

Chapter Twenty-three

IN TIME WE ONLY CAN BEGIN

*"Enough 'tis the word of a Grand Bashaw,
You needn't to bother about the law
He told me they wasn't to speak at all,
You don't need a warrant to clear a hall
He told me to tell them to stir their stumps,
When 'Clubs' is the order, then clubs is trumps
What else would it be when I'm just a cop
And he is a Reverend Archbishop?"*

ARTHUR GUTERMAN



IN confirming my conviction in 1918, Judge Frederick E. Crane of the Appellate Division of the Supreme Court of New York had for the first time interpreted the section of the state law which permitted a licensed physician to give contraceptive advice for the "cure or prevention of disease", and, further, he had taken from *Webster's Dictionary* the broad definition of disease as any alteration in the state of body which caused or threatened pain and sickness, thus extending the meaning of the word far beyond the original scope of syphilis and gonorrhoea. But, never satisfied, I wanted women to have birth control for economic and social reasons.

Therefore, in January, 1921, Anne Kennedy and I went to Albany to find a sponsor for a bill which was to change the New York law. It was not only a question of amending it, but also a means of educating the public, of explaining our cause through the medium of legislation. Months of preparation were required, hours of tramping the floors of State buildings at Albany, interviewing one person after another, securing promises of help, breaking down hostility.

When people said that women who would not have children were selfish and preferred lap dogs, I replied, "All right. Then it is better

for the children not to be born " That type of woman should die out biologically, just as did the different species that were caught in the mire and slime and could not reproduce themselves It is a principle that applies to human beings also, that they must work through their environment in order to survive

As soon as you could get out of people's minds what birth control was not, they almost invariably said, "Why, yes, certainly, that sounds reasonable" Many of the lawmakers themselves believed that the measure might be of great benefit, but the party whip cut too deeply

Birth control was once described by Heywood Broun as dynamite from the point of view of the politician If he supported it, he might lose votes, if he opposed it, he might lose votes "There is nothing a politician hates more than losing votes He would much rather the subject never came up "

One assemblyman from Brooklyn at first agreed to introduce our bill and then wrote, "I very much regret, but after consulting with some of the leaders of the Assembly, I have been strongly advised not to offer your bill I am told it would do me an injury that I could not overcome for some time " Another refused on the ground of "levity from his associates " But a few years later we found a young, courageous legislator who introduced a bill and secured hearings Although it was defeated, the atmosphere was clarified

Mrs Hepburn, who had been in the suffrage movement early and had been one of the sponsors of Mrs Pankhurst's tour of the United States, now lived in Hartford, Connecticut Although the mother of six, including the actress, Katherine, she retained her youthful face and figure, being almost like a sister to her children, playmate and companion for them at tennis, golf, and swimming Young men asked her to dinner with the same pleasure that they asked her daughters

Closely associated with her was Mrs George H Day, Sr, a grandmother in 1921 She always came from Hartford for every Board meeting of the League and, in turn, her house was a place of refuge for poor, worn-down friends of causes They could go there and be ministered to by a staff of servants and come back, rested and rejuvenated

With two such seasoned campaigners to back us, we carried our legislative activities into Connecticut, the only state where "to use a

contraceptive" was a crime—as though it were possible to have a policeman in every home! A mere six years had elapsed since the movement had begun, consequently, that we were now able to get a hearing was in itself a triumph. Nevertheless, no easy task faced us, so much red tape had to be broken through. But here at Hartford we did succeed in finding an introducer who could hold his own under ridicule. Then we had to educate him, feed him with facts—medical, social, historical—so that he could defend his bill.

A young priest stood forth as our chief opponent, basing his objections on the laws of nature, which he claimed were contravened by birth control. Fortunately the committee had a sense of humor. In my ten-minute rebuttal I was able to answer the "against nature" argument as Francis Place had done a hundred years earlier. I turned the priest's own words on himself by asking why he should counteract nature's decree of impaired vision by wearing eyeglasses, and why, above all, was he celibate, thus outraging nature's primary demand on the human species—to propagate its kind. The laughter practically ended the "unnatural" thesis for some time.

