

## INDICTED

IT HAD been many years since I had seen my picturesque and interesting father. He never indulged in correspondence unless he had something important to say. Notice of *The Woman Rebel's* suppression had reached my childhood home in western New York. A family council was called as in the past. A verdict of nervous breakdown was generously decreed, but back in the minds of all was the conviction that I had suddenly lost my reason. Father was accordingly dispatched to New York for his first visit in more than forty years. It was his intention to make every effort to mollify me, and gradually to get me off to a private sanitarium where I was to be kept until I had recovered from such wild impulses. Contrary to all his expectations he found me in better health than when he had last seen me. He was amazed at the clearly visioned plans I had laid, at my poise, determination, and unexcited ability to carry on. For several days we argued over the contents of *The Woman Rebel*.

Father hated it all. He despised talk about revolution, he

despaired of any one who could talk so openly about sex. Even after he was convinced that I had not gone out of my mind he did his best to dissuade me from such radical ways.

He was at home with me when the arrest took place. I had gone to open the door when the bell rang, and had ushered the two federal officers into my office, which served also as dining room. Father sat off in the adjoining room, apparently unconcerned, reading his paper. The conversation took place forgetful of his presence. When the officers left the apartment after a three hours cross examination Father came through the wide open doors with arms outstretched. He embraced me and drew me close to him with tears in his eyes, and his voice trembled. Daughter, he said, you are a brave clean fighting warrior. You will win this case. Everything is with you—reason, common sense, and progress. From now on I'm on your side. I never saw the truth until today. Old fashioned phraseology I thought, but I felt happy to have convinced my father of the justice of my stand, and confident that a jury would likewise be convinced.

Two of my children, Grant and Peggy, were at this time visiting friends at Woodstock in the Catskills. The older boy, Stuart, was in a camp in Maine. I had now to prepare for my possible conviction and almost inevitable incarceration for a period of years—how long, I could not tell. These plans occupied most of my time for the next few weeks. Having been assured by the district attorney that there would be plenty of time to prepare my case, I devoted my energies to my children's future. I arranged to send one to a small school on Long Island and to keep the younger two together with a friend and my sister at home. It was the opinion of nearly all my friends that I would have to spend at least a year in one of the federal penitentiaries.

One kind woman, whom I had never seen before, called late one evening and volunteered to give me dancing lessons. She had thought out the kind most suitable for a prison cell, and had written careful directions so that proper exercise could be combined with the rhythm of the dance.

A few weeks later I was suddenly called to the telephone one day to learn that my case had been called that morning and that I had been rebuked by the officer because I had not been present. I had received no notice from the district attorney of any kind. I was not particularly disturbed, however, believing it was but part of the regular court procedure. When I arrived in the courtroom the next morning I felt a great change in the attitude of both the judge and the district attorney since the case was called two weeks previously.

I had not engaged an attorney, and the judge advised me to get one. I told him that I wanted time to prepare my case, and asked for one month's postponement of the trial. The district attorney flatly refused to allow this time, and stated that I had been given sufficient time to prepare it and that the case must go on that afternoon.

I was so amazed at this changed attitude that I could only believe that this refusal was due to my lack of technical language of the court, so I decided to ask one of the attorneys I knew to come round in the afternoon and make the request over again. Simon H. Pollock, an attorney well known in labor circles, agreed with me that a lawyer's plea would not be refused. He put in a request for a month's stay. It was refused. He reduced it to two weeks. Again it was refused. The court's final decision was that at ten o'clock the following morning the case of the United States Government against Margaret Sanger was to go on without fail. Crestfallen, the lawyer and I left the room together. He could not believe his ears, nor could I mine. It was now about four o'clock in the afternoon and I had to think and act quickly.

Something had happened to change the kindly, lenient manner of the judge. The district attorney had become rabid and incensed and seemingly determined that I should be punished. What it was I half surmised. The World War was then rocking the foundations of Europe, and interest in Germany's advance upon Paris was occupying the strained attention of every mind in America. All other news sank into insignificance and, if mentioned at all, was pushed aside where it was

scarcely noticed. It was the ideal time for a government to get any nuisance like a birth control case out of the way. There was no doubt in my mind that, if I went into that hostile courtroom the following morning unprepared, I would be convicted of publishing an obscene paper and sentenced to at least one year in the penitentiary—perhaps five years. I knew further that such a conviction would be an injustice. But it was necessary, if I was to convince a jury of this, to have my facts well marshalled, and that could not be done in so short a time.

I was not afraid of the penitentiary. I was not afraid of anything except being misunderstood. That I dreaded. I did not want to go to jail for obscenity, but I had no hesitation to go for a principle or as a challenge to the obscenity laws, providing my case could be properly heard.

