

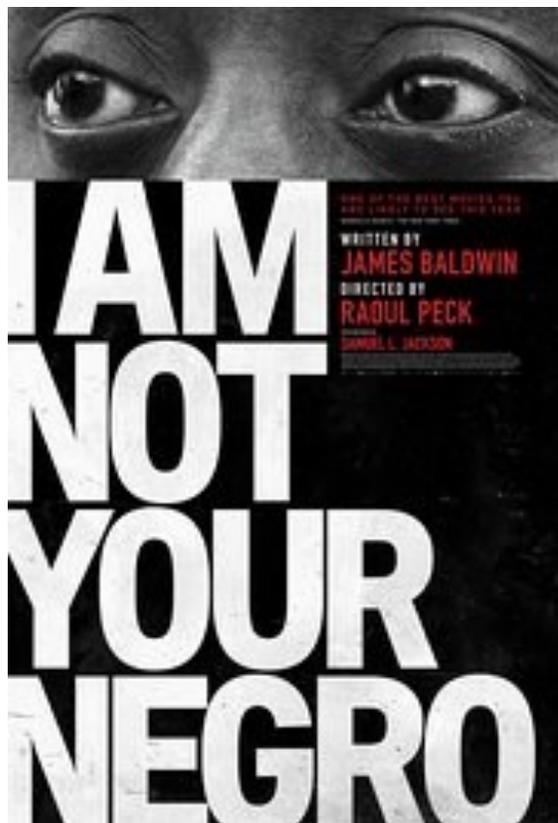
January 2018

I Am Not Your Negro Film Screening and Discussion

On **Wednesday, January 10 at 6:30 p.m.**, the National Archives in collaboration with the Greater Kansas City Black History Study Group and Kansas City PBS, will present a film screening and discussion of *I Am Not Your Negro*. This event will be held at the historic GEM Theater, 1615 East 18th Street, Kansas City, MO.

This Academy Award® nominated film, completed from an unfinished James Baldwin manuscript, examines race in America connecting the Civil Rights movement to the modern day Black Lives Matter movement. In 1979, James Baldwin wrote a letter to his literary agent describing his next project, *Remember This House*. The book was to be a revolutionary, personal account of the lives and successive assassinations of three of his close friends - Medgar Evers, Malcolm X, and Martin Luther King, Jr. At the time of Baldwin's death in 1987, he left behind only thirty completed pages of his manuscript. In his incendiary new documentary, filmmaker Raoul Peck envisions the book James Baldwin never finished. *I Am Not Your Negro* is a KCPT Indie Lens Pop-Up made available through Kansas City PBS. Reservations for this program can be made [here](#).

This program is part of a film series presented in collaboration with the American Jazz Museum, Black Archives of Mid-America, Greater KC Black History Study Group and Kansas City PBS.



National Archives and American Public Square Host Panel Discussion on the Future of American Health Care

In 2018, the National Archives at Kansas City will continue its program series related to current affairs topics. On **Thursday, February 1 at 6:00 p.m.**, the National Archives and American Public Square will present an evening panel discussion titled *Insuring a Future: The ACA and American Health Care*. This program will take place on the University of Missouri - Kansas City campus in Pierson Auditorium. To learn more and register visit the [American Public Square](#) web site.

The panelists include **Rachel Nuzum**, vice president for the Federal and State Health Policy initiative at The Commonwealth Fund; **Julie Rovner**, chief Washington correspondent at Kaiser Health News; **David Slusky**, assistant professor in the Department of Economics at the University of Kansas; and **Joseph Antos**, Wilson H. Taylor Resident Scholar in Health Care and Retirement Policy at the American Enterprise Institute. The event moderator is **Brian Ellison**, producer at NPR/KCUR-FM 89.3.

Inside This Issue

AMERICAN PUBLIC SQUARE EVENT	1
HIDDEN TREASURES FROM THE STACKS	2-5

Upcoming Events

Unless noted, all events are held at the National Archives
400 W. Pershing Road
Kansas City, MO 64108

- **JAN. 1** - FACILITY CLOSED: NEW YEAR'S DAY
- **JAN. 10** - 6:30 P.M. FILM AND DISCUSSION: *I AM NOT YOUR NEGRO**
- **JAN. 15** - FACILITY CLOSED: MARTIN LUTHER KING, JR. DAY
- **FEB. 1** - 6:00 P.M. PANEL DISCUSSION: *INSURING A FUTURE**

*DENOTES ACTIVITY IS OFFSITE.

Hidden Treasures from the Stacks

Was It Science? Or Was It Obscenity?