In New Jersey another attempt was made. The law there allowed doctors to give information for "a just cause," but they were fearful of including minor ailments under this interpretation. The bill introduced at Trenton had a hearing, but it also failed to pass.

The whole thing was nerve-wracking but was part of the experience we gained. And, furthermore, whenever we had hearings, the local work progressed much more rapidly as a result. Nothing was lost, however expensive the plowing and sowing. Apparent defeats were victories in the long run.

It then seemed to me from glancing over current clippings and publications that people all over the world were discussing birth control. The English Baron Dawson of Penn had been Court Physician to Edward VII and had continued in this same post during the reign of George V. But he had broader interests, too. One of the great events in the history of the movement was his speech at the Church Congress at Birmingham in answer to the doctrine promulgated by the Bishops at Lambeth that sexual union should take place for the purpose of procreation only.

Imagine a young married couple in love with each other being expected to occupy the same room and to abstain for two years. The thing is preposterous. You might as well put water by the side of a man suffering from thirst and tell him not to drink it. Romance and deliberate self-restraint do not to my mind rhyme very well together. A touch of madness to begin with does no harm. Heaven knows life sobers it soon enough.

His speech caused an immense sensation throughout England. Headlines and streamers announced, "King's Physician asks Church to sanction birth control." The deduction was that His Majesty was endorsing it, and stolid Britishers were all agog at the idea that Buckingham Palace was now talking about the subject, it was hinted. Queen Mary was not overpleased.

On this side of the Atlantic Major General John J. O'Ryan, who had commanded the Twenty-Seventh National Guard Division, lectured on overpopulation as a cause for war. Frank Vanderlip, once Assistant Secretary of the Treasury and later President of the National City Bank, had just returned from Japan, proclaiming that population must be controlled because some countries could no longer feed themselves. Here was an army man on the one hand, and a financier on the other, unprimed, uncoerced, even uninvited, speaking out of their independent experiences. They were voices in the wilderness, oases in the desert, and certainly encouraging historical landmarks.

Among uneasy experts the sentiment was growing that population pressure in Japan would soon create an inevitable explosion. Indeed, one of the familiar arguments in the United States brought forward against birth control was the "menace of the Yellow Peril," by which was meant specifically, Japan. What folly to reduce our birth rate when Orientals were multiplying so appallingly fast that the downfall of Western civilization might soon be looked for! India and China were teeming indiscriminately, but their peoples were feeble, inert, and diseased, whereas the Japanese were being reared under German health traditions, were ninety-seven percent literate, and were technically equipped for battle.

Naturally I was eager to learn as much about this situation as possible, and welcomed the opportunity to meet the Nipponese friends of

Gertrude Boyle, who had married a gentleman of Japan. They always appeared in pairs or groups of three, four, five at a time, talking busily in asides with each other while I exchanged opinions with one. They were helpful in furnishing me with unpublished facts, the older, conservative, nationalist, militarist party advocated greater numbers, but the young, liberal intellectuals, many of whom had attended Occidental universities, could see the clouds already lowering on the horizon and hoped the storm could be averted by controlled population growth. Atro, a reporter on a New York Japanese paper, had been supplying the last-named group, which in Tokyo called itself Kaizo, meaning reconstruction, with clippings about birth control, and several of my articles had been printed in their publication.

The women's point of view was graphically described to me by the Baroness Shidzue Ishimoto, daughter of the head of the great Hirota clan and wife of Baron Keikichi Ishimoto, a young nobleman who had put in practice his ideals of service. This charming, youthful and gracious matron, tall for her race and equally beautiful by our standards, very smart in her American street costume, had in 1919 come from her own land where suffrage for women was still mentioned in awed tones. She had studied our language at a Y W C A business school, and in three months had performed the extraordinary accomplishment of mastering it sufficiently to speak, write, and even take dictation in English.

We quickly became friends and she at once foresaw the possibilities of birth control in bringing Japanese women out of their long suppression in the family system. She said she intended to form a league immediately upon her arrival in Tokyo, and did so in 1921.

