

The Ordeal

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The year 1917 began with Margaret again under indictment, but this time with allies ready to share her battles. Along with many of her last year's sponsors were new recruits, among whom Mrs. George Rublee was outstanding for practical aid and enduring friendship.

Juliet Rublee was the handsome wife of an international lawyer whom Wilson had named to the Federal Trade Commission. When she first heard Margaret speak, she decided that birth control was the most important issue in the world, and so the two women gradually became intimates. As Margaret once wrote, others brought their personal friends into the movement, but Juliet brought her husband's associates also, including the Dwight Morrings and the Thomas Lamonts.

This new support changed Margaret's tactics. In the past she had tried to rouse deprived women to liberate themselves. They wanted her help, but like the Brownsville mothers, they left her to fight their battles. She had called them biologically enslaved, and slowly realized that just because they were enslaved, they had no courage to win their own rights.

The emancipation of the poor mothers must come through the efforts of privileged women, on whom Margaret would in future depend to finance her defense and to educate the public. This was the purpose of the Committee of One Hundred, which Juliet helped to organize, but whose leadership was given to Mrs. Amos Pinchot, aristocratic in background, compassionate in views and,

not to be overlooked, the family friend of New York's governor

In spite of J J's protests, Ethel alone was tried on January eighth. Until then few had heard of her, but in the next weeks her name would be headlined more than any other woman's. Those in the courtroom saw a close replica of her famous sister, although a little younger and, according to one brother, the prettiest of the daughters. She had less to say than Margaret, but said it with more emotion.

Ethel acknowledged that she had taught contraceptive methods, but sharply denied that a 10-cent fee made the clinic a money-making institution. Neither she nor J J tried to answer the fantastic charge that the clinic, located in a Jewish neighborhood, was actually trying to do away with Jews. This was put in the record, carried in the tabloid press, and was a forerunner to the similar accusations made about birth control a half century later in the Negro ghettos.

Dr Morris Kahn was to be the main witness for the defense, but was not allowed to testify on the grounds that his physician's experience was "irrelevant, incompetent and immaterial." J J was given only fifteen minutes to explain why Section 1142 of the Penal Code was unconstitutional. He argued that the law fell unfairly on different groups of citizens. After all, if the purpose of the law was to encourage more children, why not penalize bachelors and childless couples unless they could prove themselves impotent? When his time was up, the court ruled that the section was constitutional.

There was still hope of only a minor penalty, although the defendants knew that they could face either a long or short term in the workhouse. While Ethel's sentence was deferred for two weeks, the sisters reviewed all possibilities. Both of them had been impressed by the hunger strikes of the English suffragettes and thought that such tactics would be a powerful weapon in shaping public opinion for birth control. In case of a long term, they agreed that it might be worth the agony, but for a short term, submission would be wiser.

On January twenty-second Ethel was sentenced to thirty days in the workhouse on Blackwell's Island. She looked stunned. Then

in a tremulous voice she announced that she would go on a hunger strike. She would touch neither food nor drink nor would she perform any work. The previous night she had made her will and arranged for the care of her two children. Then she had eaten a farewell dinner with plenty of turkey and ice cream. Now, if need be, she would die for the cause.

As Ethel was taken off to jail, J. J. reassured Margaret that in the morning he would have a chance to secure a suspension of the sentence. But in the morning he failed. Ethel, looking pale and excited, whispered that she had eaten nothing at the Tombs, where she had spent the night. They had tempted her with the odor of eggs and bacon wafted into her room, but now she would give up liquids also, lest her warders dissolve food in them.

Margaret gazed fearfully at this younger sister with the red glint in her hair and the dogged family look of resolution. She reminded her that the strike was not necessary for so short a sentence and that it would be wise to say nothing more until she had carefully reconsidered the matter.

Perhaps a little heady with her fasting, Ethel turned at once to the reporters. In a frightened voice she told them that to change the archaic law she was ready to fast to death. What was one life compared to the eight thousand lost in New York each year through illegal operations? Later, in the patrol wagon on the way to Blackwell's Island, she indulged in a last defiance by lecturing to the women prisoners on birth control.

