, environmentalists and national organizations are now jumping on this neo-Malthusian bandwagon and claiming that "population is one of our planet's largest problems."²²⁷ They claim that the world already exceeds a sustaina-

lich lost the bet." *Id.* For further discussion of those disputing Ehrlich's claims, see *infra* notes 231-57 and accompanying text.

223. See, e.g., Ehrlich & Ehrlich, *supra* note 2, at 1191-92 (noting support of population control).

224. See *id.* (noting population control needed to reduce environmental problems). Ehrlich continued to advocate population control in 1990 in his book, *The Population Explosion*, despite 18 years of a population rate below replacement level. See WILSON, *supra* note 48, at 183.

225. See Hardaway, *supra* note 91, at 1211 (supporting population control in order to reduce environmental problems).

226. See *id.* Professor Hardaway urges that environmentalists should focus on population growth to solve environmental problems rather than short term and remedial solutions. See *id.* Professor Hardaway, however, completely diminishes the validity of this warning by his obviously biased, anti-human statements. See *id.* For example, his paper begins by making the following analogy between a gun being shot off and a person being born: "Every one-third of a second, at about the speed a machine gun fires its bullets, the planet earth somehow makes room to accommodate an additional human being." *Id.* at 1209. In a similar fashion, he concludes his article with outrageous warnings of monumental population growth and compares man to insects:

Today, the human population of the earth is exploding at such a rate that an entire species is eliminated *every day* to make room and provide resources for this one rapacious species, the human race. There are only two varieties of living species which are expanding in population today—man and insects. If it comes down to a battle between these two varieties of living entities to populate the world at the expense of all other living species, the smart money will be on the insects.

Hardaway, *supra* note 91, at 1242.

227. Beyond the Numbers, book review, (visited Jan. 24, 1999) <<http://www.nightingale.org/nbssites/faculty/library/envirbib/beyond.htm>>; see also Zero Population Control (visited Jan. 24, 1999) <<http://www.zpg.org>> (emphasizing population control and endorsing political candidates who support population control); Budiansky, *supra* note 56, at 57. Lester Brown, president of Worldwatch Institute, noted that the "'day of reckoning' has already arrived as soil erodes, aquifers empty, pesticide pollution spreads and range lands are overgrazed." *Id.* The article notes:

Even President Clinton has joined the neo-Malthusian bandwagon; he was riveted by an apocalyptic jeremiad that appeared [in 1994] in the *Atlantic Monthly*. The piece, . . . envisions a world of growing chaos, anarchy, disease and corruption as hungry refugees surge across borders in search of food and nations fight over scarce resources. Humanitarian

ble population level and that the U.S. and other nations should take immediate steps to reverse this trend.²²⁸ Zero Population Growth, a Washington, D.C.-based organization, supports this hypothesis.²²⁹ Many of these organizations, like Zero Population Growth, are accused of using “doomsday” rhetoric as an effort to gain funding for their population control agendas.²³⁰

2. *Refuting Population Control as a Solution to Environmental Problems: An Anti-Malthusian Perspective*

History attests to the fact that the “doomsday” predictions from Malthus’ time until present, regarding overpopulation and the depletion of the world’s resources, have largely been proven wrong.²³¹ Anti-Malthusians explain the failed predictions of the neo-Malthusians as the following: failure to recognize and assess the factors

disasters such as the one in Rwanda are a herald of the new era of resource limits.

But if these apocalyptic prophecies come true, it will not be simply because man has been too fruitful and has been multiplying too fast. True, Rwanda was the most densely populated country in Africa before civil war erupted. But its Hutu and Tutsi peoples are battling over tribal hatreds and political power, not resources: Rwanda was about to reap a copious harvest when the killing started.

Id. at 59-60.

228. See Robert S. Stein, *Is a Population Bomb Ticking?*, INVESTOR’S BUSINESS DAILY, July 7, 1993, at 255 (noting California Congressman Anthony Beilenson urged in June 1993, when unveiling his International Population Stabilization and Reproductive Health Act, that U.S. take action to deal with “the most urgent crisis facing humanity: the rapid rate of growth of the human population”). But see WILSON, *supra* note 48, at 192 (noting that world population - at 5.6 billion - could easily fit in an area size of Texas, allowing 262,000 square miles or about 3,400 square feet for each three person family; this is also comparable to an area the size of Chile, Zambia, Myanmar (Burma) or Poland and Germany combined); WILSON, *supra* note 48, at 193 (noting if entire world population - at 5.6 billion - stood together with each person given two foot by two foot space, total area covered would be smaller than 1,000 square miles, an area roughly size of Luxembourg, Zanzibar, or Jacksonville, Florida).

