



INCREDIBLE BLUNDERS

"It's going to be great fun," Margaret Sanger had written a friend when she resigned as president of the American Birth Control League, gave up management of the *Review*, and took over sole management of the Research Bureau instead. It didn't turn out quite that way. Under professional direction, the *Review's* motto changed in 1929 from "To Breed a Race of Thoroughbreds," to "Babies by Choice, Not Chance." The *Review's* editorials, heretofore written mainly by Margaret herself, now included guest editorials, some of them praising Mary Ware Dennett. And Margaret's own name, heretofore on the front page, was relegated to the inside cover along with the names of the entire professional editorial staff.

She had sworn to herself she would not be upset by these changes, but she was. She had another intestinal attack and took out her pain and anger on J. Noah, writing to him at Willowlake from her New York hotel. "The surgeon doctor says I am O. K. No need of an operation. Not nerves. So stop telling people this is my fifth breakdown of nerves and such drivel. I am ashamed to have you running around out of captivity talking nonsense." Then, becoming contrite: "I don't know why I talk to you like this, but I just do."

At this point, and many others, in fact, one may wonder why J. Noah stayed on with "his Margy." But he probably still considered their marriage his life adventure. Difficult though it might be at times, it was never in serious danger of breaking apart.

Now occurred the first of the two thunderstorms Mary Ware Dennett was arrested and sentenced to a year in jail

In 1922 Mrs Dennett had written a little pamphlet called "The Sex Side of Life" She did it for her two adolescent sons, but word of its existence had gotten around to her neighbors, who asked for copies Then *The Medical Review of Reviews* heard of it and published it, thus bringing it to the attention of the Y M C A, several churches, theological seminaries, and social work agencies These in turn had found it so sane and sensible they had begun distributing it through the mails to their members at the nominal cost of twenty-five cents Using the mails did the mischief, for the mails were still being closely watched by John S Sumner, Comstock's successor, and his powerful Society For the Suppression of Vice Sumner was particularly offended by three statements the pamphlet made one, that sex relations can bring great pleasure, two, that venereal disease can be cured, and three, that masturbation is a harmless activity that will not drive a person out of his mind Such statements, he insisted, simply could not be made to young people in the year 1929

Mrs Dennett was tried in a Brooklyn court for violating the Comstock Law William Sheafe Chase, Canon of the Episcopal Church, was seated at the counsel table next to John S Sumner and James Wilkinson, the prosecuting attorney The counsel for the defense was Morris Ernst, a distinguished liberal lawyer in his late thirties Ernst had on hand a group of witnesses from organizations like the Y M C A that had distributed the pamphlet, all of them ready to testify that it was one of the finest they had seen But Judge Warren Burrows refused to listen to their testimony, ruling it out as irrelevant On the other hand, he listened carefully to Wilkinson, who merely asked the prospective members of the jury if they had ever read anything by Havelock Ellis or H L Mencken One prospective juror had read some of Ellis' work, he was considered prejudiced and excused The rest said they were "plain family men" who had heard neither of Ellis nor Mencken, they were retained

Mrs Dennett took the stand in her own defense The *New York Herald Tribune*, in reporting the trial, described her as "a slight and benign figure with a soft voice, quick smile, and carefully waved white hair, who made her living as a maker of decorative leather wall hangings, though she occasionally wrote for *The Century* and other magazines When asked what age she considered the pamphlets suitable for, she answered 'any time between twelve and twenty-five'"

Ernst cited similar pamphlets now being distributed by the United States Public Health Service, the State Department of Health, and the Board of Education, but Judge Burrows ruled this out as irrelevant. He also refused to let any of Ernst's supporting authorities take the stand. "I object to having a galaxy of persons paraded here to air their views on the subject," Judge Burrows declared, after which Wilkinson, a big red-faced man, sneeringly read aloud from the pamphlet, calling it "pornographic and obscene on the face of it." He ended his speech to the jury with the exhortation "I ask you as fathers, would you allow this to be placed in the hands of your own children? Would you let your daughter read it?"

