

Chapter Two

Genesis

The Creation of the Clergy Consultation Service

The Clergy Consultation Service on Abortion was conceived at a luncheon on September 6, 1966. Larry Lader met with three ministers interested in the abortion issue: two Episcopal priests, John Krumm of New York and Lester Kinsolving of San Francisco, and Howard Moody, a Baptist minister from Greenwich Village's Judson Memorial Church. The ministers asked Lader what they could contribute to his abortion rights campaign, and he replied, "Start with the women. Organize the clergy to refer women to qualified doctors." Though the abortion issue was a pre-planned topic of conversation, a clergy referral service was not. "I had no idea what [the ministers] wanted [to do]," recalls Lader. "The clergy service probably just popped into my head at lunch that day." This seminal meeting has faded from Moody's memory, but he wrote that "out of Lader's encouragement was born the first concept of what later would become the Clergy Consultation Service on Abortion."¹

The fortuitous consequence of Lader's lunch meeting on September 6 was not only the birth of the clergy referral movement, but the drafting of Howard Moody into the growing ranks of abortion activists. Lader and Moody were not strangers to each other in 1966, and though neither of them can remember exactly how they met, Lader speculates that they probably became acquainted through Democratic reform politics. Lader remembers their relationship as an inevitability, as though two such members of New York's City's elite circle of progressives would necessarily be acquainted prior to any significant collaboration. It certainly would have

¹ Lader, *Abortion II*, 44; Lader, interview; Arlene Carmen and Howard Moody, *Abortion Counselling and Social Change: From Illegal Act to Medical Practice* (Valley Forge, Pennsylvania: Judson Press, 1973), 21.

been very difficult to be a progressive in New York and *not* know Howard Moody. In the ten years since he had become senior pastor at Judson Memorial Church, Moody was a leader in a broad range of activism and a prominent supporter of the arts. In 1957 Moody and the Village Democrats had challenged the power of Tammany boss, Carmine De Sapio. The De Sapio machine managed to survive, but not for very long, and Moody was known for his leadership in the struggle. In the ensuing years, Moody had helped transform Judson Memorial Church into a center for avant garde poetry, theater, and dance, as well as social and political activism. His other efforts included a ground-breaking narcotics treatment center, participation in the civil rights movement in both the North and the South, and the struggle for school desegregation in New York City. Moody's pulpit at Judson Memorial Church was not insignificant, either. Judson Memorial had a remarkable history. Founded in 1891 by Edward Judson, the son of one of America's most famous missionaries, Adoniram Judson, Judson Memorial Church was unique from the start. Edward Judson intended to make the church a place where wealthy Fifth Avenue New Yorkers would mix with the immigrants that were pouring into the Lower East Side at a prodigious (and to him, alarming) rate. "My purpose is to erect a building which will not only preserve in beautiful and permanent form the memories of our early missionary history, but will also help to solve the pressing and difficult problem of what to do with the masses of people who are filling up the lower parts of our city," he wrote in a fundraising circular. John D. Rockefeller helped to fund the building of the church, which was designed by the famous architect Stanford White. White also designed the celebrated arch at the north end of Washington Square, and the church was placed in deliberate symmetry at the south end of the park. Unfortunately Edward Judson's plan for a multicultural mixing of the classes never really bore fruit. Nevertheless, Judson Memorial's noble origins and more recent artistic and political boom made it a prominent church despite its humble size. Judson's name contributed to

Moody's excellent reputation as an activist and a leader among the city's progressives.²

Lader described Moody as "the ideal candidate for [a clergy referral service], combining a commitment to social responsibility with hardheaded realism." A graduate of Yale Divinity School, Moody is not related to Dwight L. Moody, the great nineteenth century New England evangelist. "There were two branches of the Moody's," he jokes. "I came from the branch of dirt farmers and renegades and horse thieves down in Arkansas and Tennessee and Texas." This comment is typical of Moody, who exudes an irresistible combination of charisma, compassion, and charm that has contributed to his success as both a leader and a minister. Moody's low-pitched Texan drawl pours forth from a ruddy face framed by big ears and the same haircut he first received as a decorated Marine in World War II. His demeanor is disarming to say the least. "He was undoubtedly the most deft and elusive puppetmaster on the New York social-reform scene," wrote Dr. Bernard Nathanson, an associate of Moody's who later became the abortion movement's Benedict Arnold. "Here was an ex-Marine with the sociology of Engels, a country bumpkin with the finely honed tactical sense of an Alekhine or a Morphy at the chessboard. In short, an immensely capable ally, and a thoroughly dangerous foe." However, it wasn't just Moody's reputation and expertise as an activist that made him an attractive candidate for leadership in Lader's abortion referral movement. With the exception of the Unitarian-Universalists, the clergy had been conspicuously silent about abortion rights. Moody and Rabbi Israel Margolies, later a clergy service member and one of the first clergymen to come to Sherri Finkbine's defense in 1964, were two of the only prominent New York clergy willing to speak out about abortion.³

² Lader, interview; Howard Moody, interview by the author, tape recording, New York, NY, 13 October 1997; Judson is quoted in Peter Laarman, "Architects of Desire," sermon delivered at Judson Memorial Church, 19 October 1997.

³ Lader, *Abortion II*, 44; Howard Moody, interview by the author, tape recording, New York, NY, 27 November 1997; Bernard N. Nathanson with Richard N. Ostling, *Aborting America* (New York: Pinacole Books, 1979), 42-43; Lader, *Abortion II*, 43.

