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## LAYING THE FOUNDATION

**D**URING all these exciting days it was necessary to keep a clear head, to be about one's business, to make careful decisions, to waste as little time as possible on trivialities and personal controversies, but definitely and constantly to keep the goal in sight

The Brownsville clinic had been opened as a test and challenge to the New York State law, Section 1145. The court had refused to allow me to pay a fine pending my appeal. I had refused to promise to give up, to cease my activities. I had refused to promise not to inform women who wanted birth control facts. I had accepted the court's challenge. I accepted the prison sentence (even expecting it to be a year in the penitentiary for this right). Now that the sentence of thirty days had been served, what was the next step?

To appeal the case, of course, to carry it up to the highest courts in the land. At once my attorney appealed from the decision of the Court of Special Sessions to the Appellate Division (Second Department). In this court the judgment was

affirmed by Almet F Jenks, Presiding Justice of the Appellate Division Appeal was carried to the Court of Appeals, and on January 8, 1918, again affirmed, but a decision was issued by Judge Crane, in part, as follows

This exemption (Sec 1145 of the Penal Law) in behalf of physicians does not permit advertisements regarding such matters, nor promiscuous advice to patients irrespective of their condition, but it is broad enough to protect the physician who in good faith gives such help or advice to a married person to cure or prevent disease. Disease, by Webster's International Dictionary, is defined to be an alteration in the state of the body, or of some of its organs, interrupting or disturbing the performance of the vital functions, and causing or threatening pain and sickness, illness, sickness, disorder

The protection thus afforded the physician would also extend to the druggist, or vendor, acting upon the physician's prescription or order

This settled one charge against me. There was still another arrest on the charge for re opening the clinic on November 16— maintaining a public nuisance. Trial was set for November 27 before Justice McInerney. The prejudiced attitude of Judge McInerney being well known, I addressed to him the following open letter

Sir —As a man, as a citizen of a democracy, as an American pledged to the principles and spirit on which this republic was founded, as a judge obligated by oath to fair and impartial judgment, do you in your deepest conscience consider yourself qualified to try my case?

In those birth control cases at which you have presided, you have shown to all thinking men and women an unflinching prejudice and exposed a mind steeped in the bigotry and intolerance of the Inquisition

To come before you implies conviction

Now, in all fairness, do you want a case of this character

brought forcibly before you when the defendant feels and believes that you are prejudiced against her?

It was reported in the press the following afternoon that Judge McInerney had made application to the District Attorney to be taken off this case

The decision by the Court of Appeals was the outcome of my case. It was a real victory. It was the first time such a statement had been issued on this law.

One other impressive result of our imprisonment was that the idea of birth control had spread into homes and was discussed by individuals and by groups which otherwise would never have known the words.

I had cause to realize this soon after I returned home. I was besieged with letters and messages requesting me to speak at clubs, to debate in halls, to write for magazines. It was even a greater deluge than that which had followed the publicity of the federal case the previous year.

Neighbors in the Chelsea district swarmed into my studio rooms day after day to tell me what *they* thought of the police woman who had arrested me and who had conducted the raid. They likewise used the opportunity of the visit to ask a few personal questions which I did my best to answer. But the deeper I got into the current of the thought about me, the more I realized the necessity of a mass movement, to be organized for action.

The disappointment of my life was the lack of action on the part of the women in New York who, unlike the suffragists of England, sat with folded hands and stood aloof from the struggle for woman's freedom. Many of them had been interested enough to attend the trial, but there their interest ended. I really expected an active follow up. I hoped to see those women who themselves had gained the knowledge of contraception, had benefited and developed thereby, to stand behind me, to re-open the Brownsville clinic to undergo arrest, and if necessary go to jail. I expected a rise of indignation and protest such as the English women had voiced in going to jail and enduring days of hunger. Nothing of

this kind happened American women were not going to use direct action, nor were they going to put themselves on record in approving ideas at this controversial stage

During my thirty days in Queens County Penitentiary I had time to think of these things There was no use in upbraiding, accusing or censuring women for not doing what I hoped they might do The fact was that they did not feel this need as I did, and it was now my job to try to make them *see* and *feel* it by greater agitation and wider education

I mapped out plans for a national campaign of four steps agitation, education, organization and legislation Just as I had had to change my plans and opinions after my visit to Holland, so now did I alter my plans of organization

Previously I had scorned the idea of appealing to the club woman I had no faith in her sincerity, no respect for her courage, and no reason to expect her to help in any way

I wanted to reach directly the working women, the factory workers, the women of the labor unions and the unskilled workers These were the people to whom my work was directed and for whom I was fighting I felt that I was the protagonist of the mothers of the child laborers and of the wives of the wage slaves I knew their lives, I knew their burdens, their sorrows, their problems

For their freedom my battle was waged I began to realize how helpless they really were, these mothers How willing they were to stand beside me in the trial!—but I saw how insignificant their words or presence was in the eyes of the court They counted for naught For them to go to jail would place hardship on their children and families, and we would gain nothing by their sacrifice

They did not want theories nor the proof of the necessity for family limitation They were the living examples of its need—they were the proof They wanted practical information To give it to them was a violation of the state or federal laws I could not advise them without violating the laws, and could not stay out of jail if I persisted in doing so

I was of no use to them in jail. They were powerless to get me out. What then was the solution?