Ernst countered with the argument that pornographic and obscene materials were "doled out in dark corners" while this was sold openly, "and that to convict Mrs. Dennett was to condemn the children of the next generation to getting their information from the gutter."

He got nowhere. The jury found her guilty. Her crime, they declared, was nothing less than "corrupting the youth of America." For this she was sentenced to a year in jail or a one hundred and fifty dollar fine. Hearing the sentence, Mrs. Dennett stood up very straight and declared "If I have corrupted the youth of America, a year in jail is not enough for me. And I will not pay the fine!" She was released on bail pending appeal.

The trial of Mrs. Dennett was an incredible blunder, it only succeeded in making people aware of her pamphlet who had never heard of it before.

The *Birth Control Review* ran a statement on its front page praising Mrs. Dennett's speech, while Margaret enclosed the *Tribune* clipping in a note to Havelock.

I know you will laugh at the Dennett trial notes. You will see what your name means to the 100% juryman. It's outrageous that she should be convicted. She has more nerve in her old age than she had when she was in the B. C. fight. She said I was "posing" then. It's encouraging that people do change—and for the better.

Havelock scrawled across the clipping "How the Y. M. C. A. has changed."

Then, on April 13, a Mrs. Tierney came to the clinic requesting con-

traceptive advice Dr Stone examined her, found she needed a diaphragm for medical reasons, and gave her instructions for using it. Three days later Mrs Tierney returned, using her right name, Mrs McNamara and flashing a police badge. With her came another policewoman, Mary Sullivan, and six policemen. The officers charged into the waiting room, where fifteen frightened patients were sitting, and bullied them into giving their names and addresses. Then Mary Sullivan, who knew that the clinic was now asking for information on nationality and religion as well as strictly medical details, began to seize all the available birth-control supplies as well as over a hundred doctors' records.

Margaret rushed to the Bureau, angrier than she had ever been in her life. A policeman tried to keep her out. "This place is shut. You can't come in," he shouted, opening the door a crack. "Oh yes I can," she shouted back, putting her whole weight onto one foot, sticking it into the crack, and refusing to budge. Seeing that things were at an impasse, another policeman let her in.

The place was bedlam. Margaret calmed the frightened patients, then strode over to the police who were busy scooping up records though they stopped occasionally as if to look for special names.

Margaret demanded to see their search warrant. When she read the signature of Chief Magistrate William McAdoo, she became visibly shaken. Still, she fought back.

"You're going to get yourself into more trouble than you suspect if you interfere with those records," she shouted at Mrs McNamara.

"Trouble? What about you?"

"I can take care of myself."

By this time the police were becoming restless. Having arrested Dr Stone, Dr Cooper, and three nurses, they pulled up the patrol wagon and tried to force them in. Margaret demanded that she be allowed to call taxis instead, but was refused permission to do so. They were all herded into the wagon and taken to the Jefferson Market Court in Greenwich Village.

Once there, Margaret telephoned Dr Dickinson, whom she knew would give her good advice. He recommended that she engage Morris Ernst as her lawyer, both because of his spirited defense of Mrs Dennett and his success in the Bours Case some years before. Margaret phoned him, and he hurried to court.

Dr T. Robinson Bours was a Chicago physician who specialized in

women's diseases In September 1912 he received a letter in a woman's handwriting asking if he would perform an abortion on the writer's unmarried daughter, "to relieve her of her disgrace " Bours answered cautiously, he would "first have to see the patient before determining whether he would take her case or not " The letter from the "mother" was, it turned out, a decoy written on Comstock's order, but Bours was found guilty for merely answering it Ernst had made the appeal for Bours and got his conviction reversed

When Ernst got to the Jefferson Market Court, he was startled to find a group of young girls seated in the last row In 1929 the subject of birth control was so taboo that young girls were not allowed even to hear it discussed, but they told him they had been arrested for picketing in a garment worker's strike and felt they were in great luck because they could listen while waiting for their own case to come up