229. See WILSON, *supra* note 48, at 193. Dianne Sherman, spokeswoman for Zero Population Growth, noted that “[t]he current level of people on the planet has already been sufficient to destroy rain forests, foul the water, cause water and food shortages, and [cause] millions of people to be without jobs, housing and education. . . .” *Id.* Alex Marshall, spokesman for the United Nations Population Fund in New York, agreed, noting “[t]here is a crisis.” *Id.*

230. See WILSON, *supra* note 48, at 178-79. Wilson notes that “[a]s we analyze the politics of population control, we come to the sad realization that the facts have been distorted and the truth hidden in order to increase funds for population programs and to decrease funds for public health.” *Id.* at 179. From 1968 on, expenditures on population programs increased while funds for health programs dropped dramatically. See *id.*

231. See Boland, *supra* note 53, at 1139 (noting doomsday predictions wrong due to human ingenuity and technological progress).

that affect population;²³² failure to properly assess the environment and its resources;²³³ failure to recognize human ingenuity and problem solving skills;²³⁴ and failure to understand other factors which impact the population-environment dynamic.²³⁵

The factors that affect population include the changes in fertility rates, mortality rates and immigration.²³⁶ While neo-Malthusians report that the world population is increasing, population stabilization has in fact been achieved in thirty countries with "the rate of population growth . . . falling at historically high rates in virtually all parts of the world."²³⁷ Strikingly, even U.N. estimates of total current world population, made only two years ago, have been revised downward by twenty-nine million.²³⁸

232. See, e.g., Abrams, *supra* note 4, at n.3 (noting population affected by factors of fertility and mortality rates and immigration). For further discussion of the factors that affect population, see *infra* notes 236-43 and accompanying text.

233. See, e.g., THE RESOURCEFUL EARTH, *supra* note 41, at 3 (indicating natural resources are increasing); see also Budiansky, *supra* note 56, at 60. For further discussion of assessment of environment and resources, see *infra* notes 244-47 and accompanying text.

234. See, e.g., Boland, *supra* note 53, at 1139 (noting "[h]uman ingenuity and technological progress have so far managed to outpace the natural forces" which could end mankind or destroy the environment; "[w]ays have been found to solve even the most seemingly insurmountable problems"). For further discussion of human ingenuity and problem solving skills, see *infra* notes 248-53 and accompanying text.

235. See, e.g., Abrams, *supra* note 4, at 1119 (noting "economic, social, and political factors influence both environmental and reproductive behaviors"). For further discussion of other factors impacting the population-environment dynamic, see *infra* notes 254-57 and accompanying text.

236. See Abrams, *supra* note 4, at n.3 (noting these factors).

237. Boland, *supra* note 53, at 1138 (citing United Nations, Department for Economic and Social Information and Policy Analysis, Population Division, World Population Prospectus: The 1996 Revision, Population Newsletter, No. 62, 1, 1-3 (Dec. 1996)). Some warn that the world is actually becoming depopulated. See Wattenberg, *The Population Explosion is Over*, *supra* note 62, at 60. Wattenberg notes that "mounting evidence, from rich nations and poor, strongly suggests that the population explosion is fizzling. . . . Never before have birthrates fallen so far, so fast, so low, for so long all around the world." *Id.*; see generally BEN J. WATTENBERG, *THE BIRTH DEARTH* (1987) (refuting Ehrlich's population explosion theories because based on faulty examination of data and faulty logic and noting concerns over trends of decreasing birth rates). Others warn that, since mortality rates are decreasing, there will not be enough young people to take care of the old. See David R. Francis, *Population Growth Slows, and Elderly Ranks Rise*, CHRISTIAN SCIENCE MONITOR, Oct. 28, 1998, at 6. Another factor which has not been accounted for in population statistics is the extremely high number of those dying of AIDS in the world. See Youssef Ibrahim, *Aids Slashes African Population Rates*, THE GUARDIAN, Oct. 29, 1998, at 16. The U.N. report on the world population survey for 1998 noted that "AIDS is cutting the life expectancy in many African countries and will leave their populations far below what was expected in the next 10 to 15 years" *Id.*

238. See Boland, *supra* note 53, at 1138 (noting that population stabilization has been achieved in thirty countries).

Also, trends show that declining mortality rates, not rising birth rates, have caused modern overpopulation.²³⁹ Birth rates have been declining world-wide, while mortality rates are declining at a greater rate.²⁴⁰ Thus, by not addressing these trends, neo-Malthusians rely on incorrect assumptions.²⁴¹ First, they think that the world population growth rate is increasing, when, in fact, it is not.²⁴² Second, they believe that decreasing birth rates will reduce population, when the reality is that any population growth occurring is due to people living longer.²⁴³

