

RESTLESS WOMEN: THE PIONEERING ALUMNAE OF NEW YORK UNIVERSITY SCHOOL OF LAW

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INTRODUCTION

"I am a restless woman. Almost all my chosen companions are restless women. When physicians, essayists, and timid gentlemen whose place is in the home, rail at the modern spirit of unrest and at the women who are a menace to society, they are thinking of us."¹ So declared Elinor Byrns—feminist, socialist, and troublemaker—in 1916, nine years after her graduation from New York University School of Law (NYU Law).²

In the early years of this century, Greenwich Village abounded in restless women—fiercely independent, intelligent professionals determined to better both themselves and the world around them.³ A good number boasted law degrees, usually from NYU.⁴ At the same time that Columbia Law School Dean Harlan Stone reportedly promised admission to women only "over his dead body,"⁵ the law school at New York University was earning a reputation as a haven for women.⁶ Florence

* B.A., 1978, Yale University; Ed. M., 1979, Harvard University; J.D., 1985, New York University. This Essay is dedicated to the memory of Ashburn Thomas, a man of rare empathy and integrity. Ashburn understood this Essay and what it means to me. Restless Women was originally drafted for New York University Magazine in 1986. My attempts to get this story of women published turned into an endless saga of dashed hopes and new editors. I am intensely grateful to the *Law Review* for finally putting this Essay into print. I am equally indebted to the friends and family members who, for years, gracefully endured my recounting of this struggle. Thanks to Joan Blair, Ethel Eckhaus, Fay Eckhaus, Debra Freeman, Frances Harpst, Heather Lee Kilty, Terry Potts, Kathryn Williams, and Marya Lenn Yee.

¹ Byrns, I Resolve to be Restless, *The Independent*, Jan. 10, 1916, at 50.

² See New York University General Alumni Catalogue 1916, at 166.

³ See generally J. Schwarz, *Radical Feminists of Heterodoxy: Greenwich Village, 1912-1940* (rev. ed. 1986) (wonderful account of early feminist discussion group, whose membership ranged from prominent professionals to notorious radicals); J. Sochen, *Movers and Shakers: American Women Thinkers and Activists, 1900-1970*, at 10-11, 31-95 (1973) (discussing women active in feminist movement from 1900-1920) [hereinafter J. Sochen, *Movers and Shakers*]; J. Sochen, *The New Woman: Feminism in Greenwich Village, 1910-1920* (1972) (giving individual profiles of feminist activists).

⁴ See J. Tuve, *First Lady of the Law, Florence Ellingwood Allen* 23 (1984) ("Out of a total of 606 women enrolled in all law schools in 1914, 82 were at NYU.").

⁵ See Morello, *N.Y. Court Once Denied a Woman's Bar Admission*, *N.Y.L.J.*, May 1, 1986, at 40. Women were admitted to Columbia upon Stone's departure for the Supreme Court in 1941. *Id.*

⁶ See C. Epstein, *Women in Law* 51 (1981).

Allen, a 1913 graduate who was the first female federal circuit judge,⁷ noted that NYU “constantly encouraged women law students.”⁸ Allen, touted during the New Deal as a candidate for the United States Supreme Court,⁹ proclaimed: “I can never repay what I owe to New York University.”¹⁰ By 1920, the law school had accepted women students for nearly thirty years and had graduated 303 women, far more than any other institution.¹¹

Once let loose on the world, the women of independent temperament who had gravitated to NYU made their presence known, influencing all the issues of the day: women’s suffrage, workers’ rights, birth control, socialism, pacifism. Elinor Byrns described the thrill she derived each day from reading the morning paper, which not only fueled her frenetic activity—“It’s a poor paper, indeed, which doesn’t in each edition give a revolutionist like me new cause for anger”¹²—but also informed her of “what my friends have done by way of making news in the last twenty-four hours.”¹³

Byrns’s restless colleagues, imbued with the spirit of social change, seem surprisingly modern. As a result, we may inadvertently judge them by contemporary standards, forgetting that their extraordinary accomplishments took place against a Victorian backdrop. NYU alumnae Elinor Byrns, Crystal Eastman, Ida Rauh, Madeline Doty, Inez Milholland, Bertha Rembaugh, and Jessie Ashley inhabited the restricted world of turn-of-the-century New York—in which any woman aspiring to “decent” society was subject to draconian codes of behavior and dress, and in which no woman could vote. As late as 1915, the Supreme Court asserted that, upon marriage, man and woman “merge their identity, and give dominance to the husband.”¹⁴ It is difficult to overstate the vast difference between that world and ours today; as Edith Wharton, describing the transformation wrought by World War I, observed: “what had seemed unalterable rules of conduct became . . . as quaintly

⁷ See J. Sochen, *Movers and Shakers*, supra note 3, at 138; see also F. Allen, *To Do Justly* 93-97 (1965) (describing her appointment to 6th Circuit).

