Legacy of Ignorance: Abortion and Journalism in the Early Republic

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ABSTRACT

The dehumanization of unborn children in the contemporary mass media can be traced to callous and sensationalized journalistic accounts of abortion during the Early Republic.

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BORTION STORIES in the contemporary press customarily focus on the protection and expansion of women's legal right to terminate their pregnancies, the conduct of abortion protesters, and whether parents of pregnant minor girls have the right to be notified when their children seek abortions. Such recent news stories have revealed that a U.S. District Court judge in Seattle ordered the federal government to pay for a U.S. Navy sailor's wife to abort her anencephalic pregnancy, that abortion protesters were prosecuted by city officials for passing out prolife brochures and for writing on a public sidewalk how many abortions a clinic has performed, and that the Supreme Court of the United States agreed to hear an appeal after a lower federal court struck down a New Hampshire parental-notification law.¹

This news coverage is part of an ongoing public debate about "the long struggle to allow women the right to make medical decisions about their own bodies," the *New York Times* asserted.² Often, though, abortion

¹ Chicago Tribune, May 27, 2005; Belleville [Illinois] News-Democrat, May 4, 2005; Washington Post, May 24, 2005.

² New York Times, October 11, 2000.

decisions are made for other reasons, as Amy Richards explained in a 2004 first-person magazine story. "I'll never leave my house because I'll have to care for these children," she fretted upon learning she was pregnant with triplets. "I'll have to start shopping only at Costco and buying big jars of mayonnaise." She chose to abort two of the three, dispassionately calling it "selective reduction" and relying on the post-1973 legal right to choose abortion. "There was something psychologically comforting about that, since I wanted to have just one," she reasoned.³

The deaths of unborn children tend to get lost in these media tales, which emphasize the personal liberty and freedom from responsibility that abortion provides. Recent New York City Democratic mayoral candidate Fernando Ferrer announced his support for abortions as late as the third trimester because he valued "protecting a woman's right to choose and access to reproductive rights." Another abortion advocate took the absence-of-restraint argument a step farther. "The practice of abortion is unrelated to the status of the fetus—it hinges totally on the aspirations and needs of women," Pro-Choice Action Network president Joyce Arthur wrote. "A fetus becomes a human being when the woman carrying it decides it does."

Many people logically assume that this dehumanization of the murdered unborn child began in earnest with the 1973 Supreme Court companion cases of *Roe v. Wade* and *Doe v. Bolton*, which on the same day legalized what had previously been a crime.⁶ These court decisions represented "a step that had to be taken as we go down the road toward the full emancipation of women," Supreme Court Justice Harry Blackmun stated in a 1994 interview.⁷ However, Justice Byron White recognized the

³ Amy Richards, "When One Is Enough," New York Times Magazine, July 18, 2004

⁴ New York Times, September 8, 2001.

⁵ Joyce Arthur, "The Fetus Focus Fallacy," *Pro-Choice Press*, Spring 2005.

⁶ Roe v. Wade, 410 U.S. 113 (1973); Doe v. Bolton, 410 U.S. 179 (1973).

⁷ Harry Blackmun, interview by Harold Koh, July 6, 1994, Justice Harry A. Blackmun Oral History, at: http://www.pbs.org/newshour/bb/law/jan-june04/blackmun 3-04.html.

fateful significance of the Court's rulings. "The Court apparently values the convenience of the pregnant mother more than the continued existence and development of the life or potential life that she carries," he wrote in his 1973 *Roe v. Wade* dissent. "I find no constitutional warrant for imposing such an order of priorities on the people and legislatures of the States." White regarded the majority's decision to be "an improvident and extravagant exercise...of raw judicial power."

It is equally logical to assume that prior to 1973, when most forms of abortion were crimes, the press was more cognizant of the omnipresent victim—an unborn child. Early governments and courts took various measures to protect the rights of these helpless and voiceless lives. For example, in 1847 the Massachusetts House of Representatives forbade advertisements "for the purpose of causing or procuring the miscarriage of a woman pregnant with child." Early women's rights advocates also sought protection for the unborn. People should not "either destroy the embryo in the womb, or cast it off when born," Mary Wollstonecraft wrote in a 1792 book. "Nature in every thing demands respect, and those who violate her laws seldom violate them with impunity." ¹¹ Magazine editor and nineteenth-century presidential candidate Victoria Woodhull asserted: "The rights of children as individuals begin while yet they remain in the foetus," and postbellum author Sarah Norton hoped for a time "when the right of the unborn to be born will not be denied or interfered with."12 Even the press noticed these societal and legal protections. One newspaper revealed that a Brooklyn Grand Jury was considering many criminal allegations, the most serious of which were "assault with deadly weapons, rape and abortion." Another decried

⁸ Roe v. Wade, 410 U.S. 113 (1973).

⁹ For an overview of early-American legal protections and punishments, see Marvin Olasky, *Abortion Rites: A Social History of Abortion in America* (Wheaton IL: Crossway, 1992), pp. 19-41.

¹⁰ James Mohr, *Abortion in America* (New York NY: Oxford Univ. Press, 1978), p. 130.

¹¹ Mary Wollstonecraft, A Vindication of the Rights of Woman (Boston MA: Peter Edes, 1792).

¹² Woodhull and Claflin's Weekly, December 24, November 19, 1870.

"CRIMINAL ABORTIONS," and a third proclaimed abortions "a dark and wicked transaction." ¹³

The fact that governments deemed abortion a criminal act implies an official intention to protect unborn children as well as their mothers. Therefore, pre-1973 media reports about abortions could be at least expected to note the victim status of unborn babies, just as news reports about killings, rapes, and robberies customarily acknowledged that those crimes had victims. It would also be reasonable to suppose that the press elicited some modest public sympathy for the murdered victims of abortion crimes, just as it did for killings, rapes, and robberies. The press of the late nineteenth century, journalism historian Frank Luther Mott noted, characteristically demonstrated "more or less ostentatious sympathy with the 'underdog,' with campaigns against abuses suffered by common people."14 Thus, news reports from an era long before Roe v. Wade should exhibit marked differences from modern journalism. In such an era, when Biblically-based morals were more deeply embedded in the social fabric, and values were less relative—say, the Early Republic period from the end of the Revolutionary War to the eve of the American Civil War-it would be logical to expect a much clearer recognition of the immorality and sin of killing unborn children than the American public receives from modern news media.15

However, the reality is that the modern media are simply perpetuating a legacy of ignorance about the plight of unborn children. Their journalistic forebears of the eighteenth and antebellum nineteenth centuries also dehumanized the murder of the unborn.