Furthermore, Moody was no stranger to the issue of abortion referral. He had counseled his first problem pregnancy in 1957, not long after arriving at Judson. A former Judson minister residing in Florida had sent a single mother of three teenage children to New York for an abortion. Moody had no idea how to find an abortionist, but a Judson member helped him locate a practitioner in the abortion underworld. This abortionist operated out of his house in West New York, New Jersey, and his business was controlled and "protected" by the mafia, an arrangement with organized crime that was actually unusual for abortionists. Moody escorted the woman he was helping to the abortionist's house, but they were turned away at the door when they failed to give the correct password. Moody described the situation as "real scary," and his disappointment at the endeavor's failure was mixed with a sense of relief that the abortion would not be performed by the mafia abortionist. After following half a dozen false leads, Moody found another abortionist in an Upper West Side group of doctors that charged a comparatively low price of \$600. The abortion was procured without further incident, and in the years following his first referral, Moody occasionally referred other women for abortions. Finding safe abortion resources was a trying task until he found a competent doctor in Pennsylvania and then others in Puerto Rico. "It was hit and miss and trial and error in those early years," recalls Moody. "We had no systematic way [of making referrals]." Yet even his haphazard referrals made Moody far more of an expert than many of his peers who had little or no experience with abortion.⁴

Around the time of the September luncheon, Moody met with Rev. Finley Schaeff to organize a group of clergy to discuss the abortion problem. Schaeff, a civil rights and anti-war activist, was in the process of developing social and political action programs at Washington Square Methodist Church, a parish located one block west of Judson Memorial and Schaeff's pulpit for only the previous year. The demographic picture of the group of clergy that Schaeff

⁴ Moody, interview, 13 October 1997.

and Moody called together has become cloudy over time. Moody believes the discussion group consisted of about fifteen Protestant clergy, and abortion was not the only topic of discussion. Schaeff remembers the group as consisting of a half a dozen ministers with abortion as the only subject of conversation. The participants' memories also conflict on whether the discussion group started meeting before or after Lader proposed a clergy referral service over lunch with Moody and Krumm, who was also a part of the abortion conversation at Washington Square Methodist. The most likely scenario is that Moody and Schaeff formed an abortion discussion group of about a dozen Protestant clergy not long before the luncheon with Lader. The basis for invitation was probably involvement in other liberal activist efforts, and abortion was most likely the only formal topic of discussion. Since the assembled clergy were involved in a number of other projects together, like anti-war work or civil rights, other topics undoubtedly came up.⁵

After Larry Lader met with Moody and Krumm, he joined the group at its monthly meetings. According to Moody, the group was not initially concerned with abortion activism, but rather with the underlying theology of abortion and the pastoral issues that related to it. Discussions of social and political issues at this level of a theological "bull session" were very common, and the first meetings of what was later the clergy referral service were probably not clandestine or conspiratorial. The group of clergy was left-leaning, but not radical, and some of the ministers were moderates, though none were fundamentalists. One of the most critical factors that kept the clergy from espousing the abortion issue with radical action may have been the same factor that kept abortion off the progressive agenda for years: an essential lack of information about the problem.⁶

Though several of the ministers participating in the Washington Square Methodist meetings had counseled women with problem pregnancies, most were fairly ignorant about

⁵ Moody, interview, 13 October 1997; Finley Schaeff, interview by the author, tape recording via telephone, 16 January 1998.

⁶ Moody, interview, 13 October 1997.

abortion. Abortion, like civil rights in the preceding decade, was an issue that even progressive clergy could easily assume did not affect their congregations. Moody found that most ministers believed the illusion that abortion was not an issue in their churches because women did not come to them for help. Thus along with theological concerns, one of the primary purposes of the initial meetings was to educate the clergy about the pervasiveness of the abortion issue.

Moody consistently prodded the group toward moving beyond the discussion level, but Lader clamored for action so vehemently that even Moody sometimes found him to be obnoxious and asked him to hold back. "They were a little annoyed at me," remembers Lader. "In my usual militant style I was always pushing." Moody admits, however, that the group was dragging its feet. "Ministers like us like to sit around and discuss theology," Moody says of the discussion group. "My position on it was like it was with everything else: I'll discuss theology with you on the picket line." Despite growing weary of the group's predilection for discussion, Moody feared that pushing too hard would result in dispersing the only clergy he knew who actually had been studying the abortion issue. The group began to split between clergy who wanted to allow another year of consideration before taking action and clergy who felt the abortion issue demanded their immediate involvement. The consensus of the clergy, however, was that the decision really hinged upon the New York State Legislature, where impending debate of the abortion problem held some promise of eliminating the need for clergy activism.⁷

In the spring of 1966, Assemblyman Percy Sutton and State Senator Manfred Ohrenstein introduced an abortion bill based on the blueprint proposed by the American Law Institute (ALI). Though the Sutton-Ohrenstein bill did not propose liberalizing or repealing abortion law as radically as Lader wanted, it was enough of a reform to garner the support of New York's nascent abortion rights movement. The bill died in committee in 1966, but in the first weeks of 1967 it was reintroduced by one of the state assembly's brightest rising stars, Assemblyman

⁷ Lader, interview; Moody, interview, 13 October 1997.

Albert Blumenthal, a Manhattan Reform Democrat and protégé of Senator Robert Kennedy. The Blumenthal bill was co-sponsored by eleven senators and thirty-eight assemblymen. With increased public exposure of the abortion issue, the Blumenthal bill had a brighter future than the Sutton-Ohrenstein bill had had in 1966. New York Governor Nelson Rockefeller included "legislative review of the state's eighty-four year-old abortion law" as a goal in his 1967 State of the State address.⁸

The clergy group at Washington Square Methodist agreed that the fate of the Blumenthal bill would determine their need to take action. If the Blumenthal bill passed, its very limited reforms were enough to put the conscience of many of the ministers at ease, leading them to withdraw from the project and avoid the risks of getting involved with illegal abortion. The reason for this was not cowardice, but a lack of ardent conviction about abortion rights. The consensus was that a reform that would allow for abortions under special circumstances was enough. Two of the most politically radical members of the group, Schaef and Rev. Jesse Lyons of the Riverside Church, were interested in abortion law reform because Schaef had counseled a young girl raped by her father and Lyons' had a niece who was denied an abortion despite suffering from German measles. Both of these problem pregnancies would have been authorized for abortion under the Blumenthal bill. "All of us, pretty much, thought that if we wanted the legislature to do something, [a mild reform bill was] what we wanted," recalls Moody.⁹

Lader actively supported the Blumenthal bill, despite its violation of his usually uncompromising demand for total repeal of laws restricting abortion. Religious organizations gradually began to join lay organizations in supporting the legislation. By the spring of 1967, religious groups supporting the bill included the American Lutheran Church, New York City's Protestant Council of Churches, the Episcopal Diocese, and the New York State Council of

⁸ Richard L. Madden, "Governor Offers \$2-billion Plan on Highways and Unified Transit; City Study Urges New Taxi Set-up," *New York Times*, 5 January 1967, sec. A.