⁸ F. Allen, supra note 7, at 25.

⁹ See J. Tuve, supra note 4, at 123-24.

¹⁰ F. Allen, supra note 7, at 25.

¹¹ See B. Doerschuk, *New York Bureau of Vocational Information, Women in the Law: An Analysis of Training, Practice and Salaried Positions* 114-24 (1920). Not even the Washington College of Law, founded in 1898 specifically to train women lawyers, had more alumnae. *Id.*

¹² Byrns, supra note 1, at 50.

¹³ *Id.*

¹⁴ *MacKenzie v. Mare*, 239 U.S. 299, 312 (1915) (upholding statute depriving women of U.S. citizenship upon their marriage to foreigners). Inez Milholland lost her citizenship—and her license to practice law—upon her marriage to a Dutch citizen. See *The Status of a Woman Lawyer Who Marries an Alien*, 4 *Women Law. J.* 84, 84 (1914).

arbitrary as the domestic rites of the Pharaohs.”¹⁵

As this brief account illustrates, the restless women of NYU were pioneers, not only in law but also in life. Through the stories of their bravery, vitality, and affectionate mutual support, this Essay seeks to resurrect their memory so that they may continue to inspire restlessness in the service of social justice.

I

EARLY HISTORY OF WOMEN AT NYU LAW

The good works of a New York City socialite set in motion the events that led New York University in 1890 to join the select few schools then offering legal education to women. Through her teaching of “hygiene and invalid cooking” to poor women, Fanny Weber¹⁶ discovered that “most mental suffering resulted from wrongs which needed legal advice.”¹⁷ Weber prevailed upon her friend Emily Kempin, a graduate of the law school at the University of Zurich, to help her establish a “legal dispensary” for the poor.¹⁸ The pair were forced to close their clinic, however, when “[t]oo many came . . . so many that we could not find a sufficient number of charitable women to help—such women as could give the necessary assistance with that authority which comes from legal knowledge.”¹⁹ In 1890, after several failed attempts to organize a series of law lectures for women, Weber and her associates negotiated an “eminently satisfactory” arrangement with NYU.²⁰ The University would sponsor a “Woman’s Law Class,” hiring Kempin as its lecturer.²¹

Affluent society women flocked to the early program, which offered a certificate upon successful completion of a “severe” exam.²² Helen Gould, daughter of Jay Gould, the scandal-ridden railroad magnate, was

¹⁵ E. Wharton, *A Backward Glance* 6 (1934).

¹⁶ Although secondary sources refer to “Mrs. Leonard Weber,” the New York University Archives include correspondence between then-Chancellor MacCracken and Fanny B. Weber regarding the Woman’s Law Class. See, e.g., Letter from Fanny B. Weber to H.M. MacCracken (Aug. 8, 1892), in Papers of the H.M. MacCracken Administration, Box 3, Folder 5 (New York University Archives) [hereinafter *MacCracken Papers*] (establishing law school scholarship for best student in Woman’s Law Class).

¹⁷ New York University, *For the Better Protection of Their Rights: A History of the First Fifty Years of the Women’s Legal Education Society and the Woman’s Law Class* 10 (1940) [hereinafter *For the Better*].

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.* at 15-16.

²¹ Kempin returned to Switzerland the following year, but by that time the Class was firmly established. See *id.* at 24-25.