¹³ Brooklyn Daily Eagle, January 13, 1860; New York Daily Times, June 27, 1857; Chicago Times, August 2, 1857.

¹⁴ Frank Luther Mott, *American Journalism*, 3rd ed. (New York NY: Macmillan, 1962), p. 539.

¹⁵ Although many historians end the "Early Republic" at the demise of the Federalist Party (circa 1824), Andrew Jackson's ascent to the presidency (1829) or the Treaty of Guadalupe Hidalgo that concluded the Mexican-American War (1848), I am extending the era to 1861, \grave{a} la the Society for Historians of the Early American Republic.

THE SEDUCERS AND THE SEDUCED

In the Early Republic press, there was scant recognition that preborn children were victims in abortions. Abortions became newsworthy when the mother was injured or killed while she or someone else tried to induce a miscarriage. The personhood of the unborn child was rarely acknowledged; the woman was typically the lone object of sympathy. Many early news stories portrayed the woman who voluntarily aborted her unborn child as the hapless dupe of a crafty seducer, virtually devoid of responsibility for terminating the pregnancy or engaging in the sexual conduct that caused it. Upon learning he had impregnated domestic servant Sarah Pewell, carpenter William Birt promised to marry her, and then asked her to abort the pregnancy by ingesting "a small quantity of powder, telling her to take it, and that it would do her no harm," a Philadelphia newspaper reported in 1791. Pewell agreed to the plan, swallowed the powder in some sugar, and died in agony. 16 The Rev. H.C. Taylor of Oberlin, Ohio was another schemer who "has been detected in the crime of seduction, and a monstrous attempt to conceal the consequences," an 1843 newspaper story noted. Taylor's "victim was a young lady, a pupil at the Oberlin Institute" whom he hired "to manage his concerns." Even though the unnamed employee voluntarily had an abortion, the press branded Taylor a "vile leper" and noted his hypocrisy. "A few months after procuring abortion upon the victim of his wickedness, the Rev. villain married his second wife, and on his wedding day preached a moral reform sermon!"18 After a man seduced a farmer's daughter and then persuaded her to take an abortifacient that killed her, the Baltimore Patriot commented, "Perhaps a greater scoundrel than this man never existed." ¹⁹

These tales of wicked men and imperiled damsels so successfully fit the public paradigm of women as helpless victims that newspapers sometimes had to ignore the obvious to shield women from any responsi-

¹⁶ [Philadelphia] Federal Gazette, November 10, 1791.

¹⁷ Pittsfield [Massachusetts] Sun, December 28, 1843; Oberlin [Ohio] Evangelist, December 20, 1843.

¹⁸ Pittsfield [Massachusetts] Sun, December 28, 1843. See also Cleveland Herald, December 12, 1843.

¹⁹ Baltimore Patriot, August 11, 1834.

bility for their actions and choices. Elizabeth Morriss, a married female superintendent of a sewing-machine factory, engaged in an adulterous relationship while on a business trip to Washington in 1855. When she learned she had become pregnant as a result, she procured an abortion that led to her death. Rather than ascribe any culpability to her, a New York newspaper noted she was a woman "of pleasing address and comely appearance" who "fell victim to the wiles of some heartless seducer."²⁰ One woman, embroiled in an ongoing adulterous affair with a married man by whom she became pregnant, was virtually absolved of responsibility by the press. A newspaper cited her "moment's forgetfulness of her own purity," while the man, "obedient only to the dictates of mere animal passions," plotted to "debauch and ruin a young and confiding girl."²¹ In another instance, Elizabeth Riley abandoned her husband and killed her unborn child after her former sexual partner Henry Jumpertz—in prison after being convicted of murdering his mistress Sophie Werner, cutting up her body and sending it in a whiskey barrel via rail to New York-told Riley that he would marry her if she would leave her husband and have an abortion.²² A Brooklyn newspaper described Jumpertz as "a libertine," a "villain," a "wretch," and "smooth faced and oily-tongued," while Riley was portrayed as "a young and beautiful girl" who nightly fell "upon her knees praying to Heaven for her seducer, and for his liberation from the dreadful death which stared him in the face."²³ Glossing over Ann Regan's responsibility for becoming pregnant out of wedlock and procuring an abortion that caused her death, an Indiana newspaper vented its wrath on the man who impregnated her. As for "the seducer, who will require this blood at his hands? Who will meet him with a less friendly grasp? What

²⁰ New York Daily Times, February 22, 1856.

²¹ Brooklyn Daily Eagle, May 27, 1859.

²² Jumpertz eventually beat the conviction on appeal, successfully claiming Werner had committed suicide, and that he merely disposed of her body according to her wishes. *Jumpertz v. People*, 21 III. 461 (1859). For more on the case, including a consideration of a dubious suicide note from Jumpertz's mistress Sophie Werner, see Jennifer L. Mnookin, "Scripting Expertise: The History of Handwriting Identification Evidence and the Judicial Construction of Reliability," 87 *Virginia Law Review* 1723, 1748-51 (2001).