In addition to incorrect analysis on the population variable of the population-environment dynamic, the anti-Malthusians contend that the neo-Malthusians have also incorrectly characterized the state of the environment.²⁴⁴ For example, scientific studies indicate that the Earth's basic resources are vastly greater than what is needed to feed even the ten billion people who are predicted to inhabit the planet by the middle of the next century.²⁴⁵ As reported in *U.S. News & World Report*, scientific studies reveal that "[t]he real threat is not that the Earth will run out of land, topsoil or water but that nations will fail to pursue the economic, trade and research policies that *can* increase the production of food, limit environmental damage and ensure that resources reach the people who need them."²⁴⁶ Some report that embracing the myth of environmental scarcity could ironically prompt the United States and

239. See Abrams, *supra* note 4, at 1112-13 n.2 (noting "[m]odern overpopulation is in fact the product of declining mortality rates rather than rising birth rates. Birth rates are declining world-wide, but mortality rates have declined at a greater rate").

240. See *id.* (citing Carl Haub & Martha F. Riche, *Population By the Numbers, BEYOND THE NUMBERS: A READER ON POPULATION, CONSUMPTION, AND THE ENVIRONMENT* 95-96 (Laurie A. Mazur ed., 1994)). In addition, "[t]he world population growth rate has decreased since the late 1960s—from slightly more than 2 percent at that time to about 1.7 percent in the 1990s." Michael Sanera & Jane S. Shaw, *Environmental Exaggeration*, *TEACHERS IN FOCUS*, July/Aug. 1997, at 4, 6.

241. See generally Wattenberg, *The Population Explosion is Over*, *supra* note 62, at 60 (noting that after thirty years of persistent alarm from Ehrlich and others, evidence now shows that "population explosion is fizzling").

242. See *id.* at 60 (noting that there is no population explosion).

243. See *id.* (noting decline in mortality rates).

244. See Moore, *supra* note 40, at 132 (noting the "objective, scientific evidence available today reveals that the prophets of doom were wrong in most predictions they made in the 1960s and 1970s" and natural resources became more plentiful, not less, in 1980s with this trend generally continuing in early 1990s).

245. See SIMON, *THE ULTIMATE RESOURCE*, *supra* note 27, at 33 (noting abundance of natural resources).

246. Budiansky, *supra* note 56, at 57.

other countries to adopt policies that virtually guarantee the apocalyptic future that neo-Malthusians and environmentalists foretell.²⁴⁷

In addition, some anti-Malthusians argue that human ingenuity, in conjunction with technological progress, have outpaced any environmental forces that were predicted to bring about the downfall of mankind and the destruction of the environment.²⁴⁸ University of Maryland economist Julian Simon, along with Simon Kuznets, reported that "when population expansion causes a shortage of resources, human ingenuity is spurred to create substitutes" ²⁴⁹ Simon and Kuznets also point out that a "large population makes possible the exploitation of economies of scale principles, such as the mass production of automobiles."²⁵⁰ Similarly, Ester Boserup reports that overpopulation in ancient Mesopotamia led to a complex and organized society.²⁵¹ The well-known economist Adam Smith, as well as William Petty, indicated the posi-

247. *See id.* The conventional solutions to the world food problem, which were heavily publicized in the months leading up to the 1994 Cairo Conference, by groups such as Zero Population Growth, the Pew Global Stewardship Initiative and a coalition of environmental and other organizations called the U.S. Network for Cairo 1994, focused almost exclusively on population control. *See id.* These groups argued that further major increases in food production were and are not possible. *See id.* As Lester Brown of Worldwatch indicated, "[a]chieving a humane balance between food and people now depends more on family planners than on farmers." *Id.* He went on to note that an apparent drop-off in per capita grain production was proof that the era of rapid technological progress "has slowed to a trickle." *Id.* Apparently, the U.S. government has also been heading in this direction. *See id.* One indication was that increasing farm production was not even on the U.S. agenda for the 1994 Cairo Conference. *See id.* Also, the Agency for International Development has been cutting funding for agricultural research for a decade and, in 1993, its contributions to international agricultural research programs fell by almost one third. *See id.*

248. *See Boland, supra* note 53, at 1139 (noting human ingenuity and technology have kept us from disaster).

249. Hardaway, *supra* note 91, at 1211. The shortage of ivory in the last century led to the invention of celluloid, for example. *See id.* (citing SIMON & KUZNETS, POPULATION, CAPITAL AND GROWTH (1973)).