During that year also clinics were started in England. That of Marie Stopes proved popular, although instruction, given by a midwife, was limited to mothers who had already had at least one child. Shortly afterwards Dr. Haire and Bessie Drysdale, with Harold Cox as chairman of a lay group to finance the work, established Walworth Center, which had a fine gynecological thoroughness and set an example which later clinics in England followed.

It was high time clinics were started in the United States as well. After the Crane decision I had anticipated that hospitals were going to give contraceptive advice. But in 1919, under Dr. Mary Halton's di-

rection, two women, the first with tuberculosis, the other with syphilis, had been taken from one to another institution on Manhattan Island. All had refused such information, although most had agreed that the patients, if pregnant, could be aborted. The officers in charge had said they were obliged to protect their charters, and the staff physicians their licenses and reputations.

Anything depending on the organized medicine is hard to put over, though individual doctors may break away, in the long run most medical progress proceeds by group action.

Since the hospitals were laggard in this matter, I decided to open a second clinic of my own. It was to be in effect a laboratory dealing in human beings instead of mice, with every consideration for environment, personality, and background. I was going to suggest to women that in the Twentieth Century they give themselves to science as they had in the past given their lives to religion.

In addition to the usual rooms I planned to have a day nursery where children could be kept amused and happy while the mothers were being instructed. A properly chosen staff could enable us to have weekly sessions on prenatal care and marital adjustment. Gynecologists were to refer patients to hospitals if pregnancy jeopardized life, a specialist was to advise women in overcoming sterility, a consultant was to deal with eugenics, and, finally, since anxiety and fear of pregnancy were often the psychological causes of ill health, a psychiatrist was to be added. I intended, furthermore, that it should be a nucleus for research on scientific methods of contraception, domestically manufactured supplies of tested efficacy could not, at that time, be procured.

Because organized medical support was lacking, I tried to see what could be done with individuals, writing to various doctors to inquire whether they were willing to sponsor such an undertaking. Several asked me what methods I was recommending, but Dr. Emmett Holt, then the outstanding pediatrician of New York, whose book, *The Care and Feeding of Children*, was the bible of thousands of mothers, invited me to come to his office, before making any endorsement he wanted to know more about it.

I packed up all my European supplies and showed them and explained them to Dr. Holt, who had called in also an obstetrician and a neurologist, Dr. Frederick Peterson, for the discussion. The usual

attitude of the child specialist was, "Our living depends upon babies. Why should we advocate limiting the supply? The more the merrier. If you cut down, you're taking our maintenance from us." But Dr Holt said, "A thoroughly reliable contraceptive would be a godsend to us. If the family cannot afford a nurse we must rely on the health and strength of the mother to keep her baby alive. If pregnancy can be postponed for a few years, not only the baby who has been born, but the baby who comes after is much more likely to survive."

Dr Holt lent us his name, one of the first important physicians to do so, thus setting an example which eventually others followed. Five or six men and women doctors agreed to stand behind the clinic.

But I had to have more than verbal approval. Unless the clinic were to be conducted by a doctor with a New York practicing license, it would not be there to stay. In early autumn I brought together an interested group to discuss the possibility of a location on the East Side near Stuyvesant Square, and Dr Lydia Allen de Vilbiss, whom I had met at the Indianapolis social workers' conference, was going to form her own medical committee behind her and build it up. On the basis of her promise, I signed a year's lease for a small suite of rooms at 317 East Tenth Street, from which a dentist had just moved out, appropriately situated on the ground floor in a densely populated section.

The legislative activities and planning for a clinic had taken much of my attention during the year, but the central theme was the determination to hold the First National Birth Control Conference, November 11-13, 1921, at the Plaza Hotel in New York. I timed it purposely to coincide with a meeting of the American Public Health Association, hoping that if we could only convince these officials of the need for birth control, they would use it in their own work.

In addition to the health aspect, we planned to treat of population and also have a doctors' meeting on methods and technique. But "flaming youth" was having its fling, and the great clamor of the moment was directed towards the moral issue. Opponents were constantly hurling the statement that immorality among young people was to be the inevitable fruit of our efforts. This I did not believe. I knew that neither morality nor immorality was an external factor in human behavior, essentially these qualities grew and emerged from within. If the youth of the post-War era were slipping away from

sanctioned codes, it was not the fault of birth control knowledge any more than it was the fault of the automobile, which made transportation to the bright lights of the city quick and easy. Immorality as a result should not be placed at the door of Messrs Ford or Chrysler.

