



## THE BROWNSVILLE CLINIC OPENS AND CLOSES

All her life Margaret was a timid and nervous speaker. Though she took a course in public speaking, she would tremble violently before every speech and was always exhausted and overexcited at the end.

She opened her new tour eagerly, since for the first time she was working through a lecture agency that arranged for groups to pay her expenses whenever possible. If they would not, she simply passed the hat, and, like Emma Goldman, sometimes got surprisingly large donations. She started in Pittsburgh and then moved on to Cleveland. She stayed in each place for a few days after her speech to organize local birth-control fund raising, laying out plans for enlisting the aid of key people. She also contacted local lawyers familiar with the legal situation, because not all states forbade the giving of birth-control information, as long as it did not go through the mails. Then she approached wealthy women directly, convincing them to give substantial sums, if she was able to start a league, as she did in Cleveland, she put it in touch with Mrs. Dennett's league, since she had none of her own. She was gaining experience as a national organizer.

Yet she was not always successful. In St. Louis, when she arrived at the lecture hall which had been booked and paid for, she found the door locked. The *Post Dispatch* explained that "protests from Catholic priests and laymen resulted in the announcement by the management that Mrs. Sanger would not be permitted to speak." But Margaret

asked the waiting crowd of 1500 to follow her to her car, where she stood on the seat and began her lecture. She had just started, however, when a policeman grabbed her arm and forced her to stop, claiming that the Catholics would be incensed. She cried out, "We're not in St. Louis. We're in Russia!" and tried to continue. Fearing a riot by the crowd who had begun to shout "Go on! Go on! The Catholics run the town," her chauffeur stepped hard on the gas and drove away.

This was the first time the Catholic Church had openly used this kind of pressure against her. Yet in a way she welcomed it, for every time her opponents illegally stopped her, they helped her cause. Large numbers of new supporters would be sure to demand the free speech guaranteed by the Constitution. In St. Louis she sent out a newspaper release announcing she was suing the management for breach of contract. Free speech was something that newspapers in particular were bound to defend. The St. Louis *Globe-Democrat* warned that "to throttle free speech is to provide it with a megaphone," and *Reedy's Mirror* said, "No idea let loose in the world has ever been suppressed. Mrs. Sanger's exclusion from a theatre has set people to thinking and talking about her message who might otherwise never have heard about her."

In fact, the reaction was so immediate that the St. Louis Men's Club invited her to speak at a luncheon in their own meeting rooms the next day. Forty Catholic members resigned as a result, but a hundred new members joined.

In Denver, Colorado, where women already had the vote (they did not get it in all the states until 1920), she was welcomed at the railroad station by a cheering delegation that included some of the city's top officials. Among them was Judge Ben Lindsay, a man famous for his theories on trial marriage. Judge Lindsay presided at her meeting, and for the first time, Margaret found herself facing an audience composed almost exclusively of the wives of doctors, lawyers, and other professional men.

In Seattle, old-time radicals turned out in force, lumberjacks, Wobblies, Socialists, and free-thinkers filled the hall, crowding around the platform and holding out their hands as they called out, "Put it there, Margaret. We're behind you!" But in Portland, Oregon, she ran into trouble. She had just revised her original *Family Limitation* pamphlet with the help of Dr. Marie Equi, the doctor who had been riding on horseback to care for the cowboys and Indians ever since the North-

west had opened up When three male volunteers sold copies of the pamphlet in the aisles after her speech, they were arrested She wanted to stay and help them because giving birth-control information was not illegal in Oregon, as long as it did not go through the mails—but she had other speaking engagements and couldn't wait When she returned a few days later, she found that the Portland mayor and city council had met secretly and passed a *post facto* ordinance forbidding the pamphlet's sale

At this point Margaret made the Portland arrests a public issue She and Dr Equi called for a city-wide protest meeting at which they and three other male volunteers all distributed the pamphlet They were all arrested and hauled off to jail Hundreds of women marched behind them demanding to be arrested also, until the sheriff, overwhelmed, locked the jail door When those who had been jailed were taken before the judge a few hours later, several spectators offered to provide bail, but Margaret refused, the group spent the night in their cells instead