⁹ Lader, *Abortion II*, 44; Moody, interview, 13 October 1997.

Churches. The Episcopal Diocese provided a staff member to work for the cause, a contribution that led to the creation of an umbrella group for lay and religious organizations called the Organization for Abortion Law Reform. Secular support for the bill was also growing, and in early February the New York State Bar Association's Committee on Public Health publicly supported reform. It announced, "The time is now ripe for legislative change in New York."¹⁰

Despite the growing public clamor for reform, the chips were stacked high against the Blumenthal bill. Only hours after Blumenthal announced the introduction of his legislation at a press conference, a spokesman for the Catholic Bishops charged that reforming the abortion law would amount to a "slaughter of the innocents." The power of the Catholic Church in the New York State Legislature was enormous: not only did most senators and assemblymen have significant Catholic constituencies, but both Assembly Speaker Anthony J. Travia and Senate Majority Leader Earl W. Brydges were Catholics. Travia announced he would maintain "an open mind" about the Blumenthal bill, but Brydges was publicly opposed to any change in the law. The Roman Catholic Church launched a formal assault against the bill. On Sunday, February 12, a pastoral letter against abortion reform was read in most of New York's seventeen hundred Catholic churches. The letter was signed by all eight of New York's bishops, marking the first time in history that the diocese issued a joint statement. "We urge you most strongly to do all in your power to prevent direct attacks upon the lives of unborn children," the letter told New York's six and a half million Catholics. On the same day the letter was read, Travia announced the removal of Assemblyman Blumenthal from the influential Democratic Advisory Committee. The official reason for the ouster was Blumenthal's "liberal views," but the abortion bill was doubtless the real motivation. In the weeks following the pastoral letter, legislators were flooded with letters opposing the bill. Brydges claimed his correspondence was

¹⁰ Lader, *Abortion II*, 58-59; "Abortion Revision Urged by State Bar," *New York Times*, 10 February 1967, sec. A.

running against the bill by a margin of one hundred to one.¹¹

On March 7, the Blumenthal bill was killed in the Assembly Codes Committee by a vote of fifteen to three. Codes Committee Chairman Thomas LaFauci announced that the bill had been defeated after a ninety-minute debate. The bill's opponents claimed it was "possibly so broad that it could open the door to abortion on demand." Blumenthal announced he would reintroduce the bill in 1968, but for now reform was dead as a legislative issue.¹²

For the ministers meeting at Washington Square Methodist, the defeat of the Blumenthal bill pushed them in a more radical direction. The discussion moved from theological issues to sincere planning for a clergy referral service. To set the project in motion, forty ministers were invited to a series of meetings to discuss the structure of the service and plan its launching. Deciding which clergy to invite was not difficult. Moody wrote, "It was apparent from the start that the clergy who would be most likely to become involved in a project of this kind would be the same ones who had been most active in the school integration battle in New York, in the civil rights battle both there and in the South, as well as in other areas of civil liberties."¹³

Precisely when the discussion group ended its theological discussion and began actively planning a referral service is difficult to determine. Fading memories combined with a legal paranoia that provoked the organizers to limit the written record make only a rough estimate possible. While the group definitely decided to wait on the outcome of the Blumenthal bill, the fate of the legislation was fairly clear weeks before the bill was formally killed. A prospectus for the service may have been drawn up much earlier in the winter. The planning for the referral

¹¹ Sydney H. Schanberg, "Albany Pushing 2 Knotty Issues: Optimism for Lottery and Comdon Law Reform," *The New York Times*, 18 January 1967, sec A; George Ducan, "State's 8 Catholic Bishops Ask Fight on Abortion Bill: Pastoral Letter Read," *New York Times*, 13 February 1967, sec. A; Lader, *Abortion II*, 58-59.

¹² Sydney Schanberg, "Abortion Change Killed in Albany by a Vote of 15 to 3: Assembly Committee Acts in 90-Minute Session—Blumenthal Concedes," *New York Times*, 8 March 1967, sec. A.

¹³ Carmen and Moody, *Abortion Counseling*, 21.

service was definitely well advanced by mid-March, because in a speech on March 12, 1967, Larry Lader leaked the story to the press.

"I was speaking at Cornell and I announced—without naming any names—that a group of clergy would be announcing [a referral service] shortly, because [the clergy] had been . . . taking a while to get organized," remembers Lader. The story was published by *The New York Times*, which had been given the information and the text of the speech in an interview the day before. "In a few weeks, a group of prominent ministers in New York will publicly announce . . . a counseling service in abortion," Lader was quoted from his speech in the *Times*. Though he declined to offer the names of the clergy, John Lasso, an Episcopal administrator involved in the group, confirmed the story. According to Moody, Lader was frustrated at what he perceived as dilly-dallying by the clergy, and he hoped to force the clergy to act by leaking the story. Since the article didn't mention any names, it didn't hurt the project, and Lader knew better than to push them any harder. Nevertheless, a rift had formed between him and Moody. "There was some alienation with Larry [Lader] at that point," recalls Moody. "I've always been appreciative that he did goad us, but I knew that we finally couldn't trust him." Lader's leak at Cornell may not have been the first one, either. In a November, 1966 review of Lader's *Abortion* in *The New Republic*, James Ridgeway wrote that a group of New York Protestant clergymen were planning "to set up an abortion clinic which will refer inquiring women to doctors who will perform the abortions." The reference does not exactly fit the final plan for the referral service, but the article's appearance several weeks after Lader and Moody conceived of the service strongly suggests that Lader leaked information to Ridgeway.¹⁴