²³ Brooklyn Daily Eagle, December 12, 1859.

young lady will decline the 'honor' of his company? What mother will forbid her fair daughters to associate with him? What 'circle' will refuse him admission because of the stain of outraged innocence and murdered womanhood upon his hands?"²⁴

In some cases, though, the woman was truly an unwitting victim, neither seeking to have an abortion nor realizing one had been forced upon her. Calling it "the most atrocious crime of seduction and murder...that we ever read or heard of," Brooklyn Daily Eagle editors Isaac Van Anden and Henry Cruse Murphy wrote in 1843 about how Caroline A. Clark died as a result of a beating administered by the man who impregnated her, Alonzo Plumstead. According to the story, "the victim of the seducer unquestionably died from the effect of his attempts to procure abortion by physical force."25 A decade earlier, when Leonard Harbaugh of Waynesboro, Pennsylvania learned Jane Gonder was pregnant with his child, he administered a poison to her "for the purpose of producing abortion," a newspaper noted. After Gonder died, Harbaugh was convicted and sentenced to four years in prison and a \$50 fine, a Maryland newspaper reported.²⁶ In a highly-publicized Massachusetts case, Martha Butler, "a beautiful and accomplished young lady" of North Adams, was between four and five months pregnant with the child of married bank cashier Charles R. Littlefield when she died. Butler was poisoned when she and a female friend visited Littlefield and his wife at his home, where the four drank ale. After Butler returned home, "she commenced vomiting and purging." She suffered for six days before finally revealing that Littlefield had impregnated her, but insisted "that Littlefield had never intentionally wronged her," according to the newspaper account. It was not until the night before she died that she finally acknowledged his culpability. "O, he was a villain! wasn't he?" she said to her doctor.²⁷

²⁴ [Centerville, Indiana] *True Republican*, August 19, 1858.

²⁵ Brooklyn Daily Eagle, June 26, 1843.

²⁶ Baltimore Patriot, August 20, 1834. The Patriot spells his name "Harbauch," but it is clear from the Bedford, Pennsylvania Gazette, January 18, 1833, and various genealogical websites, that "Harbaugh" is the correct spelling.

²⁷ Pittsfield [Massachusetts] Sun, May 5, 12, 1859.

THE METHODS TO THE MADNESS

Poison was the abortifacient of choice in early America. Isaac Rushworth, a self-professed astrologer described in a newspaper as "A cadaverous, revolting-looking, elderly man, who appeared to be almost blind," gave "grains of paradise" to Ritty Littlewood, whom he had impregnated after agreeing to tell her fortune and find her a husband. His price was cash and her consent to "the most infamous of proposals." The grains killed Littlewood's preborn child.²⁸ She was more fortunate, though, as such poisons often killed the woman as well as the unborn baby. A notorious robber gave a "corrosive sublimate, with a view to produce abortion," to a woman who "became enceinte by him." Some women died quickly, but others suffered for days before death. One pregnant woman seeking to cause an abortion voluntarily took poison in powder form that her sexual partner gave her, but "in a few minutes was seized with violent vomitings, which after the most severe sufferings for eleven days, caused her death," a 1791 newspaper reported. 30 Another woman died seven days after being poisoned, suffering "severe pain in the stomach and right iliac region."31

Sometimes it wasn't a man who supplied or administered the poison. One doomed pregnant woman went to "an old woman named Mastin." According to a Brooklyn newspaper, "the deceased, having committed an indiscretion, was induced to apply to this hag for assistance to destroy the evidence of her shame." Marguerite Timm killed fifteen people and attempted to kill seventeen others by means of poison, including "her father and mother, her three children, her first and second husband, her brother, [and] her betrothed," a New Hampshire newspaper reported. The numerous abortions she caused or attempted to cause were uncounted

²⁸ Brooklyn Daily Eagle, June 27, 1857.

²⁹ Baltimore Patriot, August 11, 1834. In an empty gesture of subtlety, the press of the Early Republic often used the French word "enceinte" instead of the English word "pregnant."

³⁰ [Philadelphia] Federal Gazette, November 10, 1791.

³¹ Pittsfield [Massachusetts] Sun, May 12, 1859.

³² Brooklyn Daily Eagle, March 29, 1859.

among the casualties. Before her execution, Timm confessed that her motive in some cases was financial gain, but in others, "an irresistible desire to give poison and to see her victims perish!"³³

Even family members could administer the poison. With the knowledge and consent of her mother, Mary Ann Smith sought to produce an abortion, but failed. Then, "as a last resort, arsenic was administered by the mother to the unfortunate girl in small beer," causing her death, a Brooklyn newspaper recorded.³⁴

In another type of poisoning, Thomas Jefferson noted that some Native American Indian women had learned how to cause abortions by eating a certain unnamed plant. "The women very frequently attending the men in their parties of war and of hunting, childbearing becomes extremely inconvenient to them," the Declaration of Independence author wrote in his *Notes on the State of Virginia*. "It is said, therefore, that they have learnt the practice of procuring abortion by the use of some vegetable; and that it even extends to prevent conception for a considerable time after." ³⁵

Because of the danger to mothers who ingested abortifacient poisons, some women seeking to terminate their pregnancies began enlisting doctors by the mid-nineteenth century to murder the unborn child surgically. A small number of doctors complied, violating state laws and their Hippocratic Oath in the process.³⁶ "Members of the medical profession, also in good standing, are occasionally detected in the practice," an 1854 newspaper commented on abortion. "It is sometimes

³³ [Portsmouth] New Hampshire Gazette, December 6, 1831.

³⁴ Brooklyn Daily Eagle, July 27, 1853.

Thomas Jefferson, *Notes on the State of Virginia*, 1781-82, http://etext.lib.virginia.edu/toc/modeng/public/JefVirg.html, 186. For a discussion of Jefferson's *Notes* in the early-American press, including his comments about producing abortions, see, e.g., *Salem* [Massachusetts] *Mercury*, February 17, 1789; [Charleston] *State Gazette of South Carolina*, July 29, 1793.

³⁶ Circa 400 B.C., Hippocrates devised the famous vows of healers, which read in part: "I will not give a fatal draught to anyone if I am asked, nor will I suggest any such thing. Neither will I give a woman means to procure an abortion." Hippocrates, *Hippocratic Writings*, trans. J. Chadwick and W.N. Mann (London UK: Penguin, 1950).

made a source of profitable business, falsely called 'professional.'"³⁷

A few doctors continued to use poisons, but most inserted a sharp instrument into the woman's uterus to extract the unborn baby. These operations were not much safer for the mother than ingesting drugs, and many deaths resulted. After Boston abortionist Dr. Lewis Dix performed this procedure on Emma Post, she "paid the forfeit of such acts, dying in excruciating agony," a newspaper reported.³⁸