250. *Id.*

251. *See id.* at 1211-12. Boserup notes that overpopulation has historically led to the creation of highly developed human civilizations. *See id.* An example of this is ancient Mesopotamia, which became very densely populated over a period of 8000 years. *See id.* Boserup notes that "[g]radually, the population changed from primitive food gatherers to people who applied the most sophisticated systems of food production existing in the ancient world." *Id.* at 1212. Therefore, Boserup notes that overpopulation was actually positive and led to the "development of infrastructure, roads, and 'the creation of cities [which] allow[ed] for greater specialization and more efficient organization of the economy.' The larger population in turn permitted a more efficient division of labor." *Id.* (quoting ESTER BOSERUP, POPULATION AND TECHNOLOGICAL CHANGE 65 (1981)).

tive advantages of large populations.²⁵² They illustrate with simple economic principles that it is better and more efficient to have many people working on one project, than to have only a few.²⁵³

The anti-Malthusians note that, in addition to relying on incorrect population figures and incorrect assessments of the environment, the neo-Malthusians also fail to account for various other factors which affect the population-environment dynamic.²⁵⁴ First, each human impacts the environment differently.²⁵⁵ Second, the neo-Malthusians who create formulas to predict population-environment connections fail to fully capture the complexity of human behaviors.²⁵⁶ Third, “[p]rograms designed primarily to reduce birth rates focus almost completely on contraception and sterilization, often without addressing the critical social and economic constructs which motivate people to have many children.”²⁵⁷

252. *See id.* at 1211 (noting economic principles that two people can get job done better than one).

253. *See id.* at 1212. William Petty illustrated that “[i]n the making of a *Watch*, if one man shall make the *Wheels*, another a *Spring*, another shall Engrave the *Dial-plate*, and another shall make the *Cases*, then the *Watch* will be better and cheaper, than if the whole *Work* be put upon any one man.” *Id.* (citing WILLIAM PETTY, ANOTHER ESSAY IN POLITICAL ARITHMETIC, IN THE ECONOMIC WRITINGS OF SIR WILLIAM PETTY 437 (C.H. Hull ed., 1963)). Adam Smith gave a similar example of this theory, relating to the production of a pin: “[A] single worker might turn out at most twenty pins a day, a factory employing a team of ten workers manages to produce twelve pounds a day, or 48,000 pins, 4800 per worker.” ADAM SMITH, THE WEALTH OF NATIONS 5 (1964).

254. *See Abrams, supra* note 4, at 1119 (noting significant variables affect population-environment dynamic).

255. *See id.* For example, developed countries consume approximately 75% of the Earth’s resources and generate approximately 75% of the carbon dioxide emissions and other pollutants, yet only comprise 25% of the world’s population. *See id.* These patterns cause developed countries to blame high fertility in developing parts of the world for the depletion of water, cultivable land and economic stability. *See id.* Conversely, the developing world blames the developed countries for consumption and production patterns which pose a greater threat to sustainability than population growth. *See id.*

256. *See id.* Professor Abrams notes that “[r]esearch by social scientists demonstrates that economic, social, and political factors influence both environmental and reproductive behaviors. For example, local and national policies concerning technological innovations have significant impact on the use of such technologies.” *Id.* at 1120.

257. *Id.* at 1117; *see* MAHMOOD MAMDANI, THE MYTH OF POPULATION CONTROL: FAMILY, CASTE, AND CLASS IN AN INDIAN VILLAGE (1972) (reviewing failures of The Khanna Study in India, first major field study of birth control). Mamdani notes that part of the reason for the failure of the population policies introduced in India was that the directors implementing the population policies had the basic perception that overpopulation was a disease. *See id.* at 37. The majority of the people in the Indian village, where the study was conducted, “found it difficult to believe that the Khanna Study had actually come to introduce contraceptive practices. . . . [T]he majority of the villagers never understood why so much money and effort were being spent on family planning when ‘surely everybody knows that chil-

V. ALTERNATIVES TO POPULATION CONTROL

Many have suggested different alternatives to population control as a means of correcting the environmental concerns of today. Alternatives have been raised in response to the "doomsday" approach, since that approach has led to "major excesses and mistakes in the planning and implementation of population policies and programs."²⁵⁸ An example of this mistake is that while people die from contaminated water and lack of penicillin, wasted contraceptive funding is provided to clinics which are oversaturated with contraceptives.²⁵⁹ In a panicked effort to "save the Earth," there has been a rush to adopt measures to reduce birth rates around the world.²⁶⁰ These measures, however, have not been "thought through either as to their ultimate efficacy or to the impact that they have on the lives of individuals."²⁶¹ The results of these practices have had serious human rights implications.²⁶² Unfortunately, "[f]ear of an unsustainable future for all has created immediate suffering for many."²⁶³

dren are a necessity in life." *Id.* at 144 (quoting villagers where study was conducted).

