

Introduction

In 1970, New York State Assemblywoman Constance Cook led an effort to enact a law eliminating almost all restrictions on a woman's right to an abortion in the first or second trimester of pregnancy. With that bill's passage, New York became one of the first states in America to make abortion a private matter, a decision left to a woman and her doctor. In almost every other state in America at that time, abortion was a crime. "The day that bill passed," remembered Cook recently, "I felt, 'Well, we've finally had justice done and I'll never have to speak on *this* again. What a surprise it's still going today!'"¹

When the United States Supreme Court delivered its seven-to-two verdict in *Roe v. Wade* in 1973, voiding most state abortion statutes, victory in the battle for abortion rights appeared to be in hand. Twenty-five years later, however, the abortion battle rages on. While this thesis was in progress, debate over banning late-term or partial-birth abortion continued to swirl in Washington. Further South, a bomb exploded at an abortion clinic, the second in a year attributed to the so-called "Army of God." What is noteworthy about the recent bombing is not that the abortion issue has not been resolved, but rather that violence against abortion providers has become commonplace. In 1993 and 1994, five abortion doctors and supporting staff members were murdered by antiabortion activists. In 1970, when Cook believed that the abortion issue was settled in New York once and for all, no one could have predicted that in the coming years the greatest threat to doctors who provided abortions would not be fines and imprisonment, but violent death.

Twenty-five years after the Supreme Court legalized abortion, violence against abortion providers, along with professional pressures within the medical community, have so greatly

¹ Constance Cook, telephone interview by author, notes, 31 March 1998.

reduced the supply of doctors willing to perform abortions that the legal right to abortion is in danger of becoming an empty prerogative. According to a recent article by Jack Hitt in *The New York Times Magazine*, two-thirds of the doctors who perform abortions are beyond legal retirement age. Research on the subject has been stifled, long-promised abortion drugs are unavailable in the United States, and medical residents are not receiving training in abortion procedures. Hitt partly attributes young doctors' aversion to abortion to a lack of knowledge about what abortion rights activists call "the bad old days." "Because residents have no knowledge of abortion history before *Roe*, they see their choice to perform abortions as a political one," Hitt writes.²

The shrinking supply of abortion providers, threats and violence against clinics, and increasing legal restrictions on abortion give the study of abortion before *Roe v. Wade* a sense of urgency. The story of illegal abortion is highly politicized and hotly debated. But there is no plethora of books about the subject. Many aspects of the abortion rights movement are in need of greater historical research and interpretation. In most historical works, the forces that drove the brief but fierce struggle for abortion rights are lumped together uncritically with the women's movement, the civil rights movement, and the anti-war movement. Whatever its connection to those movements, the abortion rights struggle has outlasted them in important ways. To understand the unceasing controversy and the distinctive trajectory of the abortion rights movement, we must take a closer look at its origins.

In particular, it is important to tell the story of one of the most crucial—but forgotten—players in the early abortion rights movement. The vociferous protests against abortion rights by conservative and fundamentalist religious groups has all but obscured the fact that some of the most articulate and humane voices in the early pro-choice movement came from the clergy. In 1967, a small group of New York clergy launched a service that referred

² Jack Hitt, "Who Will Do Abortions Here," *New York Times Magazine*, 18 January 1998.

women to resources in other states and countries where they could obtain medically safe abortions. The referrals and the abortions were usually illegal, but the clergy service was public, and the ministers and rabbis involved in the project spoke openly out about the gross injustices against women that they perceived in the laws that forbid abortion. The Clergy Consultation Service on Abortion (CCS), as the organization was called, grew to include over two thousand clergy by 1973. They counseled women and referred hundreds of thousands of them for safe abortions. Most importantly, the clergy's voice of moral authority brought legitimacy to the abortion rights movement. The powerful voice of the clergy allayed fears that abortion was synonymous with sin and licentiousness.

