

# 1 Danger

It is 1965. She is twenty-three, new in San Francisco. After nineteen applications and one interview, she has her first job after college. She is a junior high school home ec teacher. A few weeks after school starts, her college boyfriend flies down from Portland to San Francisco, more for old time's sake than for love. The two of them go to the movies, go to the ocean, go back to her place and have sex. He flies back to Portland. She misses her period.

All grown up and scared to death, she sees a doctor on November 30th who confirms, yes, she is pregnant. Suzanne Tyler—we will call her—talks to her sister and to her sister's fiance. She talks on the phone to Bill Holbrook, the young man in Portland. Bill says he has contacts. He knows a guy who knows a person . . . . Suzanne goes to school and teaches fourteen seventh grade girls how to make macaroni and cheese. As the fourteen girls slide fourteen half-quart casseroles into the oven, Suzanne decides to have an abortion.

Suzanne makes this decision, but she isn't prepared for it. Gazing at her seventh grade pupils, she realizes she isn't prepared for any of this. That night she talks to Bill on the phone again. Later she says about this conversation, "The only decision that we came to was that something had to be done. We weren't going to get married, and he wanted to see what I

could do down in San Francisco and he was going to see what he could do up in Oregon.”

By now Suzanne Tyler is seven weeks pregnant. She doesn't know any abortionists in San Francisco, or anywhere else. She knows the other teachers in her junior high school. And she knows her roommate, also a home ec teacher, a Catholic girl from Milwaukee. All unsuitable confidantes. Suzanne calls up Bill and tells him she will fly to Portland next week on Tuesday, December 7, 1965. Bill agrees to set everything up.

Suzanne tells the junior high school principal something about a family emergency, and that Tuesday evening, she flies to Portland. Her plane arrives long after dark. The young home economics teacher and Bill, a half-time instructor, half-time student at Oregon State University, check into a motel in downtown Portland as Mr. and Mrs. William Holbrook. Later, when the mayor of Portland has reason to reflect on this event, he points out that when the girl, on her way to an abortion, and her boyfriend registered in unit No. 35 of the Jamaica Motor Court as a married couple, even though they were not, it was “very probably a violation of the hotel ordinance in the City.”

Bill's route to a solution for Suzanne's problem was attenuated. As it turned out, he knew a guy who knew another guy who knew how to find an abortionist. Wednesday morning the parts of the scheme began clicking into place. The couple left the Jamaica Motor Court, Bill driving and Suzanne huddled up against the passenger's window, grim-faced. They drove in Bill's El Camino truck to the edge of Portland's Southwest Hills, and pulled into the parking lot of Henry Thiele's Diner at 10:00. Bill remembered the details. “Well, I parked in the parking lot for awhile,” he said, “and didn't see anybody, and then pretty soon a blue '62 Chevy drove up and this man got out and went in the door of the diner. I figured this was Don Rogers.”

Bill watched as Don walked through the door of the diner and back out. Then Bill caught the other fellow's eye. “He said, ‘Bill?’ and I said, ‘Yes.’” Bill motioned to his truck, where Suzanne hadn't moved and looked to be asleep, and then, he remembered, “I just took a walk down the street.”

Don strolled over to the El Camino. He tapped on the window and Suzanne opened her eyes. She rolled down the window. For the next few minutes, as Suzanne tells it, “I was inside the car and he stood by the open window and talked with me. We were waiting for this person to come.”

During this conversation Suzanne found out for the first time that they were waiting for a woman abortionist. She was sure that Bill had told her it would be a man. Suzanne, very scared already, did not take this well. Don tried to assure her that it was good—possibly much better—that the abortionist was a woman. “He said that sometimes men take advantage of girls that they—that they give these abortions to, and that I wouldn’t have to worry about anything like that because it was going to be a woman.”

While they talked—it was mostly Don who did the talking—both of them darted looks across the parking lot. Don started a short, nervous pacing from the window to the front of the truck and back, to the front of the truck and back again. But there was still no sign of his contact. He told Suzanne he was going into the restaurant to make a call and that she should watch out for a maroon Lincoln Continental while he was gone.

