

UCLA Women's Law Review:
B. Margaret Sanger and the Birth Control League

The "modern" birth control movement is largely believed to have started in 1915 with Margaret Sanger credited as the champion of the movement. Sanger's family history motivated her to first consider, and then advocate, birth control usage. Her mother was pregnant eighteen times and bore eleven children, all before passing away in 1899 at the age of fifty. Margaret grew up poor. She recalled that "Christmases were on the poverty line. If any of us needed a new winter overcoat or pair of overshoes, these constituted our presents." She was the sixth of her mother's eleven surviving children. Sanger also witnessed the pitfalls of a society that prohibits birth control while working as a nurse in New York's Lower East Side. As a nurse, Sanger often assisted immigrant families. She noted that many residents, particularly women, had an intense fear of hospitals, but welcomed nurses for home visits. Additionally, many women requested advice for preventing additional births. After witnessing a destitute patient die from complications related to a self-induced abortion, Sanger stated that she "was resolved to seek out the root of evil, to do something to change the destiny of mothers whose miseries were vast as the sky."



In 1913, Sanger traveled to Europe, along with her family, in order to research birth control methods. While in France, she learned about special formulas passed down in families for contraception use. She also met with druggists, midwives, and doctors. Sanger noted that "[a] individual Frenchwomen considered this knowledge their individual right, and, if it failed, abortion, which was still common."

It was during this period of 1910-1920 when the term "birth control" was coined, marking a shift from the mid-nineteenth century terminology of "voluntary motherhood." It also marked a change in the composition of the movement's leaders. Many of the leaders were influenced by both feminism and socialism. Sanger believed that "the foundation of the Feminist or Woman's Movement should be how to release [a woman from] her sexual bondage of childbearing and place it on the plane of a voluntary and conscious undertaking [so that she may] be approximately equal to man." She continued, "upon this foundation only can she strive for equal rights."

In addition, Sanger noted the class injustice that resulted from a restriction on birth control information. Not only did lower income women lack preventative health care options, but they also could not afford abortions and were more likely to engage in riskier at-home procedures. Scholar Carole McCann writes:

Confronted with death from illegal abortions, Sanger suddenly recognized that it was unconscionable for women to be forced to choose between avoiding sex altogether or risking their lives simply because the government prohibited them from having simple, safe, and effective contraceptives. She took issue with the 'doctors, nurses and social workers who were brought face to face with this overwhelming truth of women's needs' but who ignored it. In the wake of her experiences as a visiting nurse, it was incredible to Sanger that well-meaning reformers should refuse to recognize the underlying cause of women's ill-health and of their families' collapse.

As such, Margaret Sanger made it her personal mission to assist women desiring contraceptives.

In fact, Margaret Sanger was prosecuted for her column, "What Every Girl Should Know," which appeared in a Socialist monthly newspaper. In the column, Sanger discussed sexual and reproductive health, and provided information on how a woman's body develops. Discussing her prosecution, Margaret Sanger noted that "[t]he words gonorrhoea and syphilis had occurred in that article and Anthony Comstock, head of the New York Society for the Suppression of Vice, did not like them." Comstock banned the column in 1913, prompting *The Call*, the newspaper in which it was published, to write in the column's regular space "What Every Girl Should Know-Nothing; by order of the U.S. Post Office. "

In 1914, Sanger began her own newspaper, entitled "The Woman Rebel." In her newspaper she openly discussed contraceptives. However, the post office refused to deliver multiple issues. Consequently, she was arrested in 1914 for mailing obscenity under the Comstock definition, and faced a forty-five year jail sentence. Rather than prepare her defense, Sanger wrote a book on birth control entitled "Family Limitation." The book eventually went on to sell ten million copies, proving that people had a genuine desire, and need, to learn about contraceptives. Sanger feared that she would be made an example of, so she fled the country for England. While Sanger was abroad, Anthony Comstock personally prosecuted Sanger's husband for distributing a copy of her book to an undercover agent. He served thirty days in jail for his crime." However, shortly thereafter Comstock died. This prompted Sanger to return to the United States, and the charges against her related to her newspaper were dropped."

Yet, Sanger came back from Europe with different advocacy priorities. In Holland, she had encountered contraceptive clinics, which had a profound effect upon her. Sanger noted, "No longer could I look upon birth control knowledge as primarily a free speech fight. I realized now that it involved much more than talk, more than books or pamphlets."

In 1916, Sanger opened the first contraceptive clinic in the United States. The clinic dispensed contraceptives to immigrant women in a tenement storefront in Brooklyn. The clinic only remained open for ten days before being shut down through the use of an undercover sting operation. However, the short lived clinic was extremely popular, with 464 women on file after only nine days. Sanger, her sister Ethel Burne, and receptionist Fannie Mindell were able to assist 488 women with diaphragms, also known as pessaries, in those ten days. In fact, Sanger was arrested for informing a woman about spring-loaded diaphragms. She spent a month in jail for her crime, along with Burne and Mindell. Importantly, their arrest, trial, and subsequent imprisonment drew significant attention to the contraception debate.

