

## THE WAY TO THE END

**M**Y FIGHT for birth control had begun, seventeen years previous, with a direct challenge to the iniquitous Section 211 of the Federal Penal Code. It will be recalled that this statute was invoked by the postmaster of New York City to suppress the *Woman Rebel*—it was declared unmailable because it tended to violate the text, which declared it a crime to induce or to incite a person to so use or apply any article, instrument, substance, drug, medicines or thing to be used or applied for the prevention of conception. Was the battle now finally to be won with the amendment of that act which had been incorporated into our federal laws due to the long agitation of that flamboyant and pathological zealot Anthony Comstock? For fifty-eight years it has remained there, silently shackling the lives of American women, perpetuating suffering and physical torture, spreading the blight of biological tragedy because of its diabolical taboos.

Now, our doctors bill had been introduced into the Senate by Senator Frederick Gillett, the venerable Republican senator

from Massachusetts, and a hearing was to be held before a sub committee of the Senate Committee on the Judiciary. The date was set for February 13, 1931. An appropriate day, it flashed through my mind, as I set out for Washington—so near the birthday of our great Emancipator, who had freed the slaves. Could we free women from the worse slavery in which they had been kept by the barbaric taboos imposed upon a whole nation by a weak kneed Congress?

Glancing over that Section 211, as the train sped toward Washington, and at its corollaries, enacted the same year—Sections 311 and 312 of the Criminal Code and the act of Congress passed in 1909, all the old indignation that I felt twenty years ago flamed up anew into a white heat. With what diabolical skill that act had been worded! With what Machiavelian shrewdness it had been designed to prevent the circulation of scientific knowledge and methods! Forever, it linked contraception with obscenity—throwing dust into the eyes of the righteous in order to slip in the fallacy that conscious procreation was a vile, filthy and indecent practice. I nearly became a fanatical feminist again. men had passed this law. mature men had permitted themselves to be led like sheep to the slaughter. It made me doubt for a moment whether humans are even capable of making laws for the behaviour of their fellowmen. Where was the spirit of liberty, of toleration, of human compassion?

Well, I warned myself, it was a situation demanding tact, diplomacy, sweetness and light. Victories! At that moment they seemed as nothing to me, as long as that legislation remained on the federal codes. There were those, I knew, who were all for a clean sweep but long experience had convinced me that it was a step by step fight—that it was all very well to denounce, to theorize, to analyze academic and philosophical aspects of the right and wrong of the problem. My task was to help those conscript mothers, to bring relief not with fine, soothing, eloquent words, but to prevent the recurrences of hopeless pregnancies, the conception of wan little lives that were all too soon snuffed out.

Therefore the amendment of the bill which aimed to place the whole matter of contraceptive education in the hands of competent physicians and clinics seemed the inevitable next step in federal legislation

It was arranged that the sub committee on S 4582 would meet in Room 212 of the Senate Office Building on the morning of Friday, February 13, when its proponents would speak in favor of the bill. The following morning seventeen opponents would be heard. The sub committee consisted of Senators Gillett of Massachusetts, Sam G. Bratton of New Mexico, and William E. Borah of Idaho—but Senator Borah did not appear.

As we gathered in the room that February morning, I began to sense intuitively, like a veteran warrior, that it was to be a battle against the same old enemies—the silent enemies of that Brooklyn courtroom in which, fifteen years ago, I had been sentenced, the unseen enemies who gave the police orders to raid the Town Hall meeting in 1921, who had directed the ill-considered raid upon the Clinical Research Bureau in 1929. The Roman Catholic hierarchy of course, but along with them all the forces of reaction, the hopeless dogmatists of the ages, the conformists, the reactionaries—call them Lutherans or Puritans or Fundamentalists or Pharisees—all those for whom morality means merely blind subservience to custom and tradition, to a code completed and rigid once and for eternity. They explain every occurrence that inflicts unhappiness upon human life as the will of God, be it disease, famine, flood, epidemic, poverty, starvation, unemployment, illiteracy, or feeble mindedness.