Instead of watching, Suzanne closed her eyes again. She imagined her vagina, her tissue, her blood. She imagined her hands and her thighs covered with blood. She started, and opened her eyes. Don had come back. He was standing by the truck window saying that the wires had crossed, there had been a little mix-up, but everything was straightened out now. The person would be there in a minute or two.

And then almost at once the maroon Lincoln pulled into the parking lot. Don signaled to the woman driving the car as he opened the door of the truck for Suzanne. The girl, feeling helpless and already bloody, left the El Camino and got into the abortionist’s car. “I got inside the car and I was just—I was extremely nervous, and she drove me to her home. I was extremely nervous. I asked her exactly what the procedure was, exactly what she was going to do. She said it was going to be a simple curette and that I would be in and out of her house in no time.

“We drove up into the Southwest Hills, to Champlain Drive. It was a brown house, brick, and it didn’t have much of a front yard. She drove into the driveway. I got out of her car and went inside of her house. Into her living room, and I laid my coat down on a chair.”

The telephone rang just then, and the abortionist answered it. She sat down on the couch, and she spoke into the receiver, “Well, tell me about yourself.” It was a short conversation because the woman said she was busy right now; the caller should try her again later. Suzanne stood by during the call, passive, waiting, scared.

The abortionist told Suzanne to go downstairs, to the bedroom, and she said, "Take off all your clothes except for your slip and your bra." She said that when Suzanne was ready, she should come into the other room.

Suzanne noticed that her legs were shaking, but she did as she was told. After undressing, she found the other room, down the hall. It was an L-shaped laundry room with a big tub-type sink and a washer and dryer. It wasn't the setup Suzanne had expected, but she was relieved to see that everything looked clean and orderly and ready for her.

The abortionist was standing near the washing machine when Suzanne came in. "She ushered me up on this washer and dryer. It had a brown rubber pad on it, and a raised toilet seat, or something that looked like a toilet seat, a rubber thing, and I sat on it. She said, 'Lie back now, honey,' and she got me situated on this thing.

"She gave me a shot in the arm and she told me it was for contractions of the uterus. And then she put this instrument inside of me. I felt a lot of pain, but she patted my hand once or twice and said I should relax. She said that girls were always scared and there was usually a little pain, but really, there was nothing to it."

Ruth Barnett was an old woman when Don Rogers arranged for her to take care of Suzanne Tyler's problem. Over seventy, her body was riddled with cancer, her joints racked by arthritis. Despite her physical condition, she continued to respond to the pleas of girls and women desperate to end pregnancies they could not manage. But by 1965, when Ruth Barnett operated out of her house in the Southwest Hills of Portland, the number of women she was able to help had fallen to a "relative trickle." She described how much things had changed. "My practice, once a well-organized clinical affair had been reduced by my arrests to a 'backstairs' sort of clientele. Ironically, I was forced to adopt tactics of which I would have once been ashamed. Now I pick up cases—and only the most desperate ones—and drive them to my own home where I do the examinations and operations. Quantitatively, my practice is only a shadow of the once busy round I knew at my clinic."

For fifty years, Ruth held herself leagues apart from and above the so-called "back-alley" practitioners whose services continued to be in demand in the 1960s. She thought of these others as lowlifes, and called them "those contemptible back-alley abortionists who prey on women, taking

advantage of the reluctance of professional doctors to perform abortions—the characters who use instruments and techniques far beyond their competence and under filthy conditions. I have,” she added, “nothing but contempt for them.”