The next day the three men who had originally sold the pamphlet were put on trial Several of the town's leading lawyers defended them without fee, still, all were found guilty and the pamphlets pronounced "obscene" Margaret and the women were given suspended sentences as first offenders, and the men were fined ten dollars apiece

The arrests and fines stirred tremendous public interest When Margaret hired fifteen men to walk through the Portland streets carrying signs reading "Poverty and Large Families Go Hand in Hand," or "Poor Women Are Denied What the Rich Possess," the reaction of the passersby was almost entirely sympathetic Her keen publicity sense had once more made her follow through at exactly the right time

By July of 1916, after touring steadily for three and a half months, Margaret was exhausted When she went back to New York to rest, she found to her surprise that Sanger had left town He had quit his architectural job and sailed for Spain to paint A letter written before he left was waiting for her

Now that on the opening of your tour you are entering on the still larger life, I would like you to consider that I shall do the same For I too have aspirations—yes! You say you do not understand me I know you don't I was never meant for long periods of economic strife I must have one more year in which to prove myself I should not be sacrificed on the altar of the Perpetual Im-

mediate (any more than you)      The time has come when I  
 must have a year of uninterrupted work to accomplish any-  
 thing      My urge is too strong to deny it any longer

He loved his children dearly, but if she didn't stay home to take care of them, neither would he

There was other unexpected news, too In New York Emma Goldman had been arrested for lecturing on birth control and had received fifteen days in the workhouse

In April 1916, the Socialist, Ben Reitman, had been arrested for distributing birth-control pamphlets and given sixty days in the workhouse, and in May Jessie Ashley, Ida Rauh Eastman (Max Eastman's wife), and Bolton Hall, an ardent birth-control supporter, were also arrested for distributing one of Emma Goldman's pamphlets

Still worse, a young Boston intellectual, Van Kleeck Allison, had been arrested for distributing Margaret's pamphlets to a group of factory workers, he had gotten the whopping sentence of three years in the House of Correction

Margaret went off to Truro in July, taking along the huge batch of letters sent to her hotels during her tour, letters she had been too busy or too tired to read

She took Stuart, Grant, and her father along to the seaside, since Higgins, at seventy, was no longer able to work Higgins had been living for a while in an Old Soldiers' Home, but there he had talked so much and so loudly about his radical opinions that the Home had thrown him out At Truro he was accepted as a "character"—an eccentric old windbag who went swimming with his straw hat on, insisting that the old raincoat he slipped on after a swim was enough to dry and warm him immediately, though actually it was the pint of whiskey hidden in the pocket of the raincoat that warmed him He helped her read the letters that had awaited her in New York, letters like these

I have born and raised six children and I know all the hardships of raising a large family I have three daughters that have two children each, and every now and again they go and get rid of one and someday I think it will kill them but they say they don't care for they will be better dead than living in hell with a big family and nothing to raise them on

There is a woman in our town who has eight children and is ex-

pecting another. Directly after the birth of each child she goes insane for a while, and they send her away. She comes home and is in the family way again in a few months. Still the doctors will do nothing for her.

In a few months I will again be a mother, the fourth child in five years. While carrying my babies I am always partly paralyzed on one side. Do not know the cause but the doctor said at last birth we must be "more careful" as I could not stand having so many children. I wonder if my body will survive this next birth if my reason will.

Pamphlets alone could do little for these women, Margaret realized. The only answer was a chain of clinics to which women could go and be fitted with diaphragms. As a test case, Margaret would have to start the first birth-control clinic in the country, preferably in New York, where she personally could supervise it and use it as a model for the rest of the country.

Starting such a clinic would be difficult, however. The laws on birth control in New York State were unclear. Section 1142 of the State Penal Code declared that nobody could give contraceptive advice to anyone for any reason. Section 1145 allowed doctors to give advice for the "cure or prevention of disease." Section 1145 had been interpreted by the courts, as well as the medical and legal professions, as meaning that condoms could be given to men for the prevention of venereal disease when consorting with prostitutes, but not as birth-control devices when consorting with their wives. The only way to clear up the matter was to open a clinic and see what happened.

Margaret started plans for a test clinic during the summer, after telling the New York City District Attorney and the newspapers what she intended to do.