They are the classes always ready and active to protect their own prejudices, to enforce their intolerant will upon the population at large. By suppression, by propaganda, by trickery, by treachery, by arrogant legislation, they achieve their ends. Many of them with their blatant loudspeaking are merely the mouthpieces of the wily directors of the Church—those evil shepherds who in turn take their orders from higher up. They are skilful in using the weapons of misrepresenta-

tion, yet they cover their intentions under high sounding phrases of traditional morality and theology

On the other side stand the forces of reason, of tolerance, of science—forces that embody more truly the spirit of Christ than the Church ever did, the spirit of helpfulness and of compassion, of infinite understanding of human suffering and human frailty I am no theologian, but I am certain that it was never the intention of the founder of the Christian religion to impose a hard and set sexual code upon the human race He who associated with sinners and publicans, who attached so little importance to the sins of the flesh, who emphasized so vividly that envy and avarice were more deadly sins than adultery, would find today his religion of love and brotherhood, of selflessness, I am sure, expressing itself in the disinterested attitude of scientific research, in the work of the clinics rather than in richly decorated cathedrals or pompous rituals chanted in a language of the past

As I entered the Senate Office Building that windy February morning, and as the hearing was called to order by Senator Gillett, I knew that these old forces were once more aligned against us There was the successor of St Anthony Comstock himself, John Sumner of the Society for the Suppression of Vice Canon William Chase of the National Reform Society, representatives of the World's Purity Federation a delegate of the Southern Baptist Association, the secretary of the National Council of Catholic Women, Dr Howard Kelly, Professor Emeritus of Gynecology in Johns Hopkins University, representing a type as obsolete as the theology of our ecclesiastic opponents Here they all were, in serried ranks, driven out to open combat by the fear that the doctors bill might be passed

When a struggle has so completely absorbed one's time and activity as the struggle for the recognition of the legitimacy of birth control had absorbed mine for nearly twenty years, there seldom occurs an opportunity to observe the actual progress one has made The hearing in Washington was important and encouraging from this point of view, it demonstrated that

the best minds and the most enlightened opinion of the country were standing staunchly behind us, had, as a matter of fact, joined the active battle with us. Here, at our side the previous day, stood Dr J Whitridge Williams, Obstetrician in Chief of Johns Hopkins University Professor Roswell Johnson, Professor of Eugenics in the University of Pittsburgh, Rabbi Sidney Goldstein, of the Free Synagogue of New York, Mrs Douglas Moffat, chairman of the legislative committee of the Junior League of New York City Professor Henry Pratt Fairchild, sociologist, of New York University, Mrs Thomas Hepburn, legislative chairman, of Hartford, Connecticut, and Rev Charles Francis Potter, of the Humanist Church

Our time was limited to one morning—a bare hour and a half—and so we were forced to limit the number of our defenders. The room was crowded with friends and opponents. Introduced by Mrs Hepburn, our legislative chairman, I could touch only briefly on the evils wrought by the Comstockian legislation, upon the revolutionary changes wrought in the technique of contraception since 1873. I emphasized the manifest injustice of classifying scientific, medical information with pornographic writing or pictures. I roughly sketched the appalling effects of this law upon women and children. Since this law was established in 1873, I stated in conclusion, more than one million and five hundred thousand mothers have passed out beyond from causes due to child bearing, and we know today that the subject of contraception is intimately associated with the deaths of mothers and affects our maternal mortality.

It is also roughly estimated that, since that law was passed, more than fifteen million children have passed out of life during their first year of infancy, many of them were children born in conditions of poverty and their mothers ill health. A great majority of them might have been living to-day had their mothers had a chance to recuperate from the ordeal of previous pregnancy instead of using up the vitality of the child before it was born.

We, Mr Chairman, believe that the effect of keeping these laws on the statute book is to keep alive hypocrisy, evasion, and a general increasing disregard for laws. We believe that there is nothing to be gained by keeping such laws on the statute books when they are known to be inimical to the personal health of mothers, to the family happiness, and to the general welfare and progress of the Nation.

Then I presented a long list of organizations which indorsed the proposed amendment—medical boards and societies, welfare committees and settlements, philanthropic organizations and foundations, religious alliances, representing such denominations as the Episcopal, the Congregational, the Universalist, the Unitarian, and even the Methodist Episcopal Churches in various sections of the United States, political organizations and trade unions leagues. Other defendants of the amendment spoke on the specific advantages to be gained for the nation and the individual.

Our opponents, seventeen of whom were to be heard the following morning, waited impatiently. We were to be allowed only ten minutes at the conclusion of the hearing to rebut their arguments.

When we gathered again the following morning at the Senate Office Building, there was an air of tense excitement in Room 212. I had prepared myself to hear the stock conventional arguments against contraception, but I was not prepared for the shrewd trickery which our opponents used to combat us. The claim was made that three large and influential bodies were opposed to the present amendment. They named the American Federation of Labor, the American Medical Association, and the Methodist Episcopal Board of Public Morals.