Commissioner of Corrections Burdette G. Lewis informed the press that he was used to threats of hunger strikes and they meant nothing. To show his indifference, he ordered no food at all for Mrs. Byrne. The warden's wife felt differently and lest the girl die on her hands, coaxed Ethel to eat. No one would know, she promised. "I would," said Ethel.

Giving up liquids greatly magnified Ethel's suffering. At night the woman who brought round drinking water stood outside her cell, calling "Water! Water!" From her window Ethel heard the everlasting swish of the river and from the hallway this enticement, but for her, like the Ancient Mariner, it was "Water, water, everywhere, nor any drop to drink."

For Margaret, the turn of events was cruel. After her first indictment, Bill had borne the brunt of the punishment, and now her younger sister was risking her life for a cause which she had only recently espoused. Better than most people, Margaret realized the dangers of dehydration, but she also knew that Ethel was as stubborn as herself. She decided that her immediate task was to secure all possible publicity for her sister's sacrifice. With this in mind, she made a deal with the *New York World*. She would give them every news break if they would put a special reporter on the case. Perhaps it was this man who ferreted out the daily reports of Ethel's condition.

After the first blast of news on the hunger strike, Lewis banned reporters from the workhouse and all visitors, except her lawyer, to Mrs. Byrne. Lewis himself refused any word about his prisoner on the grounds that the strike was a publicity stunt. This news embargo whetted the public interest, especially since Mrs. Sanger always seemed to have precise knowledge of her sister's pulse and temperature. Soon she warned that Mrs. Byrne's vision was affected and that for lack of liquids, her heart had begun to miss beats.

Suddenly right across the nation the hunger strike was the big domestic news. It competed with headlines that the Kaiser might accept Wilson's plan for mediation. As Mrs. Byrne started her fifth day of fasting, the United Press announced that "the pale little advocate of birth control is rapidly reaching the climax of her struggle against imprisonment." Franklin P. Adams of the *New York Tribune* predicted that "it will be hard to make the youth of 1967 believe that in 1917 a woman was imprisoned for doing what Mrs. Byrne did."

When the strike had lasted 103 hours Lewis announced something new in American penal history, the forcible feeding of a woman. A simple matter, he told the press, in which you roll the prisoner in a blanket and then administer milk, eggs, and a stimulant through a rubber tube reaching into the stomach. The whole thing was trivial, but he would charge Mrs. Byrne for the expense of hiring an expert. Far from finding the news trivial, the

press gave it banner headlines and editorials From a sampling of the week, we read

- JANUARY 25 New York *Globe* Court May End Strike
 Boston *Transcript* Take Birth Control to Wilson
- JANUARY 26 Associated Press New York Hunger Strike Resolute
 Fitchburg *Sentinel* Weakens Under Hunger Strike
 Pittsburgh *Sun* Starving Self
- JANUARY 27 New York *Sun* Woman Hunger Striker Forcibly
 Fed
 Philadelphia *Bulletin* Hunger Striker Forcibly Fed
- JANUARY 28 New York *Times* Mrs Byrne Now Fed by Force
 Boston *Globe* Hunger Striker Passive
 Chicago *Record Herald* Hunger Striker Fed 2nd
 Time
 Peoria *Star* Drive on Congress to Alter Birth
 Control Laws
- JANUARY 29 New York *Globe* Mrs Byrne Will Win or Die
 Greenville, South Carolina Hunger Striker Hoax
- JANUARY 30 Detroit *Tribune* Feed Her by Force
- JANUARY 31 Baltimore *Sun* A Defense of Mrs Byrne
 Ithaca *Journal* Whitman Promises Pardon
 New York *Evening Mail* Mrs Sanger Worried

"The country seemed to stand still," said one reporter, "watching the lone woman who was giving her life to fight an unjust cause" But neither Margaret nor the Committee of One Hundred was standing still Within an hour of Ethel's conviction, the committee had hired Carnegie Hall for a protest meeting January twenty-ninth Trying every publicity angle, they bombarded the press with letters and sent a delegation to Washington to pressure Congress Although her husband was a Wilson appointee, Mrs Rublee joined in a demonstration before the White House and later in another in Albany

On January twenty-ninth the committee packed the Brooklyn courthouse where Margaret's case was to be heard, giving the drab chamber a curiously gala look. Society women filled the front rows, said the *New York Tribune*, and Mrs Sanger, with a bouquet of American beauty roses might have been the guest of honor at a reception. "A demure, rather shy looking woman," she was attended by the imposing, red headed Mrs Pinchot and the white-haired Mrs Lewis Delafield, whose husband was an outstanding lawyer.