When they were caught, abortion doctors were usually charged with manslaughter. In New York, abortionists "can only be convicted of manslaughter in the second degree, the Statute not giving a higher grade to the offence," a newspaper noted.³⁹ A few faced severe consequences. When Dr. A.P. Beigler of Rochester was convicted of impregnating his domestic servant and then causing her death by abortion, he was sentenced to the maximum penalty—fourteen years at hard labor. The judge noted, "the least punishment a decent respect for morality will permit us to award, is the heaviest penalty of the law. Less than that would be a mockery to justice, and a treason to the public." Beigler's sentence was eventually reduced to seven years, but he died in prison after just one year.⁴¹

However, abortionists often evaded criminal prosecutions. "The law now is strict and severe against the practice, and the penalty high for the offence; but who ever knew of a conviction under it?" a journalist queried in 1857. If the penalty "were ninety-nine years, or death, it would make no difference. The difficulty is, in getting the proof, which never has been found to result in a conviction." Abortionists regularly destroyed evidence to hide their crimes. One quack practitioner in Troy, New York discarded fetal remains into the city sewer system, and a New York City

³⁷ Brooklyn Daily Eagle, November 13, 1854.

³⁸ New York Daily Times, June 15, 1857.

³⁹ Brooklyn Daily Eagle, March 29, 1859. See also New York Daily Times, May 22, 1857.

⁴⁰ Brooklyn Daily Eagle, May 30, 1857.

⁴¹ Harper's Weekly Magazine, August 14, 1858, 519.

⁴² New York Daily Times, June 27, 1857.

abortionist chopped up the body of a woman killed by abortion and scattered the parts in tenement houses around the city.⁴³

David R. Brown was an abortionist particularly skilled at avoiding punishment. The Boston doctor had been arrested for several crimes, including abortion, but consistently avoided prison. One of his abortion patients, Mary McGloine, "nearly died from the effects of his treatment" in 1856, a newspaper noted, yet Brown was not convicted. Two years later, Brown hastily buried the body of Susan A. Webster, who died "of inflammation of the womb, caused by violence inflicted upon that organ by some instrument." To cover up his crime, Brown lied to the coroner about the victim's identity and cause of death, but an autopsy and police investigation disproved Brown's claims. Although charged with manslaughter, Brown again avoided prison. His luck ran out in 1860, though. Brown was sentenced to fourteen years in state prison after being convicted of yet another abortion-related murder. 44

Abortion doctors were difficult to convict in the Early Republic, even when their victims testified against them. Dying from the effects of her abortion, unmarried thirty-two-year-old Belgian native Catherine de Breuxen swore out a complaint against New York doctor Charles Cobel. He was allowed to confront and question her on her deathbed. When Cobel asked why she had accused him, she replied, "Because you operated on me." She added, "I am not angry at you, but I think I am going to die." Cobel tried but failed to undermine her story, and her answers to his questions only made him appear culpable and callous. Despite this testimony, Cobel beat the manslaughter charge and remained at liberty until he was arrested again for killing Mrs. Amelia Weaver as a result of abortion two years later. He beat that charge, too, after several doctor cronies testified that Weaver died of other causes. 46

Not all abortion doctors were men. After thirty-three-year-old unwed Brooklyn factory worker Mary E. Visscher died from the effects of her

⁴³ Daily Troy [New York] Budget, June 25, 1859; New York Daily Times, May 23, 1859.

⁴⁴ Brooklyn Daily Eagle, August 25, 1858, June 25, 1860.

⁴⁵ New York Daily Times, February 21, 22, 23, 1856.

⁴⁶ New York Daily Times, May 31, October 27, 1858.

abortion, a Coroner's inquest ruled that her killer was Dr. Elizabeth Byrnes, assisted by her medical partner Dr. Mary E. Smith.⁴⁷ Boston doctor Rohilla Worcester was also arrested for killing a married woman from Bullard, Vermont while terminating her pregnancy.⁴⁸

Most legitimate doctors resisted performing abortions, but a few weak-willed practitioners washed their hands, Pilate-like, of the guilt by referring the women to other doctors whom they knew would conduct the procedure. When Catherine De Breuxen sought to end her four-month pregnancy in New York City, she and Francis Legoupil, the father of the unborn child, went to a Houston Street doctor's office. "Dr. Schmeider refused every time to bring about an abortion, although Legoupil and myself asked him to cause an abortion," she recalled from her deathbed. However, Schmeider "gave us directions to go to a German Doctor, named Charles Cobel, who lives at No. 113 Essex-street," she added. 49 Such compliant doctors were the exception, not the rule, though, and most declined to participate in the procedure. Many feared the criminal consequences, and others shared the moral objections of prominent fatherand-son Boston physicians David Humphreys Storer and Horatio Robinson Storer. The former pronounced abortions a "universally acknowledged evil,"50 and the latter asserted they are "a very wicked thing."51

Although many doctors in the Early Republic were opposed to induced abortion and declined to perform the procedure, most chose to keep silent on the subject or defer to perceived public opinion, which was greatly influenced by the popular press. Responding to a medical society's planned condemnation of illegal abortions, Dr. Charles Edward Bucking-

⁴⁷ Brooklyn Daily Eagle, September 7, 1859.

⁴⁸ New York Daily Times, September 23, 1854.

⁴⁹ New York Daily Times, February 21, 1856.

⁵⁰ Quoted in Frederick N. Dyer, "Horatio Robinson Storer, M.D. and the Physicians' Crusade Against Abortion," *Life and Learning* 9 (1999): 2.

⁵¹ New York Daily Times, June 27, 1857. For more on the junior Storer's crusade against abortion, see Frederick N. Dyer, Champion of Women and the Unborn: Horatio Robinson Storer, M.D. (Cambridge UK: Science History Publications, 1999).

ham wrote in the Boston Medical and Surgical Journal in 1857, "Argue as forcibly as they may, to their own satisfaction, the Committee will fail to convince the public that abortion in the early months is a crime, and a large proportion of the medical profession will tacitly support the popular view of the subject." Among the medical profession and the public, there was a lack of scientific knowledge about fetal development and a lack of consensus about the immorality of abortion. Much of this lack of public consensus is traceable to the press, and its substantial power to shape public opinion.