“. . . 308 pages of certain obscene, lewd, lascivious and indecent matters in print, of too great length and of too indecent character to be here set forth in full. . .” The year was 1904, and the author of this “obscene” book was Dr. Charles W. Malchow, Professor of Proctology and Associate in Clinical Medicine at Hamline University College of Physicians and Surgeons in Minneapolis, MN. The book in question was *The Sexual Life: A Scientific Treatise Designed for Advanced Students and the Professions Embracing the Natural Sexual Impulse, Normal Sexual Habits and Propagation, Together with Sexual Physiology and Hygiene*. Simply stated, Dr. Malchow had written and marketed a medical textbook on the topic of human sexuality.

On October 5, 1904, Malchow and his publisher, Olly D. Burton, were indicted by a Federal grand jury on three counts related to advertising and selling the book through the U.S. Postal Service. According to the indictment, the mere pamphlet advertising the book, sent out to thousands of physicians, was obscene. The publisher’s announcement characterized the peer-reviewed book as follows:

The need of a practical, comprehensive and instructive work on sexual matters has been expressed by thoughtful men and women many times, and a reliable book that treats the subject scientifically, rationally and with common sense is being anxiously awaited. In presenting the work of Dr. Malchow upon “the Sexual Life,” the publishers believe that this need has been fully supplied. Heretofore the topic has been considered almost entirely in its relation to the man, but in this work the subject is discussed from the standpoint of woman as well, and especially points out its bearing upon her welfare. . . The manner in which the subject is handled is entirely new and original; the language is chaste and beautiful; the contents are pure and cannot be taken exception to by anyone with sufficient intelligence to understand, and above all else, the text is instructive from beginning to end.

Proceedings in criminal case #3373, *U.S. vs. Olly D. Burton and Charles W. Malchow*, began in the U.S. District Court for the Third (St. Paul) Division of the District of Minnesota on October 14, 1904. The defendants readily agreed that they had marketed the book through postal mail, but maintained their purpose was solely to contribute to the field of medical science.

Judge William Lochren insisted that the sections of the book considered most salacious by the prosecution should be read aloud to the jury:

The Court: I will ask you one general question first. I will ask you to state generally whether this book or the contents of this book consist of accurate and scientific information upon the topics that are discussed in it.

Mr. Houpt: That is objected to as immaterial, incompetent and irrelevant.

The Court: I think you had better start in and read this testimony, or that part of the book that is claimed to be objectionable.

Mr. Smith: The parts that the government deem objectionable?

The Court: Yes, I think you had better read them now so that we may know what they are.

At this point in the trial, lengthy and detailed passages of the book were read aloud to the judge and jury, on topics covering the broad range of human sexuality and its expressions, several based on interviews with individual patients.

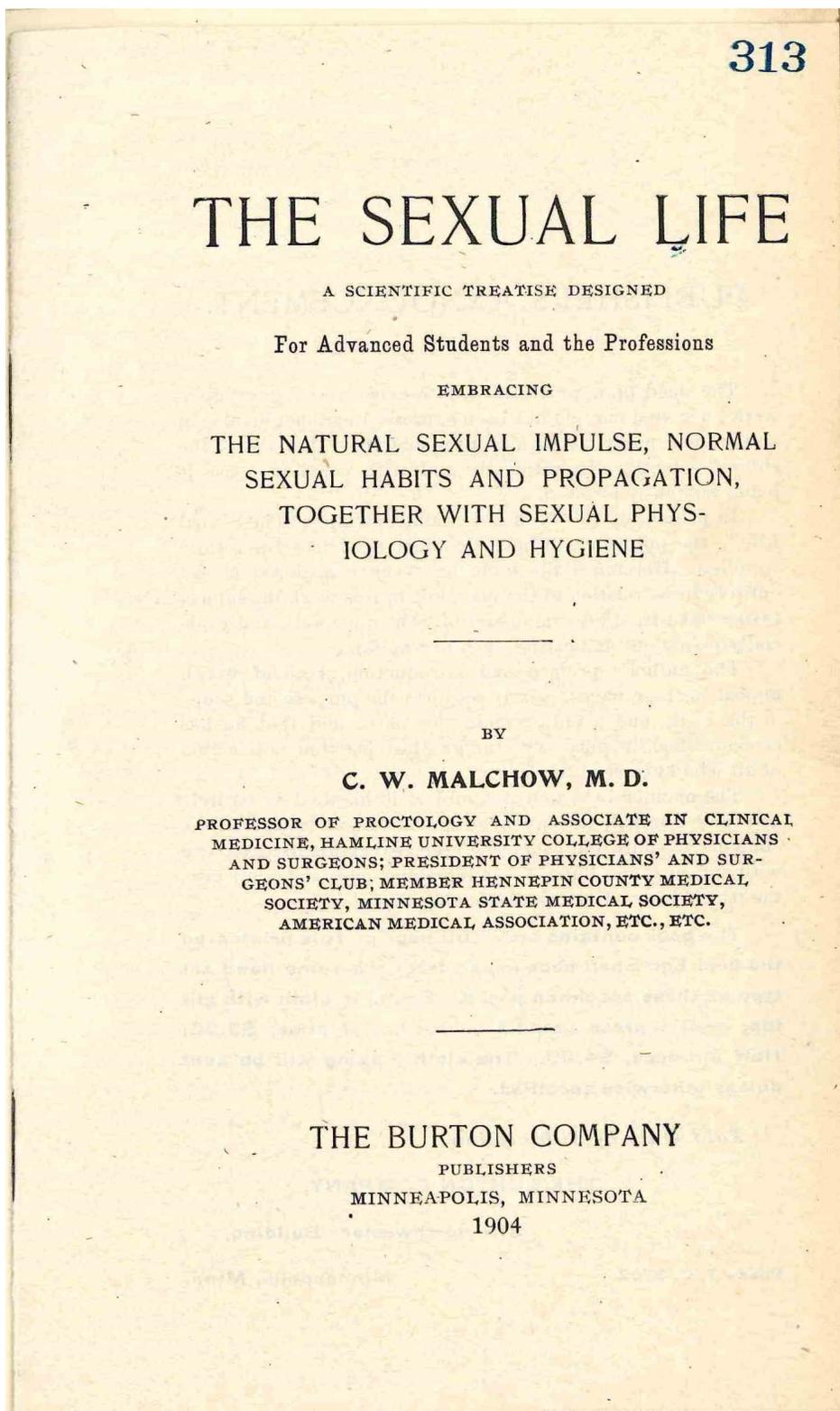
The defense attorneys called several physicians and medical school faculty as witnesses, all of whom affirmed that the contents of the book were indeed scientifically accurate and acceptable, but the prosecution objected that the testimony of each was “immaterial, incompetent and irrelevant,” and that the book was lewd and obscene. The court upheld the objections, negating the expert opinions. Malchow and Burton were convicted, and each sentenced to serve one year at hard labor at the Minnesota State Prison at Stillwater, MN.