In order to have a free and fair hearing we proposed a large open meeting to wind up the Conference, and invited ministry and clergy of all denominations, including Archbishop Patrick J. Hayes, who was the spokesman of the Catholic Church in New York.

The movement was older in England and had already established its dignity there. Consequently, the presence at the Conference of such an outstanding Englishman as Harold Cox was certain to carry weight. To persuade him to take the sea voyage I sailed for Europe. When I arrived in London I found him unwell, and his doctors at first refused him permission to travel. Under the circumstances it was very fine of him to promise to come. J. O. P. Bland also said he would look in on the Conference if only to give it his blessing. He was a dark-haired, witty, amusing North-of-Irishman who had lived much in the Orient and become an authority on Far Eastern matters, an internationalist in all his thinking. He was one of those who always helped to hold up your right hand.

My object in England having been attained, I went on to Switzerland with a definite aim, I had formed a habit in my nursing days, when I was waiting in the night to give medicine or treatment to a patient, of occupying the time putting down experiences and thoughts that came to me. The same habit continued. After lectures, while I was still sizzling with excitement, I often relieved the tenseness by writing down answers to questions I feared I had not covered adequately. Before I knew it I had material gathered for a book, and even some chapters in rough draft. They needed pulling together and polishing off and I went to bed in Montreux for a month to do this. I had regarded *Woman and the New Race* as my heart book, this, *The Pivot of Civilization*, was to be my head book. I brought it back with me to the United States and Wells, who was reporting the Washington Disarmament Conference for the *New York World*, wrote an introduction.

To make our Conference a success it had to be under the auspices of an organization. I had always had a dread of them. I knew their

weaknesses and the stifling effect they could have. They seemed heavy and ponderous, rigid, lifeless, and soulless, often caught in their own mechanism to become dead wood, thus defeating the very purposes for which they had initially been established. Even the women who were able and clever at systematizing such bodies terrified me with their rule-and-rote minds, their weight-and-measure tactics, they appeared so sure, so positive that I felt as if I were in the way of a giant tractor which destroyed mercilessly as it went.

In spite of this dread I had reasoned out the necessity for an organization to tie up the loose ends. Although it might be limiting and inhibiting to the individual, it had other advantages of strength and solidity which would enable it to function when the individual was gone. Therefore I sent a questionnaire to leaders in social and professional circles, asking them whether the time had not come for such a national association, the replies almost unanimously confirmed this decision.

The evening before the Conference was to open, a few friends gathered together to launch the American Birth Control League. Its aims were to build up public opinion so that women should demand instruction from doctors, to assemble the findings of scientists, to remove hampering Federal statutes, to send out field workers into those states where laws did not prevent clinics, to co-operate with similar bodies in studying population problems, food supplies, world peace. After the dinner, given at Mrs. George F. Rublee's home, we talked over specific plans for the year and set in motion the machinery for having the League incorporated.

Juliet Barrett Rublee had been one of the pioneers, a member of the original Committee of One Hundred, and all the way through the years she has never wavered from my side. No more inspired idealist was ever initiated into a movement. The imagination of this picturesque, romantic wife of a conservative lawyer had been so fired that she dedicated to it her entire devotion, loyalty, partisanship. Others had rallied their own personal friends around the idea, but Juliet's influence brought in her husband's associates—the Cravaths, Morrrows, Lamonts, Dodges, and Blisses.

Juliet's parties were always gay and interesting, with an atmosphere nobody else could create. Her small, engaging dining room was as

colorful as she herself—the only woman I ever knew who dared to wear bright greens, reds, yellows, all together. For lunches, teas, and dinners in behalf of the cause she practically turned over her home in Turtle Bay Gardens.