²² See *Law Class Graduates*, *Brooklyn Eagle*, Mar. 31, 1899, in 5 *Scrapbooks of Prof. Isaac Franklin Russell* 99 (New York University School of Law Archives) [hereinafter *Russell Scrapbooks*].

an early graduate (and early benefactor) of the Class,²³ as was Emily Roebling, wife and aide-de-camp to Brooklyn Bridge builder Washington Roebling.²⁴ One favorable editorial in a contemporary newspaper recommended legal education for “women who have fortunes,” as men “who will be perfectly honest in their treatment of other men will not hesitate to cheat a woman.”²⁵ Other newspapers were less receptive to the law class, greeting it with heavy humor. Typical was an 1899 editorial, “Let Lawless Man Beware,” that professed to congratulate “the fair sex” on the occasion of a Woman’s Law Class graduation: “It means that just so many more women will be in a position to lay down the law to their husbands, existing and prospective.”²⁶ The Class and its members frequently were featured in the society columns, where the hats and gowns of the students were described in detail and lovingly illustrated.²⁷

Less than a year after Kempin began her lecture series, the University’s governing council voted unanimously to accept women as degree candidates.²⁸ The minutes of the May 5, 1890 meeting show that the law faculty supported the University’s new admissions policy.²⁹ In fact, the law professors sought to ensure that many women would enter the school, deeming it “highly important for any valuable result that enough women should unite in attendance to render one another aid and encouragement.”³⁰ Alice Dillingham, class of 1905, recalled that Law School Dean Clarence Ashley actually visited her Bryn Mawr graduating class in an effort to recruit women students.³¹

From the beginning, women law students made their mark. The six

²³ See *For the Better*, supra note 17, at 40.

²⁴ See *id.* at 47; Dickinson Alumni, *Brooklyn Citizen*, Jan. 20, 1899, in 5 Russell Scrapbooks, supra note 22, at 80.

²⁵ Editorial, *Commercial-Advertiser (New York)*, Mar. 30, 1899, in 5 Russell Scrapbooks, supra note 22, at 95.

²⁶ *Let Lawless Man Beware*, *N.Y. Herald*, Mar. 31, 1899, in 5 Russell Scrapbooks, supra note 22, at 95.

²⁷ Although the newspapers were frivolous, the women were not. One newspaper, under the heading “Tea Table Gossip,” reprinted excerpts from the essay Emily Roebling read at graduation. In “A Wife’s Disabilities,” Roebling described how “the sacred rite of marriage conferred upon [the married woman] the ranking in legal responsibility with idiots and slaves.” *Tea Table Gossip*, *Troy Times*, Apr. 1, 1899, in Russell Scrapbooks, supra note 22, at 101. Roebling’s contributions to her own marriage—and to New York City—were extraordinary. When her husband, stricken with caisson disease, became unable to read, write or venture beyond their Brooklyn Heights apartment, Roebling took over much of his work. For years, she supervised the construction of the Brooklyn Bridge. See J. St. George, *The Brooklyn Bridge: They Said It Couldn’t Be Built* 85-86 (1982).

²⁸ See *Council Minutes of the University of the City of New York*, November 1, 1886 to May 27, 1892, at 125-26 (May 5, 1890) (New York University Archives).

²⁹ See *id.* at 125.

³⁰ *Id.*

³¹ Telephone Interview with George Pozderek, great-nephew of Alice Dillingham, (approximately Aug. 20, 1986).

women among the 140 graduates of the class of 1896 included one of the school's top scholars, physician Caroline Bristol.³² Women took two of the school's three prizes and, as a reporter observed, the men were "hardly in it."³³ Nevertheless, many men adhered to the belief that women should not practice law. Indeed, the women who did expect to practice faced surprise and ridicule from fellow students.³⁴

While some of the early women students were well-to-do, others faced severe financial barriers. Filomen D'Agostino Greenberg, class of 1920, recalled that admission to the school was contingent upon only two things: a high school diploma and a check to cover tuition.³⁵ Mary Siegel, class of 1917, noted that on the day tuition was due, the doors of the building were locked to those who could not pay.³⁶ Siegel, who worked by day as a seamstress in a blouse factory, was a student in the evening course along with other working-class women, many of them immigrants.³⁷ Sensitive to class differences, she recalled that the daytime students she sometimes encountered in the "Ladies' Retiring Room" were "prosperous and carefree" and "always seemed to be laughing."³⁸ By contrast, she remembered, "You never heard much laughter from the night class."³⁹

Poor students, who typically entered the Law School with only a high school diploma, were required to obtain a clerkship before New York State would allow them to practice law.⁴⁰ Few women were as

³² See Six Women Win Honors (undated unidentified newspaper clipping about Apr. 31, 1896) (on file with New York University Law Review).

