

## Chapter Seventeen

### FAITH I HAVE BEEN A TRUANT IN THE LAW

*"If a woman grows weary and at last dies from childbearing, it matters not. Let her only die from bearing, she is there to do it"*

MARTIN LUTHER



**I**N the fall of 1916 whoever walked along the corridor of the top floor of 104 Fifth Avenue could have seen the words "Birth Control" printed on the door leading to an office equipped in business-like, efficient manner with files and card catalogs. Presiding over it was Fred Blossom, the perfect representative. He had told me at Cleveland he was tired of ameliorative charity and, wanting to do something more significant, had offered six months for this work. Now indefatigably he wrote, spoke, made friends, and, most important, raised money. His meals were limited to an apple for luncheon and a sandwich for dinner, he seldom left the office until midnight.

Like a vacuum cleaner Blossom sucked in volunteers from near and far to help with the boxes and trunks of letters which had come to me from all over the country—one thousand from St. Louis alone. As long as I had had no stenographic aid I had been able only to open and read them and put them sadly away. At last with fifteen or twenty assistants the task began of sorting these out and answering them. The contents almost invariably fell into certain definite categories, and I instituted a system so that such and such a paragraph could be sent in response to such and such an appeal.

We had only one paid stenographer—little Anna Lifshiz, who soon became far more a co-worker than a secretary. If we had no money in the bank she waited for her salary until we did. When I met

Anna's mother, who graced her hospitable home with an old world dignity, I realized that her daughter's fine character had been directly inherited. Every Christmas I used to receive a present of wine and cakes of Mrs. Lifshiz' own make, and Anna always said when she brought them, "My mother prays for your health, your happiness, and that you will keep well."

I had been encouraged by the interest aroused during my Western trip, but was by no means satisfied. The practical idea of giving contraceptive information in clinics set up for that purpose had seemed to meet general approval everywhere. Boston at this time appeared a possible place to begin. Though Allison had to serve sixty days in the House of Correction at Deer Island, the sum total of his sensational trial had been good. Before his arrest there had been no league in Massachusetts, and with his arrest had come publicity, friends, workers, meetings, letters, interviews, all of widespread educational value.

More important than the enthusiasm which had been stirred up, the best legal authorities in Boston had decided that contraceptive information could be given verbally by doctors as long as it was not advertised. The interpretation to be put on advertising held up the actual opening of a clinic. The old spirit was there to wage battle but it was a question of getting leadership, and this did not come about, no women doctors were willing to take the risk. If the citizens of Massachusetts had then seized the opportunity to broaden their laws, writers and speakers might now have more freedom in expressing themselves.

Blossom soon organized the New York State Birth Control League to change the state law. Beyond introducing a bill it made little headway and soon expired. It was just one of those many groups that met and talked and talked and did nothing effective.

The legislative approach seemed to me a slow and tortuous method of making clinics legal, we stood a better and quicker chance by securing a favorable judicial interpretation through challenging the law directly. I decided to open a clinic in New York City, a far more difficult proceeding than in Boston. Section 1142 of the New York statutes was definite. *No one* could give contraceptive information to *anyone* for *any* reason. On the other hand, Section 1145 dis-

tinctly stated that physicians could give prescriptions to prevent conception for the cure or prevention of disease. Two attorneys and several doctors assured me this exception referred only to venereal disease. In that case, the intent was to protect the man, which could incidentally promote immorality and permit promiscuity. I was dealing with marriage. I wanted the interpretation to be broadened into the intent to protect women from ill health as the result of excessive childbearing and, equally important, to have the right to control their own destinies.

To change this interpretation it was necessary to have a test case. This, in turn, required my keeping strictly to the letter of the law, that is, having physicians who would give only verbal information for the prevention of disease. But the women doctors who had previously promised to do this now refused. I wrote, telephoned, asked friends to ask other friends to help find someone. None was willing to enter the cause, fearful of jeopardizing her private practice and of running the risk of being censured by her profession, she might even lose her license.

They had before them the example of Dr. Mary Halton who of all the women I have known has perhaps the best understanding of the hidden secrets of the heart. She has never reached her deserts, and doubtless never will have the honors due her, though she has an unknown audience who love her not only because she has done something directly for them but because they have heard of what she has done for others. She has what to my mind is the attitude of the real physician, that it is not enough merely to cure ailments—surroundings, heartaches, privations must also be given attention. Her office is a human welfare clinic to which women of all classes, ages, nationalities go for advice, occasionally without even return fare. The unmarried ones, who in asking help from doctors or clinics seldom admit they are unmarried, trust so deeply in Dr. Mary that they unburden themselves freely.