(Continued on next page.)

(Continued from page 2.)

Malchow and Burton appealed the verdict to the Eighth Circuit Court of Appeals, arguing that the lower court had committed a number of errors, including disallowing the physicians' testimony, but the appeal was denied and the verdict upheld. Malchow and Burton served their time, but the book, which had sold out its first edition of 3000 copies before the trial even took place, was re-printed in new editions into the early 1920s and can still be found in academic libraries.

The National Archives at Kansas City holds thousands of case files from the U.S. District Courts in Minnesota, as well as Federal courts in Iowa, Kansas, Missouri, Nebraska, and North and South Dakota, and the Eighth Circuit Court of Appeals. For more information, email kansascity.archives@nara.gov or visit the [National Archives Catalog](#).



Right: Title page of pamphlet advertising *The Sexual Life*. Record Group 276, Records of the United States Courts of Appeals, U.S. Court of Appeals for the Eighth Circuit, Briefs and Appendices, Case #2181, *Olly D. Burton and Charles W. Malchow, Plaintiffs in Error, v. The United States of America, Defendant in Error*. National Archives Identifier 5899821, National Archives at Kansas City.

United States District Court, District of Minnesota,

Fourth Division.

THE UNITED STATES OF AMERICA,
Plaintiff,

AGAINST

Olly D. Burton and Charles W. Malchow,
Defendants.

} Commitment.

THE PRESIDENT OF THE UNITED STATES OF AMERICA:

To the Marshal of the United States for said District; and to
the Warden of the Minnesota State Prison, situated
at Stillwater, Minnesota, Greeting.

Whereas, on the 5th day of November A. D. 1904, in the
above entitled action in said court, sentence was pronounced upon the above named defendant
Charles W. Malchow, whereby it was considered and adjudged that he ~~was~~
~~of sound mind~~ and be imprisoned at hard labor in the Minnesota
State Prison situated at Stillwater, Minnesota, for the
term of one (1) year and until he shall have ~~paid said term~~ been
discharged from said Prison by due course of law, which sentence followed a judgment
of guilty entered against said defendant in accordance with a Verdict of guilty
as charged in an indictment against said defendant for the crime of

having wilfully, unlawfully, wrongfully and knowingly deposited and
caused to be deposited, for mailing and delivery, at the Postoffice
of the United States, at the city of Minneapolis, Minnesota, certain
printed pamphlets, circulars and notices giving information direct-
ly where, how and of whom and by what means a certain obscene,
lewd and lascivious book of an indecent character, entitled "The
Sexual Life", may be obtained and procured,

committed at said Minneapolis, in the County of Hennepin,
in said State and District, on the 15th day of August A. D. 1904,
as appears by the records of said Court:

Now Therefore, You, the said Marshal, are hereby required forthwith to take into
your custody the said Charles W. Malchow and deliver him into the custody
of said Warden of said Minnesota State Prison;

And You, the said Warden of said Prison, are hereby required to receive
into your custody the said Charles W. Malchow and him safely keep as a
prisoner of the United States in said prison for the term of one (1) year
at hard labor and until ~~said term be paid~~ or he be discharged from said Prison
by due course of law, in accordance with said sentence.