Under examination by Senator Bratton, one speaker was forced to admit that the American Federation of Labor had never taken any action one way or the other on the subject of birth control. The other statements were equally misleading. As I sat there, compelled to listen to the doughty representatives of such organizations—indeed, I must confess that I had never dreamed of the existence of some of them!—

as the Patriotic Society, the Purity League, the Clean Books League, the Foresters, the IOOF, the Knights of Columbus, I wondered how so much hypocrisy could be concentrated in one room, combined with so much stupidity and prejudice. It would require a Swift to describe how obtuse minds seem to exercise a natural affinity for each other and so combine and mobilize to search out any slight effort toward human advance and swoop down upon it in herds, trampling hopes and ideals into the mire. It was as though we were in some antediluvian age, some kingdom out of Gulliver's travels. Under these words, these exposures of medieval mental processes, one could only sit in amazement, enduring as best one could the flood of personal abuse, misrepresentation, deliberate prevarication and false statement. At the beginning I had waited expectantly, anxious to learn what honest objections could be presented. I came indeed with an open mind, hoping that I might learn some new and honest point of view. But after an hour of these flatulent tirades, I gave it up. These Catholic medical authorities blundered naively into the realm of morals. In that field some church or other had acquired a monopoly on God's laws and Nature's, which, we were assured, were identical with patriotism and competitive procreation.

At last I closed my ears to this monotonous and repetitious chant of medieval dogmas and refused to listen. If I had hoped for a victory at this hearing, I knew that I had done so without sufficient consideration of these forces aligned against us. It was flattering to know that enlightened public opinion was with us. But such opinion, based on tolerance, is seldom militant. It does not fight. While the other type—the ignorant, the prejudiced, the intolerant, is always pugna-cious, egotistic, self assertive. Therefore it seems to be all conquering in this poor democracy of ours.

Tiring of this incessant gabble, I closed the noise of the room from the inner chamber of my mind. I sat back to collect my own thoughts for the brief rebuttal that was to come. I could plainly hear the spasmodic groans of suffering womankind, cries of women in the agonies of childbirth, the

frenzy of mothers as in grief they looked for the last time upon the faces of lost babies. These sounds surged and beat a strange rhythm upon my subconscious mind until abruptly I was aroused by the voice of my friend Kate Hepburn. It was time for the rebuttal.

I arose in a sort of daze. Ten minutes to reply to countless ages of prejudice, to accumulated centuries of taboo, to millenniums of misrepresentation, to the whole past of the powers of darkness! Here was the Church, not the Church of Christ, but the Church of Rome, with its two thousand years or more of organization, of power, of secret intrigue and machinations, the Church that my father had combatted when I was only a little girl, the Church that had obstructed every effort of human emancipation, every step toward the stars—the Church that had sent me to jail. How could I answer it in ten minutes?

But, I reassured myself, ten minutes were ten minutes. Brief as they were they had been given to me to use to the best of my ability. After all, in the vast march of humanity out of darkness into light, my whole life, my entire effort was much less, relatively speaking, than these ten minutes. Yet if I had been able, despite all my obvious and admitted limitations, to point out the right direction, to prevent a racial stampede into certain disaster, it was not mine to complain against the few opportunities that had been given me. I had made the most of my opportunities in the past, and I had, I thought, been richly rewarded. I would take advantage of these ten minutes now.

These thoughts flashed through my mind in much less time than it takes to set them down. And almost before I had finished formulating them, I heard myself vigorously denying the misrepresentations of the opponents. The ten minutes were speeding furiously by. Yet their deliberate, complicated falsehoods required specific denial.

Almost as though they were ten seconds, those minutes were up. Senator Gillett graciously granted me five minutes more, and I went on, merely unburdening without thought the con-

victions of years We who are advocating this bill are trying to do away with the surreptitious and harmful information that is at present being spread around the country without being authorized, or controlled by experts who have the right to give it I believe that the only way to do away with the harmful information which has been mentioned here this morning is to put the subject in the hands of the medical profession to be properly controlled

When some one says that the happiest families are the largest ones, and that the world's great leaders have been of large families, I would like to call to your attention that the great leader of Christianity, Jesus Christ himself, was said to be an only child

Some of our opponents rose in horror, and made the sign of the Cross There were cries of Blasphemy! Confusion reigned for a few moments, but I went on, more determined than ever

I am not going to take much time, but I want to say that the controversy really concerns the question of differing methods of birth control The method of self-control recommended by some of those who are here to-day, is open to them They may use such methods We are not imposing any method upon any individual There are about 120,000,000 people in this country, and I suppose that a large part of that number, perhaps 15,000,000, we will say to be generous, or even 20,000,000 are Catholics, but there are 105,000,000 left who are non Catholics We are not imposing any legislation upon the Catholics We in no way try to inflict our ideas upon them They have a perfect right to use the method of self control if they wish, but we do believe that we have just as much right under the Constitution to enjoy health, peace, and the right to the pursuit of happiness as we see it

So I want to say that this whole group this morning, who have represented perhaps certain moral organizations of the country, seem to me to be like the boy who is whistling to keep up courage No doubt there has been a falling away from grace, we might say, in the past several years, and they

who represent such moral standards must see that they have failed to a considerable extent when we consider that they have had so much power. They have had the laws with them, the wealth, the press, and yet they have come to-day to say they are afraid of the morals of their people if they have knowledge, if they do not continue to be kept in fear and ignorance. Then I say their moral teachings are not very deep.