³³ *Id.*

³⁴ Historian Phyllis Klein describes one student who set her frustrations to verse, proclaiming how she itched "TO MASSAGE SOMEONE'S JAW" when asked if she "REALLY INTENDS TO PRACTICE LAW." F. Lichtblau, *Provocation or Why Female Law Students Commit Assault*, N.Y.U. Annual and Review (Class of 1923), quoted in P. Klein, "I Taught Them A Woman Could Be A Lawyer": Women Law Students and New Women Lawyers in New York City, 1919-1929 (1981) (unpublished paper available in New York University Archives).

³⁵ See Filomen D'Agostino Credits Success to Law Education and Right Instincts, *NYU Law*, Spring 1985, at 3 (on file at New York University Law Review).

³⁶ Interview with Mary Siegel, in New York City (Aug. 24, 1986).

³⁷ *Id.* Foreign, poor, and conspicuously unassimilated immigrant law students affronted the genteel (and Gentile) expectations of the faculty. For example, Dean Clarence Ashley, in a letter to Chancellor MacCracken, defended a colleague's blunt roughness with "a certain class of Jews" among the student body, describing how this colleague was able to tell an immigrant girl that "she was filthy and must take a bath" while Ashley "should, perhaps, have made trouble by trying to put the case to the girl with polite circumlocution." Letter from Clarence Ashley to H.M. MacCracken (Oct. 12, 1909), MacCracken Papers, *supra* note 16, Box 3, Folder 3.

³⁸ Interview with Mary Siegel, in New York City (Aug. 24, 1986).

³⁹ *Id.*

⁴⁰ See Siegel, "Crossing the Bar": A "She" Lawyer in 1917, 7 *Women's Rts. L. Rptr.* 357, 359 (1982).

fortunate as Filomen D'Agostino Greenberg, who lucked into the leads to her first clerkship—at \$3.00 a week—while waitressing at Coney Island's Luna Park.⁴¹ More typically, alumnae experienced great difficulty finding a firm that would employ them, even when they offered to work for free. Gertrude Smith, class of 1912, wrote a desperate account of her attempts, for more than a year, to secure a nonpaying clerkship: "I answer all the 'ads' I can possibly answer in the law Journal but when I call they tell me how impossible it is for them to consider me. They inform me very politely that I must not forget I am a woman and therefore would not be of any service to them"⁴²

Ultimately, some alumnae found clerkships with other women.⁴³ Women also practiced together⁴⁴ and formed a strong professional network, the Women Lawyers' Club, founded in 1899 by NYU alumnae.⁴⁵

Several of the most restless alumnae—Elinor Byrns, Crystal Eastman, Ida Rauh, Madeleine Doty, Inez Milholland, and Helen Arthur—gained "stimulating comradeship"⁴⁶ through Heterodoxy, a wildly unorthodox Greenwich Village club for "women who did things and did them openly."⁴⁷ The club, a loose-knit collection of radicals and professionals, met regularly for lunch and free-wheeling discussion.⁴⁸ Members stuck by each other. For example, in 1915, when socialist and Heterodite Eliz-

⁴¹ Telephone interview with Filomen D'Agostino Greenberg (Sept. 1986).

⁴² Letter from Gertrude Smith to Inez Milholland (undated), in Papers of Inez Milholland, Folder 21 (1913-1916) (Schlesinger Library Radcliffe College).

⁴³ See C. Babcock, Elinor Byrns: Suffragist—Pacifist, 1876-1957 (unpublished) (describing Elinor Byrns's clerkship with two women, including Bertha Rembaugh, who had graduated from NYU three years earlier), in Papers of Caroline Lexow Babcock (Schlesinger Library Radcliffe College) Box 4, Folder 58.

⁴⁴ The membership lists printed in the *Women Lawyers' Journal* show a number of women attorneys sharing the same professional address with at least one other woman; four women (Bertha Rembaugh, Isabel Phelps Peck, Mary Rutter Towle, and Ruth Lewensohn) are listed as practicing at 165 Broadway. See *Women Lawyers' Association (Address of Members)*, 10 *Women Law. J.* 31, 31-32 (1921).

⁴⁵ See President Olive Stott Gabriel's Opening Address, 19 *Women Law. J.* 5, 5-6 (1931) [hereinafter Gabriel's Address] (giving account of Club's founding). At least four NYU alumnae—Mary Dudley Hussey, class of 1898; Juliana van Gallwitz, class of 1896; Edith Augusta Reiffert, class of 1895; and Emma Neumann Pollack, class of 1899—were among the eight founding members. See biographical squibs in *New York University Alumni Catalogue, 1833-1906*, at 68, 72, 88, 97 (1906). The Women Lawyers' Club, the first women's bar association, became the National Association of Women Lawyers. See Gabriel's Address, *supra*, at 5.