In the eyes of the defendant, it was no gala occasion. It was the crucial day in a life filled with crises. The hearings that afternoon might determine her own fate and that of her cause. In the evening, she must make the main address at Carnegie Hall. Every moment she must keep her wits about her, although she was sick with worry over Ethel. In discounting the feeding operation, Lewis had said that Mrs Byrne did not resist. That in itself was frightening, for if the resolute Ethel was passive, she must be very weak.

Sometime between the court proceedings, which were continued, and the rally, she told a *Baltimore Sun* reporter that the evening might turn into a memorial instead of a testimonial meeting. She had learned that her sister was spitting blood and had been unconscious for twenty-four hours.

Against this nightmare background, the rally was extraordinary. Years later a participant, John Haynes Holmes, a famous Unitarian minister, said that he had never known such a meeting. It had the spirit of Abolition days. Margaret Sanger "took the audience and lifted it up." She had the dramatic air of a woman in danger. She had the power of a saint and the mind of a statesman. In brief, her message was that a nation founded on self-government still denied its women the basic right to control their own persons. The audience pledged "unwavering moral and financial support" for the embattled sisters.

The *World's* special reporter soon warned that Ethel's strength was ebbing. Margaret had been torn between loyalty to her sister's decision and her own wish to end the martyrdom. Now, she saw that she must use the full power of the committee. That afternoon