The legacy of the Clergy Consultation Service on Abortion, however, has not been duly celebrated. "I think this piece of history has been lost and most Americans think most clergy are antiabortion," Rev. Tom Davis, the chairman of Planned Parenthood's clergy advisory board lamented recently in an article in the *Washington Post*.³ Rev. Cynthia S. Bumb, Executive Director of the Missouri Religious Coalition for Reproductive Choice, complained in a letter to the *St. Louis Post Dispatch*: "It seems as if this history [of the Clergy Consultation Service on Abortion] is either unknown or forgotten. Religious opponents of choice have convinced themselves, and much of the media and the American public, that they hold the only valid religious position on abortion. They are profoundly mistaken."⁴ At least some opponents of abortion rights have attempted to discredit the legacy of the Clergy Consultation Service on Abortion. "They didn't come to this with the weight of their religious communities," Gail Quinn, executive director of the National Conference of Catholic Bishops' Pro-Life Secretariat recently told the Springfield *Sunday Republican*. "You didn't have mainstream religions hopping on board and having them speak on their behalf, so [the members of the Clergy Consultation Service]

³ Caryle Murphy, "Clergy Group to Commemorate History of Support for Abortion's Legalization," *Washington Post*, 14 January 1998, sec. A;

⁴ Cynthia S. Bumb to *St. Louis Post-Dispatch*, 22 January 1998, sec. B.

were out of the mainstream." Quinn's comments are factually incorrect, and the *Sunday Republican* reported that the Clergy Service's "story remains largely untold."⁵

"Largely untold" is an excellent description of the Clergy Consultation Service's place in the literature about the abortion rights movement. While the Service is not usually omitted completely from abortion histories, it generally gets little more than an honorable mention. The absence of further information about it is conspicuous. A reviewer of Sarah Weddington's book *A Question of Choice* complained, "We want to read more about the Clergy Consultation Service on Abortion. . . ."⁶ This memoir of one of the attorneys who argued *Roe v. Wade* includes only a few scant details about the Clergy Service. Suzanne Staggenborg's book, *The Pro-Choice Movement: Organization and Activism in the Abortion Conflict*, gives credit to the clergy referral movement, but provides few details about its operation. Two recent books about abortion in Chicago include some discussion of the Clergy Service. Unfortunately, some of the information about the clergy that Leslie Regan offers in *When Abortion Was a Crime* is factually incorrect, probably because of misinformation she was given in an interview. In Laura Kaplan's *The Story of Jane: The Legendary Underground Feminist Abortion Service*, the Clergy Service is treated as only peripheral to her subject.

The two best secondary histories of the Clergy Consultation Service focus mostly on regional chapters of the national movement. The first of these is *From Crime to Choice: The Transformation of Abortion in America* by Nanette J. Davis. Davis, who is a sociologist, studied the Detroit Clergy Consultation Service on Abortion in great detail, surveying dozens of its members and analyzing the impact of the Service both on its participants and on the abortion movement as a whole. Her work is excellent and invaluable, but it is not a history of the Clergy

⁵ Adelle M. Banks, "Clergy Aided Legal Right to Abortion," (Springfield, Mass.) *Sunday Republican*, 18 January 1998, sec. B.

⁶ Eileen McNamara, review of *A Question of Choice*, by Sarah Weddington, *Boston Globe*, 28 September 1992, sec. Living.

Service. The New York Clergy Consultation Service, where the movement began, is mentioned in her book, but most of her New York research was devoted to clinics and patients. The best secondary historical account of a Service chapter was recently written by Cynthia Gorney. A former reporter for the *Washington Post*, Gorney wrote a pair of articles about the Service for the *Post* in 1989 when the Supreme Court was hearing the case of *Webster v. Reproductive Health Services*. *Webster* threatened to lead to a court review of *Roe v. Wade*, and Gorney researched the Clergy Consultation Service as a related human interest story. In 1991, she resigned from the *Post* and began work on *Articles of Faith: A Frontline History of the Abortion War*. Gorney devotes a few pages to the history of the national clergy referral movement in *Articles of Faith*, but most of her account of the Clergy Service pertains to the story of the Missouri Clergy Consultation Service. Much remains to be said about the story of the clergy referral movement nationwide.