⁴⁶ I have borrowed this phrase from Elinor Byrns's portrait of the "restless woman." See Byrns, *supra* note 1, at 51.

⁴⁷ J. Schwarz, *supra* note 3, at 1 (quoting M. Luhan, 3 *Intimate Memories: Movers and Shakers* 143 (1936)).

⁴⁸ See *id.* at 17-24. Judith Schwarz points out that this fascinating club doubled as perhaps the first "consciousness-raising" group. *Id.* at 20. Members were asked to give "background talks" on their lives, thereby "breaking down the isolation of women who were not only living in a large city of strangers, but . . . who had grown up as rebels in a world of more orthodox, ordinary people." *Id.*

abeth Gurley Flynn was tried for allegedly "inciting to violence" strikers at the Paterson, New Jersey silk mills, Heterodites formed a support committee, raised money for Flynn's defense, and attended the trial.⁴⁹

Thus, the relationships established at NYU survived the Law School years and provided NYU's restless women with a support network throughout their professional lives. The remainder of this Essay focuses upon their remarkable attempts to change the world in the years following their graduation from NYU School of Law.

II

NYU'S RESTLESS ALUMNAE

Tackling the world with the same verve that prompted them to tackle the legal profession, NYU's restless women made major contributions to society. Elinor Byrns, Inez Milholland, Crystal Eastman, Madeline Doty, Ida Rauh, Jessie Ashley, Bertha Rembaugh, and other early women graduates were leaders in the suffrage movement; champions of the rights of women, workers, and the poor; and advocates of pacifism. This Part explores the work of the restless women in these diverse but overlapping movements.

A. The Suffrage Movement

The battle for women's suffrage not only forged profound bonds of friendship and loyalty but also proved especially inspirational for NYU's alumnae. In a 1916 article in the *New Republic*, Elinor Byrns observed that although most women lawyers were conservative, "a few of us are revolutionists."⁵⁰ She attributed this subversive zeal to "the suffrage campaign and our struggles for feminism," which served to develop the women's "fighting spirit."⁵¹

At the turn of the century, New York City was perhaps the best

⁴⁹ See Elizabeth Gurley Flynn to Go on Trial Today in Paterson for Offending Wealthy Exploiters of Workers in Silk Mills, N.Y. Call, Nov. 29, 1915, in Papers of Rose Pastor Stokes (New York University, Tamiment Library), Reel 3302, at 50591 [hereinafter Stokes Papers]; Gurley Flynn Free to Keep on Talking, N.Y. Times, Dec. 1, 1915, at 1, in Stokes Papers, supra, Reel 3302, at 50592. By my casual count, at least twenty members of Flynn's defense Committee, including Treasurer Marion Cothren, were members of Heterodoxy. See J. Schwarz, supra note 3, at 115-28.

⁵⁰ Byrns, *The Woman Lawyer*, 5 *New Republic* 246, 247 (1916).

⁵¹ *Id.* Many young women gained invaluable experience as organizers during state suffrage campaigns. Crystal Eastman, for one, cut her political teeth on the Wisconsin campaign. See Cook, Introduction, in *Crystal Eastman: On Women and Revolution* 10 (B. Cook ed. 1978) [hereinafter *On Women*]. Florence Allen's suffrage work in Ohio gave her a political base enabling her to run for election to the state supreme court. See J. Tuve, supra note 4, at 63-67 (describing major role played by leading suffragists in Allen's 1922 campaign).

place in America to be a women's rights activist.⁵² This was due, in large part, to the leadership of Harriet Stanton Blatch, daughter of Elizabeth Cady Stanton.⁵³ In 1902, after twenty years in England, Blatch returned to New York to find the suffrage movement "in a rut."⁵⁴ The movement, she observed with exasperation, "bored its adherents and repelled its opponents A vital idea had been smothered by uninspired methods of work."⁵⁵