258. Boland, *supra* note 53, at 1139.

259. See Margaret Ogola, *Kenya: A Targeted Nation*, SOCIAL JUSTICE REVIEW, July/Aug. 1994, at 123. An example of this is in Kenya. In Kenya, [s]ince the mid-sixties, many family planning agencies have sprung up, and so comprehensive are their services, that the pill or the I.U.D. can be found in the most health delivery centers [sic]. Unfortunately, . . . not the same can be said of the availability of even the simplest life saving antibiotic—penicillin. The doctor finds that while he cannot save the life of a woman dying of a simple pneumonia because he does not have a vial of penicillin which costs only a few cents, he could if he so desired, fit her with as many I.U.D.s as he liked in her death throes. An I.U.D. costs many times the price of penicillin.

Id.

In an effort to correct this problem, Representative Joseph Pitts of Pennsylvania urged the House Rules Committee to consider an amendment to the fiscal year 1999 Foreign Appropriations Bill. See Letter from Joseph R. Pitts to The Honorable Gerald Solomon, Congress of the United States House of Representatives (Sept. 15, 1998). The proposed amendment would have shifted 100 million dollars from International Population Control to the Child Survival and Disease Program for Infant and Child Health. See *id.* Unfortunately, this amendment was not passed. Telephone Interview with Cameron Doolittle, Staff member for Congressman Joseph Pitts (Mar. 5, 1999).

260. See Boland, *supra* note 53, at 1139 (embracing "the doomsday approach without consideration of all the facts has had major harmful consequences, particularly with respect to questions of population control").

261. *Id.*

262. See *id.* at 1139-40 (noting population control practices have had serious implications on human rights, "particularly women's human rights since the fertility of women is the target of most population programs"). For further discussion on human rights violations, see *supra* notes 114-26 and accompanying text.

263. *Id.* at 1140.

An over-reliance on birth reductions as the primary solution to the problem of environmental degradation has existed.²⁶⁴ This over-reliance, coupled with the urgency of “doomsday” predictions, has led to the preclusion of evaluating and adopting more balanced and rational strategies for dealing with the environmental issues of the world.²⁶⁵ Some scholars, such as Professor Abrams, have offered, as an alternative, that consumption issues be addressed.²⁶⁶ She notes that, even with declining birth rates, environmental problems still exist as a result of consumption levels and the *manner* in which people live, not *how many* are living.²⁶⁷

Others note that what really needs to be addressed in the population-environment dynamic is the practical effect that government politics and civil wars have on population and the environment.²⁶⁸ This effect is especially important when reviewing food shortages in certain parts of the world that are not a result of too many people, or too little food or resources, but a result of infrastructure problems.²⁶⁹

264. See Abrams, *supra* note 4, at 1127 (noting that birth reduction programs present both practical and ethical problems).

265. Cf. Boland, *supra* note 53, at 1140 (noting “acceptance of the doomsday approach has precluded the adoption of more balanced and rational strategies for reducing the rate of population growth”).

266. See Abrams, *supra* note 4, at 1127 (noting, without consumption issue addressed, significant improvement in environmental conditions unlikely).

267. See *id.* Professor Abrams stresses:

[U]nless consumption in the developed countries is addressed, it is unlikely that reduced birth rates will significantly improve environmental conditions. Birth rates have declined by one-third since the 1960s and are continuing to decline. However, little progress has been made on improvements to national and international sustainability policies since the Rio Conference in 1992. Without advancement in resource protection, imposing responsibility for global sustainability on women’s bodies is a Draconian burden indeed.

Id. at 1127-28.

268. See Boland, *supra* note 53, at 1138; see also WILSON, *supra* note 48, at 176. Wilson notes:

[M]ost countries in the world have the natural resources to feed and provide a life with dignity for every citizen. According to a report of the United Nations Food and Agriculture Organization, every nation has the capacity to feed its people well. Based on their figures, between 1951 and 1992, food production rose by more than 30 percent. This has occurred despite the fact that Western farmers are paid millions of dollars a year to keep land out of production. If these European and American farmers were to produce to their capacity, there would likely be an overabundance of agricultural products.

Id.