After some preliminary arguing, the Bureau case was postponed and transferred to the Mulberry Street Court, where Magistrate Rosenbluth was sitting on the bench Ernst gathered a panel of physicians, among them the distinguished neurologist Dr Foster Kennedy, to testify that the clinic doctors were lawfully acting to prevent disease when they gave information to Anna McNamara Two hundred spectators, clergymen as well as laymen, were shunted out of the courtroom when they laughed as Dr Foster Kennedy testified that, to his knowledge, Mrs McNamara had said during her examination that she had been married six years, had three children, and her husband "drank some " The spectators were soon readmitted, however, and heard Ernst go on to question Dr Kennedy

"Now these birth-control supplies are very often recommended to prevent or cure disease?"

"You say very often, I say always," answered Dr Kennedy This brought a cheer from the spectators, some of whom burst into "My Country, 'Tis of Thee " Kitty Marion sang "Land of dumb driven cattle" instead of "Sweet land of liberty "

Next Dr Louis I Harris, former Health Commissioner of New York City, took the stand His testimony was similar to that of Dr Kennedy, but Magistrate Rosenbluth objected to it on the grounds that not enough care had been taken to find out if Mrs McNamara and the other clinic patients were married or not

"It was more important to take pains to find out if these patients were married than if they were ill," he declared

"Do you know of any case in medicine where a doctor sends out de-

TECTIVES to find out if a patient is telling the truth about her marital status?" Ernst asked Dr Harris, making the spectators laugh loudly again as Dr Harris answered no

By now Magistrate Rosenbluth was thoroughly aroused "Another demonstration and I'll clear the room," he declared "I think I'll clear it anyway Everyone out "

The courtroom cleared, Dr Dickinson took the stand for the defense, testifying that he had inspected both the Bureau and its records on several occasions and found that fully one third of all applicants had been rejected because they did not come within the health specifications laid down by the law After that Dr Max Meyer, head of the gynecology clinic of Mt Sinai Hospital, testified that the clinic had acted as carefully in these matters as did his own Several other doctors gave firm support as well

The prosecuting attorney now took over the cross examination He called each doctor who had testified and held up a diaphragm "Do you believe this can cure disease?" he asked sarcastically They answered of course not, it might prevent disease but not cure it Regardless of the state of a woman's health, medical witnesses agreed that it was best for both mother and child if there was a space of two to three years between one delivery and the next

At this point the prosecuting attorney excused the witnesses, and Ernst moved for dismissal on the grounds that "licensed doctors who had given advice in good faith to cure or prevent disease had been arrested " He insisted that it was the burden of the prosecution to prove lack of good faith "Otherwise," said Ernst, "physicians might be hailed into court to justify their every act, and be subject to a re-diagnosis of their cases by lawyers " He also stressed the fact that, in seizing 150 record cards, the police had violated the time-honored relation of confidentiality between doctor and patient

The seizing of records was the crux of the matter Once the police admitted doing that, Chief Magistrate McAdoo, who had signed the warrant, had no choice but to publicly back down and admit that Mary Sullivan's "party" had been another serious blunder Police Commissioner Grover Whalen, McAdoo's superior, had to apologize to the Academy of Medicine for McAdoo's issuance of the search warrant in the first place As in the Town Hall incident, there followed much passing-the-buck between the two, with neither side admitting whose idea the raid had been in the first place

When the press, led by the *New York Times*, reported the story in full detail, the Sanger Bureau on Sixteenth Street found itself receiving the best publicity it ever had. Heywood Broun did a witty column for the *New York Telegram*, calling Grover Whalen a "gardenacious popinjay" for his habit of wearing a gardenia in his buttonhole. The conservative *New York Daily News* ran an editorial comparing the blunder in both the raid and Mrs. Dennett's arrest. The *News* prophesied

Both cases will probably blow up in time. And with what results? Birth control and the Clinic will have won some more free advertising. And everyone now knows that one book at least exists in which young people have some hope of learning the facts of life without hysteria or dirt or bunk. Some day we will learn to treat a human instinct as a human instinct, instead of making a fetish of it and fools of ourselves.

