

CHAPTER XVII

PROGRESS WE HAVE MADE

THE silence of the centuries has been broken. The wrongs of woman and the rights of woman have found voices. These voices differ from all others that have been raised in woman's behalf. They are not the individual protests of great feminine minds, nor the masculine remedies for masculine oppression suggested by the stricken consciences of a few men. Great voices are heard, both of women and of men, but intermingled with them are millions of voices demanding freedom.

Let it be repeated that movements mothered by emancipated women are often deceptive in character. The demand for suffrage, the agitation against child labor, the regulation of working hours for women, the insistence upon mothers' pensions are palliatives all. Yet as woman's understanding develops and she learns to think at the urgency of her own inner nature, rather than at the dictates of men,

she moves on from these palliatives to fundamental remedies. So at the crest of the wave of woman's revolt comes the movement for voluntary motherhood — not a separate, isolated movement, but the manifestation of a cosmic force — the force that moves the wave itself.

The walls of the cloister have fallen before the cries of a rising womanhood. The barriers of prurient puritanism are being demolished. Free woman has torn the veil of indecency from the secrets of life to reveal them in their power and their purity. Womanhood yet bound has beheld and understood. A public whose thoughts and opinions had been governed by men and by women engulfed in the old order has been shocked awake.

² Sneers and jests at birth control are giving way to a reverent understanding of the needs of woman. They who to day deny the right of a woman to control her own body speak with the hardihood of invincible ignorance or with the folly of those blind ones who in all ages have opposed the light of progress. Few there are to insist openly that woman remain a passive instrument of reproduction. The sub

212 WOMAN AND THE NEW RACE

ject of birth control is being lifted out of the mire into which it was cast by puritanism and given its proper place among the sciences and the ideals of this generation. With this effort has come an illumination of all other social problems. Society is beginning to give ear to the promise of modern womanhood. "When you have ceased to chain me I shall by the virtue of a free motherhood remake the world."

It would be miraculous indeed if that victory which has been won, had been gained without great toil, insufferable anguish and sacrifice such as all persons experience when they dare to brave the conventions of the dead past or blaze a trail for a new order.

But where the vision is clear, the faith deep, forces unseen rally to assist and carry one over barriers which would otherwise have been insurmountable. No part of this wave of woman's emancipation has won its way without such vision and faith.

This is the one movement in which pioneering was unnecessary. The cry for deliverance always goes up. It is its own pioneer. The facts have always stared us in the face. No one who has worked among women can be

ignorant of them I remember that ever since I was a child the idea of large families associated itself with poverty in my mind As I grew to womanhood and found myself working in hospitals and in the homes of the rich and the poor, the association between the two ideas grew stronger

In every home of the poor, women asked me the same question As far back as 1900 I began to inquire of my associates among the nurses what one could tell these worried women who asked constantly What can I do? It is the voice of the elemental urge of woman — it has always been there and whether we have heeded it or neglected it we have always heard it Out of this cry came the birth control movement

Economic conditions have naturally made this elemental need more plain sometimes they have lent a more desperate voice to woman's cry for freedom Men and women have arisen since Knowlton and Robert Dale Owen to advocate the use of contraceptives but aside from these two none has come forward to separate it from other issues of *sex* freedom But the birth control movement as

a movement for woman's *basic* freedom was born of that unceasing cry of the socially repressed, spiritually stifled woman who is constantly demanding What can I do to avoid more children?

When it came time to arouse new public interest in birth control and organize a movement, it was found expedient to employ direct and drastic methods to awaken a slumbering public. The *Woman Rebel*, a monthly magazine, was established to proclaim the gospel of revolt. When its mission was accomplished and the words "birth control" were on their way to be a symbol of woman's freedom in all civilized tongues, it went out of existence.

The deceptive "obscenity law" invoked oftener to repress womanhood and smother scientific knowledge than to restrain the distribution of verbal and pictorial pornography was deliberately challenged. This course had two purposes. It challenged the constitutionality of the law and thereby brought knowledge of contraceptives to hundreds of thousands of women.