The unwillingness of most medical doctors to terminate unborn life did little to curb the preponderance of abortions in the Early Republic, though. Despite the immorality and illegality of abortion, some women were determined to end their pregnancies by any means necessary. Many went to quacks who called themselves doctors but lacked a medical degree. Ellen Northrup ventured to Troy, New York to secure an abortion from J.P. Johnson, "who it is asserted is a quack practitioner of medicine," the *Daily Troy Budget* noted. The newspaper added that Johnson performed numerous abortions, and "for some two years or more past the principal business of the Doctor has been of this character." Johnson kept Northrup "in a small unventilated room adjoining the office," where she died a week later. Eighteen-year-old Martha Lockden died in similar fashion in the nearby city of Albany after visiting a Mrs. Halm, who has been "calling herself an Indian Doctress," the *New York Daily Times* reported. 55

Others sought the services of assorted citizens who didn't even bother calling themselves doctors but who nonetheless felt qualified to induce abortion. Mary Ann Snyder went to an elderly woman fortuneteller, whose other trade was back-room abortions. The abortionist plied Snyder with poisons for several weeks, yet her pregnancy remained. "Both becoming impatient finally, the woman suggested, and the

⁵² New York Daily Times, June 27, 1857.

⁵³ See Keith Cassidy, "The Historical Roots of the Pro-Life Movement: Assessing the Pro-Choice Account," *Life and Learning* 5 (1995): 350-85.

⁵⁴ Daily Troy [New York] Budget, July 25, 1859.

⁵⁵ New York Daily Times, September 9, 1857.

unfortunate girl assented, to the employment of an instrument, known as a gum elastic catheter," the *Albany Argus* reported. "About 8 o'clock on Saturday night the girl submitted herself to the abortionist, who soon after commenced her horrible practices, and in the course of about four hours her victim was tortured to death." Hat-store clerk Hannah Jane Toppin died after visiting Mrs. Martha Hudson, who terminated her pregnancy "with violence," one newspaper reported. Toppin lingered for about four weeks in Hudson's home before expiring. Toppin lingered for about four weeks in Hudson's home before expiring.

Mrs. Harriet Lawson's quest for an abortion was even more pathetic. A forty-year-old New York widow, she became pregnant after a tryst with John Merserau, whom the New York Daily Times described as "a man of property." Lawson visited a woman named Ann Armitage, explaining she "had got into a trouble of which she wished to get rid." Armitage advised Lawson to ingest bitter aloes. After these failed, Armitage introduced Lawson to the infamous "Madame Restell," the leading abortionist in the city. However, as Armitage later testified, Restell "refused to touch her for less than between \$200 and \$300," a price greater than Lawson could pay. After Lawson failed to work out a deal with another abortionist, "Madame Maxwell," Armitage directed Lawson to Elijah Hunt, a wigmaker. "'Bring her to me; I will relieve her for \$25," Armitage recalled that Hunt promised, adding that she received a \$5 cut of Hunt's fee for "getting the customer." After performing the procedure in a back room of his store, Hunt proclaimed Lawson's abortion challenging but successful. "'I have operated many a time, and never lost a case yet," he told Armitage, "but this woman is the hardest case I have met yet. She will see, however, that I am no humbug." A week later, Lawson was dead.58

ABORTION AND VIOLENCE

Some Early Republic women who were pregnant out of wedlock did not seek abortions and apparently had no intent to kill their unborn children.

⁵⁶ Albany Argus, quoted in the Brooklyn Daily Eagle, March 29, 1859.

⁵⁷ Brooklyn Daily Eagle, March 10, 1859.

⁵⁸ New York Daily Times, January 23, 1857. For more on Restell, see Marvin Olasky, "Advertising Abortion During the 1830s and 1840s: Madame Restell Builds a Business," *Journalism History* 13 (Summer 1986): 49-55.

A few of these, though, became victims of physical violence, instigated by the men who impregnated them. When Alonzo Plumstead learned that his sexual partner Caroline A. Clark was pregnant, he beat her violently in "attempts to procure abortion by *physical force*," which led to her death. David Gibbs hired someone else to do the dirty work. When he learned that he was the father of Sarah Burdick's unborn child, he hired Frances Leach to murder her. Despite being instructed by the judge "that the offence was either murder or nothing," and that "it was a *deliberate act*, followed by death, and therefore could not be manslaughter," a lenient Rhode Island jury returned a verdict of manslaughter against Leach, "which puzzled the Rhode Island lawyers exceedingly," a newspaper commented. Leach was sentenced to two years in jail, while "Gibbs, the wretch who employed Frances Leach to murder the girl, he had seduced, escapes punishment, there being no such offence, at common law, as an accessory to manslaughter."

The previous December, in the same state, an unknown assailant rammed a hard instrument into the womb of thirty-year-old mill worker Sarah M. Cornell, who had become pregnant several months earlier by her former Methodist minister, Ephraim K. Avery. Sarah screeched as her pregnancy was forcibly ended, and her cries attracted the attention of several nearby residents, but as she and the attacker were in a dark area "in the bottom of a hollow," no one could see them, according to a newspaper report of legal testimony. Sarah's cries were quickly stifled. She was found the next morning, grotesquely affixed to a five-foot stake in the ground, strangled by a cord around her neck. The attacker had attempted to make her death appear to be suicide, but autopsies and physician testimony made it clear her death was murder. Despite considerable evidence against Avery, he was acquitted of the crime, and

⁵⁹ Brooklyn Daily Eagle, June 26, 1843.

⁶⁰ [Portland, Maine] *Eastern Argus*, October 28, 1833. See also *Newport* [Rhode Island] *Mercury*, October 5, 26, 1833.