She had three immediate goals: first, to find a location for her clinic, second, to find a doctor willing to supervise it, third, to raise enough money to open it—money for rent, furnishings, and supplies.

She started looking for a place when she returned from the Cape in September. After a long search, primarily among the worst slums of the city, she found two small rooms on the first floor of a crowded tenement at 46 Amboy Street in the Brownsville section of Brooklyn.

A check from a West Coast admirer paid the first month's rent. A few chairs, a desk for the waitingroom, a coal stove, a blackboard, and

an examining table for the consulting room were provided by friends, while the contraceptive supplies came from sources Margaret didn't think it prudent to disclose

Yet the biggest problem was still that of finding a doctor to supervise the clinic. Two women doctors tentatively agreed to help. Then they heard that Dr. Mary Halton, a staff doctor at Grosvenor Hospital in New York, had been forced to resign her post after she had prescribed a diaphragm to a woman with severe tuberculosis, whose life would have been endangered by pregnancy. This made the two women who might have helped afraid they might lose, not only their hospital connections, but possibly their licenses to practice. They bowed out.

In despair Margaret turned to Dr. Marie Equi, who had recently written her

Margaret, darling girl, it has been good to have you here. If I absorbed your time it was because of my mental hunger. You are the sweetest girl in the world, brave and true. You little bunch of hellfire, I love you for the brave spirit you are.

But Dr. Equi wouldn't leave her established practice and come East on a gamble. She, too, declined.

Margaret's last bet was Dr. William J. Robinson, the sympathetic editor of the *Medical Critic and Guide*. He wouldn't help her either, but he did give her some sound advice.

The American Medical Association cannot and will not in any way interfere with you. It is outside of its domain. The only Society that could have something to say would be the New York County Medical Society, but I am quite certain that you need fear nothing at their hands, because their province is only to interfere with illegal practitioners, with people who *treat* disease. As you will not deal with treatment, only with hygienic advice, they can have nothing to say to you. Neither can the Federal authorities. The only people you have to be afraid of are the State authorities, or the Vice Society.

The first and most important thing is to have every woman who applies for advice sign a slip that says she is a married woman and that she wants the information for her personal use, as for

either hygienic, hereditary, or economic reasons she feels herself unable to have any more children. Of course you cannot demand that the women bring their marriage certificates, but the fact alone that they sign such a statement would absolve you from any blame and from any possible accusations of fostering "immorality." If you should publicly declare yourself willing to give that information to unmarried women you would have the law down on you at once.

If you do as I say, and if you don't charge the people anything for advice, which I know you won't, they would have great difficulty in doing anything to you, and this Birth Control Clinic might become the germ of thousands of similar clinics.

At this point Margaret gave up the idea of getting a doctor and got her sister Ethel to go in with her instead. Ethel, at least, was a trained nurse, with a Mt. Sinai Nursing School diploma to prove it. Next she got Fania Mindell, a Russian woman who earned her living as a translator and was willing to be a secretary at the clinic without pay.

Yet there was still one more problem. Margaret wanted to print thousands of handbills advertising the clinic, but printing cost money, and she had none. She asked Max Maisel, a radical bookseller who had published *What Every Girl Should Know*, if he had sold enough copies to owe her royalties. He answered that from May 1915 to September 1916 she had earned a royalty total of \$580.25, but he had sent her so many cash advances during her speaking trip, that she actually owed him over three hundred dollars. Maisel would be glad to let her work off the debt the following year, but beyond that he could not go.

She had no choice except to find a printer who was willing to do the handbills on credit. Five thousand were hurriedly printed in three languages—English, Yiddish, and Italian—the most common languages in Brownsville. The handbills read

### MOTHERS

Can you afford to have a large family?

Do you want any more children?

If not, why do you have them?