Her contempt was aroused as well by the way the culture in general, and Hollywood in particular, demonized the typical abortionist and insisted on the client's being a pathetic victim. “In the movies, they always depict the fallen woman sneaking up a dirty, rickety stairway to a dismal room—or making her way, furtively, into a dark alley that leads to a decrepit shack where some alcoholic doctor or untutored butcher performs the operation.” Ruth was emphatic about the ways her own practice differed from those of the butchers—real and celluloid. As an old woman, she remembered the good old days, when her place of business was undisturbed by the stakeouts and frame-ups that would push her work into the shadows in later years: “A clinic such as mine was not that way at all. It was a bright, cheerful place where women's problems were handled quickly, efficiently, and with dignity, no matter what the circumstances of the patient.”

In her heyday, and an uncommonly lengthy heyday it was, Ruth Barnett was the queen of abortionists in the Pacific Northwest, possibly anywhere. The state laws criminalizing abortion in Oregon had been on the books since 1854, but they were rarely invoked. In fact, Ruth estimated that between 1918 and 1968, she performed forty thousand abortions, and she never lost a client. But Ruth was more than a proficient technician. She was also the glamorous queen of Portland's demimonde: she draped herself in diamonds and furs, she cuddled lapdogs. She entertained politicians and whores, newspaper-men and gamblers, businessmen and pimps in her lavish house in the Southwest Hills. She poured stiff drinks for everyone, belted bar songs, and unflinchingly went to work the next morning, helping women.

For a half a century, Ruth took care of desperate women. Incest victims, rape victims, jilted girls, careless teenagers, adulterous wives, battered wives, pari-menopausal women, exhausted mothers, mistresses. For years she invited all of these women into her clinic and provided them with expert service.

Ruth's pride in her work was the pride of a woman who had apprenticed under the old masters. In the first decades of the twentieth century,

when Ruth set out on her career, abortion was every bit as illegal as it was fifty years later, when the abortionist was sneaking around picking girls up in parking lots. But until the years after World War II, the crime of abortion, like the crimes of gambling and prostitution, had a protected status.

In 1910, Portland, Oregon, was home to a number of abortionists who had offices in prominent, downtown office buildings. Many were doctors, reasonably respectable and well-paid for their work. They had big, long-established practices and a number had medical training. So, unhappily pregnant women in Portland who had the money to pay could feel safe and confident about their decision to visit an abortionist. Indeed, Ruth Barnett herself was initiated into the world of abortion practice by her own unintended pregnancy and her determination to end it.

Ruth got pregnant as a teenager in 1911, soon after her family had moved to Portland from Hood River, a tiny town in western Oregon where her father was the village's first grocer. To begin with, Ruth—who was living at home with her parents at the time and working at her first job, as a dental assistant—was panicked. “When I realized I was pregnant, that the boy responsible for my pregnancy was of no help to me, I thought vaguely of suicide, of hurling myself from the office window, of the deep cold waters of the Willamette River under the Morrison Bridge and of the vials of medicine in the office with the red letters spelling POISON.”

But quickly enough, Ruth found a solution to her problem. She simply asked the first likely-looking girl she saw, a prostitute who'd come to get her teeth cleaned in the dentist's office where Ruth worked. Jane Allen, an elegant, chatty prostitute, clucked sympathetically at young Ruth's awkward attempt to get help, and without batting an eye, Jane referred the girl to Dr. George Watts, a fixture in the venerable Oregonian Building downtown.

At the time, Watts was in his late forties, a sweet, earnest doctor who not only helped Ruth early in her life, but also taught her a great deal during the five years she worked with him doing abortions in the 1930s. Years later, Ruth described the career of Watts as altruistic and heroic. He was, she said, “a highly skilled physician and surgeon with a general practice in the city's leading hospitals. His change to abortion surgery—at first occasionally, and then exclusively—was prompted by a desire to be of help to woe-begone women.” He was a godsend to sixteen-year-old Ruth Barnett,

receiving her kindly, taking care of her “smoothly and painlessly,” charging her eighty-five dollars (a sum Ruth found overwhelming but managed to collect, by hook and crook), and sending her on her way.