The first general, organized effort reached in various ways to all parts of the United

States Particular attention was paid to the mining districts of West Virginia and Montana, the mill towns of New England and the cotton districts of the Southern states Men and women from all these districts welcomed the movement They sent letters pledging their loyalty and their active assistance They participated directly and indirectly in the protest which awakened the country

As time went on the work was extended to various foreign elements of the population this being made possible by the enthusiastic cooperation of workers who speak the foreign languages

Leagues were formed to organize those who favored changing the laws Lectures were delivered throughout the United States Articles were written by eminent physicians scientists reformers and revolutionists Debates were arranged Newspapers and magazines of all kinds classes and languages gave the subject of birth control serious attention taking one side or the other of the discussion that was aroused New books on the subject began to appear Books by foreign authors were reprinted and distributed in the United States

216 WOMAN AND THE NEW RACE

The Birth Control Review edited by voluntary effort and supported by a stock company of women who make contributions instead of taking dividends, was founded and continues its work

After a year's study in foreign countries for the purpose of supplementing the knowledge gained in my fourteen years as a nurse I came back to the United States determined to open a clinic. I had decided that there could be no better way of demonstrating to the public the necessity of birth control and the welcome it would receive than by taking the knowledge of contraceptive methods directly to those who most needed it.

A clinic was opened in Brooklyn. There 480 women received information before the police closed the consulting rooms and arrested Ethel Byrne, a registered nurse, Fania Mindell, a translator, and myself. The purpose of this clinic was to demonstrate to the public the practicability and the necessity of such institutions. All women who came seeking information were workingmen's wives. All had children. No unmarried girls came at all. Men came whose wives had nursing children.

and could not come Women came from the farther parts of Long Island from cities in Massachusetts and Connecticut and even more distant places Mothers brought their married daughters Some whose ages were from 25 to 35 looked fifty but the clinic gave them new hope to face the years ahead These women invariably expressed their love for children, but voiced a common plea for means to avoid others, in order that they might give sufficient care to those already born They wanted them to grow up decent

For ten days the two rooms of this clinic were crowded to their utmost Then came the police We were hauled off to jail and eventually convicted of a crime

Ethel Byrne instituted a hunger strike for eleven days which attracted attention throughout the nation It brought to public notice the fact that women were ready to die for the principle of voluntary motherhood So strong was the sentiment evoked that Governor Whitman pardoned Mrs Byrne

No single act of self sacrifice in the history of the birth control movement has done more to awaken the conscience of the public or to

218 WOMAN AND THE NEW RACE

arouse the courage of women than did Ethel Byrne's deed of uncompromising resentment at the outrage of jailing women who were attempting to disseminate knowledge which would emancipate the motherhood of America.

Courage like hers and like that of others who have undergone arrest and imprisonment or who night after night and day after day have faced street crowds to speak or to sell literature — the faith and the untiring labors of still others who have not come into public notice — have given the movement its dauntless character and assure the final victory.

One dismal fact had become clear long before the Brownsville clinic was opened. The medical profession as a whole had ignored the tragic cry of womanhood for relief from forced maternity. The private practitioners, one after another, shook their heads and replied

It cannot be done. It is against the law and the same answer came from clinics and public hospitals.

The decision of the New York State Court of Appeals has disposed of that objection, however, though as yet few physicians have cared to make public the fact that they take

advantage of the decision While the decision of the lower courts in my own case was upheld, partly because I was a nurse and not a physician, the court incidentally held that under the laws as they now stand in New York any physician has a right to impart information concerning contraceptives to women as a measure for curing or preventing disease The United States Supreme Court threw out my appeal without consideration of the merits of the case Therefore, the decision of the New York State Court of Appeals stands And under that decision a physician has a right, and it is therefore his duty, to prescribe contraceptives in such cases, at least as those involving disease

It is true that Section 1142 of the Penal Code of New York State does not except the medical man, and does not allow him to instruct his patient in birth control methods even though she is suffering from tuberculosis, syphilis kidney disorders or heart disease Without looking farther the physicians had let that section go at its face value No doctor had questioned either its purpose or its legal scope The medical profession was

220 WOMAN AND THE NEW RACE

content to let this apparent limitation upon its rights stand and it remained for a woman to go to jail to demonstrate the fact that under another section of the same code — 1145 — the physician had the vital right just described

It is safe to say that many physicians do not even yet know of their legal rights in this matter

But here is what the New York State Court of Appeals said on January 8, 1918 in an opinion thus far unquestioned and which is the law of the state