Blatch promptly sought to light a fire under her lethargic sister suffragists, and in this effort the restless women from NYU were eager co-conspirators.⁵⁶ In 1910, Blatch, with the help of alumnae Elinor Byrns and Jessie Ashley, organized the first suffrage march.⁵⁷ Byrns's friend Caroline Babcock recalled that in the weeks preceding the parade, Byrns was obliged to lobby her more conservative suffrage colleagues over tea.⁵⁸ These women, reluctant to engage in so undignified an undertaking as a march, finally agreed to attend in automobiles.⁵⁹ The event was a huge success, as spectators packed Fifth Avenue to gawk at "what manner of women would so far forget themselves as to march. In 1910, that was a privilege supposed to belong exclusively to men."⁶⁰ Leading the parade, mounted on a white horse, was NYU law student Inez Milholland. A women's rights activist since her college days at Vassar,⁶¹ Milholland believed that winning the vote for women would bring "a revolution of a new and bewildering kind, touching and changing life at every point."⁶²

⁵² See E. Flexner, *Century of Struggle: The Women's Rights Movement in the United States* 249 (1959) (noting that New York was home to most dynamic leaders of suffrage movement).

⁵³ See *id.* at 249.

⁵⁴ *Id.* at 250 (quoting H. Blatch & A. Lutz, *Challenging Years: The Memoirs of Harriet Stanton Blatch* 92 (1940)).

⁵⁵ *Id.*

⁵⁶ NYU alumnae Madeline Doty, Ida Rauh, Jessie Ashley, and Bertha Rembaugh were among the early members of Blatch's Equality League. See *id.* at 109-10. Rembaugh, legal advisor to the group, "unearthed the fact that the election law permitted anyone to serve as a [poll-]watcher." *Id.* at 116. Beginning Election Day, November 2, 1909, Equality League members—who, as women, couldn't vote—watched the polls, resulting in some scandal. See *id.* at 116-17.

⁵⁷ See E. Flexner, *supra* note 52, at 253; C. Babcock, *supra* note 43, Box 4, Folder 58, at 3-4.

⁵⁸ See C. Babcock, *supra* note 43, at 3-4.

⁵⁹ See *id.*

⁶⁰ *Id.*

⁶¹ See H. Blatch & A. Lutz, *supra* note 54, at 108. Barred from holding a suffrage meeting on campus, Milholland had assembled forty budding suffragists in an adjacent cemetery. See *id.*

⁶² L. Zimmerman, *Alice Paul and the National Woman's Party, 1912-1920*, at 59 (1965) (unpublished dissertation, Tulane University) (quoting Massachusetts Association Opposed to Further Extension of Suffrage to Women, *The Remonstrance Against Woman Suffrage* 2 (1914)).

In 1916, Milholland took a leave from her legal practice to embark upon a suffrage tour through the western states. A contemporary recalled Milholland's grueling routine during the trip: "Speaking day and night, she would take a train at two in the morning, to arrive at eight; and then a train at midnight, to arrive at five in the morning. She would come away from audiences and droop as a flower."⁶³ In Los Angeles, speaking before a great mass meeting, Milholland's speech climaxed in a demand directed at President Woodrow Wilson: "How long must women wait for liberty?"⁶⁴ On the word "liberty," Milholland collapsed to the floor. Within a month, she was dead.⁶⁵

Memorials to the thirty-year-old Milholland, considered a martyr by the suffrage movement, were held throughout the nation. Alice Paul orchestrated the most dramatic, a Christmas Day ceremony at Statutory Hall in the Capital, where crowds of women garbed in the suffrage colors of white, purple, and gold said goodbye to their lost friend.⁶⁶ Two weeks later, a deputation of 300 women presented President Wilson with the memorial resolutions passed at these gatherings and importuned him to "use your great and good office to end this wasteful struggle of women."⁶⁷ Wilson's indifferent response set off an angry wave that helped carry the women through the last, most difficult phase of the suffrage campaign, a three-year blitz of picketing, arrests, and prison hunger strikes.⁶⁸

Another law alumna to lead the suffrage fight was Crystal Eastman, Class of 1907. In 1912, four years before the Milholland memorial, Eastman teamed up with Alice Paul and Lucy Burns to convince the National American Woman Suffrage Association (NAWSA) to resurrect the then-moribund lobby for a federal suffrage amendment.⁶⁹ Arriving in Washington in December, their little group, known as the "Congressional Committee," feverishly set up shop, raised funds, and organized a "monster demonstration" that took place on the eve of President Wilson's first inauguration.⁷⁰ Eight thousand women marched up Pennsylvania Avenue as huge crowds, drawn to Washington by the

⁶³ I. Irwin, *The Story of the Woman's Party* 188 (1921).