In 1918, the New York Court of Appeals upheld the prosecution of Sanger and her co-conspirators, reading into the statute a narrow exception which allowed doctors to prescribe contraceptives to married persons to prevent disease. The court's interesting interpretation of the law primarily served to protect doctors. Furthermore, in 1915, only 3.6 percent of doctors were female. In 1920, the number rose to 5 percent, but dropped to 4.4 percent in 1930. Hence, the law served to protect doctors, who were nearly all men, while nurses like Margaret Sanger, who had the most contact with women in dire need of contraceptive information, could still be prosecuted. Further adding to this gendered application of contraception laws, doctors could "prescribe" condoms to protect men from venereal diseases when they had extramarital sexual intercourse, but men theoretically could not get condoms to prevent pregnancy with their wives.

That arrest was not the last for Sanger, nor was it her last controversial court case. In 1932, the U.S. Customs office confiscated a package of diaphragms sent from a Japanese physician to Sanger. Sanger again tested the law by requesting that a second package be mailed to an associate. In 1936, following Sanger's arrest for mailing birth control products, the Second Circuit Court of Appeals ordered a relaxation of the Comstock laws at the federal level. In his opinion for the court, Judge Augustus Hand relied on data regarding the damages of unplanned pregnancy to find that birth control was no longer "obscene. He ordered that the package could be delivered.

The Great Depression and World War II marked a shift in social acceptance of contraceptives. During the Great Depression, when there was a movement towards smaller families, a Gallop Poll revealed that three out of four people supported legalizing contraception. By 1937, the American Medical Association formally recognized birth control as a fundamental part of medical care. In addition, a 1938 Ladies Home Journal survey reported that seventy-nine percent of women supported the use of birth control. By the start of the Second World War, thirty-six states had medically-supervised birth control clinics, supported at least partially by public funds. An additional ten states permitted private clinics to function because of statutory loopholes allowing contraceptives by prescription. Further, during World War II, the Army distributed condoms to soldiers. Toward the end of the war, in 1944, there were at least eight hundred birth control clinics in the United States.

In the meantime, in 1942, the American Birth Control League changed its name to Planned Parenthood, marking a change in the philosophical approach within the organization. Rather than characterizing birth control as a way to "liberate women," as it had in the 1910s and 1920s, the organization moved towards a focus on family "planning". Essentially, the movement evolved away from the radicalism of its second stage into a liberal reform movement. Margaret Sanger staunchly opposed this change in name and ideology. Interestingly, the shift in ideological rhetoric occurred at a time when women had just proven themselves capable of maintaining the home front during World War II, and the American sexual revolution was beginning. Nonetheless, this philosophical shift likely made the organization seem more socially acceptable and less gender focused on its face

. A. The Contraception Debate: Women's Rights Considerations

The contraception debate naturally raises women's rights considerations because of the unequal effect that pregnancy has on women, in both a legal and physiological context. Professor Shari Motro writes, "[a] fundamental gender imbalance hovers in the background of non-procreative heterosexual sex:

Women get pregnant, men do not. Women's alternatives-celibacy, chemically-induced sterility, or other, less effective contraceptive methods with abortion as a last resort-do not correct the imbalance.

However, a world without contraceptives and reproductive health care would only serve to propagate the imbalance. Further, the imbalance is exacerbated by traditional sexual double standards, under which it is deemed more socially acceptable for a man to engage in premarital

sex than a woman. Professor Reva V. Seigel finds that "the sex equality approach to reproductive rights views control over the timing of motherhood as crucial to the status and welfare of women, individually and as a class." Reproductive freedom affects a woman's sexual and health freedom, relationship choices, educational and professional pursuits, economic freedom, and her ability to provide for her family. Essentially, reproductive freedom affects almost every aspect of a woman's life. As such, contraceptives are inextricably tied to the women's rights movement because they allow women to pursue their ambitions. "In giving women control over their reproductive function, the pill made possible the second-wave feminist movement-the demand for an end to gender discrimination and for access to life activities on equal footing with men," writes Professor Southerland.

Furthermore, following the invention of the pill, women were able to enter the workforce on their own terms and with greater control of their lives. In addition, a recent study found that the rise of women seeking law, medical, and business administration degrees in the past few decades was a direct result of the legalization and availability of contraceptives.

From: UCLA Women's Law Journal. "The Attack On Planned Parenthood: A Historical Analysis". 19(2) by Sarah Primrose, 2012.

<http://escholarship.org/uc/item/38f952q1>

Take Home Essay Answers for the Reading from UCLA Women's Law Review.
You can hand write your answers in the spaces below or you may type them if you prefer.

Name _____

1. How did Sanger's family history, in particular her mother's history, influence her to lead a birth control movement?

2. The reading mentions that Sanger and other leaders of the birth control movement during the 1910s and 1920s were influenced by feminism and socialism. Briefly explain why both feminism and socialism would lead one to favor birth control.

3. In 1914 Why was Sanger was arrested? _____

4. In what year did Sanger open the first contraceptive clinic and who were her customers?

Name _____

5. Why was Sanger arrested in 1932 or maybe 1936?

6. When was Planned Parenthood born with a name change?

7. Do you agree that the birth control movement has been good for women? Explain.