By the time Lader leaked the story at Cornell, the clergy had definitely agreed that their goal was to start an abortion referral service. Moody, however, was probably planning the

¹⁴ Lader, interview; Martin Tolchin, "Defiance Pledged on Abortion Law: Author's Declaration Wins Support of Others," *New York Times*, 12 March 1967, sec. A; Howard Moody, telephone interview by the author, notes, 3 December 1997; James Ridgeway, "Birth and Non-Birth," review of *Abortion* by Lawrence Lader, *The New Republic*, 26 November 1966.

details for the service for some time prior to the final agreement. When the discussion group was expanded sometime in the late winter of 1967, Moody had already prepared a one-page policy draft for the organization, which was tentatively called the Clergy Problem Pregnancy Consultation Service. The policy draft proposed three commitments that the clergy would be required to make: sharing of information, agreement on a set of standard operating procedures, and commitment to support each other in case of legal difficulties. Though the draft included no explicit statement that the service would be illegal, it did refer to "the possible illegal action of [the clergy] being accomplices in criminal proceedings," but the hope was that "the invasion of the sanctity of the pastoral counseling relationship will not be attempted. . . ." The draft emphasized that the service would be public in order to "dramatize our deep feelings for the necessity of the liberalization of the law. . . ." ¹⁵

Education dominated the agenda of the incipient referral service's meetings in the early spring of 1967. The twenty-five ministers and rabbis that answered Moody's call needed to know more about abortion than the injustices of New York's law; they needed to learn the details of the abortion procedure, the legal risks, and the questions and fears women would bring to their consultations. How to learn all of this was a matter of much debate. Some of the clergy proposed waiting further and investigating abortion over the long-term, while others felt that the only way to learn about abortion was to launch the service and learn through experience. Moody was adamant that the group waste as little further time on discussion as possible. "The issue [of abortion] was not a 'problem' but a *person*, a pregnant woman, growing more pregnant every day," he wrote. "If we clergy could afford the extravagance of discussion groups, workshops, and national conferences on abortion, she could not." ¹⁶

¹⁵ "Clergy Problem Pregnancy Consultation Service," un-dated policy draft, CCS archive. Evidence suggests that this was written by Howard Moody possibly as early as December 1966.

¹⁶ Carmen and Moody, *Abortion Counseling*, 22.

The clergy group invited a series of speakers to address them on aspects of abortion ranging from the legal intricacies of referral to the medical details of dilation and curettage. Lecturers from the medical profession included a psychiatrist, a distinguished activist, and a pathologist whose avocation was abortion rights and techniques. Dr. Glenn Patterson, a psychiatrist and member of Judson, provided the clergy with their most valuable lesson when he introduced them to several women who had undergone abortions. Moody wrote,

That was the most important discussion we held since it provided insights into what needs women thought a clergy service should be prepared to meet. The women made it very clear that the last person in the world they would have gone to for help was the clergy. . . . The second person that they would not . . . turn to would have been their family doctor . . . [because] many felt the doctor would not keep their secret from other family members. We sensed that we were up against some long-standing historical biases which would make our job at best rather difficult.¹⁷

Dr. Robert Hall, an associate professor of obstetrics and gynecology at Columbia University's College of Physicians and Surgeons and the president of the Association for the Study of Abortion Rights, addressed the clergy and questioned the wisdom of their strategy. Hall was a long-time advocate of abortion reform, but he had publicly disassociated himself from Lader's referrals and from the clergy referral service when Lader leaked the story to the *Times*. When he addressed the clergy, Hall recommended a more conservative course than they had already decided to follow. A number of therapeutic abortions were performed at Columbia Presbyterian each year, and Hall hoped to force New York's other hospitals to perform their fair share. By exposing physicians to abortion in this way, Hall aspired to remove some of the negative stigma associated with the procedure and doctors who performed it. If the clergy were to refer their women to hospitals and overwhelm abortion committees with applications, it would give "the hospital staffs an idea of the dimensions of the problem, even if not one woman was in fact aborted." The clergy rejected this proposal on the grounds that they could not "use" women for

¹⁷ Carmen and Moody, *Abortion Counseling*, 24.

this purpose, because it would risk damage to their psyche and jeopardize their abortion through delays.¹⁸

A more practical lecture was offered by a pathologist with an extracurricular interest in abortion. He gave the clergy a full overview of abortion procedures using a life-size model of a woman's pelvic region. The only woman in the group, Tilda Norberg, a Methodist minister from Staten Island, compelled the male clergy to limit their nervous jokes about the anatomical review. "I had issues with other groups of male ministers," remembers Norberg, "but this one was pretty good. We [women] were kind of a rarity then in the clergy." Moody wrote that the medical lesson "proved in time to be one of the most valuable lessons we had. . . . It was important to a counselor to describe to a woman what would happen to her in the procedure."¹⁹

The legal guidance for the referral service came from Prof. Cyril Means of New York University Law School, Aryeh Neier, the Executive Director of the New York Civil Liberties Union (NYCLU), and Ephraim London, a renowned civil liberties attorney and member of the NYCLU Board of Directors. The NYCLU was publicly in favor of abortion law reform and promised to provide any legal counsel that the clergy required. The NYCLU's support of this group was no coincidence; Moody had been a member of the NYCLU Board of Directors for years. London, who had won fame in his successful argument before the United States Supreme Court in the case *Chatterly's Lover v. U.S.*, was also linked to Judson. He had represented the church in a case involving the showing of a film about drug addicts called *The Connection*. A New York City Judge had put a restraining order on the showing of the film in public theaters, and London and Moody had arranged to show it at Judson in violation of the court order. The

¹⁸ Tolchin, "Defiance Pledged on Abortion Law"; Carmen and Moody, *Abortion Counseling*, 24.

¹⁹ Tilda Norberg, telephone interview by the author, tape recording, 21 January 1998; Carmen and Moody, *Abortion Counseling*, 25.

endeavor had been very successful, and London and Moody were trusted allies.