DO NOT KILL DO NOT TAKE LIFE, BUT PREVENT

Safe, harmless information can be obtained of

## Nurses

46 Amboy Street

Near Pitkin Ave —Brooklyn

Tell your friends and neighbors All mothers welcome A registration fee of 10 cents entitles any mother to this information

Margaret, Ethel and Fania shoved these handbills under doors, stuffed them into mailboxes, and tacked them up in halls

The clinic was due to open on October 16 at 8 A M , by seven o'clock a line of waiting women extended halfway to the corner Some were alone, some had brought neighbors for moral support, some were pushing baby carriages or holding onto small children, because they had no one to leave them with, and a few had even persuaded their husbands to come along Fifty rushed in as soon as the doors were opened, and a total of one hundred and forty had been seen before closing time at five

The next day all the Italian, Yiddish, and English papers carried a story about the clinic, and even more women came than on the first day Within a week, women had managed somehow to get to Brownsville from as far away as Connecticut, Massachusetts, and New Jersey And always their tales were alike homes with only two rooms, in which seven people slept, homes where the husband earned fifteen dollars a week when he worked, wives who had had eight children, two abortions, and so many miscarriages they couldn't remember the number Fifty to a hundred letters a day also poured in from women who couldn't get to the clinic, pleading for the information by mail

While Fania took histories, Margaret and Ethel fitted a few women with diaphragms and told the rest about condoms and douches Though the antiseptics recommended for douching were often harsh and dangerous, they were the best they knew Margaret, Ethel, and Fania kept going so fast they were glad to stop for a breather every few hours and sip the hot tea Mrs Rabinowitz, the wife of the store's owner, brought down, accompanied by free doughnuts contributed by the German baker next door

On the tenth day a large woman who called herself Mrs Margaret Whitehurst walked into the waiting room and told the familiar story of too many children and not enough money Yet somehow she didn't look like the other women, her voice was too professional and her clothes



too fine Fania became suspicious and whispered to Ethel, "That's a policewoman, sure as fate" "What can we do?" answered Ethel "We can't prove it Send her in anyway" Fania sent her in, the woman was given the information she asked for, and when she left she insisted on handing Fania two dollars instead of the usual ten cents Fania, more suspicious than ever, posted the two-dollar bill on the wall with a note under it "Received from Mrs ? of the Police Department"

Fania's intuition was right The next day Mrs Whitehurst strode in and went directly to Margaret "I'm a police officer," she snapped "You're under arrest" Three plainclothesmen from the vice squad, detectives Boylan and Mooney and Sergeant Barry, marched in a minute later and barred the door, while another policeman took up position outside Margaret, Fania, and Ethel were handed arrest warrants, and the patients were ordered to stand in line and give their names and addresses Slum women are usually afraid of the police, and some started to scream, while others began to cry Margaret did her best to assure them they were not under arrest too, but it took a good half hour until the police agreed to let them go home

Meanwhile, all the clinic's literature, contraceptive supplies, case histories, and even the examining table were thrown into the police van The clinic had been in operation just ten days

The next day the *New York World* reported the raid this way

Enraged when she was told she was under arrest, Mrs Sanger turned on Mrs Whitehurst and cried, "You are not a woman!" "Save all that sort of thing to tell to the judge in the morning" "No, I'll tell it to you now And you have two ears to hear me, too" "Mrs Sanger," interrupted Sergeant Barry, "put on your hat and coat and come quietly with us to the station house" "I don't know about that I think if you want to take me to your old station house, you'll have to drag me there"

Margaret flatly refused to ride in the patrol wagon, she insisted on marching, with head up and eyes flashing, the mile to the Raymond Street jail, with several policemen walking behind her and Ethel and Fania at her side As the three women left the clinic they heard a loud scream behind them It came from a woman with a baby carriage who had just arrived The woman abandoned the carriage and started to

run after them "Come back! Come back and save me!" she was crying. She kept running until friends caught her and stopped her. The policemen and prisoners moved on.

In court, Margaret and Ethel were charged with violating Section 1142 of the Penal Code which forbade the giving out of birth-control information, while Fania was charged with selling the "indecent book," *What Every Girl Should Know*. They were told that each case would be considered separately, and the trials were put over from October 26 to November 6, when they were postponed indefinitely because of a heavy court calendar. But by November 13, Margaret had gotten impatient and decided to reopen the clinic. She did so that very afternoon, but two days later the police raided it for the second time and forced the landlord to sign eviction papers. The clinic was now closed for good and a trial date was set for November 20.