⁶¹ Pittsfield [Massachusetts] Sun, May 30, 1833; New Bedford [Massachusetts] Mercury, May 31, 1833.

it remains unsolved.62

THE JOURNALISTIC DESCRIPTION OF ABORTION

The violence against these women was often described in a sensationalistic manner. "From different parts of the country we receive tidings as bloody, scarce a city of note but has a murder or some foul crime to record," one newspaper boasted under its heading "A CATALOGUE OF CRIME." After describing suicides, lynchings and murders, one victim of which was a pregnant woman seeking an abortion, the daily commented, "These are a few of the details spread before those who like to sup on horors [sic]." ⁶³

The emphasis on lurid details of crime and bloodshed was a staple of Early Republic journalism. When women died from the effects of their abortions, newspapers employed such headlines as "SHOCKING AFFAIR" and "Horrid Tale of Crime," and excoriated the women's abortionists and seducers. One newspaper branded a Vermont abortion doctor "AN ACCOMPLISHED SCOUNDREL," while another labeled a man who impregnated a woman and then advocated abortion "A Monster. The press offered gruesome details of how some unfortunate women became pregnant. The *Detroit Free Press* described how and where a fifty-year-old grandfather impregnated his seventeen-year-old granddaughter, and the *Brooklyn Daily Eagle* explained the precise strategy a nineteen-year-old brother used to achieve "the consummation of [his] hellish designs"

⁶² For more on this crime, see David Richard Kasserman, Fall River Outrage: Life, Murder, and Justice in Early Industrial New England (Philadelphia PA: Univ. of Pennsylvania Press, 1986); William G. McLoughlin, "Untangling the Tiverton Tragedy: The Social Meaning of the Terrible Haystack Murder of 1833," Journal of American Culture 7 (Winter 1984): 75-84.

⁶³ Brooklyn Daily Eagle, August 8, 1857.

⁶⁴ Pittsfield [Massachusetts] Sun, May 5, 1859; Brooklyn Daily Eagle, February 16, 1857.

⁶⁵ New York Daily Times, November 29, 1859; Pittsfield [Massachusetts] Sun, December 28, 1843.

with his unwilling seventeen-year-old sister.66

However, the press avoided similar epithets and details when describing the murder of unborn children. When newspapers mentioned the act of abortion, they treated the procedure in disinterested, antiseptic terms. Thus, one woman "underwent a surgical operation," while another "had the operation of abortion performed," and for a third, "an abortion had been produced on the body of the young girl by mechanical means." Other stories sidestepped the act of killing unborn babies with euphemisms. Abortion was an "aid to hide their shame," and involved "the destruction of the evidence of their intercourse." When one woman's repeated efforts to abort her pregnancy failed, the *New York Daily Times* noted "no 'Improvement' was visible."

THE DEHUMANIZATION OF THE UNBORN CHILD

In nearly all newspaper accounts, the victim status of the murdered unborn baby is absent. There are rare exceptions, such as an acknowledgment that an abortionist was charged with manslaughter for "killing Julia Rosenbaum and child," and another, involving the same doctor, that he caused "the death of Amelia Muir and her offspring." However, usually the humanity of the aborted children was ignored entirely or dismissed with biological or euphemistic terms. The press described various unborn children as "a foetus...8 inches long, and weighed 5 oz.," "the cause of her

⁶⁶ Detroit Free Press, quoted in Brooklyn Daily Eagle, February 16, 1857; Brooklyn Daily Eagle, June 18, 1857.

⁶⁷ New York Daily Times, June 15, 1857; Brooklyn Daily Eagle, August 24, 1860; [Centerville, Indiana] True Republican, August 19, 1858.

⁶⁸ New York Daily Times, November 29, 1859; Chicago Times, August 2, 1857.

⁶⁹ New York Daily Times, January 23, 1857.

⁷⁰ New York Daily Times, December 27, 1856; Brooklyn Daily Eagle, May 30, 1857.

⁷¹ Marvin Olasky observed this phenomenon in journalism of the late nineteenth and twentieth centuries. He noted, "just as abortion was gaining wide acceptance, the press began using the dehumanizing word 'fetus' rather than the traditional 'unborn child.'" Marvin Olasky, *The Press and Abortion*, 1838-1988 (Hillsdale NJ: Lawrence Erlbaum, 1988), p. xiii.

shame," and "the effects of her seduction." After the abortion, the child was further dehumanized to "dark, bloody, grumous matter," and "discharges and other matter."

News stories elicited much sympathy for the women, both in their seductions and post-abortion physical sufferings. One account portrayed eighteen-year-old domestic servant Amelia Muir as enchanted by the sexual advances of her much older physician employer. She saw him "moving in a sphere far superior to her own [thus] she looked up to him as being of a higher order and was flattered by his notice."74 The sexual partner of one woman "had been paying her attentions for a long time, and had several times within the last three or four years, promised to marry her, but always postponed the event, from some excuse or another." In Mary Ann Fitch's story, a man "enticed her into the woods, and by means of threats, promises of marriage and declarations of affection, stifling her cries, and ravished her," a newspaper explained, casually adding that Fitch soon after began cohabiting with her attacker. 75 Ritty Littlewood was excused from her sexual immorality and complicity in murdering her unborn child because she was a "poor, weak-minded creature," and Elizabeth Riley's transgressions with her seducer were likewise overlooked because she demonstrated "a lack of those positive intellectual qualities whose very presence forbids the approach of such a villain."⁷⁶

Evoking readers' compassion for the women, newspapers reported that Ann Regan endured "severe convulsions," Emma Post died "in excruciating agony," and Sarah M. Cornell's body was "shamefully abused." Ann Breen's demise was "accompanied with such agony that it was necessary to place a table against the bed to prevent her throwing

⁷² New Bedford [Massachusetts] Mercury, May 31, 1833; Brooklyn Daily Eagle, March 10, 1859; Pittsfield [Massachusetts] Sun, May 12, 1859.

⁷³ Pittsfield [Massachusetts] Sun, May 12, 1859; New York Daily Times, July 27, 1859.

⁷⁴ Brooklyn Daily Eagle, May 30, 1857.

⁷⁵ New York Daily Times, February 21, 1856, January 17, 1857.

⁷⁶ Brooklyn Daily Eagle, June 27, 1857, December 12, 1859.