Though he only met with the clergy on a couple of occasions, London established one of the most critical precepts of the referral service: the clergy should never admit or even suggest that what they were doing was illegal. Moody wrote, "At all times we were to behave as though we were acting within the laws of New York State and that as clergy we were bound to follow a higher moral law."²⁰ If they were asked about the legality of their actions, clergy were to respond that they were not in a position to make such determinations, or simply to say, "We believe it's right. [Abortion referral] is what the woman wants, and we're trying to help." The legal caveat to this rule was that the referral service should strive to be as public as possible. The reason for this was two-fold: a secretly operated service could make only a limited contribution to changing the public perception of abortion and reducing its odiousness. Furthermore, London believed a clandestine operation would actually be more likely to attract the scrutiny of the police. If the clergy service operated publicly and did not acknowledge any wrong-doing, it would be easy for law enforcement officials to justify a policy of ignoring the clergy. However, London cautioned against consulting the District Attorney about the legality of the referral service before it opened. Instead, London recommended avoiding contact with legal authorities, and keeping the risk of confrontation to a minimum.²¹

London also made legal recommendations about the group's operating procedures. He felt it was important for the clergy to direct all the referrals made in New York to licensed gynecologists performing abortions in other states or overseas. Out-of-state referrals would be daunting to prosecute because they involved multiple jurisdictions, and abortion laws varied slightly from state to state. The clergy were also instructed never to accept any money for their services and to avoid personal contact with the doctors to whom they made referrals.

²⁰ Moody and Carmen, *Abortion Counseling*, 26; Moody, interview, 13 October 1997; Carmen and Moody, *Abortion Counseling*, 34.

²¹ Carmen and Moody, *Abortion Counseling*, 34.

London not only provided the clergymen with important legal guidelines, but he raised their consciousness about the legal jeopardy their project put them in. Though the clergy talked lightly at meetings about the possibility of being arrested, their concern was very serious and the stakes were high. The New York State penal code proscribed both performing an illegal abortion *and aiding, abetting or assisting in obtaining an illegal abortion*. The clergy agreed that if one clergyman was arrested, all the clergy in the organization would go along and force a mass arrest. This eager attitude of solidarity may have masked profound anxieties about a legal entanglement. The original policy draft had also addressed this concern, stating, "If one member of the clergy is singled out and brought up on charges we would support and align ourselves with him in a mutual bond of concern." To the clergy's dismay, London informed them that the D.A. would decide who was arrested and thus would avert a mass arrest. "In retrospect," wrote Moody, "it seems clear that the strategy for the organization . . . was heavily influenced by and based upon the fear of being arrested and prosecuted for the act we were about to perform."²²

One reflection of the influence of fear on the development of strategy was the clergy's emphasis on decentralization. Though the planning stages were carried out at Washington Square Methodist, neither this nor any other church was intended to serve as headquarters; the referral service would not have an office or an address. Referrals would be arranged through a central phone number that women could call. A recorded message would inform a caller which clergymen were "on duty" that week and list their phone numbers and the church or synagogue with which they were affiliated. Women would call an individual counselor and make an appointment. Counseling would take place in the counselor's office, making it harder for women to be identified and giving the outward appearance that "abortion counseling was just an

²² "Clergy Problem Pregnancy Consultation Service," CCS Archive; Carmen and Moody, *Abortion Counseling*, 26; *Ibid.*, 28.

additional pastoral responsibility, part of the natural order of [the clergy's] working lives." To avoid housing the telephone line and answering machine at a particular church, Moody made an arrangement with Judson member Rev. Robert Pierce, an employee of the National Council of Churches (NCC) located uptown near Riverside Church. The answering machine would be installed in his office at the Interchurch Center, the NCC's headquarters, which was neutral ground affiliated with many different denominations but not beholden to a specific church. Pierce commenced the lengthy process of receiving the necessary official approval from the NCC, and arrangements were made to have the phone-line installed.²³

The legal concerns and the potential complexities of operation encouraged the clergy to establish a covenant of standard operating procedures. To limit potential physical evidence against the clergy, the covenant was never written down, but it included a short list of rules that developed over time. For the referral service to operate safely, clergyman could not be permitted to violate the covenant. The rules included, as later recorded by Moody, an understanding that

... each of us would counsel women in our own way; that is, the method we used would be the same method used in all of our pastoral counseling. However, the way in which a woman would be referred and to whom she would be referred would be agreed upon and cleared by the group. In this area there would be *no* room for individual preferences, nor was there room for individuality with respect to legal advice and protecting the privacy of the woman.²⁴

One of the last issues the group addressed led to some of the most intense and prolonged debate. In the original policy draft, the proposed organization was named the "Problem Pregnancy Consultation Service." For a variety of reasons, the group agreed that the name should begin with "Clergymen's Consultation Service." The point of contention was whether to complete the title with "on Problem Pregnancies" or "on Abortion." The debate was

²³ Carmen and Moody, *Abortion Counseling*, 29; Robert Pierce, telephone interview by the author, notes, 28 January 1998.

²⁴ Carmen and Moody, *Abortion Counseling*, 26-27.

far from the simple matter of semantics that it appeared to be. "The question," wrote Moody, "... was whether or not to use the 'unspoken word' in our name and thus run the risk of antagonizing some segments of the public by use of this emotionally-loaded word or whether to settle for a euphemism like 'problem pregnancy.'" Some of the clergy felt that using the word "abortion" would unnecessarily provoke their adversaries, while others even "half-heartedly hoped using the word would help redeem both the word and the practice." Lader, Lyons, Schaefer and others felt the organization's impact was dependent upon an "open and total commitment" to reform, signified by using the taboo word. There was also a practical concern that women would understand "problem pregnancies" to mean that the organization existed to help women in carrying unwanted pregnancies to term, an option the clergy wanted to discuss with women but did not intend to emphasize. The debate ended with a vote, and "Clergymen's Consultation Service on Abortion", or CCS, was selected as the official name of the organization. Within a year "Clergymen's" had been shortened to a more inclusive "Clergy."²⁵

The opening of the CCS was set for late May, 1967, but a flurry of final logistical problems still had to be resolved. The most significant hurdle was establishing a list of approved doctors for referrals. Lader had a short list of doctors to whom he had been referring women, but the roll was inadequate for a larger referral service, and the doctors Lader had been referring to in New York were ineligible according to CCS rules that required doctors to be out-of-state. The planners of the Service formed an aggregate list of potentially cooperative physicians, but separating the sheep from the goats was not a trivial matter. Doctors frequently operated under pseudonyms, making it difficult to check credentials. A single death at the hands of an unqualified or un-licensed physician would put the entire organization in jeopardy. Since the humanitarian purpose of the CCS was to find women the safest illegal abortions possible, abortionists had to be thoroughly investigated.