The war had driven Americans back from Europe, and my artist husband was uprooted from his studio in Paris and had just arrived in New York. During the period since we had parted in Paris we had remained loyal friends, but we both shared in the realization that it would never again be possible for us to resume a quiet, mediocre, married life. From the deep waters into which I had been swept by the current of events it was impossible to return to the shallow pool of domesticity. Yet while we were separated in fact, we still had the interest of our children to consider.

—What was I to do! Should I get another lawyer, one with personal influence who could get a few weeks postponement, and should we go into court together and fight it out? I knew of no such lawyer, and besides I had no money for such a luxury. Should I do as some I told you so's suggested—go to court and take your medicine? Yes, but what medicine? I did not want a dosage for the wrong disease.

Then there was the question of the children's welfare and that dreaded spectre of my separation from them. Could I leave them the heritage of a mother who went to jail for some offensive, obscene literature of which no one knew the details? It would be whispered about from place to place and the real facts never known. This was the situation I deplored, and I

resolved that anything would be better than allowing it to happen

I made up my mind that if I was to have a decent defense prepared the only thing I could do was to set sail for Europe, prepare my case adequately, stay until the war was over, and return then to fight it out in the courts. By the time I had come to this decision it was already late in the evening.

The train for Montreal would leave within a few hours. Could I make it? Should I make it? Could I ever make the friends who had advised against this work and these activities understand? Could I ever make *anyone* understand? Had I a right to leave the children without seeing them just once more? Peggys leg was swollen from vaccination, and this kept worrying me, it almost upset my life.

The hours of that memorable night of doubt could well be called a spiritual crucifixion. The torture of indecision—the agony of deciding one way and then reversing the decision—how those minutes flew! I sat perfectly still, my watch on the table, in a hotel room I had taken to be absolutely alone with my thoughts before I took the final plunge. It grew later and later. I knew there was no turning back once I boarded that train. I wanted no one to influence my decision one way or the other. It was like birth and death—that journey had to be taken alone. Gradually, conviction came. About half an hour before train time I knew that I *must* go. I wrote two letters, one to the judge and one to the district attorney. I informed them both that I would not be at court at ten o'clock the following day, and reminded them that I had asked for a reasonable time to prepare my case, which was far more social than individual, and it had been denied. I had asked for a month's postponement, and their refusal had compelled me to take a year!

A friend or two who had been faithful and helpful through out this struggle came to see me safely on the train. I left New York at midnight, leaving behind me all that I held dear in life to become a fugitive from justice and an exile.

The following letter was later addressed to my personal friends and the 2,000 subscribers of *The Woman Rebel*

En Route to Exile  
October, 1914

Comrades and Friends,—

Every paper published should have a message for its readers It should deliver it and be done *The Woman Rebel* had for its aim the imparting of information for the prevention of conception (None of the suppressed issues contained such information ) It was not the intention to labor for years advocating the idea, but to give the information directly to those who desired it The March, May, July, August, September and October issues have been suppressed and confiscated by the Post Office They have been mailed regularly to all subscribers If you have not received your copies, it has been because the U S Post Office has refused to carry them on to you

My work in the nursing field for the past fourteen years has convinced me that the workers desire the knowledge of prevention of conception My work among women of the working class proved to me sufficiently that it is they who are suffering because of the law which forbids the imparting of the information To wait for this law to be repealed would be years and years hence Thousands of unwanted children may be brought into the world in the meantime, thousands of women made miserable and unhappy

Why should we wait?

Shall we who have heard the cries and seen the agony of dying women respect the law which has caused their deaths?

Shall we watch in patience the murdering of 25,000 women each year in the United States from criminal abortions?

Shall we fold our hands and wait until a body of sleek

and well fed politicians get ready to abolish the cause of such slaughter?

Shall we look upon a piece of parchment as greater than human happiness, greater than human life?

Shall we let it destroy our womanhood, or hold millions of workers in bondage and slavery? Shall we who respond to the throbbing pulse of human needs concern ourselves with indictments, courts, and judges, or shall we do our work first and settle with these evils after?

This law has caused the perpetuation of quackery It has created the fake and quack who benefit by its existence

Jail has not been my goal There is special work to be done and I shall do it first If jail comes after, I shall call upon all to assist me In the meantime I shall attempt to nullify the law by direct action and attend to the consequences afterward

Over 100,000 working men and women in the United States shall hear from me

The Boston Tea Party was a defiant and revolutionary act in the eyes of the British Government, but to the American Revolutionist it was but an act of courage and justice

Yours fraternally,  
Margaret Sanger