⁷⁷ [Centerville, Indiana] *True Republican*, August 19, 1858; *New York Daily Times*, June 15, 1857; *New Bedford* [Massachusetts] *Mercury*, May 31, 1833.

herself on the floor."⁷⁸ Ellen Northrup emitted "groans and cries, indicating great pain and distress," for more than a week before expiring.⁷⁹

Parents of women who had abortions also merited sympathetic journalistic treatment. "The parents were left to mourn, not that their child had died, but that she had ever lived," one newspaper commented. Another news account related how a father tried in vain to prevent his daughter from having an abortion. "Mr. Toppin, with a view to prevent this, endeavored to keep her within the house, but in a short time she eluded his vigilance, and escaped to the house of Mrs. Hudson's, where she remained till the day of her death." In another woman's case, her parents "appeared thunder-struck at the discovery of her pregnancy." "80"

There was even occasional compassion for men who perpetrated poisonings to produce the abortions. "Mr. Littlefield, as well as Miss Butler, have heretofore been of unimpeached character, and he, at least, was a church member," a Massachusetts newspaper editorialized about the bank teller who lethally poisoned the woman he had impregnated. "His accounts with the bank are found without blemish. These developments have naturally created a deep sensation and sorrow in Adams, which will extend to other circles of relatives and friends of the fallen elsewhere." When an abortionist was sent to prison for seven years, a Brooklyn newspaper lamented that the sentence "now shuts up in prison a man who might have been eminently useful, and who might have been for many years longer a benefactor of his race."

However, solicitations of public sympathy for the murdered unborn child are absent from newspapers of the Early Republic, just as they are in today's press. In its lead paragraph, the *Daily Troy Budget* reported "a high degree of excitement" over the discovery of "the dead body of a young and beautiful woman," but at the bottom of the story dispassionately mentioned that a witness observed an abortionist dumping the

⁷⁸ New York Daily Times, December 11, 1857.

⁷⁹ Daily Troy [New York] Budget, July 25, 1859.

⁸⁰ Brooklyn Daily Eagle, May 27, 1859, March 10, 1859; Pittsfield [Massachusetts] Sun, May 12, 1859.

⁸¹ Pittsfield [Massachusetts] Sun, May 5, 1859.

⁸² Brooklyn Daily Eagle, May 30, 1857.

remains of an aborted baby into the city sewer system. The *New-Hampshire Patriot* found sensationalism in James B. Aiken's refusal to marry his sexual partner Helen M. Shaw after she had an abortion, and emphasized her breach-of-promise suit rather than the fate of their preborn progeny. Even the proprietors of the Christian newspaper *Oberlin Evangelist*, professing that their "hearts are overwhelmed with horror," focused on the newspaper's wayward former editor stealing money from the newspaper and local post office, rather than on the effects of his seduction of an employee and her subsequent abortion. In all three cases, the death of the unborn child was not worth mentioning. Est

CONCLUSION

The dehumanization of the murdered unborn child was not confined to the press during the Early Republic. Coroners and judges failed to acknowledge the murder of unborn children. Announcing the verdict in a 1799 New Jersey murder trial, Judge Elisha Boudinot ruled that "if one gives a woman with child a medicine to procure abortion, and it operates so violently as to kill the woman, this is murder," but excluded the unborn baby as a victim of the crime. 86

But the myriad failings of courts and legislatures are not the focus here; the failings of the journalism profession are. The contemporary press has drawn a sharp distinction between unborn and born babies, and in so doing it has simply followed the tradition set by its early-American predecessors. Almost since its inception, the American press has treated the deaths of unborn children in a cavalier manner. Adopting the pseudonym of "Martha Careful" in 1729, Benjamin Franklin chided competing newspaper printer Samuel Keimer for publishing an essay on abortion in order "to Expose the Secrets of our Sex."

⁸³ Daily Troy [New York] Budget, July 25, 1859.

⁸⁴ New-Hampshire Patriot, quoted in New York Daily Times, September 25, 1857.

⁸⁵ Oberlin [Ohio] Evangelist, December 20, 1843.

^{86 [}Elizabeth Town] New Jersey Journal, November 5, 1799.

⁸⁷ [Philadelphia] *American Weekly Mercury*, January 28, 1729. Keimer's essay, taken verbatim from an encyclopedia, appeared in the [Philadelphia] *Universal Instructor in all Arts and Sciences*, January 21, 1729.

Newspapers of the eighteenth and antebellum nineteenth centuries virtually ignored murders of the preborn, while treating infanticide with a blend of shock at the inhumanity, sympathy for the victims, and outrage over the betrayal of parental duty. 88 An 1810 newspaper in rural upstate New York reported the "HORRID DISCOVERY" that an infant was thrown into a well "immediately after being born." A stone attached to a string around the baby's neck weighted its body, and its head had a hole apparently caused by a nail. "If any thing could add to the enormity of murdering an infant in such a horrid manner, it is the placing the body in a well, which supplied many families in the neighborhood with water, and which might, in mid-summer, have occasioned the death of hundreds," the newspaper commented.⁸⁹ A depressed father during the Revolutionary Era killed his son and then held the boy in his lap until he was arrested. He said he desired the death penalty because "he had long been tired of his Life."90 Indeed, infanticide stories appear in some of the earliest American newspapers. In 1725, a woman gave birth to twins, "whose Backs she broke, and then thrust them into a Pitcher." Benjamin Franklin likewise printed a gory account of a mother who murdered her infant in colonial Philadelphia. 92 One recent scholar commented that infanticide, rather than abortion, was the most common way to kill unwanted illegitimate children in early America, as it represented considerably less risk to the mother's life.93

The fact that news coverage of murdered unborn children in early America was either non-existent or played an ancillary role to stories of butchered or poisoned mothers is vital to note, because how the press portrays events influences how society evaluates and judges those events. If the news media convey a long-term, unified message of how to view the

⁸⁸ For more on infanticide, see Peter C. Hoffer and N.E.H. Hull, *Murdering Mothers: Infanticide in England and New England*, 1558-1803 (New York NY: New York Univ. Press, 1984).

^{89 [}Herkimer, New York] Bunker-Hill, June 28, 1810.

⁹⁰ New-York Mercury, May 6, 1765.

^{91 [}Boston] New-England Courant, April 26, 1725.

^{92 [}Philadelphia] Pennsylvania Gazette, August 21, 1735.

⁹³ Olasky, Abortion Rites, pp. 26-27.

world, this "cultivates" public perceptions of reality that are consistent with the view of life presented in the media. This phenomenon is called "cultivation analysis." Another influence of the news media is their ability to choose and emphasize certain topics, causing the public to regard those topics as important, while de-emphasizing or ignoring other topics. This is called the "agenda-setting effect." Applying these theories to abortion news, it is clear that:

- (1) Long-term media refusal to acknowledge that life begins at conception, or that willfully terminating the lives of unborn children constitutes murder, fosters a public propensity to do so as well.
- (2) If the rights of unborn children are ignored long enough, and the rights of mothers to have abortions are trumpeted long enough, then eventually many people will disregard the former and focus on the latter.