Ruth was getting her first taste of the mixed blessings of city life, and of the casual sex and abortions city people seemed to take for granted. She walked away from the Oregonian Building ready to heap more experience on her plate, possibly more experience with sex, but also deeply relieved to have been spared the shame that, in her day, inevitably came to a young unmarried girl who gave birth to an illegitimate child. Even greater than her relief, though, was a certainty Ruth took with her from Dr. Watts’s office that day. It was a conviction about what she’d done that stayed with her the rest of her life. “One of mankind’s man-made laws had been thwarted. But I was unable to perceive any crime in what either I or the doctor had done.” Years later she remarked, “Today, I am more than fifty years older and, presumably, a great deal wiser. But I still cannot see the wrong in abortion.”

Not long after her abortion, Ruth married Harry Cohen, a travelling salesman from Seattle whom the eighteen-year-old girl saw, first of all, as a vehicle for escape from her demanding, critical, and sexually importuning boss, the dentist. Apparently the dentist had figured out that his young, attractive assistant had had an abortion, and was enormously turned on by the idea, so much so that until Ruth quit to get married, he plagued her with salacious innuendoes and groping hands at every turn.

Ruth was grateful that Harry Cohen had rescued her, but the marriage was brief. According to Ruth’s daughter Maggie, it was not only a dull and disappointing experience, it was also a tissue of lies. The wedding, however, turned out to be a crucial moment in Ruth’s life because one of the guests was Dr. Alys Bixby Griff, who was married to a friend of Harry Cohen’s. She was a woman with whom Ruth would have a long, intense, and engaging relationship much more enduring than her marriage to Harry.

Alys Griff was a pioneer. When she graduated from the University of Oregon Medical School in 1902, she became one of the first woman doctors in the Pacific Northwest. For a decade her practice in Portland focussed on “women’s diseases,” and she did well.

Ruth looked at Alys that night at her wedding reception and saw the sort of woman she wanted to be: vivacious, stylish, and smart, striking in a way that had little to do with conventional beauty, and a lot to do with

personal power. “She handled herself with charm and confidence in a room crowded with happy, relaxed, laughing people. I was most impressed by her eyes. They were the first cold brown eyes I had ever seen.” Ruth was compelled by the older woman.

Over the next few years, whenever she could, Ruth took time off from her not very happy married life and travelled from Seattle—where her husband was a sales representative for Can’t Bust-’Em overalls and Argonaut workshirts—down to Portland. Maggie’s birth probably made it indelibly clear to Ruth that she was not cut out to be the conventional, stay-at-home wife of a travelling salesman. The fact was, Harry Cohen was not Maggie’s father, a piece of information that Ruth probably told no one for nearly thirty years until, under extraordinary circumstances, she revealed the truth to her daughter. Maggie’s father was Harry’s much classier older brother Arthur, who became a very successful and prominent corporate lawyer in later years. In 1915 Arthur slept with his brother’s wife, but he would not marry her. Ruth was hurt and sorry and now fatally tired of her husband. Her spirit, however, was intact, and she continued to look to Portland and her friend Alys Griff for a sense of adventure and a sense of purpose.

Every time Ruth came down to Portland, she told Harry she was going home to visit with her mother and father. In truth she came to see Alys. The fact was, Ruth’s restlessness, her intellect, and her belief in her own capabilities were aroused by the trips down to Alys. And Alys was welcoming. “I was still a youngish thing and the doctor seemed to like my company. She would take me along on her house calls and to Good Samaritan Hospital where we would visit the maternity wards. I would sit up in the gallery above the operating room and watch her perform appendectomies, hysterectomies, and Caesareans. She was a jolly, wonderful woman and I enjoyed her company.”

Alys Griff was deciding to specialize as an abortionist at about the time that Ruth’s visits began. Such a large number of Alys’s patients came begging her to end their pregnancies that she began to devote herself to performing abortions full-time. Business was fairly booming: the United States had entered the Great War and as young men left for Europe, unhappily pregnant girlfriends and wives found Alys Griff. Ruth came down from Seattle often enough and displayed her devotion to Alys clearly



enough that when the abortionist needed a companion *cum* confidante, she turned to Ruth. The younger woman was thrilled to hear about Alys's life, and especially about her work, and found herself fully willing to spend evenings sitting for hours at the feet of the person who was becoming her mentor, listening. "It seemed to me to be the most wonderful work in the world. The subconscious urge to make this my life's work must have been growing fast." As Ruth stepped further and further away from Harry, she began to dream of becoming an abortionist herself. "The thought that I might actually be of help to women in this way began to obsess me."