The answer was to make the club women, the women of wealth and intelligence, use their power and money and influence to obtain freedom and knowledge for the women of the poor. These laws must be changed. The women of leisure must listen. The women of wealth must give. The women of influence must protest. Together they must bring about a change of laws and convert public opinion to the belief that motherhood should be conscious and volitional. This, then, was the new plan I was to act upon. There was not the slightest doubt in my mind but that there was an overwhelming sentiment in the country for a birth control organization which could become powerful enough to change laws as well as to meet squarely the rising opposition of the Roman Catholic Church.

It was first necessary to equip an office where the thousands of letters I was receiving each week could be properly replied to. Frederick Blossom, Ph D, had earlier come on from Cleveland to give six months of his time toward helping me to build a strong foundation for a national league. We found a suitable room on the top floor at 104 Fifth Avenue. The next necessity was a magazine to promote and extend the idea and to keep friends and workers informed of our activities. In February, 1917, the first issue of the *Birth Control Review* rang the clarion call that we were on our way to create a new structure within the shell of the old.

The time has come, read the announcement, when those who would cast off the bondage of involuntary parenthood must have a voice, one that shall speak their protest and enforce their demands. Too long they have been silent on this most vital of all questions in human existence. The time has come for an organ devoted to the fight for birth control in America.

This Review comes into being, therefore, not as our creation, but as the herald of a new freedom. It comes into being

to render articulate the aspiration of humanity toward conscious and voluntary motherhood

Men and women of America, write into the pages of this magazine your vision of what birth control will bring to the human race. Raise your voice, strong, clear, fearless, unconditionally pledged to the protection of womanhood, uncompromisingly opposed to those who, to serve their selfish ends, would keep her in ignorance and exploit her finest instincts.

During the years from 1917 to 1921, the *Review* was the most strenuous work of my already strenuous life. I was solely responsible for whatever it contained. Besides being editor and managing editor, I also handled the proof reading and make up, both of which I attended to in my apartment in the evening after a day's work at the office or after an evening's lecture. Many friends dropped in to give a hand at this work.

Billy Williams, Walter Roberts, Harold Hersey, Agnes Smedley, and many others too numerous to mention. Our work was not in vain. Within a year we had enlisted over 3,000 subscribers.

Two months after the launching of the *Review* Frederick Blossom and I disagreed over its policy on the question of conscription and America's entrance into the World War. Dr. Blossom, who had been ambitious to be the man behind the gun, turned against me without reserve. As he had lent the money for the rent and furniture of the *Birth Control Review* office, he now claimed his ownership of the contents of the office by moving out all the desks, chairs, cabinets, tables, etc., including the account books and ledger.

I was left with the telephone on a soap box, Anna Lifshiz, my secretary, and I stood up and looked at each other in a bare and empty room! We refused to be beaten by this trick, and quickly found boxes for our cards and stationery, and then hustled over to the East Side to buy some second hand office furniture.

Dr. Blossom had managed the finances of the magazine, and had been treasurer of the Defense Fund in my behalf. Repeated request was made of him to render monthly finan

cial statements, but after months of waiting none was forthcoming, and the break was on.

Finally, he was summoned to the district attorney's office and given a week's time to render an accounting. Then began the whines and whimperings of the pseudo-radical. He had only recently gone over to the Socialist Party. Now he gained the sympathetic ear of some of the party leaders, and denounced Margaret Sanger as a conservative for using the instrument of the law in making him produce an accounting.

Two members of the Socialist Party came to me to plead with me to withdraw the charges against Dr. Blossom. If I would do so, they promised they would guarantee an investigation of the books and render an official accounting.

I agreed to do this, and withdrew the complaint on that promise. I gave over to this committee all the records I had and the proof I had had of questionable negotiations on Dr. Blossom's part. Two weeks later I read on the front pages of the morning papers that Dr. Blossom had been reinstated in the Socialist Party, while Margaret Sanger was censored by the committee—for exposing a scoundrel!

I later found out that the committee had not conducted an impartial investigation at all, but had given over to Dr. Blossom all the papers I had entrusted to them. They had allowed him to whitewash himself for the occasion.