Secondly, by section 1145 of the Penal Law, physicians are excepted from the provisions of this act under circumstances therein mentioned This section reads An article or instrument used or applied by physicians lawfully practicing or by their direction or prescription for the cure or prevention of disease, is not an article of indecent or immoral nature or use, within this article The supplying of such articles to such physicians or by their direction or prescription is not an offense under this article

This exception in behalf of physicians does not permit advertisements regarding such matters nor promiscuous advice to patients irrespective of their condition, but it is broad enough to protect the physician who in good faith gives such help or advice to a married person to cure or prevent disease. 'Disease' by Webster's International Dictionary is defined to be, an alteration in the state of the body, or of some of its organs, interrupting or disturbing the performance of the vital functions and causing or threatening pain and sickness illness disorder.

The protection thus afforded the physician would also extend to the druggist, or vendor acting upon the physician's prescription or order.

Section 1142 which shamelessly classes contraceptive information with abortion and things obscene still stands but under the decision of the Court of Appeals it is the law of New York State that physicians have the right which they were seemingly denied. Such is probably the fact also, in many other states, for the so called obscenity laws are modelled more or less after the same pattern.

222 WOMAN AND THE NEW RACE

One of the chief results of the Brownsville clinic was that of establishing for physicians a right which they neglected to establish for themselves, but which they are bound, in the very nature of things, to exercise to an increasing degree. Similar tests by women in other states would doubtless establish the right elsewhere in America.

We know of some thirty five arrests of women and men who have dared entrenched prejudice and the law to further the cause of birth control. The persistent work in behalf of the movement attended as it was by danger of fines and jail sentences, seemed to puzzle the authorities. Sometimes they dismissed the arrested persons, sometimes they fined them, sometimes they imprisoned them. But the protests went on and through these self sacrifices word of the movement went constantly to more and more people.

Each of these arrests brought added publicity. Each became a center of local agitation. Each brought a part of the public, at least, face to face with the issue between the women of America and this barbarous law.

Many thousands of letters have been

answered and thousands of women have been given personal consultations Each letter and each consultation means another center of influence from which the gospel of voluntary motherhood spreads

Forced thus to the front the problems of birth control and the right of voluntary motherhood have been brought more and more to the attention of medical students, nurses midwives, physicians, scientists and sociologists A new literature, ranging all the way from discussion of the means of preventing conception to the social, political ethical moral and spiritual possibilities of birth control is coming into being Woman's cry for liberty is infusing itself into the thoughts and the consciences and the aspirations of the intellectual leaders as well as into the idealism of society

It is but a few years since it was said of The Woman Rebel that it was the first unveiled head raised in America It is but a few years since men as well as women trembled at the temerity of a public discussion in which the subject of sex was mentioned

But measured in progress it is a far cry

224 WOMAN AND THE NEW RACE

from those days The public has read of birth control on the first page of its newspapers It has discussed it in meetings and in clubs It has been a favorite topic of discussion at correct teas The scientist is giving it reverent and profound attention Even the minister seeking to keep abreast of the times, proclaims it from the pulpit And everywhere serious minded women and men, those with the vision, with a comprehension of present and future needs of society, are working to bring this message to those who have not yet realized its immense and regenerating import

The American public in a word has been permeated with the message of birth control Its reaction to that message has been exceedingly encouraging People by the thousands have flocked to the meetings Only the official mind serving ancient prejudices under the cloak of 'law and order,' has been in opposition

It is plain that puritanism is in the throes of a lingering death If anyone doubts it let it be remembered that the same people who a few years ago formed the official opinion of puritanism have so far forsaken puritanism as

to flood the country with millions of pamphlets discussing sex matters and venereal disease. This literature was distributed by the United States Government, by state governments, by the Y M C A, the Y W C A and by similar organizations. It treated the physiology of sex far more definitely than has birth control literature. This official educational barrage was at once a splendid salute to the right of women and men to know their own bodies and the last heavy firing in the main battle against ignorance in the field of sex. What remains now is but to take advantage of the victories.

What does it all mean? It means that American womanhood is blasting its way through the debris of crumbling moral and religious systems toward freedom. It means that the path is all but clear. It means that woman has but to press on more courageously, more confidently, with her face set more firmly toward the goal.