This time Margaret decided that the days of appearing in court without a lawyer were over, she definitely needed one. She succeeded in getting Jonah J. Goldstein, a man with good political connections, who was later to become famous as a judge and the founder of the Grand Street Boys. Knowing that there was little hope of getting her off without obtaining a new and favorable interpretation of Section 1142, even though doing that meant taking the matter all the way up to the Supreme Court, Goldstein readied himself for a long series of legal maneuvers.

On November 20 Judge McInerney, who presided at Bill Sanger's trial, was on the bench. Margaret quickly wrote McInerney an open letter which she released to the papers:

In those birth-control cases at which you have presided, you have shown to all thinking men and women an unflinching prejudice and exposed a mind steeped in the bigotry and intolerance of the Inquisition. To come before you implies conviction. Now in all fairness do you want a case of this character brought forcibly before you when the defendant feels and believes you are prejudiced against her?

The next day McInerney asked to be excused from the case. Margaret smilingly posed for photographers in front of the courthouse, and a few days later, Dr. I. S. Wile held a public debate favoring birth control.

against the objections of several prominent Brooklyn Catholics All of this kept the case very much alive

Jonah Goldstein now began the legal maneuvers he had planned While he did not succeed in getting Margaret, Ethel, and Fania the jury trial he hoped for, he did get the case postponed to January 4, 1917

Margaret spent the extra time lining up supporters She no longer turned to radicals, but to the kind of society women who had given her the dinner at the Brevoort From a group of socially prominent women she formed a Committee of One Hundred with Mrs Amos Pinchot, wife of the governor of Pennsylvania, as chairman

The organization whose support Margaret wanted most was the New York County Medical Society On December 26, at a meeting called especially to consider the subject of birth control, the Medical Society voted 210 to 72 against supporting any organization that called for modification of the present restrictive laws This flabbergasted Margaret, who had expected strong backing from them, if only because Dr Abraham Jacobi, president of their parent organization, the American Medical Association, had, not long before, come out strongly in favor of birth control Besides, it seemed to her that getting permission to give patients birth-control information would be invaluable to doctors How could they turn down such an opportunity?

She could only conclude that doctors were men first, and physicians second For centuries they had had the power to decide the size of their families, by using or not using the condom or *coitus interruptus* (withdrawal) Women had never had this power, they had had to bear as many children as their husbands chose

The Brownsville trial finally got under way on January 8, 1917, with Judges Garvin, Herrman and O'Keefe, the latter a staunch Catholic, on the bench Ethel was called to the bar first

The district attorney accused Ethel of dispensing illegal contraceptive information which she freely admitted But when he charged that the clinic was a "money-making affair" because of the ten-cent charge, and that it was "anti-Semitic and anti-Italian because it was trying to reduce the number of Jews and Italians in Brooklyn," the Committee of One Hundred, who filled the spectator's benches, booed so loudly that the judges threatened to clear the court

There was disruption again when a witness, Dr Morris Kahn, whom

Goldstein had taken much trouble to find, testified that the clinic was of great benefit to the community and had his testimony ruled out as "irrelevant, incompetent and immaterial." Even worse, Goldstein was allowed only fifteen minutes to argue the unconstitutionality of Section 1142, though during those fifteen minutes Goldstein managed to make a few excellent points.

The whole purpose of Section 1142 was to promote a larger population. But what if we had a similar law for fining a bachelor over thirty, who had the means to support a wife and family, but did not marry? Would this clearly not be an infringement of his constitutional right to life and liberty? What if we had a law that fined all childless married couples unless they could prove they had not consciously avoided having children? Would not this also be the same sort of infringement of personal liberty as this law which forbids people the choice of how many children they will have and when?

But Goldstein was stopped short. Ethel was found guilty and told to return to court in two weeks for sentencing.

During those two weeks Margaret and Ethel did a lot of thinking. What should they do if Ethel were sent to jail? Ethel, by now a radical as dedicated as her sister, had helped Margaret with the Paterson strike, she was willing to try anything. To gain publicity they decided Ethel would go on a hunger strike.

The night before she was due in court, Ethel ate a huge meal of turkey and ice cream, and January 25, 1917, received a thirty-day sentence. She immediately made what she called her proclamation of defiance to the waiting reporters: "I shall not touch a morsel of food while in jail. I shall not touch anything they ask me to drink. I shall not do one article of work." For further impact she said she had made her will and arranged for the disposition of her children. "I made up my mind last night to die for the cause. I shall die, if need be, for my sex!" And as another act of rebellion, in the patrol wagon on the way to Blackwell's Island where she was to spend her sentence, she gave a lecture on birth control to the women prisoners who rode along with her.