A goodly number attended the opening of our Conference, which, appropriately, coincided with that of the great disarmament conference at Washington. The medical meeting, where contraceptive technique was discussed, was so crowded that latecomers could not squeeze in. The doctors who did find places, each apparently surprised to see his confreres there, expected us to have a hundred percent' sound methods, they seemed disappointed because we had no magic up our sleeves and told them quite frankly we had not. The best we could do was show what devices were being employed, including those from the Netherlands and the preparation I had found at Friedrichshaven, with the warning that they had not been tested for efficacy.

After two full days nothing remained but the Sunday evening mass meeting on "Birth Control, Is It Moral?" For this we had selected the Town Hall on West Forty-third Street, a new club designed as a forum for adult education, the auditorium was often used for discussion of questions of civic interest. Harold Cox was to deliver the first speech and I was to follow.

Always, when I am to speak, I attempt to visualize the hall and the audience in order to feel my way into the subject. When I cannot do so, I have invariably been met by blocked doors. Throughout Sunday, try as I would to "tune in" to the approaching event, I could not do it. I kept remembering a dream I had had the night before in which I was carrying a small baby in my arms up a very steep hill and came rather abruptly to a slope which became a mountain side of rock and slippery shale, I had nothing to grasp to prevent me from sliding. The baby cried continually and I wanted to comfort it, but I dared not use my right hand because it was held up like a balancing rod which saved us both from falling. That miserable dream made me drowsy all day. My brain seemed numb. I simply could not think of what I was going to say.

Anne Kennedy had gone ahead to the Town Hall at about seven o'clock. Harold Cox and I had dined at Juliet's but I could not eat, I was interested neither in the food nor the conversation. I still had an

absolute blank in front of me Juliet was congratulating me that soon, with the Conference over, I could have a rest Ordinarily when I am approaching the end of a particular job I begin to feel released, but this time I could not reassure her, I was nervous, anxious, and apprehensive

Our taxi swung into West Forty-third Street and crept cautiously along through a swarming aggregation "Heavens!" I said "This is an overflow with a vengeance"

We dismounted and pushed our way to the Town Hall doors They were closed and two policemen barred our path when Mr Cox and I attempted to enter "This gentleman is one of the speakers and I am another," I said "Why can't we go in?"

"There ain't gonna be no meeting That's all I can say"

I had not the faintest idea of what was happening A newspaper man standing near by suggested, "Why not call up Police Commissioner Enright and see what the trouble is?"

Juliet and I rushed across the street to a booth and she telephoned police headquarters No one could say where the Commissioner was As far as they knew no orders to forbid the meeting had been issued

Then I put through a call for Mayor Hylan While I was waiting for the connection I kept my eyes on the Town Hall entrance and saw that policemen were cautiously opening the doors to let out dribbles of people If they could get out I could get in, so I abandoned the telephone and wove my way through the throng until I reached the doors, slipping in under the policemen's arms before they could stop me Dignified health officers from all over the country, lawyers and judges with their families and guests were standing about, grumbling, vague, reluctant to depart, wondering what to do

I fairly flew up the aisle but halted in front of the footlights, they were as high as my head and another blue uniform was obstructing the steps leading to the stage Suddenly Lothrop Stoddard, the author, tall and strong, seized me and literally tossed me up to the platform A messenger boy was aimlessly grasping flowers which were to be presented after my speech Stoddard grabbed them briskly, handed them to me, and shouted, "Here's Mrs Sanger!"

"Don't leave!" I called to the audience "We're going to hold the meeting"

A great scramble began to get back into the seats. The hall was in a turmoil, the front doors had been stampeded and those in the street were pressing in, only to find their places gone. The boxes and galleries were soon filled, the stage was jammed, hundreds were crowded in the rear. I cried, "Get in out of the aisles!" I knew the meeting could be legally closed if they were blocked, and I did not want fire regulations to be used as a pretext.

I still had no idea of what had gone on earlier when I commenced my lecture, but had uttered no more than ten or twelve words when two policemen loomed up beside me and said, "You can't talk here." A thundering applause broke out as though it were the only relief for angry, indignant, rebellious spirits.

"Why can't I?"