By 1918, five years after she met Alys, Ruth was divorced and in a position to realize her intentions. In fact, she packed up her things and Maggie's, and came back to Portland. Soon she was working in Alys's office, earning the considerable wage of fifty dollars a week. Ruth learned quickly. In addition to abortion technique, she learned "not to be shocked at the sordid, not to be surprised at the ludicrous." After only a few weeks of training, Alys allowed her to stand by during the operations and then, to Ruth's pleasure, she was permitted to complete procedures begun by the doctor. Ruth Barnett had found her life's work.

In retrospect—and in light of the faith anti-choice Americans have in the law as a powerful deterrent to abortion—it is surprising that decades after the Oregon state legislature criminalized abortion in 1854 and then strengthened the code ten years later, abortionists were prominent professionals whose businesses flourished undisturbed in the state's largest city. What's more, a smart, attractive, resourceful, young woman—the daughter of old-stock pioneers, salt-of-the-earth, God-fearing parents who had travelled by covered wagon across the plains to Oregon in the 1880s—had her heart set on becoming an abortionist herself.

When Ruth embarked on her career, she was not, apparently, deterred by Section 14–208 of the Oregon Code, the language of which defined her as an outlaw and prescribed a dim future for her kind. It read: "If any person shall administer to any woman pregnant with a child any medicine, drug or substance whatever, or shall use or employ any instrument or other means, with intent thereby to destroy such child, unless the same shall be necessary to preserve the life of such mother, such person shall, in the case of the death of such child or mother be thereby produced, be deemed guilty of manslaughter."

In an odd show of ambivalence about the severity of the crime, the legislators gave judges wide latitude in setting the punishment for aborting “the child”: “one to fifteen years and a fine of not more than five thousand dollars.” Oregon lawmakers declared the life of the woman equivalent to the life of the fetus; judges were allowed the same unusually broad parameters in punishing an abortionist who caused the death of a pregnant woman. As Ruth Barnett undertook her apprenticeship, however, the life of an abortionist did not feel like a dangerous life. The explicit character of the law notwithstanding, the Portland careers of Alys Griff and George Watts, and of their protégée who practiced as an abortionist unimpeded by the law until 1951, are convincing proof that the law is not necessarily an effective way to control behavior.

The truth was, the degree to which anti-abortion statutes were flouted in Portland, and across the country, was extraordinary. In Ruth’s early years as an abortionist, she not only trained with seasoned old-timers whose lives had not been touched by the law, she also knew and respected the competition: other doctors in town who had thriving practices. They were all successors to old Dr. Albert Littlefield, Portland’s first professional abortionist who had set up his office in 1890 above a hardware store on Front Street. In Ruth’s day, Dr. Maude Van Alstyne and Dr. Ed Stewart both ran large clinics in the Broadway Building, Ruth’s headquarters, for many years. In time, both these doctors recognized Ruth as the most promising of Portland’s second-generation abortionists, and both sold their sizeable practices to her when they retired. It is no wonder that law enforcement officials, doctors, and other social commentators repeatedly observed that abortion—along with prostitution and gambling—was the least prosecuted crime in the country.

The law enforcement officials charged with upholding the law in the 1910s, ‘20s, and ‘30s routinely looked the other way, even though doctors across the country had been extremely successful between 1860 and 1880 in convincing state legislators that outlawing abortion was a prerequisite of modern, professional, doctor-controlled health care. In fact, historian James Mohr has called the doctors’ campaign against abortion “the first and ultimately one of the most successful public policy crusades ever undertaken” by the then-fledgling American Medical Association. The doctors’ crusade did not end until the last years of the nineteenth century, when every state in the country had enacted an anti-abortion law.