²⁵ Carmen and Moody, *Abortion Counseling*, 27-28; Lader, *Abortion II*, 45.

This job fell to a women's committee headed by Arlene Carmen, who had recently joined the staff of Judson Church. Carmen had been active in the Village Independent Democrats and had met Moody while organizing a fund-raiser for the Mississippi Delta Ministry in 1965. A secular Jew from the Bronx and a graduate of City College, Carmen was twenty-seven and as much a New Yorker as one could be. She joined Judson's staff despite a general distrust of religious people (and Christians in particular) because she wanted to work with Moody on the CCS. From the outset she played a critical role. "I could never have done the CCS without her," reflects Moody. The two of them formed a partnership that extended through twenty-five years of social action. Nathanson described Carmen as Moody's "agent provocateur, interpreter, advance man" and noted that "the two were inseparable and perfected the cops' good-guy/bad-guy routine with a coed coloration." Carmen was adept at her role as Moody's "enforcer," treating people she approved of with the utmost charm and respect, and proving a formidable and extremely intimidating adversary to anyone who stood in the way of her or Moody. Unlike Moody, whose warmth and grace made it difficult for even his enemies to dislike him, one either loved Carmen or resented and feared her. She performed such a broad and essential range of tasks that Moody would tell her, "If anyone wants to know who runs this thing, it's you. I'm really a name up here." Even when Carmen began to attend Judson on Sundays, she stood chain-smoking in the back of the church while Moody preached in the front. In the CCS, Moody stood at the helm of the organization, and behind him Carmen assiduously labored to keep the clergy and the doctors in line. Moody admitted this was a "hard" task and one that was "tough on [Carmen] because she had to be a real bitch about it."²⁶

In the spring of 1967, Carmen's task was to travel around the Northeast and down to Puerto Rico to investigate potential doctors for the CCS. This included not only checking on each doctor's medical credentials, but also giving "considerable attention to personal and

²⁶ Moody, interview, 13 October 1997; Nathanson, *Aborting America*, 43; Moody, interview, 13 October 1997.

psychological qualifications, the cleanliness of offices, excellence of equipment, type of anesthesia used, postoperative care, and price scale." Carmen posed as a pregnant woman seeking an abortion and began the investigation of each abortionist with a phone call. The inquiry frequently ended there. "You'd be told, 'Meet at such and such a parking lot, at such and such a time,'" Carmen recounted later. "'Who is the doctor? Where is the office,' [I'd ask]. 'Don't worry about it.'" Sources such as this were considered unacceptable. If a doctor passed muster on the telephone, Carmen would visit his office, maintaining her false identity as a pregnant woman and only revealing the real reason for her visit when she was on the operating table and confident that she had a reliable impression of the doctor's practice. Very few abortionists met the standards: Carmen rejected five Philadelphia doctors in a single week of investigation. Doctors in Puerto Rico, where abortion laws were rarely enforced, would receive most of the CCS's initial referrals.²⁷

The final preparations for the launch of the CCS were made in the first weeks of May 1967. The clergy agreed on an official statement of purpose that would be used for publicity. The statement of purpose was entitled, "Clergy Statement on Abortion Law Reform and Consultation Service on Abortion," and in its page and a half it offered a bare-bones account of the service's *raison d'être*. The statement condemned the horrors of illegal abortion and reproved the opponents of abortion law reform, including those "in some quarters" who charged that abortion is murder. This thinly-veiled reference to the abortion doctrine of the Roman Catholic Church was followed by an affirmation that embryonic life differed from human life. The statement exonerated doctors for performing abortions "which some may regard as illegal," provided "compassion and concern for the patient" was their primary motivation rather than monetary gain. The concluding paragraph solidly laid down the legal keystone on which the

²⁷ Lader, *Abortion II*, 45; Cynthia Gorney, "Once Upon a Time in America: Before *Roe v. Wade*, an Underground Effort by a Group of Clergymen to Help Pregnant Women," *Washington Post*, 26 April 1989, sec. D.

CCS was built: the sanctity of the pastoral relationship. "Therefore believing as clergymen that there are higher laws and moral obligations transcending legal codes, we believe that it is our pastoral responsibility and religious duty to give aid and assistance to all women with problem pregnancies," the statement read.²⁸

With the clergy's abortion education sessions completed and the statement prepared, only final logistical arrangements remained. On March 30, Moody had received a donation from his friend Dr. David Krassner, a dentist in King of Prussia, Pennsylvania. The \$1,000 contribution provided ample seed money for the launching of the Service. Despite plans to make the CCS decentralized, a series of decisions made by the clergy put growing centripetal pressure on Judson Memorial Church. The plan for a completely decentralized service had its drawbacks. Emergency decision-making and quick dissemination of information would be difficult or impossible. To solve this problem, the clergy made Moody the organization's official spokesman, a position he held throughout the service's lifespan. Moody had become the group's *de facto* leader, and Carmen had assumed control of the doctors. In an effort to limit potential evidence against the CCS, the clergy had agreed that funds would be handled through Judson. The final centripetal push came when the National Council of Churches rejected the clergy's plan to install the phone line in Pierce's office in the Interchurch Center. Cynthia Wedel, the NCC's Associate General Secretary, had given Pierce permission to have the telephone line installed, but concerns over the legal hazards led her to hold a conference with the NCC's legal counsel. She was forced to withdraw her permission for the phone line until the legal counsel could be satisfied that it was not a risk. "The whole question of how as big and complex an organization as this responds to emergency needs is one which troubles many of us in the NCC staff," Wedel wrote in a letter of regret to Moody. "We know that if we become immobilized in red tape, we ought to go out of business." Moody volunteered to have the phone-line installed