Witness, The HONORABLE WILLIAM LOCHREN,
Judge of the United States District Court for the District of
Minnesota, and the Seal of said Court hereunto affixed, at
Minneapolis in the Fourth Division of said
District, this 31st day of May A. D. 1906.

Charles L. Spencer Clerk,
By Geo. F. Hechinger Deputy Clerk.

Left: Commitment for Charles W. Malchow. Record Group 21, Records of the District Courts of the U.S., U.S. District Court for the Third (St. Paul) Division of the District of Minnesota, Criminal Case Files, Criminal Case #3373, U.S. v. Olly D. Burton and Charles W. Malchow. National Archives Identifier 582968, National Archives at Kansas City.

We know nothing—absolutely nothing—except that which we have learned; and our knowledge consists of what we have acquired by personal experience, together with that which has been imparted to us by others. The beneficent author of our being intended that we should be social creatures, and receive the greatest and most important part of our knowledge by the information of others. The average person is accorded but very meager facilities for the acquisition of knowledge upon sexuality, and what little is obtained usually comes too late to be of practical value. Civilization, religion, and social ethics forbid diversified sexual experience, and sternly decree that this must be strictly limited to the one with whom the marital relation has been assumed. Practically, and to the shame of society, be it said, this is applicable more especially to women; for knowledge of a single deviation from this prescribed edict insures social ostracism to the unfortunate woman to whom the finger of suspicion may be pointed, while these “indiscretions” on the part of the man are too frequently condoned. This injustice has not only created a double standard by which people are measured, but precludes the possibility of an unmarried woman obtaining the slightest personal knowledge of what is to become of the utmost importance to her.

Education by experience, which is the greatest and best of teachers, being denied her, and therefore out of the question, the only alternative remaining for the acquisition of information, is a reliance upon what is imparted to her. It is a deplorable fact that those who are best qualified to give this information are reluctant to impart it,

owing to the delicacy of the subject, and the difficulty of presenting it in an acceptable manner. The mother of the girl, upon whom this duty naturally devolves, cannot bring herself to speak of it with any degree of intelligence, and even when attempts are made to convey ideas which must of necessity be the result of a decidedly limited personal experience that is most often very disappointing, not to say disagreeable, they are almost invariably improperly presented and falsely understood. Indeed, a large proportion of mothers pride themselves upon what they are pleased to term the “innocence” of their marriageable daughters and cherish the fond illusion that ignorance is always innocence, and want of knowledge the equivalent of virtue.

Very much time and energy is expended in teaching young people how to conduct themselves in society, how to make a good impression, and girls especially are educated in the art of being attractive and entertaining, and every effort is put forth in the endeavor to make a desirable matrimonial alliance, but no attention is given to what is all-important for the family welfare, for the young couples are left to themselves at the door of the bridal chamber with no rational education relative to their conduct within the confines of that sacred boudoir. Here, at the portal of life's crucial period, they are left to work out their own salvation, hampered, rather than assisted by their previous training, with only a varying dream that has but a bare chance of being realized, but with never a word of proper instruction upon what is most vital for their future.

Most of the literature upon this topic does

Above: Excerpted pages from *The Sexual Life*. Record Group 276, Records of the United States Courts of Appeals, U.S. Court of Appeals for the Eighth Circuit, Briefs and Appendices, Case #2181, *Olly D. Burton and Charles W. Malchow, Plaintiffs in Error, v. The United States of America, Defendant in Error*. National Archives Identifier 5899821, National Archives at Kansas City.



NATIONAL
ARCHIVES

KANSAS CITY

GENERAL INFORMATION: The National Archives is open Monday through Friday 8:00 a.m. to 4:00 p.m. Closed on weekends and Federal holidays. Hours are subject to change due to special programs and weather. The National Archives is located at 400 West Pershing Road, Kansas City, Missouri, 64108.

The National Archives at Kansas City is home to historical records dating from the 1820s to the 1990s created or received by Federal agencies in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. For more information, call 816-268-8000, email kansascity.educate@nara.gov or visit www.archives.gov/kansas-city. Find us on Facebook www.facebook.com/nationalarchiveskansascity. Tweet us @KCArchives or #KCArchives. Find and follow us on Instagram at: [kansascity.archives](https://www.instagram.com/kansascity.archives).