269. See *id.* Professor Boland notes that “[r]ecent food shortages have been due far more to civil wars and problems in distribution than to a lack of food. The most recent analyses of food production estimates predict enough food to feed the world’s population through at least the first quarter of the coming century.” *Id.* If

Another alternative suggested is that funding should be spent on the improvement of technology instead of population control measures.²⁷⁰ One reason for this suggestion is that "[u]se of alternative sources of energy is increasing as the prices for generating this energy fall."²⁷¹ People in developing countries, however, "must be equipped with the right tools, educated in how to use them and provided a fair and open trade environment for their products."²⁷²

This suggestion leads to another alternative solution—education.²⁷³ Perhaps funding spent on education has the best chance of both ending world poverty and solving environmental problems.²⁷⁴ The importance of education was addressed at the 1994 Cairo Conference, which resulted in the stated goal of universal primary education in all countries before the year 2015.²⁷⁵

VI. CONCLUSION

In reviewing the issues involving the state of the environment, it becomes evident that there is no consensus on whether the Earth has a limited carrying capacity or if the increase in pollution is directly linked to the amount of people on the Earth.²⁷⁶ In addition,

the infrastructure can be dealt with, then the amount of food should not be a problem. *See id.* According to the Director General of the Committee on World Food Security, "world food supplies are eighteen percent above what they were thirty years ago. The number of undernourished people in developing countries declined from thirty-five percent in 1969-1971 to twenty percent in 1990-1992. Production problems, due to the obvious tragedy of food shortages, are steadily being solved." Dunn, *supra* note 26, at 146.

270. *See id.* at 145-46 (noting increased improvements in biotechnology).

271. Boland, *supra* note 53, at 1138.

272. Dunn, *supra* note 26, at 145-46.

273. *See* James F. Smith, *Catholic Mexico's Suprising Birthrate*, L.A. TIMES, Jan. 22, 1999, at A1 (noting "[e]ducation is the only road for [a] country to leave poverty, not birth control").

274. *See id.*; *see also* MAMDANI, *supra* note 257, at 14. Mandami notes, as a result of his study in India, that "people are not poor because they have large families. Quite the contrary: they have large families because they are poor." *Id.*

275. *See* Spahn, *supra* note 125, at 1308 n.42. This goal was stated in the Programme of Action adopted at the 1994 Cairo Conference. *See id.* Unfortunately, the main focus of education has only been on its effect on declines in fertility, and not on its empowerment of people to leave poverty and to take better care of the environment. *See id.*

276. *Compare* SIMON, THE ULTIMATE RESOURCE, *supra* note 27, at 33 (noting natural resources are increasing) *with* Ehrlich & Ehrlich, *supra* note 2, at 1187 (noting that humanity must take action immediately to reduce impact of population on environment or face eventual environmental disaster). *See also* HARRISON, *supra* note 212, at 19 (asking "Who is right?" and answering "It's not easy to see clear. Population has become a battleground on which everyone wields their favorite sword"). For further discussion of the current state of the environment, *see supra* notes 22-65 and accompanying text.

experts dispute whether the world population will continue to grow and, in fact, some researchers note that the world is becoming depopulated, a different concern bringing its own set of problems.²⁷⁷ Thus, due to the lack of consistency in information on both sides of the population-environment dynamic, logic demands that these issues be bifurcated.²⁷⁸ It is illogical to use one uncertain issue to correct another uncertain issue.²⁷⁹ Most would agree that serious environmental concerns exist and must be corrected.²⁸⁰ To answer these concerns with population control, however, is not logical, moral or necessary, and, in fact, is a hindrance to technological, cultural and even environmental advances.²⁸¹ Population control has, and continues to, present severe human rights abuses²⁸² and

277. See Boland, *supra* note 53, at 1138-39. Boland indicates that "[t]here are . . . wide variations in predictions of future population growth, ranging from a high of 11.2 billion to a low of 7.7 billion by the year 2100." *Id.* For further discussion of population control issues, see *supra* notes 66-205 and accompanying text.

278. See, e.g., Boland, *supra* note 53, at 1161. As Professor Boland indicates:

Despite the complexity of these matters, several principles are worth keeping in mind, such as healthy skepticism about the claims of population policies. . . , and compassion when possible human rights violations are involved. The arguments of governments about the need for restrictive measures are all too easy to accept at face value. If there were indisputable evidence that specific disasters would occur unless population growth rates were drastically and immediately curbed, strong measures might be warranted. But there is no such evidence.

Id.; see also POPULATION & ENVIRONMENT: RETHINKING THE DEBATE, *supra* note 13, at 339 (noting that "[e]ven the terms 'population' and 'environment' themselves must be broken down into their constituent elements in order to attempt the construction of a more complex matrix").

279. *But see* Ehrlich & Ehrlich, *supra* note 2, at 1207 (noting "[p]opulation growth may be the paramount force moving humanity inexorably towards disaster").