The *News* was correct in its prophecy. Mrs. Dennett's conviction was reversed on appeal, and the Bureau was totally cleared. Besides making the newspapers indignant, the trials offended their readers too. Margaret reported to Havelock that she heard people heatedly discussing the matter on the street, in the subway, everywhere she went. At a dinner given soon after, eight thousand dollars was raised for birth control, while the League of Women Voters, who had been standoffish before, petitioned the New York legislature to permit doctors to give contraceptive information to women regardless of health.

Margaret gave more details to Havelock.

I think at last the stupid District Attorney sees that prevention of conception is a means to prevent disease. His poor mind was so full that all he could see & say was that the pessary did not cure disease. He kept on asking every Doctor, "Do you see this? (pessary in hand) Do you believe this can cure disease? Do you not advise it to prevent conception?" Then he smiled to the court as if to say "I'll get them."

The Chief Magistrate was a dub whose wife paid a fat sum to get him on the bench so we do not expect him to think except as he is told. The newspapers have been wonderful to us & backed us 100%. But it put us ahead ten years, especially because of the

medical testimony that from two to three years should intervene between births of children in the vast majority of cases

Better yet, the medical profession was thoroughly involved, the seizure of the records, which they rightly regarded as a breach of ethics, had made them furious. Aware of how much medical support had helped her and how much she needed more, Margaret gave Dickinson the most encouraging word yet, telling of her desire "to have closer cooperation between the members of the medical profession and the Research Bureau," adding specifically that she wished to "enlist the supervision of the Bureau recommended by the Academy of Medicine."

Dickinson was elated. This clearly indicated Margaret's willingness to let go of her tight grip on the Bureau, and he worked during the entire summer of 1929 to bring this rapprochement about. Dr. Stuart Mudd of Philadelphia encouraged Margaret, pointing out how medical supervision would help in the establishment of other clinics and open up Hannah Stone's reports to the finest medical journals (coming from a lay clinic, these reports had been almost impossible to place), as well as enable both recognized gynecologists and interns to serve on the Bureau staff. "It's an opportunity not to be missed," Mudd summed it up.

Maddeningly, Margaret took a step backward again. "I do not want to release too quickly the control of a work it has taken years to develop," she shot back to Mudd. At one time she had accused Dickinson of personal motives, writing James Cooper "Dr. D. is wildly anxious to get in control." Now she went further. "Contraception is not medicine," she said.

Dickinson had sensed a new storm coming before it broke. After making more statements welcoming medical supervision and direction, Margaret did still another complete turnabout.

She forgot she had started the Bureau, not for research, but to bring birth-control information to the women who came and asked for it. The word "research" was initially a way to get around using the word clinic. In letting the social scientists control it for their own uses—that is, write papers on the patients' ages, nationalities, or even the trade union affiliations of their husbands (another way of determining economic class)—was clearly in contradiction of her original plan. Yet, at this point, she was either so muddled or so flattered by the social scientists that she fought the very people she and her patients needed most—the doctors.

She proceeded to call a secret board meeting, excluding the medical members, at the meeting the plan to let the Academy of Medicine supervise the running of the Bureau, as now they were at last ready to do, was vetoed

Dickinson, who had worked for seven years to win over the Academy, was pulverized. He had to go before them with bowed head and confess, "It is hopeless to get Mrs. Sanger to cooperate with other groups." She, astoundingly, retaliated with the statement that her board had practically begged the academy to come to her aid. "I refused however to hand over a service of humanity to be a football in a political setup and finally abolished, as the clinic would have been" was the way she made the statement.