Dr. Mary had previously been on the staff of the Grosvenor Hospital and had held her evening clinic there. To one of her patients who had been operated on for glandular tuberculosis she had prescribed a cervical pessary. When a few evenings later the woman

had come back to be refitted, Dr. Mary had been out and her substitute, horrified and shocked, had presented the matter to the board. Dr. Mary had been called before them. She had told them in no uncertain terms that the giving of contraceptive information to patients in need of it was part of her work and that she had a right under the law to do so.

The board had disagreed with her and asked for her resignation.

I did not wish to complicate the question of testing the law by having a nurse give information, because a nurse did not come under the Section 1145 exception. But since I could find no doctor I had to do without. Ethel, a registered nurse, had a readiness to share in helping the movement, though she did not belong to it in the same sense as I. Then, as long as I had to violate the law anyhow, I concluded I might as well violate it on a grand scale by including poverty as a reason for giving contraceptive information. I did not see why the hardships and worries of a working man's wife might not be just as detrimental as any disease. I wanted a legal opinion on this if possible.

My next problems were where the money was to come from and where the clinic was to be. Ever since I had announced that I was going to open one within a few months I had been buried under an avalanche of queries as to the place, which for a time I could not answer. The selection of a suitable locality was of the greatest importance. I tramped through the streets of the Bronx, Brooklyn, the lower sides of Manhattan, East and West. I scrutinized the Board of Health vital statistics of all the boroughs—births and infant and maternal mortality in relation to low wages, and also the number of philanthropic institutions in the vicinity.

The two questions—where and how—were settled on one and the same day.

That afternoon five women from the Brownsville Section of Brooklyn crowded into my room seeking the "secret" of birth control. Each had four children or more, who had been left with neighbors. One had just recovered from an abortion which had nearly killed her. "Another will take me off. Then what will become of my family?"

They rocked back and forth as they related their afflictions, told so simply, each scarcely able to let her friend finish before she took up the narration of her own sufferings—the high cost of food, her husband's meager income when he worked at all, her helplessness in the struggle to make ends meet, whining, sickly children, the constant worry of another baby—and always hanging over her night and day, year after year, was fear

All cried what a blessing and godsend a clinic would be in their neighborhood

They talked an hour and when they had finished, it seemed as though I myself had been through their tragedies I was reminded of the story of a Spaniard who had become so desperate over the injustice meted out to innocent prisoners that he had taken a revolver into the street and fired it at the first person he met, killing was his only way of expressing indignation I felt like doing the same thing

I decided then and there that the clinic should open at Brownsville, and I would look for a site the next day How to finance it I did not know, but that did not matter

Then suddenly the telephone rang and I heard a feminine voice saying she had just come from the West Coast bringing from Kate Crane Gartz, whom I had met in Los Angeles, a check for fifty dollars to do with as I wished I knew what I should do with it, pay the first month's rent I visualized two rooms on the ground floor, one for waiting and one for consultation, and a place outside to leave the baby carriages

Fania Mindell had left Chicago to assist me in New York It was a terribly rainy day in early October that we plodded through the dreary streets of Brownsville to find the most suitable spot at the cheapest possible terms We stopped in one of the milk stations to inquire about vacant stores "Don't come over here," was the reply Many social organizations were being established to meet the demands of poverty and sickness, and we asked of them all, only to receive the same response—"We don't want any trouble Keep out of this district" The mildest comment was, "It's a good idea, but we can't help you" Although they agreed the mothers of the community should limit their families, they seemed terrified at the pros-

pect of a birth control clinic. It sounded also as if they were afraid we would do away with social problems and they would lose their jobs.

Brownsville was not unique, Brooklyn was and still is dotted with such dismal villages, and even Queens with its pretensions to a higher standard has its share. But Brownsville was particularly dingy and squalid. Block after block, street after street, as far as we could see in every direction stretched the same endless lines of cramped, unpainted houses that crouched together as though for warmth, bursting with excess of wretched humanity.

The inhabitants were mostly Jews and Italians, some who had come to this country as children, some of the second generation. I preferred a Jewish landlord, and Mr. Rabinowitz was the answer. He was willing to let us have Number 46 Amboy Street at fifty dollars a month, a reduction from the regular rent because he realized what we were trying to do. Here in this Jewish community I need have no misgivings over breaking of windows or hurling of epithets, but I was scarcely prepared for the friendliness offered from that day on.