²⁸ "Clergy Statement on Abortion Law Reform and Consultation Service on Abortion," May 1967, CCS archive.

in Judson's office as an alternative. He received unanimous approval from Judson's Board, several members of which had been aware of Moody's private abortion referrals for years. According to Schaef, the focus on Judson was not a cause for resentment. The brownstone church on Washington Square South was equipped with both a staff and a powerful seventy-five-year reputation for social action. Most importantly, Judson had Moody and Carmen.²⁹

The Service's leader, funds, and phone were now all located at Judson, and it was to Judson that fifty-one clergy were instructed to send their responses when they received a letter in early May asking for their commitment to the Service. On May 22, the morning the CCS officially launched, twenty-one clergy had responded "yes," five had responded "no," four would not commit without further information, and twenty-one had not responded at all, though five more were involved with the Service and had simply failed to respond on time. The twenty-one confirmed participants consisted of two rabbis and nineteen ministers spread across six Protestant denominations. Seven of the ministers were Methodists, the only disproportionately represented denomination. All but one were men.³⁰

During the planning of the CCS, the strategy for publicizing the Service had been much debated. The clergy feared that the press would be over-eager to get a hot scoop on the taboo subject of abortion and might slant the story in a way that was in conflict with the CCS's goals or even legally dangerous to the clergy themselves. The legal advisors cautioned the clergy against leaking the story to the press over time because it would give "the appearance of being an underground, somewhat secret organization." Another option was to follow an opposite course and open the CCS with a formal press conference. However, the clergy feared that abortion was too sensitive an issue to discuss at a press conference. "One determined

²⁹ "Clergy Consultation Service on Abortion Funds," undated document, CCS archive; Cynthia Wedel to Howard Moody, 6 June 1967, CCS archive; Grace Goodman, letter to author, 28 September 1997; Schaef, interview.

³⁰ "Abortion Consultation Service Responses," May 1967, CCS archive; Edward B. Fiske, "Clergymen Offer Abortion Advice," *The New York Times*, 22 May 1967, sec. A.

antagonistic reporter can make any organization look very bad if he wants to," wrote Moody and Carmen. "Since we could not possibly know in advance which reporter would be sent by which newspaper or television station, we were unwilling to risk being questioned by one who was anti-abortion." The clergy concluded that the opening of the CCS should be publicized through an exclusive story planted in *The New York Times*, giving the organization major coverage and simultaneously shielding it from the anti-abortion *New York Newsday*.³¹

The article was written by Edward B. Fiske, the Religion Editor of the *Times* and an acquaintance of Moody and Lader. He had not attended any of the CCS meetings, and based his article on the CCS's statement of purpose and a conversation with Moody. Past experience in public political action had led the clergy to agree that if they all "were allowed to speak on this delicate matter it was more likely that the CCS would be exposed in an unfavorable light."³²

"CLERGYMEN OFFER ABORTION ADVICE: 21 Ministers and Rabbis Form New Group—Will Propose Alternatives," ran the headline on the front page of *The New York Times* on the morning of Monday, May 22, 1967. The article, which Moody called a "superb media interpretation of our aims and goals," presented a strategic mix of candor and equivocation. The lead paragraph plainly stated that the CCS intended to "assist women seeking abortions." The use of the taboo word "abortion" in the lead and in the headline and the use of the word "assist" instead of "advise" or "counsel" made the Service's purpose fairly clear. The second paragraph, however, listed the services offered by the CCS as "assistance in obtaining legal therapeutic abortions and advice on such alternatives as keeping the child or having him put up for adoption." Non-therapeutic abortion was not mentioned until the fourth paragraph. "In some instances," the article quoted Moody, "it is possible we would attempt to facilitate her

³¹ Carmen and Moody, *Abortion Counseling*, 34; Howard Moody, telephone conversation with author, 20 July 1997.

³² Carmen and Moody, *Abortion Counseling*, 33.

getting an abortion in a country where it is legal." Nowhere in the article was the possibility of a woman obtaining an illegal abortion in the United States even obliquely mentioned. Moody acknowledged that the CCS "involves 'some legal risk'" but added, "'We are not willing to admit that it is illegal.'" The deputy police commissioner told the *Times* that the Police Department "cannot comment on a program that has not yet begun." The rest of the article was a mix of quotes by Moody and information from the CCS statement of purpose. The article included the phone number for the CCS and ended with a list of the twenty-one clergy and their churches and synagogues.³³

Though a reader fully informed about the CCS would realize the subject of illegal abortion referral was conspicuously absent in the Fiske article, the logic behind the omission was clear. The CCS needed to make women aware that it would help them find abortions, which was a service women did not expect clergy to provide. Simultaneously, the clergy needed to avoid raising the ire of law enforcement officials. They hoped to assure social moderates that they were not promoting abortion or permissive behavior, but rather trying to put a stop to the horrors of underworld abortion. To this end, the article's first sub-section header was titled "To Offer Compassion," and it included a quote from Moody insisting that the project's purpose was "not to encourage abortions, but to offer compassion and to increase the freedom of women with problem pregnancies." Moderates would have a hard time finding fault in a clergy program designed to offer compassion and increase freedom.