This journalism-fueled public willingness to disregard what nature, reason and the Bible teach about preborn life has thus represented the greatest obstacle to the pro-life cause.⁹⁶

⁹⁴ For more on cultivation analysis, see George Gerbner, et al., "Growing Up with Television: The Cultivation Perspective," in *Media Effects: Advances in Theory and Research*, ed. Jennings Bryant and Dolf Zillman (Hillsdale NJ: Lawrence Erlbaum, 1994); Nancy Signorelli and Michael Morgan, "Cultivation Analysis: Research and Practice," in *An Integrated Approach to Communication Theory and Research*, ed. Michael B. Salwen and Don W. Stacks (Mahwah NJ: Lawrence Erlbaum, 1996).

⁹⁵ On agenda-setting, see Maxwell E. McCombs and Donald L. Shaw, "The Agenda-Setting Function of the Mass Media," *Public Opinion Quarterly* 36 (Summer 1972): 176-87; McCombs and Shaw, *The Emergence of American Political Issues: The Agenda-Setting Function of the Press* (St. Paul MN: West, 1977).

⁹⁶ For example: "there were twins in her womb" (Genesis 38:27); "Did He not create them in the womb like me, the same God forming us in the womb?" (Job 31:15); "You created my inmost self, knit me together in my mother's womb" (Psalm 139:13); "You do not understand how the wind blows, or how the embryo grows in a woman's womb" (Ecclesiastes 11:5); "Thus says Yahweh who made you, who formed you in the womb" (Isaiah 44:2); "Yahweh has spoken, who formed me in the womb to be His servant" (Isaiah 49:5); "I was modeled in flesh inside a mother's womb" (Wisdom 7:1); "The basis of wisdom is to fear the Lord, she was created with the faithful in their mothers' womb" (Sirach 1:14); "Before I formed you in the womb I knew you" (Jeremiah 1:5); "the child leapt in her

Because of this media-induced obstacle, unborn children have come to be viewed as disposable commodities. Their humanity is regularly denied them in court decisions and modern news accounts. This practice, though, is not a phenomenon of post-Roe v. Wade America. It has been inherent in the history of the American press-the principal shaper of public opinion-to view the unwanted preborn as objects, unworthy of protection, humanity or even mention, for at least two centuries. With that long history of irresponsibility, and the countless public, political and legal minds influenced by this journalistic malfeasance, the tragedy of legalized abortion is a bit easier to explain and place in context. As one woman who terminated her pregnancy in 1973 recalled, the perceived public acceptability of abortion led her to an abortion clinic, but then the reality set in. "I began to panic," she wrote in the New York Times. "Suddenly the rhetoric, the abortion marches I'd walked in, the telegrams sent to Albany to counteract the Friends of the Fetus, the Zero Population Growth buttons I'd worn, peeled away, and I was all alone with my microscopic baby. There were just the two of us there, and soon, because it was more convenient for me and my husband, there would be one again." Three years after her abortion, she perceived her aborted child as a ghost. "I wave at the baby. 'Of course we have room,' I cry to the ghost. 'Of course we do.""97

The choices that result from the exercise of human free will are the principal cause of abortions, and it is vital to understand what influences those choices. Abortion is symptomatic of a moral relativism that has pervaded journalism for centuries. As several nineteenth-century writers noted, the press has long had a deleterious effect on public morals. "It has scoffed at religion till it has made scoffing popular," former newspaper editor Mark Twain stated in an 1873 speech. As a result, government officials "are incapable of determining what crime against law and dignity of their own body is, they are so morally blind," and the "public opinion"

womb" (Luke 1:41); "the child in my womb" (Luke 1:44). Quotations are from *The New Jerusalem Bible* (Garden City NY: Doubleday, 1985).

⁹⁷ Jane Doe, "There Just Wasn't Room in Our Lives Now for Another Baby," *New York Times*, May 14, 1976. Soon afterward, Linda Bird Francke revealed she was the pseudonymous author. Linda Bird Francke, *The Ambivalence of Abortion* (New York NY: Random House, 1978).

which should hold it in bounds it has itself degraded to its own level. There are laws to protect the freedom of the press's speech, but none that are worth anything to protect the people from the press." James Fenimore Cooper was even more pointed in his 1838 criticism. "If newspapers are useful in overthrowing tyrants, it is only to establish a tyranny of their own. The press tyrannizes over publick men, letters, the arts, the stage, and even over private life. Under the pretence of protecting publick morals, it is corrupting them to the core, and under the semblance of maintaining liberty, it is gradually establishing a despotism."

No one can know how many unborn lives this journalistic despotism has cost so far. However, the battle for public opinion is not over. In recent decades, technological advances have expanded the bounds of mass communication beyond the "tyranny" of the mainstream news media. Internet sites, blogging, mass e-mails and text messaging are gaining ground as information sources. Even in the mainstream press, Fox News, EWTN, PAX, CBN, and conservative talk-radio hosts have begun filling the moral vacuum. Finally, in a society where visual images are gradually marginalizing textual information, the reality that the preborn are actually alive stands a better chance to permeate society's consciousness. Amy Richards's sexual partner realized this just before she aborted two of her three unborn children. "Peter was staring at the sonogram screen thinking: Oh, my gosh, there are three heartbeats. I can't believe we're about to make two of them disappear." With effective use of alternative media, others can be brought to the same realization, and the legacy of ignorance that has permeated the mainstream press can be overcome.

⁹⁸ Mark Twain, "License of the Press," in *The Complete Essays of Mark Twain*, ed. Charles Neider (Garden City NY: Doubleday, 1963), 10-14.

⁹⁹ James Fenimore Cooper, *The American Democrat*, ed. George Dekker and Larry Johnston (Baltimore: Penguin, 1969), p. 183.

¹⁰⁰ Amy Richards, "When One Is Enough," New York Times Magazine, July 18, 2004.