⁶⁴ *Id.* at 185.

⁶⁵ *Id.*

⁶⁶ *Id.* at 25-26, 185.

⁶⁷ *Id.* at 189.

⁶⁸ Following Wilson's rebuff, "the fight was on." D. Stevens, *Jailed for Freedom* 60 (1920). The remainder of Steven's account describes the suffragists' renewed militancy, from picketing the President to submitting Susan B. Anthony's National Suffrage Amendment to the states for ratification. See *id.* at 62-343.

⁶⁹ I. Irwin, *supra* note 63, at 13.

⁷⁰ *Id.* at 29.

inauguration, lined their route.⁷¹ A near riot ensued, and the police's failure to protect the marchers prompted a Senate investigation leading to removal of the District of Columbia police chief.⁷² Shortly after this event, the Congressional Committee succeeded in getting the suffrage amendment debated in Congress for the first time in twenty-six years.⁷³ The Congressional Committee formed by the suffragists expanded to become the Congressional Union, later known as the National Woman's Party. Under Alice Paul's singleminded stewardship,⁷⁴ the Union focused first on suffrage and later, once the vote was won, on the Equal Rights Amendment.⁷⁵

B. Beyond Suffrage

The suffrage campaign's momentum overflowed into other social movements. Elinor Byrns asserted that if women lawyers were "ever to accomplish anything worth while [sic] in the law, we must begin now, while we are in the full tide of rebellion."⁷⁶

Many NYU alumnae took up the challenge. For example, Kate Hogan, Class of 1893, founded the New York City women teachers' association.⁷⁷ Her precedent-setting campaign against sex discrimination in salaries "sent the slogan 'Equal Pay for Equal Work' thundering round the world."⁷⁸ Madeleine Doty, class of 1902, was named New York State's first woman prison commissioner in 1912 and went undercover to investigate prison conditions.⁷⁹ Inez Milholland, prior to her focus on the suffrage movement, threw herself into the women garment workers' strike of 1909-1910 with "all her intense, immoderate zeal," raising funds for the union, picketing, defending jailed strikers, and getting herself twice thrown in jail.⁸⁰ Ida Rauh, class of 1902, chaired the legislative committee of the Women's Trade Union League (WTUL) and sought to

⁷¹ *Id.*

⁷² *Id.* The event upstaged Woodrow Wilson, no friend of suffrage, who arrived in Washington the day of the parade to find the streets by his hotel deserted. "Where are the people?" he asked. *Id.* at 30.

⁷³ See 63 Cong. Rec. 2941 (1913); Eastman, *Personalities and Powers: Alice Paul, Time & Tide*, July 20, 1923, reprinted in *On Women*, supra note 51, at 64-65.

⁷⁴ See I. Irwin, supra note 63, at 26-27 (describing Paul's leadership style).

⁷⁵ Eastman sought unsuccessfully to extend the Women's Party agenda to social welfare issues such as birth control and aid to families with dependent children. See, e.g., Eastman, *Alice Paul's Convention*, *The Liberator*, Apr. 1921 (criticizing Paul for neglecting issues of birth control and maternal aid), reprinted in *On Women*, supra note 51, at 57-63.

⁷⁶ Byrns, supra note 50, at 247.

⁷⁷ See Lilly, *In Memory of Kate Hogan*, 3 *Women Law. J.* 27, 27 (1914).

⁷⁸ *Id.*

⁷⁹ See M. Doty, *Society's Misfits* 7 (1916). This book about Doty's prison experience established her reputation as a journalist and reformer.

⁸⁰ M. Eastman, *Enjoyment of Living* 319-20 (1948).

ameliorate the horrendous conditions suffered by women factory workers.⁸¹ Crystal Eastman conducted a groundbreaking study of industrial accidents, *Work-Accidents and the Law*,⁸² which led to reforms that dramatically improved the lives of women and men workers.⁸³ New York State Governor Charles Evans Hughes appointed her in 1909 to the Employer's Liability Commission, where she conceived and drafted one of the first worker's compensation laws.⁸⁴

Jessie Ashley, class of 1902, served as NAWSA's national treasurer⁸⁵ and struggled to make her sister suffragists sensitive to the concerns of the less affluent. Writing in the *Woman's Journal* in 1911, Ashley addressed the "handsome ladies" constituting NAWSA's membership:

