

M-66

Records of the Waterbury Maternal Health Center Trial, (1936-1940, 1942 and 1983)

Processed and finding aid created by Stephanie Crawford, October 2020

Descriptive Summary

Creator: Upson, J. Warren (1904-1992), Waterbury Maternal Health Center

Title: The Waterbury Maternal Health Center Trial

Dates: 1936-1940, 1942, and 1983

Collection Number: M-66

Quantity: .75 cubic feet (2.5 legal manuscript boxes)

Abstract: This collection documents the trial of the State vs. McTernon, Nelson, and Goodrich. This was a landmark case in Connecticut regarding the right to access birth control. Between 1938 and 1939 the Waterbury Maternal Health Clinic provided contraceptive materials to women. In 1939 the police seized all contraceptive materials and a trial ensued. J. Warren Upson successfully defended the nurse and doctors charged.

Language: English

Repository: Max R. Traurig Library and Archive, Mattatuck Museum. Advance notice required.

Organizational History:

The Waterbury Maternal Health Center was founded in 1938 by Clara McTernon, Dr. William Goodrich and Dr. Royce Nelson. The purpose of the Maternal Health Clinic was to provide a place for the poor of Waterbury to seek medical advice about birth control. Married women who had an obvious medical concern over becoming pregnant were given diaphragms and lubricant. The nurses demonstrated proper insertion by utilizing a model of a vagina. The center was open one day a week – Tuesday. The clinic was associated with the Connecticut Birth Control League and the Birth Control Clinical Research bureau in New York City.

On Friday June 9, 1939 the *Waterbury Democrat* published a story about the “birth control clinic” in Waterbury. The article aimed to create outrage. According to David Garrow’s book *Liberty and Sexuality*, this article fueled William Fitzgerald, state’s attorney, to file a search warrant. Police raided the clinic, seized the contraceptive materials, and charges were pressed against McTernan, Nelson, and Goodrich. J. Warren Upson represented the defense, and effectively argued that the center was interested in protecting the life of the mother. It was shown that the patients who were prescribed contraceptives were all married women, of poor health or who worried about getting pregnant related to their own health.

While others, like Margaret Sanger, had successfully challenged the federal Comstock Laws, Connecticut state laws in 1939 were still in effect. Senator Carlos Smith introduced a bill to the state legislature called An Act to Amend an Act Concerning Offenses Against Decency, Morality, and Humanity in 1879 which outlawed selling, lending, distributing, using, or being in possession of any image, thing, or publication intended or adapted for any indecent or immoral use (paraphrased from Brooks, Carol Flora. "The Early History of the Anti-Contraceptive Laws in Massachusetts and Connecticut." *American Quarterly* 18, no. 1 (1966): 3-23. Accessed October 20, 2020.)

Scope and Content Note:

The Waterbury Maternal Health Center Trial records documents the State v. McTernan, Goodrich, Nelson. The collection spans from 1936 through 1940, 1942 and 1983. The collection is entirely paper based. There is one series: Waterbury Maternal Health Center Trial Files. Additionally, there is a small amount of material related to Planned Parenthood from 1983.

Of special interest is the connection between the Waterbury Maternal Health Clinic and the Connecticut Birth Control League.

References and Related Collections:

The Max R. Traurig Library and Archive also has a copy of David J. Garrow's book *Liberty and Sexuality: The Right to Privacy and the Making of Roe v. Wade*.

Name and Subject Tracings:

Birth Control League

Connecticut Birth Control League

Planned Parenthood

Administrative History:

Preferred Citation: The Waterbury Maternal Health Center Trial. M-66. Max R. Traurig Library and Archive, Mattatuck Museum.

Restrictions: Four folders have been restricted due to medical privacy and HIPPA Laws. They will be available for research in 2069.

Container List: This section provides descriptions of the materials found within each series. Each series description is followed by a container list, which gives the titles of the folders and their locations in the numbered boxes that comprise this collection.

Series: Waterbury Maternal Health Center Trial Files,

Arrangement: General files about birth control are listed first, followed by records of the Maternal Health Center used in the trial, followed by trial documents, correspondence after the trial, and a small amount of Planned Parenthood materials.

Waterbury Maternal Health Center will be abbreviated in the container list as WMHC

Box Folder

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| 1 | 1 | General - Connecticut Birth Control League, 1939 |
| | 2 | General – Article “Bootleg Birth Control” in Collier’s, 1939 |
| | 3 | General – Birth control amendment in state legislature, 1939 |

Box	Folder	
1	4	WMHC – Statement of purpose, circa 1938
	6	Birth control issue in Waterbury – reprint from Journal of Connecticut State Medical Society, 1939
	10	WMHC –Report of Mrs. A.L. Wasserman about women using the clinic, 1939
	11	Other birth control cases – Massachusetts and New York, 1935 and 1938
	12	Other birth control cases – the US vs. Dr. Hannah Stone, 1936-1937 Includes issue of <i>The Nation</i> . Birth Control Wins!
	13	Other birth control cases – US vs. Jose Belval (Puerto Rico), 1939
	14	Letters about destruction of birth control, 1939
	15-16	State v. Certain Contraceptive Materials, 1939
	17	State v. Certain Contraceptive Materials, 1939-1940
	18	State v. Certain Contraceptive Materials – Return of materials, 1940
	19	State v. Maternal Health Clinic – McTernan testimony, 1939
	20	State v. McTernan, 1939
	21-22	State v. McTernan, Goodrich, Nelson, 1939

Box	Folder	
2	1	State v. McTernan, Goodrich, Nelson, 1939
	2-5	State v. McTernan, Goodrich, Nelson, 1940
	6	Internal memorandum and notes for the trial, 1939-1940
	7-8	Upton handwritten notes for trial, 1939
	9-10	Correspondence, 1939
	11-12	Correspondence, 1940

Box Folder

3 1-5 Tileston v. Ullman, 1942

6 Thomas Upson collected material, 1940

7 Thomas Upson collected material, 1983