It would not be accurate to say that the lack of abortion prosecutions was a sign that medical men and their champions had lost their taste for activist roles once they completed the campaign to outlaw abortion. It would be closer to the truth to say that the generals simply shifted the battleground to a terrain where they could count on the support of law enforcement. Having won the abortion battle so decisively—and with so little opposition—they now trained their forces on the emergent birth control movement. In Portland in 1916, just before Ruth teamed up with Alys Griff, Margaret Sanger stopped to give a speech and distribute copies of her infamous, clandestinely circulated pamphlet, *Family Limitation*, which explained various methods of contraception and encouraged women to “learn to know their own bodies.” She was promptly jailed. It is an ironic image: the advocate of pessaries and shields behind bars, while the city teems with abortionists and their satisfied clients. The irony was, of course, that the cops on the street, and those who set their priorities, daily tolerated, and thus sanctioned, the private, secret, and criminal practice of ending pregnancy, but could not bear a public figure or a public policy that countenanced prevention.

More influential than this hypocrisy, however, was the fact that in the early decades of the twentieth century, doctors and law enforcement officials had not established an effective partnership regarding the treatment of abortionists. Doctors may have been able to lobby legislators successfully in the second half of the nineteenth century, but they were not able to convince district attorneys or police chiefs to enforce the laws they’d hammered out in state capitals.

Maybe the most powerful factor undermining an effective medical-legal partnership to thwart abortionists was tradition. Modern doctors insisted that abortionists—both medical men and lay practitioners—violated the physician’s professional prerogatives to minister to and monitor pregnant women. But thousands of women themselves were certain that the relatively new anti-abortion laws violated *their* traditional right to make decisions about their own pregnancies before the fetus “quickened.”

The notion of quickening was a venerable, woman-centered concept, long embedded in the common law. It allowed that a pregnancy could not be confirmed until the woman felt the fetus move within her body. In the days before drugstore pregnancy kits, sonograms and rabbit tests, and all

the other modern methods of verifying pregnancy, the woman herself was the definitive expert. Doctors and midwives agreed that menstrual irregularity—in fact, all the symptoms of pregnancy—*could* be associated with conditions other than pregnancy. So traditionally, it was not until the woman reported the sensation of fetal movement that she could be declared pregnant. Consequently, an abortion in the early months of pregnancy—often treated as an operation to restore the woman’s menstrual flow by removing a “blockage”—was not considered a crime. During all of the eighteenth century and the first half of the nineteenth century, the quickening doctrine governed abortion law in the North American English colonies, and then in the United States.

Even after doctors had prevailed on legislators to make abortion a crime, many states retained the quickening doctrine by criminalizing abortion only after the woman reported movement. Oregon’s first anti-abortion statute was based on this premise. The concept of quickening was so enduring that as late as the 1930s, seven states still incorporated it into the statutory language by specifically outlawing procedures on a woman “pregnant with a quick child.”

Sometimes the issue of quickening made for enormously complicated abortion prosecutions. In the early decades of the twentieth century, for example, the state of Wisconsin had one anti-abortion statute with two distinct sections. One section made it an “offense against Chastity, Morality and Decency” to produce a miscarriage by destroying embryonic life. An individual who caused such a miscarriage was not considered to have committed an offense against a *person*, since an embryo—before quickening—did not have the legal status of personhood. The law indicated that the individual who caused an early miscarriage committed merely a considerably lesser offense against *morality*.

The second section of the statute dealt with abortion as an “Offense Against Lives and Persons.” Legislators intended for this section to be used to prosecute abortionists who caused a miscarriage in a woman carrying a “quick child.” This crime was unequivocally an act of homicide, specifically, manslaughter in the second degree.