I sent a letter to the District Attorney of Brooklyn, saying I expected to dispense contraceptive information from this address. Without waiting for the reply, which never came, we began the fun of fixing up our little clinic. We had to keep furnishing expenses inside the budget, but Fania knew Yiddish and also how to bargain. We bought chairs, desks, floor coverings, curtains, a stove. If I were to leave no loophole in testing the law, we could only give the principles of contraception, show a cervical pessary to the women, explain that if they had had two children they should have one size and if more a larger one. This was not at all ideal, but I had no other recourse at the time. However, we might be able to get a doctor any day and, consequently, we added an examination table to our equipment.

Mr. Rabinowitz spent hours adding touches here and there to make the two shiny and spotless rooms even more snow-white. "More hospital looking," he said.

Meanwhile we had printed about five thousand notices in English, Italian, and Yiddish.

**MOTHERS!****Can you afford to have a large family?****Do you want any more children?****If not, why do you have them?****DO NOT KILL, DO NOT TAKE LIFE, BUT PREVENT****Safe, Harmless Information can be obtained of trained Nurses at****46 AMBOY STREET****NEAR PITKIN AVE —BROOKLYN****Tell Your Friends and Neighbors****All Mothers Welcome****A registration fee of 10 cents entitles any mother to this information**

These we poked into letter boxes, house after house, day after day, upstairs, downstairs, all over the place, viewing sadly the unkempt children who swarmed in the alleyways and over the fire escapes of the condemned tenements and played on the rubbish heaps in the vacant lots. Seldom did we see a woman who was not carrying or wheeling a baby. We stopped to talk to each and gave her a supply of leaflets to hand on to her neighbors. When we passed by a drugstore we arranged with the proprietor to prepare himself for supplying the pessaries we were going to recommend.

The morning of October 16, 1916—crisp but sunny and bright after days of rain—Ethel, Fania, and I opened the doors of the first birth control clinic in America, the first anywhere in the world except the Netherlands. I still believe this was an event of social significance.

Would the women come? Did they come? Nothing, not even the ghost of Anthony Comstock, could have kept them away. We had arrived early, but before we could get the place dusted and ourselves ready for the official reception, Fania called, "Do come outside and look." Halfway to the corner they were standing in line, at least one hundred and fifty, some shawled, some hatless, their red hands clasping the cold, chapped, smaller ones of their children.

Fania began taking names, addresses, object in coming to the clinic, histories—married or single, any miscarriages or abortions, how many children, where born, what ages. Remembering how the Netherlands clinics in recording nothing had made it almost hopeless to measure what they had accomplished from the human point of view, I had resolved that our files should be as complete as it was possible to make them. Fania had a copy of *What Every Girl*

*Should Know* on her desk, and, if she had a free moment, read from it. When asked, she told where it could be bought, and later kept a few copies for the convenience of those who wanted them.

Children were left with her and mothers ushered in to Ethel or me in the rear room, from seven to ten at once. To each group we explained simply what contraception was, that abortion was the wrong way—no matter how early it was performed it was taking life, that contraception was the better way, the safer way—it took a little time, a little trouble, but was well worth while in the long run, because life had not yet begun.

Some women were alone, some were in pairs, some with their neighbors, some with their married daughters. Some did not dare talk this over with their husbands, and some had been urged on by them. At seven in the evening they were still coming, and men also, occasionally bringing their timid, embarrassed wives, or once in a while by themselves to say they would stay home to take care of the children if their wives could come. A hundred women and forty men passed through the doors, but we could not begin to finish the line, the rest were told to return "tomorrow."

In the course of the next few days women appeared clutching minute scraps of paper, seldom more than an inch wide, which had crept into print. The Yiddish and Italian papers had picked up the story from the handbills which bore the clinic address, and the husbands had read them on their way from work and clipped them out for their wives. Women who had seen the brief, inconspicuous newspaper accounts came even from Massachusetts, Pennsylvania, New Jersey, and the far end of Long Island.

Newly married couples with little but love, faith, and hope to save them from charity, told of the tiny flats they had chosen, and of their determination to make a go of it together if only the children were not born too soon. A gaunt skeleton suddenly stood up one morning and made an impassioned speech: "They offer us charity when we have more babies than we can feed, and when we get sick with more babies for trying not to have them they just give us more charity talks!"