So have the angels fallen. Personalities come and go, but principles must be kept constantly in mind and never deviated from. Thus only can victory be won, and faith in humanity restored.

The struggle to carry the magazine through those early years was strenuous. I was not a trained writer. My only experience in editing was on *The Woman Rebel*. I knew little of the technique of magazine writing, or proof reading, or make up. But I knew what I wanted to say. I also knew what needed to be said.

The first victory was in obtaining second class mailing privileges from the United States Post Office. The strain to finance the magazine was so great that its regular appearance was

always uncertain. The printer was friendly, and trusted me, as far as he was able to do so, from month to month. My lecture fees constituted the main source of income for its debts.

Subscribers complained that there was nothing about birth control in it. They wrote indignant letters saying that they had paid \$1.50 for a year's subscription and had found nothing about birth control in the magazine. They wanted contraceptive information, and were disappointed that the *Review* did not carry it. Thousands of letters had to be sent explaining that the federal law prohibited the sending of such information through the United States mails—always a good opportunity to educate.

Only five issues were published the first year. In May, 1918, a group of women came forward to help in its publication. We incorporated under the name New York Women's Publishing Company, and sold shares at \$10.00 each. Each share carried one vote on the policy of the *Review*. Women like Jessie Ashley, Mrs. Frances B. Ackerman, Marion Cothren, Mrs. Mary Knoblauch and others were willing to cooperate. Mrs. Ackerman acted as treasurer through all those years of struggle and strife, a devoted, loyal friend and trusted co-worker.

Gathering the material was a task, as it had to be done at night after a full day's work at the office. People came and went all day interviewing, asking questions, appealing for help. Thousands of letters had to be tactfully and lawfully answered.

Besides this work, lectures were given, usually at night, and the pages of the magazine were made up between midnight and three o'clock in the morning.

Without the friendship and help of men and women who were trained in the technicalities of editing and make up, the magazine could not have survived. The August 1918 issue was barred from the United States mails because of a review of Marie Stopes' book, *Married Love*. The danger of having one issue suppressed was a possible loss of second class mailing privilege. This had been issued on condition that the magazine was to be published regularly each month. The fact that



the Post Office authorities had prevented the regularity of the publication was no answer to the charge

After conferences, letters, and much worrying, the magazine continued on its erratic and uncertain way

Late in 1917 a new aid had come to help—Kitty Marion, an English actress and veteran in suffrage, and a keen admirer of Mrs Pankhurst. Born in Germany, Kitty Marion had been educated in England. At the outbreak of war she was in danger of deportation. When England entered the war, Mrs Pankhurst realized the hardship of such an act, and persuaded Miss Marion to come to America. She had been forcibly fed in London jail some two hundred times, and arrived in America about the time Mrs Byrne was being tortured in the Workhouse. Kitty soon voiced her opinion about birth control, and cast her lot with us from 1917 to 1930.

With so courageous and experienced a veteran, we began to sell the *Review* on the streets of New York City. We chose Broadway and Forty Second Street as the location most traveled and peopled. Then began a series of arrests which lasted through the years. We were within the law, and needed no license to sell the magazine on the streets, but policemen did not know the law, and day after day Kitty Marion would be marched off to the police station to await the court's decision. Always the case was dismissed, but only after a lawyer was summoned, bail produced, and the case argued and proved in our favor. Few policemen knew the law in the name of which they arrested her.

We all took turns at selling the magazine on various street corners, but Kitty Marion was the only one who stood the test of years through storms of winter and summer, morning, afternoon, and evening often till midnight. She became a familiar figure on Broadway. She stood the insults of the ignorant, the censure of the bigots, but remained good humored, answering with quotations from the Bible. But while laughing outside, apparently light hearted and happy, her heart was heavy and sad as she realized the force of super

stitution and hypocrisy in the world which we were trying to enlighten

The years from the termination of my prison sentence in 1917 to 1921 were leaden years years of constant labor, financial worry, combatting of opposition, besides battling with a now awakened tuberculosis which had gained in ascendancy during my thirty days in the penitentiary

My two children were in schools in the country where they had proper care, regular hours of sleep and study, and were out of the atmosphere of uncertainty and turmoil of city life I had established a summer home at Truro, on Cape Cod This was presided over by my father and provided the children with three carefree months every summer in what still seems one of the most beautiful spots in the world A divorce from William Sanger was quietly carried through I smile now as I recall that this was never reported in the newspapers—especially those newspapers which always seized on the pettiest details of one's private life to provide ammunition for one's enemies I smile as I remember that despite the aggressive alertness of the reporters, no public announcement of our divorce was made until several years later