David M. Kennedy in his book *Birth Control in America* interprets this last series of turnarounds as a victory of her emotions over her intellect. To her the social scientists did not seem nearly as much of a threat to her position of number one as the doctors did. The clinic was her "baby," in a way taking the place of her long-lost Peggy. She felt she had to hold it tight lest it slip away.

Meanwhile Havelock had moved with Françoise to his new house in Haslemere, which Margaret badly wanted to see. She soon succumbed to the temptation and took off for England, taking J. Noah along, but planning to send him off to Paris to sightsee, she herself planned to squeeze in a few visits to some Berlin clinics as an excuse for going abroad in the first place.

As soon as she got to England, she visited Hugh, and then saw Havelock. She undoubtedly saw Harold too because he wrote "How thrilled I was to see you again & hear you laugh & feel your presence. After such ages, I felt still as if I had been with you only the day before!"

But after she left England to join J. Noah in Paris, she became desolate because she heard that Harold and Hugh were about to break their long friendship over the matter of Helen, Harold's future wife.

Helen or "Nell" was a friend of Hugh's who lived near Sand Pit with her husband, Jack, and two daughters. A tall, thin woman with a quick sense of humor, her marriage to Jack had been very unhappy, and Harold, though he still dreaded the thought of remarrying, longed for a home of his own. Gradually, he had become attracted to her, as Nell visited back and forth, even becoming godfather to her youngest child.

Hugh, already jealous of his daughter Bridget's affection for Harold, now envied Nell's affection for Harold, especially since Nell was one of

the few women who had turned him down as a lover In a fit of rage, Hugh accused Jack of trying to seduce Bridget Nell later explained

My first did like women, but he was *not* a seducer of seventeen-year-old virgins The main attraction was, they were both mad on cars

Hugh was certainly a queer one I remember his going off the deep end because I said, "Of course if people can afford it, they should have a honeymoon" "Rubbish" says he, "whatever for? We didn't have one," and look what happened to that marriage Every year a new woman, then the old one cast out when the next happened along Such an off-putting spotty man

When Harold and I decided on marriage Hugh was quite intolerably rude to me in front of his wife, Janet, poor lamb She was very unhappy about it I didn't mind, but Hugh just ceased any communication with Harold and finally bullied poor Janet into doing the same

Hugh was a selfish cad, and Margaret was deceived (But) you would have loved my dear little man Such humor and so sweet He adored my children, and they adored him Children and animals made a bee line for him He loathed puritans with a quiet rejection of all they stood for

I didn't meet Margaret at Sand Pit Hugh kept her hidden away when anyone was around But afterward I heard her speak a few times, and at a birth-control reception I attended (Harold couldn't come) she stood in the foyer receiving the guests and saw me coming and gave me the most gorgeous wink I'm quite sure that Harold didn't keep any of Margaret's letters He would have destroyed them before marrying me in 1939 And any she wrote after we were married he always shared with me He always spoke of her as being great fun (I knew they had been lovers)

One of the reasons I don't think Margaret can have loved Harold as he deserved was his surprise & joy at any little thing I did for him, such as getting up and shutting the window when I knew he would be feeling it That this should so enchant him proves that no one had ever really loved him in every possible way

Margaret sailed home from Cherbourg in August, dashing off a note to Havelock before she left

* * *

We are off on the *Mauritania* today In Berlin I found the
clinics thriving under Communist direction, and the clericals and
conservatives grinding their teeth and throwing mud at them all

She would go to Russia in a few years to see for herself how clinics
were doing there, and come away a disillusioned woman indeed

While Margaret was away, Juliet was producing a movie in Mexico
The two women had kept up a constant flow of letters, and as soon as
Margaret got back, Juliet begged her to run down to Mexico immedi-
ately She asked for a loan to finish her movie "I don't suppose J N
would ever consider for half a second gambling on it, would he?" but it
was Margaret herself whom Juliet wanted more than money Marga-
ret couldn't go however, because she was set to leave on a cross-country
speaking trip