Women who were themselves already past childbearing age came just to urge us to preserve others from the sorrows of ruined health,



overworked husbands, and broods of defective and wayward children growing up in the streets, filling dispensaries and hospitals, filing through the juvenile courts

We made records of every applicant and, though the details might vary, the stories were basically identical. All were confused, groping among the ignorant sex-teachings of the poor, fumbling without guidance after truth, misled and bewildered in a tangled jungle of popular superstitions and old wives' remedies. Unconsciously they dramatized the terrible need of intelligent and scientific instruction in these matters of life—and death.

As was inevitable many were kept away by the report that the police were to raid us for performing abortions. "Clinic" was a word which to the uneducated usually signified such a place. We would not have minded particularly being raided on this charge, because we could easily disprove it. But these rumors also brought the most pitiful of all, the reluctantly expectant mothers who hoped to find some means of getting out of their dilemmas. Their desperate threats of suicide haunted you at night.

One Jewish wife, after bringing eight children to birth, had had two abortions and heaven knows how many miscarriages. Worn out, beaten down, not only by toiling in her own kitchen, but by taking in extra work from a sweatshop making hats, she was now at the end of her strength, nervous beyond words, and in a state of morbid excitement. "If you don't help me, I'm going to chop up a glass and swallow it tonight."

A woman wrought to the pitch of killing herself was sick—a community responsibility. She, most of all, required concentrated attention and devotion, and I could not let any such go out of the clinic until her mood had been altered. Building up hope for the future seemed the best deterrent. "Your husband and your children need you. One more won't make so much difference." I had to make each promise to go ahead and have this baby and myself promise in return, "You won't ever have to again. We're going to take care of you."

Day after day the waiting room was crowded with members of every race and creed, Jews and Christians, Protestants and Roman Catholics alike made their confessions to us, whatever they may have professed at home or in church. I asked one bright little Catho-

lic what excuse she could make to the priest when he learned she had been to the clinic. She answered indignantly, "It's none of his business. My husband has a weak heart and works only four days a week. He gets twelve dollars, and we can barely live on it now. We have enough children."

Her friend, sitting by, nodded approval. "When I was married," she broke in, "the priest told us to have lots of children and we listened to him. I had fifteen. Six are living. I'm thirty-seven years old now. Look at me! I might be fifty!"

That evening I made a mental calculation of fifteen baptismal fees, nine baby funerals, masses and candles for the repose of nine baby souls, the physical agonies of the mother and the emotional torment of both parents, and I asked myself, "Is this the price of Christianity?"

But it was not altogether sad, we were often cheered by gayer visitors. The grocer's wife on the corner and the widow with six children who kept the lunch room up the street dropped in to wish us luck, and the fat old German baker whose wife gave out handbills to everybody passing the door sent regular donations of doughnuts. Whenever the pressure became so overwhelming that we could not go out for a meal we were sure to hear Mrs. Rabinowitz call downstairs, "If I bring some hot tea now, will you stop the people coming?" Two jovial policemen paused at the doorway each morning to discuss the weather. Reporters looked in speculating on how long we were going to last. The postman delivering his customary fifty to a hundred letters had his little pleasantry, "Farewell, ladies, hope I find you here tomorrow."

Although the line outside was enough to arouse police attention, nine days went by without interference. Then one afternoon when I, still undiscouraged, was out interviewing a doctor, a woman, large of build and hard of countenance, entered and said to Fania she was the mother of two children and that she had no money to support more. She did not appear overburdened or anxious and, because she was so well fed as to body and prosperous as to clothes, did not seem to belong to the community. She bought a copy of *What Every Girl Should Know* and insisted on paying two dollars instead of the usual ten-cent fee.

Fania, who had an intuition about such matters, called Ethel aside

and said warningly she was certain this must be a policewoman. But Ethel, who was not of the cautious type, replied, "We have nothing to hide. Bring her in anyhow." She talked with the woman in private, gave her our literature and, when asked about our future plans, related them frankly. The sceptical Fania pinned the two-dollar bill on the wall and wrote underneath, "Received from Mrs — of the Police Department, as her contribution." Hourly after that we expected trouble. We had known it must occur sooner or later, but would have preferred it to come about in a different way.

The next day Ethel and Fania were both absent from the clinic. The waiting room was filled almost to suffocation when the door opened and the woman who had been described to me came in.

"Are you Mrs Sanger?"

"Yes."

"I'm a police officer. You're under arrest."