I started again but my voice could not be heard. I then suggested to Harold Cox, "Perhaps they'll let you speak. Try it." This white-haired and pink-cheeked gentleman walked to the edge of the platform with a dignity of bearing about as distantly removed from immorality as could be imagined. "Ladies and gentlemen," he began, "I have come from across the Atlantic—" but that was as far as he got before he was led back to his seat by a policeman.

Then Mary Winsor, an ardent suffragette, sprang up, but they stopped her also. As soon as one was downed, another jumped to his or her feet. I did not know the names of some of the volunteers, who were not even allowed to finish their "Ladies and gentlemen."

Meanwhile, Anne Kennedy was telling me as best she could what had happened prior to my arrival. When the house had been half filled, a man had come to the platform and asked, "Who's in charge?"

"I am," Anne had answered.

"This meeting must be closed."

"Why?"

"An indecent, immoral subject is to be discussed. It cannot be held."

"On what authority? Are you from the police?"

"No, I'm Monsignor Dineen, the Secretary of Archbishop Hayes."

"What right has he to interfere?"

"He has the right." Here he turned to a policeman. "Captain, speak up."

"Who are you?" Anne had demanded.

"I'm Captain Donohue of this district The meeting must be stopped"

Capable and cool-headed Anne had replied, "Very well, we'll write this down and I'll read it to the audience 'I, Captain Thomas Donohue, of the Twenty-sixth Precinct, at the order of Monsignor Joseph P Dineen, Secretary to Archbishop Patrick J Hayes, have ordered this meeting closed' "

The listeners had sat petrified while she had read them this strange admission No hissing or booing then They had just sat It was one thing to have the hall shut by a mistaken or misguided police captain, a very different thing to have it done by a high dignitary of the Roman Catholic hierarchy

Monsignor Dineen was now stationed in the back of the hall, and Anne pointed him out to me, of medium size, in plain attire, calmly directing the police by a casual nod of the head or a whisper to a man who acted as runner between him and the Captain on the platform

Confusion and tumult continued for at least an hour Newspaper men were scribbling stories, those who could not get in were creating commotion outside, the reserves had been summoned It was bedlam Miss Winsor tried to speak two or three times, I, at least ten But I knew that I had to keep on until I was arrested in order that free speech might be made the issue To allow yourself to be sent home at the order of the police was accepting the police point of view as to what was moral Moreover you were bound for the principle of the thing to carry it into the court for a legal decision, if the pulpit and press were denied you, you must take it to the dock

Captain Donohue kept repeating to me, "Please get off this stage before you cause disorder" Police now began to hustle the audience towards half a dozen exits, and finally Miss Winsor and I were put under arrest, Robert McC Marsh, Mrs Delafield's son-in-law, offered to act as our counsel

Juliet said to an officer, "Why don't you arrest me too?"

"Well, you can come along if you like," he agreed So we walked together up Broadway to the station at West Forty-seventh Street, policemen flanking us The crowd, still jeering the reserves, who had been trying vainly to clear the way, fell in line and marched behind us A patrol wagon then took us to night court where we were arraigned

before Magistrate McQuade. Someone had telephoned J J and he came up later, but Mr Marsh had already taken care of the necessary formalities. We were released on our own recognizances, to appear at court the following morning.

It was now some time after midnight, but we all went back to Juliet's apartment. Harold Cox was shocked, not only by the roughness of the police, but also by the supineness of the audience, which had done nothing but make a noise. "Had this been in London, they would never have been able to stop the meeting! We would have defended our rights, used every chair and door and window to barricade the place, even though we might have been beaten in the end."

Anne Kennedy had brought the reporters, and they were waiting for us. They wanted to make out a story of police stupidity and let it go at that, unable to believe her when she told them it was the Archbishop who was responsible. A *Times* reporter called up the "Power House," as St Patrick's Cathedral was colloquially termed, reached Dineen himself, and asked for verification. "Yes," said the Monsignor, "we closed the meeting."

Then and there we decided to hold a second one as soon as possible at the same place.

It was well on towards five o'clock when at last I fell in my bed. I sank to slumber, but it was only to find myself still carrying that same baby up the steep and sliding mountain, balancing myself with upraised hand. The sky was dark, the way unmarked. Warily I stumbled on.