The summer home in Truro, located on a hillock overlooking the Pamet, and from the veranda of which on summer days I used to watch the sun sink into the waters of Cape Cod Bay, was eventually to burn, as had the Sanger home in Hastings Fate seems to decree that I should not be tempted to sink back into peaceful domesticity! At least at this period of my life

The financial burden of paying the rent for the small room on the top floor of the office building at 104 Fifth Avenue, together with meeting the necessary expenses of the magazine each month, seemed at times too great to carry Demand for practical information was overwhelming I refused to associate myself with commercial firms, quack medical groups, supply houses, whose offers to support me beyond the risk of financial needs were promptly rejected I refused also to be baffled by the lack of money to carry out my plans Despite

the wails and groans and negative responses of those who were friends of the movement, activity continued

The publicity was national. It was so tempting to many, that as fast as I could convince and arouse two or three people as to the importance of the work they set up independent organizations. For three or four years there was a constant clamor on the part of individuals to jump upon the birth control wagon for publicity, usually for themselves or for the pet theories they wanted a chance to air. I watched them rise and fall. Today I believe that there are three great tests to character: sudden wealth, sudden power, and sudden publicity. The last can be devastating. Few, very few people can stand it. Nothing goes to the head with such violence. At that time I knew, or rather felt this power. I saw it at work all about me. I made it a rule never to buy the daily papers when publicity was high. I never read what was written about myself. During those early years I did not subscribe to a clipping bureau. I had a definite, clear vision of the way I was to go, and I refused to be influenced by criticism or by personal approval.

I refrained from making new friends, and also kept aloof from my old ones. I sensed the influence that persons one likes can have over one. I never consulted. I never asked advice. I just kept going, night and day, visualizing every act, every step, *believing knowing* that I was working in accord with a universal law of evolution—a moral evolution, perhaps, but evolution just the same. This belief, faith—call it what you will—gave me a feeling of tremendous power. It seemed at times to open locked doors. It attracted the right people, it gave me the physical strength to dictate hundreds of letters through one ill paid secretary, to interview dozens of people each day, to write articles, to write and deliver lectures, debates,—in spite of a daily temperature, low but constant, and a decreasing bank account.

It would take many volumes to relate in detail the onward march of events during those years. I shall not attempt to do more than relate briefly some of those high lights of his story as noted in my diary.

Governor Whitman promised to appoint a commission to investigate birth control

Commissioner Bell ordered the suppression of a film called Birth Control In this I depicted the story of my last case, and told of the need of this knowledge among the mothers of the poor Justice Bijur overruled the order, and issued an injunction restraining interference with the film The Appellate Division of the Supreme Court reversed Justice Bijur's injunction, and the simple story of birth control was silenced and destroyed forever

Enemies were using their power in every office of the city and state to inflict their personal religious prejudices upon the nation

Theodore Roosevelt expostulated in the *Metropolitan Magazine* against birth control, urging large families among the well to do classes

Billy Sunday, John Sumner and Dr Howard Kelly issued statements against birth control

Open air meetings were held on the streets in various residential districts during the evenings in July and August, 1919, by friends organized by Helen Todd, a veteran suffragist of national reputation

From all over the country reports came of new centers, new leagues organized to crystallize the sentiment for birth control More than twenty five birth control leagues were then in operation

Dr Morris H Kahn of New York City announced that he had given instructions on contraception to over 400 women in one of the city dispensaries His testimony had previously been refused when he was called to testify in my trial in Brooklyn His testimony had been ruled out as incompetent, irrelevant and immaterial, *if you please!*

Two birth control bills were introduced in Albany by different groups, one the open bill, the other a doctors bill

Mr Frank A Vanderlip issued a statement on the world condition resulting from overpopulation, and advised control

The Court of Appeals reversed the decision of the Court of

Special Sessions in Fania Mindell's case—another victory. She had been convicted for giving out the book *What Every Girl Should Know* at the Brownsville Clinic.

A birth control league was organized in Mexico. My pamphlet, *Family Limitation*, was translated into Spanish and given free of charge by the government of Yucatan with all marriage licenses.

About this period there came a division in the ranks of the old National Birth Control League. Mrs. Mary Ware Dennett withdrew from it as secretary, and became director herself of a newly formed organization, the Voluntary Parenthood League. This new organization had as its aim the repeal of the federal laws. Mrs. Dennett regarded the movement as a free speech and free press issue. She had scant knowledge of the anatomical intricacies of the methods of contraception, and believed, as I had also once believed, that it would settle the problem if all information should be accessible through the United States mails to every adult. Holland and my training there had convinced me that this was an erroneous attitude to hold. I know that reliable instruction, while available to all, should and must *come from* the medical profession. The organization began its work in Washington in 1919, and later introduced a bill in Congress which died in committee. The organization a few years later ceased its legislative activities when Mrs. Dennett retired from the work.