280. See, e.g., THE TRUE STATE OF THE PLANET, *supra* note 30, at 3 (noting that some environmental problems exist, but many others have been corrected). Even anti-Malthusians Julian Simon and Herman Kahn note that they "do not say all is well everywhere, and [they] do not predict that all will be rosy in the future." See THE RESOURCEFUL EARTH, *supra* note 41, at 3. They note, however, that "aggregate global and U.S. trends are improving rather than deteriorating." *Id.* For further discussion of the state of the environment, see *supra* notes 22-65 and accompanying text.

281. See, e.g., POPULATION & ENVIRONMENT: RETHINKING THE DEBATE, *supra* note 13, at 1 (noting that "[a]s more studies [around population and environment] have accumulated, the interactions between these two phenomena have been in many ways less rather than more understood"). For further discussion of cultural perspectives on population control, see *supra* note 93-108 and accompanying text. For further discussion on technological advances, see *supra* notes 54-59 and 248-53 and accompanying text.

282. See, e.g., Associated Press, *China's 1-Child Policy Detailed: House Panel Hears How Population Limits Are Enforced*, *supra* note 110, at A15 (noting human rights abuses in China). For further discussion of human rights violations, see *supra* notes 114-26 and accompanying text.

conflicts with the firmly held beliefs of people from many different religions.²⁸³

At the core of environmental concerns is the underlying question: Why should we protect or preserve the environment? Perhaps, some may offer reasons of duty of care based on a religious stewardship principle; others perhaps may offer reasons of simply preserving the aesthetic beauty of our surroundings. Both of these reasons seem to be valid. Yet, still many others would offer that the main reason, which lies at the core of the population-environment issue, is to preserve the Earth for future generations.²⁸⁴

If we are being realistic, the Earth will most likely not run out of resources during the life of any adult or child living today. Thus, if the core reason behind preserving the environment is to preserve the Earth for the enjoyment and use of future generations, a second question must also be asked: Does it really make sense that we limit the number of humans in the future generations—limit those for whom we are trying to preserve the Earth? Or asked another way, is it logical to take away the opportunity of enjoying the environment from those for whom we profess to save it?

If we as a society allow population control, then, we are providing the opportunity of enjoying the Earth and its resources to only a select few.²⁸⁵ This philosophy is inconsistent and, therefore, population control advocates are not reviewing or analyzing the real purposes for environmental policies, the real causes of environmental

283. See, e.g., HARRISON, *supra* note 212, at 19 (noting that Islam is split over divergent traditions and Catholics oppose modern contraceptives used in population control plans). Professor Coward notes the importance of religion: "Religion and law can work powerfully together to protect both humans and nature from unethical exploitation." Coward, *supra* note 14, at 1185. For further discussion of beliefs held by religious groups regarding population control, see *supra* notes 70-85 and accompanying text.

284. See, e.g., Ehrlich & Ehrlich, *supra* note 2, at 1208 (noting that "if we care about the world our descendants will inherit, our only responsible choice is to try [to preserve the environment]).

285. See WILSON, *supra* note 48, at 180-81 (noting concerns that population control motivated by racism and bigotry). For further discussion of population control skepticism due to concern that programs are racist, see *supra* notes 135-48 and accompanying text. This concern over racism is one reason some question the motives of donations, made by elite billionaires, to a cause such as population control. See *Bill Gates Catches Heat for Funding Population Control; Racism Said to Be True Colors of Population Agenda*, PR NEWswire, Oct. 13, 1999. A new advertisement campaign aimed at Bill Gates states "[r]acism is the root of population control agendas." *Id.* The ad quotes the International Planned Parenthood Federation's 1996-1997 annual report which stated that "[o]ver 57% of population control money is spent on reducing births of Africans and Latinos." *Id.* In addition, a website has been established to educate Bill Gates on population control issues. See American Life League, *Educate Bill Gates* (visited Nov. 22, 1999) <<http://www.billgateseducate.com>>.

problems, or the real problems that will be caused by population control measures.²⁸⁶

By relying on population control as the answer to the environmental concerns, population control becomes a crutch.²⁸⁷ Population control masks the real problems of the environment.²⁸⁸ Environmentalists joining population control advocates, whatever their motivations may be, leads to the false hypothesis that population control will solve the environmental problems of the world, and, thereby, real solutions become neglected.²⁸⁹ Environmental issues then become another piece in the political rhetoric of population control.²⁹⁰

286. Cf. WILSON, *supra* note 48, at 179 (noting after analysis of population control politics one comes to sad realization that "facts have been distorted and the truth hidden in order to increase funds for population programs and to decrease funds for public health"). This idea is addressed by Julian Simon, who notes that population control advocates "urge building nature preserves, and caring for the environment, on behalf of future generations. But their population policy goes exactly the other way. It aims to take account of the welfare only of those who are alive right now, ignoring the benefits that additional people now will create for future generations." *Id.* (quoting JULIAN L. SIMON, *POPULATION MATTERS: PEOPLE, RESOURCES, ENVIRONMENT, AND IMMIGRATION* 563 (1990)). For further discussion of problems caused by population control, see *supra* notes 114-61 and accompanying text.