The distinction between the two sections of Wisconsin’s anti-abortion statute was tested in 1923 by a Racine man, a Mr. A.M. Foster, who was gratified to find out that the quickening doctrine was still intact and

meaningful in his state. Foster was initially convicted of manslaughter by abortion. But a year later he was able to get the judgment overturned because, he argued, there was evidence that the woman he aborted was only about seven weeks pregnant. Consequently, he had been charged under the wrong section of the statute. He had, at worse, he said, committed a crime against morality, but not one against a person.

In the end, the Wisconsin Supreme Court agreed and expressed itself this way: “Neither in popular nor in scientific language is the embryo in its early stages called a human being. Popularly it is regarded as such, for some purposes, only after it has become ‘quick’ which does not occur until four of five months of pregnancy have elapsed. It is obvious that no death of a child can be produced when there is no living child. A two month embryo is not a human being in the eyes of the law, and therefore, its destruction is an offense against morality and not against lives and persons.” Perhaps the most interesting aspect of the finding was the state Supreme Court’s semiveiled admonition of those who wanted to do away with the idea of quickening altogether. The Court wrote, “The law for obvious reasons cannot in its classifications follow the latest or ultimate declarations of science. It must for purposes of practical efficiency proceed upon more everyday and popular conceptions” when it defines the nature of crime. Most men, it concluded, can surely distinguish between a quick and a non-quick pregnancy.

The language chosen by legislators in Tennessee—a state that had, by the 1930s, revised its code to eliminate women’s traditional right to abortion before quickening—made it clear how necessary it was to address the quickening issue explicitly and with absolute clarity. That state’s law began, “Every person who shall administer to any woman pregnant with child, whether such child be quick or not. . . .” But the evidence is plain that women continued to avail themselves of their traditional rights, however these anti-abortion statutes were phrased and however the courts interpreted them.

When abortion did become the subject of a trial in the early decades of the twentieth century, lawyers representing the accused abortionist routinely used the issue of quickening—that is, the absence of proof that the woman had recognized fetal life—to try to undermine the prosecutor’s case. If there were no proof of fetal life, there was no provable pregnancy

and, therefore, no provable abortion. In many states, when lawyers carried these old, traditional claims into the twentieth-century courtroom, prosecutors and judges who knew the law inside out cringed and responded testily that such matters were irrelevant. But it was not uncommon for jurors—ordinary people who respected tradition—to take note. The typical district attorney knew all about these problems. He also knew all the other potential difficulties involved in proving that a criminal abortion had taken place. For instance, he had probably never met a woman who was looking for an opportunity to walk into a courtroom and testify about her criminal abortion. Few D.A.'s, therefore, wanted to get involved in abortion prosecution.

For years, Ruth Barnett, her predecessors, and her competitors in Portland had what Ruth called an “unwritten agreement” with the cops that set a very broad limit on how and where and by whom the abortion clinics were run: no prosecution unless there was a death. This is not to say that abortionists were never arrested unless a woman died. It was always the case that a woman lying in the city hospital, suffering the effects of a botched abortion, caught the attention of law enforcement officials. If the policemen called to her bedside by the hospital staff had reason to believe that the criminal abortion was the work of a lay practitioner, their eagerness to make an arrest might be quite keen. Some observers of the behavior of law enforcement in these years pointed out that police were especially eager to arrest a female abortionist, whether or not she had a death on her hands.

A medical man who performed abortions—on the side or for a living—was not so endangered. Certainly he was less likely to be arrested for being a known abortionist. After all, a doctor had the skills that came with medical training, so a district attorney, not eager for abortion prosecutions anyway, could reason that a doctor's abortion work didn't really hurt the community or put women's lives in danger. A seasoned D.A. knew for sure that any abortion conviction was hard enough to win, and a doctor-defendant only made matters worse. For one thing, just about any doctor in town had respectable, pillar-of-the-community colleagues to stand up for him in court and claim the abortion was a medical necessity, no doubt about it. One famous story involved an Ohio physician-abortionist who pleaded guilty to having performed three hundred abortions a year between 1934 and 1956 for fees in excess of one million dollars, yet his sentence was

merely five years probation. It was clear that even if city officials decided to enforce anti-abortion laws, not all abortionists were equally vulnerable.