In the aggregate, these histories provide a reasonable outline of the Clergy Consultation Service on Abortion, but most of the details are missing, and the vast majority of the information in secondary sources about the Service comes from only two books. The lesser of the two is Lawrence Lader's *Abortion II: The Making of the Revolution*. Lader, who is treated amply in this thesis, was involved in the founding of the Service and the National Association for the Repeal of Abortion Laws. *Abortion II* is his first-hand account of the growth of the abortion rights movement, and he provides a wealth of information about the Clergy Service. The book was published in 1973, and I have treated it here as a primary source.

The second book is the primary source that is most often used as a basis for secondary writing about the Clergy Consultation Service. Howard Moody and Arlene Carmen, the leaders of the national clergy referral movement, published a book about their experience in 1973. *Abortion Counseling and Social Change* is their memoir of the Service, and it is indispensable. The clergy referral movement was largely decentralized and its activities of questionable legality. Many of the documents that would tell its story are scattered or lost, or worse, never existed because of the organizers' fear of creating a legal paper trail. Carmen and Moody's account is

integral to virtually every book that even mentions the Clergy Service, and frequently it serves as the only source that authors use.

Despite offering the best story of the Service in existence, *Abortion Counseling and Social Change* suffers from some shortcomings. "There is a great deal of difference between living in history and recalling history," the authors explain in the preface. "We are attempting to set down here a living record of the birth and development of an organization not for itself but for what it might teach us of our attitudes, the changing of institutions, and the reform of laws." The book is essentially didactic; when it was written the Service was still in operation and *Roe v. Wade* had not been decided. Moreover, it lacks historical perspective. "Events, causative factors, and people's names are missing not because they were unimportant, but because our view of what happened in the process was not total but partial and distorted," Carmen and Moody admit in the preface. "Others may have a different perspective and might want to tell the story in a different fashion."⁷

This thesis accepts Carmen and Moody's challenge. I have attempted to build from their story, and to correct the record in the places where they may have remembered events inaccurately or where their purposes conflicted with a broader interpretation of the facts. I have also strived to expand the story by placing it in historical context, a perspective that Carmen and Moody could not have possessed in 1973. Wherever possible, I have supported my history of the Clergy Consultation Service with interviews with several of the key players, magazine and newspaper articles, and the limited secondary sources available. Unfortunately, much of the information in the news media originates with Moody, who was the organization's primary spokesperson.

The richest source of information about the Service—other than Moody himself—is the Clergy Consultation Service Archive at Judson Memorial Church. This archive is an unorganized

⁷ Arlene Carmen and Howard Moody, *Abortion Counseling and Social Change: From Illegal Act to Medical Practice* (Valley Forge, PA: Judson Press, 1973), preface.

collection of hundreds of Service-related documents that were collected and boxed when the organization disbanded in 1973. Carmen and Moody appear to have used many of the documents as source material in *Abortion Counseling and Social Change*, though they included no citations. This thesis is apparently the first historical work about the Service that was researched with access to the CCS Archive and the wealth of information that lies therein. I believe that by comparing and contrasting all the available sources of information about the Service, I have constructed a version of the story that is as close to the facts as possible, more comprehensive, and more historically contextualized.

The history that follows is the story of over two thousand courageous clergy who publicly decried the injustices of abortion restrictions and defied the law that forced women to seek the services of underworld abortionists. There were many groups campaigning for abortion rights in the late 1960s and early 1970s, and all of them deserve study. Nevertheless, through all the writing about the activists, doctors, and politicians who struggled for legal abortion, one of the most significant forces in the movement—the moral and humanitarian contribution of the clergy—is frequently left out. This is the story of the creation of the Clergy Consultation Service, its growth, and its development into a powerful institution for social change. The story begins, however, where the concept of abortion referral began, not with the clergy, but with a writer from New York named Larry Lader.