The immediate effect of the *Times* article was positive. Within hours of the article's publication the answering service at OR5-5000 received over twenty calls requesting referral information. The Associated Press and United Press International picked up the story from the *Times*, as did several New York newspapers. *The New York Daily News* and *New York Newsday* both ran brief articles that summarized the *Times* article. *The Village Voice* ran the only

³³ Carmen and Moody, *Abortion Counseling*, 34; Fiske, "Clergymen Offer Abortion Advice."

investigative report, basing its article on further conversation with Moody and questioning whether all the publicity might in fact hurt the abortion movement by scaring good doctors out of the business. On May 23, *The New York Post* blessed the CCS with an editorial praising "the crusading clergymen" whose "service can be an important source of both professional and spiritual help." Unfortunately, the public relations strategy did not extend past the opening announcement. Though the planted *Times* exclusive gave the CCS precisely the kind of coverage the clergy desired, once the story broke it was more difficult to control.³⁴

By the second morning of operation the anti-abortion *New York Newsday* ran a story entitled "Clergy Differ on Abortion Unit Referrals." *Newsday* Reporter Linda Charlton picked up on the deliberate ambiguity in the *Times* article and the CCS statement of purpose about the referral of women to doctors *illegally* performing abortions in other states. Charlton interviewed Rev. Willet R. Porter, a member of the service and pastor of St. John's Methodist Church of Elmont, and through either her spin-doctoring or his misunderstanding, Charlton reported that Porter admitted to having "some reservations about this form of referral." The other details reported in the article scarcely supported either the quote or the headline, but it was the lead paragraph that was most damaging. "Members of a newly formed Clergymen's Consultation Service on Abortion appeared uncertain, and perhaps in disagreement, yesterday over whether they would refer women to doctors for illegal abortions." The CCS reaction to the story is best summed-up by the one-word comment written on the archival copy of the article: "lie."³⁵

On May 24 *The New York Times* ran a second story that was not planted by the CCS and by-passed Moody altogether. The *Times* spoke with Rabbi Lewis "Buzz" Bogage, a CCS member but not an appointed spokesperson. Bogage told the *Times* that the Service had

³⁴ Marlene Nadle, "Abortion Issue: Clergy Move Into Firing Line," *Village Voice*, 25 May 1967; "Clergymen with a Cause," *New York Post*, 23 May 1967.

³⁵ Linda Charlton, "Clergy Differ on Abortion Unit Referrals," *New York Newsday*, 23 May 1967.

received more than thirty-five calls on its first day, and that sixty percent of the women were Jewish. The information Bogage gave was incorrect, however. According to Moody, Bogage was only counting the calls that came in to *his* office at Central Synagogue, and as one of several clergy accepting referrals from the answering service that day, his thirty-five were only a fraction of the total callers. This scenario is supported by the disproportionately high number of Jewish callers; the answering service offered women both ministers and rabbis to call, allowing women to choose a clergyman in the denomination that they preferred.³⁶

The abundance of media attention the Service received made Moody and Carmen concerned that investigative reporters might sacrifice the anonymity of the women they counselled and the doctors to whom they referred. Several weeks after the CCS opened, an enterprising *New York Post* reporter posed as a pregnant woman and prepared an exposé on the Service. Though her intentions were benign, Moody and Carmen panicked in the belief that the article would expose the illegal nature of the CCS and provoke a legal attack. A friend of Moody's asked the publisher of the *Post* to suppress the article, and after much debate the newspaper agreed that the article might do the CCS more harm than good. Thus, the legality of the Service's operation remained publicly ambiguous.³⁷

There is no record of how many women called the service in the first week, but Moody remembers that the numbers were far greater than anyone expected. The clergy had not predicted how quickly they would be inundated with callers, nor did they predict the geographic diversity of women seeking help. Calls in the first week came from all over the Eastern Seaboard and also from other parts of the nation. The carefully planned free publicity for the Service may have worked a little too well. "We saw the volume that was there and said, 'Jesus, this is not a few people trying to get abortions, there are hundreds of thousands trying to

³⁶ "35 Call Clergymen for Aid on Abortion," *New York Times*, 24 May 1967; Howard Moody, telephone conversation with author, 3 December 1997.

³⁷ Carmen and Moody, *Abortion Counseling*, 45.

get abortions!” remembers Moody. “It was a real learning experience.”³⁸

Mail began to pour in almost immediately, and it was mostly positive. Several clergy, lawyers, and health professionals pledged their support to the group, and private citizens sent in minor contributions. “I don’t believe in God,” wrote one supporter, “but each time I read about courageous efforts by men of the cloth to put human values above dogma or antiquated laws, I realize that there is an essential unity among men on earth.” The notorious abortionist Dr. Nathan Rappaport sent a letter of congratulations and an offer to speak to the group.³⁹

Some negative mail also trickled in. One antagonist wrote, “The most horrendous thing about abortion is that the life being destroyed has no right to defend itself. . . .” The only other negative mail that has survived to the present was a postcard from a quack decrying the “conspiracy of the Faggot World” and a very kind letter from a misguided woman who explained she wasn’t quite sure she understood the *Times* articles correctly, but offered her suggestions for how the clergy could reach their goal of stopping murderous abortions. “I have previously tried to put over my ideas, writing to religious groups,” she wrote, “. . . but I am not quite sure why I have never received answers which are more than courtesy replies.” Moody claims that opposition to the group was remarkably limited. “Nobody bothered us at the point at which we came out. If people were against us, you wouldn’t have known it,” he remembers.⁴⁰

On May 25, the CCS met to discuss its first week of operation. To avoid any further debacles in the press, the clergy agreed Moody would be the only person authorized to speak for the organization. To cope with the unexpectedly large number of callers, they created a roster with a monthly rotation. Each clergymen would serve a one-week shift and then take a

³⁸ Howard Moody, interview by author, tape recording, New York, NY, 27 November 1997.

³⁹ Carmen and Moody, *Abortion Counseling*, 39-40; Rappaport to Moody, 24 May 1967.

⁴⁰ Carmen and Moody, *Abortion Counseling*, 40; Norber Abrahams to Howard Moody, 29 May 1967, CCS archive; Moody, interview, 13 October 1997.

break. In those heady first days of operation, it seems highly unlikely that any of the clergy realized just how large a project they had undertaken. If any of them expressed any sense of trepidation, record or memory of their concerns has not survived to the present. No one predicted the enormity of the project they had initiated.