But there *was* a leveller, a device police frequently used against abortion providers whether they were physicians or not, male or female. As one observer in Ruth Barnett's day put it, "It was to be expected that the abortionists could not ply their trade in security without insuring that law enforcement agencies would keep their eyes fixed in the opposite direction." Many abortionists dutifully paid the insurance premium directly to the cops. Throughout the illegal decades and across the country, law enforcement officials who did not want to get involved in abortion busts understood that extortion was a remunerative alternative to arrest. In most towns it was common knowledge that wherever there were abortionists, there were cops being paid off. One reporter, snooping around among abortionists in California, came away convinced of this. He wrote, "In big cities an abortionist who operates openly in a downtown office building must be assumed to have purchased immunity, for the constant stream of women to his office would quickly attract attention." It was not unusual that a high-level investigator looking into the goings-on in these downtown buildings would end up with more extortion- than abortion-related indictments. In the real world, the anti-abortion laws created more problems than they solved.

For thirty-three years, though, the law seemed irrelevant to Ruth Barnett. Neither the district attorney nor the cops on the beat in Portland showed any interest in the way she earned her living, from the time Alys Griff began to teach her the ropes in 1918 until Ruth's ultimate arrest in 1951. Judging from this record, abortion was simply tolerated in Portland. It is indisputable that women requiring the services of an abortionist had a number of reputable practitioners to choose from. Many people believed that Ruth Barnett was the best. She was clean and careful and very highly skilled.

Business flourished, the money rolled in, and everything was so out in the open that it was probably hard sometimes for Ruth to remember that she was a criminal. As she described it, "There was nothing secret about my clinic in the Broadway Building. We had no locks on any of the doors except the one leading to a hall, which we locked at night. The majority of our cases were referrals from licensed physicians and surgeons." Even prominent Catholic doctors in town sent women to Ruth's offices. And for

the clients, there was no sneaking around in those days, no strange parking lots, no dark basements. “Women came and went in my clinic,” she said, “with scarcely any more fuss than there would be in keeping an appointment at a beauty salon. Many girls came to me during their lunch hour and returned to work the same afternoon with no distress.”

In those years, Ruth was confident of her safety and of the safety of her clients. She knew that some of her colleagues were asked for what she called “hush money,” but she was left alone. Her confidence was bolstered by the simple fact that everybody who was anybody knew about Ruth Barnett and her clinic. Ruth explained, “The duly elected officers of the law, members of the medical profession and state medical board knew we were in business. Trying to conceal the clinic, or its purpose, would have been as impossible as hiding an elephant in the parlor. Thousands of women had passed through our doors, of all colors, races, and creeds and from various walks of life.” As far as Ruth could see, the anti-abortion law might as well not have existed and was treated as if it didn’t. She was convinced—and with good reason—that no one even considered invoking the “archaic” laws against her.

Over the years, Ruth became so accustomed to working as an abortionist in this kind of permissive climate that when the weather changed—and it did change drastically—she was taken completely by surprise. Police and politicians in Portland, and in cities all over the country, began to violate the venerable “unwritten agreement” they’d had with abortionists for as long as most of them could remember. In some cities beginning in the 1940s, and in Portland starting in 1951, a woman’s death was no longer a necessary condition for arresting an abortionist. From the early post-war years until the legalization of abortion in 1973, nobody involved ever again quite knew the rules. Anti-abortion statutes were invoked in what seemed like an utterly random way.

In the middle 1960s, when Suzanne Tyler, the home ec teacher, found her way to Ruth Barnett’s basement, illegal abortions were, as always, an everyday event in cities and towns across the United States. But, paradoxically, anti-abortion laws were not ineffectual, despite the fact that they did not stop girls and women from ending their pregnancies. These laws remained powerful even when they were not enforced, because they constructed the back alley and forced Suzanne and Ruth down into the