Michael Hennessy Higgins

Anne Purcell Higgins





Ethel Margaret Nan and Mary Higgins

Facing page top With Stuart

Facing page bottom With Grant and Stuart 1916





Facing page With sister, Ethel Byrne, in court, 1916

1916



Photos Planned Parenthood—World Population



Leaving Brooklyn Court of Special Sessions after arraignment, January 1917

Photos Planned Parenthood—World Population



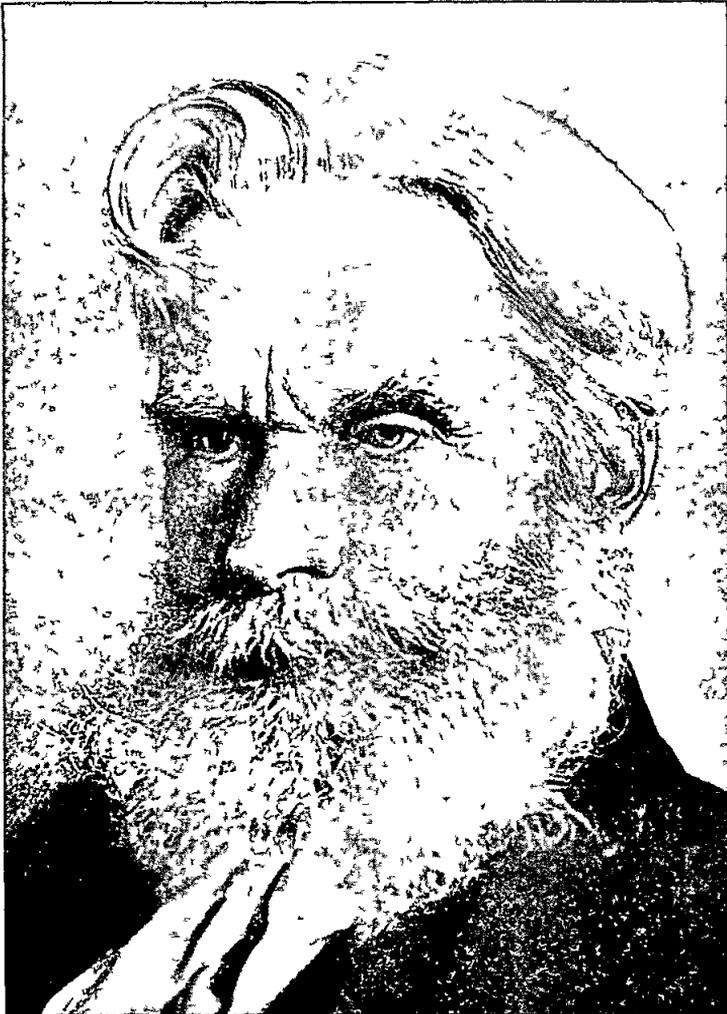
Release from jail, 1917



Facing page top Margaret in early 1920s

Facing page bottom With Otis Skinner and H G Wells in England about 1920

Havelock Ellis





With Noah Slec in Germany, 1927

Facing page top Testifying for birth control information before Senate sub committee, 1931

Facing page bottom Willowlake, Fishkill, New York





With Baroness Ishimoto, 1932

Facing page top With Gandhi, 1936

Facing page bottom With Nehru





Fathers of 'the Pill

Dr John Rock



Dr Min Chueh Chang



Dr Gregory Pincus



Mrs Stanley McCormick

Courtesy Chicago Historical Society



Your Honor this woman gave birth to a naked child!

BY ROBERT MINOR FROM "THE MASSES," 1915

Reprinted from Anthony Comstock Traps for the Young (edited by Robert Bremner and published by The Belknap Press of Harvard University Press)

Cartoons

1915

1918

1968



From Birth Control Review June 1918

Mrs. Poor Patient— If you're rich the law don't count



"PATIENCE—IN TIME THEY ACCEPTED MY PILL"

9/8/68

All photos not otherwise credited are from the Margaret Sanger Papers Sophia Smith Collection Smith College Library

© From the Herblock Gallery (Simon and Schuster 1968)

Mrs Pinchot, Jessie Ashley, the lawyer, and Margaret took the train to Albany

Governor Whitman was an independent person who thought that Mrs Byrne's imprisonment was a disgrace. Out of sympathy with both the laws and court decisions in regard to birth control, he readily accepted the delegation's proposal for a study commission to report back to the legislature.

As an emergency measure, he offered to pardon Mrs Byrne if she would abide in the future by the present laws. To Mrs Pinchot's dismay, Margaret would not make such an agreement without her sister's consent. However, she gladly accepted the offer of a pass so that she might see Ethel. Because she had to be in court the next morning, the visit was postponed until evening when Amos Pinchot and his wife accompanied her to the workhouse, and waited downstairs.

On a cot in a dark and dirty cell lay the wreck of Ethel Byrne. Her face was gaunt and drained, the once white skin was covered with bruises, and her eyes had the chilling look of death. When she finally recognized her sister, she whispered, "Liberty! I want liberty!"

That was enough. Margaret decided to guarantee the Governor's terms, although Ethel would probably resent the interference after her recovery. At the moment, survival was all that mattered. Hurrying downstairs, Margaret rejoined the Pinchots, who had just learned that the Governor had already acted and was en route to New York with the pardon.

When word finally came that Ethel was on her way out, Margaret and Mrs Pinchot rushed to meet her in the corridor. Two burly men were dragging along one small figure whose head rolled helplessly from side to side. The orderlies ignored Margaret's protests because Lewis had told them that Mrs Byrne must be seen by the press, on her feet, walking out of the building. Born to command, Mrs Pinchot ended that nonsense with an imperious clap of the hands. She told the men to lay Mrs Byrne on the floor and fetch a stretcher. Then slipping off her long fur coat, she wrapped it around the cold little form. For the first time Ethel seemed to know that she was safe.

It was two weeks before doctors promised that she would live. It was a year before she regained her health. Ethel Byrne was allowed just one chance to work for birth control, but in ten days she alerted millions to the movement. Her courage lifted the issue to its emotional peak. In her first book, *Woman and the New Race*, Margaret declared that "No single act of self-sacrifice in the history of the birth-control movement had done more to awaken the conscience of the public or to arouse the courage of women."