When she arrived at the workhouse the warden's wife, a large woman with a brogue as thick as Michael Higgins', selected what was con-

sidered an easy job for Ethel—waiting on tables and cleaning the warden's quarters Ethel haughtily refused the job, repeating her statement that she would not do a stroke of work in prison and would start her hunger strike immediately

Margaret planned the publicity about the hunger strike expertly She issued dramatic daily releases to papers throughout the country, releases that caused a host of local reporters to come and interview Ethel, while papers further away stirred up a lively debate by praising Ethel lavishly or denouncing her angrily The *Chicago Sun Times* was a paper that praised her, the *Milwaukee Free Press* was one that denounced her "What terrible harm misguided females, aided by masculine cranks, can work on modern society!" the *Free Press* thundered New York Commissioner of Correction, Burdette Lewis, angered over the debate, soon barred all reporters from the workhouse and allowed Jonah Goldstein only one short visit a day "I have no patience with Mrs Byrne's efforts to get advertising for her cause," he blustered, "and I won't encourage such a campaign by issuing bulletins on her hunger strike "

But the papers still managed to get enough news to keep the pot boiling On January 28 the *New York Times* headlined "MRS BYRNE NOW BEING FORCIBLY FED" She was indeed Having gone 185 hours without food or water, Ethel had been ordered by Commissioner Lewis to be rolled in a blanket while a mixture of milk, eggs, and brandy was forcibly poured down her throat

Margaret and the Committee of One Hundred were furious when Commissioner Lewis next issued a statement saying Ethel was perfectly healthy as a result of the forced feeding They sent a delegation to Washington to try to get influential congressmen to stop the use of force, but no one would listen to them, so they called a giant protest rally at Carnegie Hall Margaret, the Reverend John Haynes Holmes of New York's Community Church, and Dr Mary Halton were among the speakers at the rally, and twenty of the Brownsville mothers sat impressively on the platform, while well-known people like the dancer Isadora Duncan, the writer Rupert Hughes, and the painter John Sloan applauded from boxes

Margaret spoke eloquently

I come to you tonight from a vortex of persecution I come not from the stake at Salem where women were once burned for blas-

phemy, but from the shadow of Blackwell's Island where women are tortured for so-called obscenity

Wild cheers came from the audience. The Reverend Holmes told his congregation later

I never saw another meeting like it. It had the spirit of the abolition days. Margaret took the audience and lifted it up. She had dignity. She had power. You can tell in five minutes whether a person is an actor or has the real secret of power. She had it—the power of a saint combined with the mind of a statesman. I realized that night she was one of the great women of our time.

The day after the rally, Margaret was due in court for her own trial. But when she heard that Ethel was getting weaker by the minute, Jonah Goldstein had the trial postponed. In the company of Jessie Ashley and Mrs. Amos Pinchot, who was a personal friend of New York's Governor Charles Whitman, Margaret took a quick trip to Albany where they asked for a pardon for Ethel. Whitman granted it on the condition that Ethel promise she would never break the law again.

Ethel refused to make such a promise. Margaret pleaded with her to give in, but it seems likely her reasons were compromised. Her niece reports that Margaret had become jealous of the publicity Ethel was getting and was worried that, if she herself got a jail sentence, the furor over her sister would take away some of her own ability to make news. When Ethel remained firm, Margaret declared that Ethel was too ill to think clearly and told the governor she was taking it upon herself to decide for her, she would personally see to it that Ethel did no more birth-control work.

The pardon was granted, and Ethel was dramatically carried from the workhouse on a stretcher, after which Jonah Goldstein announced "Mrs. Sanger will sit up with her sister all night in her own apartment. We do not yet know if Mrs. Byrne will recover."

Ethel not only recovered, she lived into her seventies. Yet Margaret not only saw to it that she did no more birth-control work, she never so much as mentioned her name again in either of her autobiographies. As she intended, the reader got the impression that Ethel's hunger strike had killed her, and Margaret let it go at that.