We have birth control clinics that are legally operating throughout the United States, and in almost every one of the birth control clinics we have the same records. Regardless of religion, women come to us, desperate women, women trying to live decently, trying to avoid the conditions that unwanted pregnancy and too frequent pregnancy bring. These women come in equal proportions—about thirty three per cent Protestant, thirty two per cent Catholics, and thirty one per cent Jewish women. They all come with the same cry.

Give us a chance to space our children. It is not that we do not love children, because we do love them, but because we want to give them a better chance than we have had, and we know that another child born into this family only deprives the children that are already here of a decent living with the ideals that we have for them.

When you get five hundred Catholic women in one clinic, with confessions of 597 abortions, Mr. Chairman, I say that it is time for us all to consider this problem intelligently. It is time for us all to consider a fundamental need, the fundamental question that is involved here. Catholic women are no different from any other women. It is all the same. The great majority of women who come to birth control clinics are seeking some means of controlling the size of their family because heretofore they have had to resort to these harmful methods. This is what we are trying to eliminate. We are trying to save mothers from this great hardship, from this unnatural ordeal. In the past many women who desired to control the size of their families have had to resort to an interruption of pregnancy, a method of which we disapprove,

and which this law is going to do away with eventually, I am quite certain

Mr Chairman, we want children to be conceived in love, born of parents conscious desire, and born into the world with healthy and sound bodies and sound minds

That doctor's bill, alas, died a premature death on March 4, 1931, still in the committee, with the expiration of the seventy first Congress. But that does not mean that the work of the Committee for Federal Legislation for Birth Control is defeated. It means, on the other hand, that we must take up the work with renewed energy. It means that there is work that confronts every intelligent voter in this country. It means that we must organize the forces of intelligence to combat effectively the splendidly organized forces of reaction.

So it is that when I am congratulated now on recent victories such as the recent stand of the various Churches, representing Protestant acceptance of the moral integrity of birth control, or the statement of the New York Academy of Medicine, representing the approbation of the medical profession of the work accomplished in our clinics, I am made keenly aware that passive approval is not enough. We have, it is true, succeeded in enlightening public opinion. We have battered down the prejudice of the press. We have overcome the apathy and passive indifference of the medical profession. We have awakened the consciousness of the Protestant churches and their ethical leaders to the moral necessity of birth control. Yet this enlightenment, unless directed and applied, will be extinguished by the winds of dogmas unless it is applied like a hydro-electric power to the driving of the machinery of political and legislative action.

Life has taught me one supreme lesson. This is that we must—if we are really to *live* at all, if we are to enjoy the life more abundant promised by the Sages of Wisdom—we must put our convictions into action. My remuneration has been that I have been privileged to act out my faith.

I know that there is a growing class of intellectuals in America who believe that our national problems cannot be

satisfactorily solved by rallying people to some crusade that can be expressed in a symbol, a phrase, a definite set of principles, or a program I know that these people give their passive and condescending approval of birth control Some times it seems to me that these passive, intelligent, superior people, who cannot bring themselves to any such vulgar activity as voting, are more destructive than the forces of reaction Heywood Broun calls our attention to the arch symbol of this type of contemporary liberal the donkey stationed midway between two stacks of hay, spending his life trying to evaluate which was most desirable and eventually dying of starvation

The problem of birth control in a national program concentrates all other political problems the problems of taxation, of the care of defective and delinquents, of the standards of public education, of community life in general, of the demands made to support charities and community chests, of poverty and unemployment, of crime and the maintenance of prisons and penitentiaries, of child labor and unemployment Therefore it is a problem that concerns in its intimate aspects every one of us, and in its remoter consequences the very life of the nation and the race

To insure the ultimate victory through Congressional legislation, each and every voter of the United States may join in the work of the committee for federal legislation Before I may claim that the battles for birth control have been brought to ultimate victory, I must enlist in this army every enlightened and intelligent voter of this republic Together we shall march to the gates of victory

THE END