The doors were locked and this Mrs Margaret Whitehurst and other plain-clothes members of the vice squad—used to raiding gambling dens and houses of assignation—began to demand names and addresses of the women, seeing them with babies, broken, old, worried, harrowed, yet treating them as though they were inmates of a brothel. Always fearful in the presence of the police, some began to cry aloud and the children on their laps screamed too. For a few moments it was like a panic, until I was able to assure them that only I was under arrest, nothing was going to happen to them, and they could return home if they were quiet. After half an hour I finally persuaded the policemen to let these frightened women go.

All of our four hundred and sixty-four case histories were confiscated, and the table and demonstration supplies were carried off through the patient line outside. The more timid had left, but many had stayed. This was a region where a crowd could be collected by no more urgent gesture than a tilt of the head skyward. Newspaper men with their cameras had joined the throng and the street was packed. Masses of people spilled out over the sidewalk on to the pavement, milling excitedly.

The patrol wagon came rattling up to our door. I had a certain respect for uniformed policemen—you knew what they were about.

—but none whatsoever for the vice squad I was white hot with indignation over their unspeakable attitude towards the clinic mothers and stated I preferred to walk the mile to the court rather than sit with them Their feelings were quite hurt “Why, we didn’t do anything to you, Mrs Sanger,” they protested Nevertheless I marched ahead, they following behind

A reporter from the *Brooklyn Eagle* fell into step beside me and before we had gone far suggested, “Now I’ll fix it up with the police that you make a getaway, and when we reach that corner you run I’ll stop and talk to them while you skip around the block and get to the station first” It was fantastic for anyone so to misconstrue what I was doing as to imagine I would run around the block for a publicity stunt

I stayed overnight at the Raymond Street Jail, and I shall never forget it The mattresses were spotted and smelly, the blankets stiff with dirt and grime The stench nauseated me It was not a comforting thought to go without bedclothing when it was so cold, but, having in mind the diseased occupants who might have preceded me, I could not bring myself to creep under the covers Instead I lay down on top and wrapped my coat around me The only clean object was my towel, and this I draped over my face and head For endless hours I struggled with roaches and horrible-looking bugs that came crawling out of the walls and across the floor When a rat jumped up on the bed I cried out involuntarily and sent it scuttling out

My cell was at the end of a center row, all opening front and back upon two corridors The prisoners gathered in one of the aisles the next morning and I joined them Most had been accused of minor offenses such as shoplifting and petty thievery Many had weather-beaten faces, were a class by themselves, laughing and unconcerned But I heard no coarse language Underneath the chatter I sensed a deep and bitter resentment, some of them had been there for three or four months without having been brought to trial The more fortunate had a little money to engage lawyers, others had to wait for the court to assign them legal defenders

While I was talking to the girls, the matron bustled up with, “The ladies are coming!” and shoed us into our cells The Ladies, a com-

mittee from a society for prison reform, peered at us as though we were animals in cages. A gentle voice cooed at me, "Did you come in during the night?"

"Yes," I returned, overlooking the assumption that I was a street walker

"Can we do anything for you?"

The other inmates were sitting in their corners looking as innocent and sweet as they could, but I startled her by saying, "Yes, you can. Come in and clean up this place. It's filthy and verminous."

The Committee departed hurriedly down the corridor. One more alert member, however, came back to ask, "Is it really very dirty?"

Although I told her in some detail about the blankets, the odors, the roaches, she obviously could not picture the situation. "I'm terribly sorry, but we can't change it."

I was still exasperated over this reply when I was called to the reception room to give an interview to reporters. In addition to answering questions about the raid I said I had a message to the taxpayers of Brooklyn, they were paying money to keep their prisons run in an orderly fashion as in any civilized community and should know it was being wasted, because the conditions at Raymond Street were intolerable.

My bail was arranged by afternoon and when I emerged I saw waiting in front the woman who was going to swallow the glass, she had been there all that time.

I went straight back to the clinic, reopened it, and more mothers came in. I had hoped a court decision might allow us to continue, but now Mr. Rabinowitz came downstairs apologetically. He said he was sorry, and he really was, but the police had made him sign ejection papers, on the ground that I was "maintaining a public nuisance."

In the Netherlands a clinic had been cited as a public benefaction, in the United States it was classed as a public nuisance.

Two uniformed policemen came for me, and with them I was willing to ride in the patrol wagon to the station. As we started I heard a scream from a woman who had just come around the corner on her way to the clinic. She abandoned her baby carriage, rushed through the crowd, and cried, "Come back! Come back and

save me!" For a dozen yards she ran after the van before someone caught her and led her to the sidewalk. But the last thing I heard was this poor distracted mother, shrieking and calling, "Come back! Come back!"