

BIRTH-CURB CASE ECHOING ON L. I.

High Court Ruling May Halt Prosecution in Mineola

By **ROY R. SILVER**

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MINEOLA, L. I., June 9—The Supreme Court decision that struck down the Connecticut birth control law is expected to affect the case of a 32-year-old former medical student who has been charged with giving out contraceptive information in violation of New York State law.

The defendant is William R. Baird Jr., of 1269 G Street, Valley Stream. His lawyer, John J. Sutter of Malverne, said today: "This decision is extremely helpful to our position. I think the local district court has only one alternative—to strike down the statute as unconstitutional."

Mr. Baird, who has four children, was arrested May 13 in Hempstead for having handed out birth control material to a

group of women. He said at the time that he anticipated arrest and had been warned by the Hempstead police chief that he would be arrested if he distributed the material.

Section 1142 of the State Penal Law declares that any person who disseminates any instrument or article, or any recipe, drug or medicine for the prevention of conception is guilty of a misdemeanor.

Dismissed From Job

Mr. Baird said he had been dismissed two weeks ago from his job as clinical director of the Emko Pharmaceutical Company of St. Louis, manufacturers of birth control devices, because of his outside activities. He has been disseminating birth control material in slum areas for about two years.

The defendant pleaded not guilty when he was arrested. On June 1 in First District Court here he withdrew his plea. Instead, Mr. Sutter filed a demurrer with Judge I. Stanley Rosenthal. The move challenged the constitutionality of the state law and said Mr. Baird's actions were protected by the First and 14th amendments to the United States Constitution.

Judge Rosenthal withheld de-

cision on the demurrer. Mr. Sutter said that if it was rejected by the lower court the case would be taken to the United States District Court and, if necessary, to the Supreme Court.

Connecticut's statute prohibits the use of contraceptives, while "our statute prohibits dissemination," Mr. Sutter explained.

"But the Connecticut conviction," he said, "was under their accessory statute and the people actually convicted were convicted of disseminating to persons who subsequently used. We feel that in the nature of the conviction as accessories, it stand foursquare with the Baird case."

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