287. *But see* Ehrlich & Ehrlich, *supra* note 2, at 1187 (citing overpopulation main reason for environmental degradation).

288. *See, e.g.,* Nicholas Eberstadt, *Population, Food, and Income: Global Trends in the Twentieth Century*, in *THE TRUE STATE OF THE PLANET* 7, 8. Harvard Professor Eberstadt notes that "'[o]verpopulation' is a problem that has been misidentified and misdefined. The term has no scientific definition or clear meaning. The problems typically associated with overpopulation (hungry families, squalid and overcrowded living conditions) are more properly understood as issues of poverty." *Id.*

289. *See, e.g.,* WILSON, *supra* note 48, at 178. Wilson notes that "[l]eftist movements in many developing countries can only be aided by [U.S.] failure to address the root causes of economic stagnation and poverty—that is, by Western funding of aggressive population control programs at the expense of meaningful democratic reforms, debt reduction measures and technical assistance and skills training" *Id.*

290. *See generally* U.S. Congress Maintains Abortion Ban On Aid Funds, *supra* note 5 (noting President Clinton threatened to veto any measure that contained anti-abortion provision on support of international population control organizations). For further discussion of U.S. initiatives and the role of politics in population control, see *supra* notes 162-94 and accompanying text.

Supposing the environmental problem was the result of too many people, surely once the number of people on Earth got down to the "ideal number" - then what? Most would probably agree that something would still need to be done in order to correct the problems of the environment. Thus, by only looking at population control as an answer to the problem, other issues are not being addressed, such as environmental problems dealing with pollution and toxic waste. *See generally* THE TRUE STATE OF THE PLANET, *supra* note 30 (noting that valid environmental problems are not being addressed today). In addition, those that think population control will help solve problems of world famine and poverty are using

It appears that the U.N. leaders, United States' policy makers and private donors contributing billions of dollars to world population control activities are starting with the wrong hypothesis and, in so doing, are heading down the wrong path, which is having and will continue to have severe and significant negative impacts.²⁹¹ World environmental problems, as well as world poverty and human rights violations, will continue to worsen if world planners and philanthropic billionaires put their false hopes in population control as an answer to the environmental woes of the world.²⁹²

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population control as a simple solution; however, by doing this, they are not digging deeper to what is at the root of the problems. Just as it is too simple to look at the environment and think all environmental problems will be solved if there are less people, it is also elementary to think that world poverty will be solved by having fewer people. With a closer look at poor countries, it is evident that true causes of poverty are governmental restrictions and improper planning of resources and funds. See WILSON, *supra* note 48, at 178.

291. See, e.g., Associated Press, *China's 1-Child Policy Detailed: House Panel Hears How Population Limits Are Enforced*, *supra* note 110, at A15 (indicating human rights violations in China resulting from population control programs). For further discussion of negative results of population control, see *supra* notes 109-61 and accompanying text.

292. Cf. Okamoto, *supra* note 34, at 34 (noting need to put forth real solutions that protect the environment, public health, human rights, and livelihoods of all communities). The issue of blaming environmental problems on population, not dealing with the real problems of the cause of environmental problems and not dealing with the problems of the poor throughout the world, can be analogized to the following situation: The Sierra Club, the largest environmental group in the nation, voted in the Spring of 1998, "to reject an anti-immigration measure that would have supported new immigration restrictions in the guise of population stabilization." *Id.* World planners should learn from this situation and take note of the following:

That the Sierra Club bucked this anti-immigrant trend is significant. Workers, immigrants, and environmentalists came together to blunt [it]. We should learn from this victory and continue to build alliances that expose the root causes of environmental and economic problems. We need to put forth real solutions that protect the environment, public health, human rights, and livelihoods of all communities—and not just play a cynical game of Point the Finger.

Id. Okamoto stresses that restricting immigration as a way to solve these problems lets the "real culprits [of environmental problems] off the hook." *Id.* Similarly, using population control as a way to solve environmental problems also lets the real culprits off the hook, and even worse, creates more problems. Thus, if Okamoto's game of "Point the Finger" continues to be played by world planners and environmentalists, one "team," pointing at world population, the other "team," the "game" will be lost on both sides, leaving us with a sad lose-lose situation; we will watch in the "bleachers" as the environmental problems continue to worsen and people around the world continue to starve and suffer human rights violations as a result of population control measures. It is time for a new "game" to be developed and then played in order to have a victory on both sides.