We must be rid of mere ladylikeness, we must succeed in making the [working] class of women the most urgent in the demand for what we all must have If the working girls ever become really alive to their situation, they will throw themselves into the fight for the ballot in overwhelming numbers, and on that day the suffrage movement will be swept forward by the forces that command progress.⁸⁶

Ashley's awareness of class issues was unusual for a suffragist,⁸⁷ especially one so solidly patrician in origin. The daughter of a railroad president and sister of NYU Law School Dean Clarence Ashley,⁸⁸ Jessie Ashley was remembered fondly by anarchist Emma Goldman as a "val-

⁸¹ See N. Dye, *The Women's Trade Union League of New York, 1903-1920*, at 404-10 (1974) (unpublished dissertation, University of Wisconsin) (available in New York University's Tamiment Library). The dissertation was later published in book form. See N. Dye, *As Equals and As Sisters* (1980). Following a fire in Newark, New Jersey that killed 24 women factory workers, Rauh's committee distributed thousands of fire safety handbills and published a questionnaire, imploring women to "notice the conditions in your factory" and respond "[i]f you do not want to be burnt alive and to perish as those girls who met a horrible death in the Newark fire . . ." *Id.* at 404-05. Ironically, Rauh's report—which documented a full range of factory fire hazards—was completed a few weeks before the tragic Triangle Shirtwaist factory fire, in which 146 workers, mostly young girls, perished. See *id.* at 407-08.

⁸² C. Eastman, *Work-Accidents and the Law* (1910).

⁸³ See Law, Crystal Eastman: NYU Law Graduate, 66 N.Y.U. L. Rev. —, — (1991).

⁸⁴ See Workers Compensation Act (Laws 1910, c. 674) art. 14a; Cook, *supra* note 51, at 6-7. The law initially met with disfavor from New York's highest court, which rejected the measure as a socialistic attempt to redistribute wealth. See *Ives v. South Buffalo Ry.*, 201 N.Y. 271, 284-85, 94 N.E. 431, 440 (N.Y. 1911) (no-fault employer liability is "taking the property of A. and giving it to B., and that cannot be done under our Constitutions").

⁸⁵ See A. Krador, *The Ideas of the Woman Suffrage Movement, 1890-1920*, at 156 (1981).

⁸⁶ Ashley, *Woman's J.*, Jun. 24, 1911, quoted in A. Krador, *supra* note 85, at 157-58.

⁸⁷ See, e.g., A. Krador, *supra* note 85, at 156-58 (describing Ashley's effort to bring working-class concerns to attention of wealthy suffragists). Suffrage leader Alice Paul spent her declining years in a nursing home in my hometown of Ridgefield, Connecticut and was adopted by my mother's chapter of the National Women's Political Caucus during the late 1970s. In contrast to Ashley's enlightened outlook, Paul's conversation was blithely patronizing, seasoned with racist and anti-Semitic comments.

⁸⁸ See *For the Better*, *supra* note 17, at 48.

iant rebel.”⁸⁹ Goldman stated, “No other American woman of her position had allied herself so completely with the revolutionary movement”⁹⁰ A “vital part” of countless progressive organizations, she gave away much of her substantial fortune.⁹¹

Despite her upper-class antecedents, Ashley was actively involved with the Industrial Workers of the World, the radical union committed to the destruction of capitalism and “wage slavery.”⁹² When the “Paterson Pageant”⁹³—the massive theatrical fundraiser for striking Paterson workers—failed to produce any profit, it was Ashley who courageously faced irate strikers to explain where the money went.⁹⁴ Even more extraordinary than Ashley’s association with the Wobblies (the nickname for IWW members) was her relationship with “Big Bill” Haywood, the notorious IWW leader, publicly perceived as a monster.⁹⁵ Margaret Sanger, whose days as a Wobbly organizer preceded her work as a birth control advocate, described the pair as

the oddest combination in the world—old Bill with his one eye, stubby, roughened fingernails, uncreased trousers, and shoddy clothes for which he refused to pay more than a minimum; Jessie with Boston accent and horn-rimmed glasses, a compromise between spectacles and lorgnette, from which dangled a black ribbon, the ultimate word in eccentric decoration.⁹⁶

When Ashley died in 1919, Haywood mourned his departed comrade as “the one best woman friend I ever had.”⁹⁷

In 1916, Ashley joined with Ida Rauh to flout the Comstock laws by distributing birth control literature in Union Square.⁹⁸ Standing with

⁸⁹ E. Goldman, *Living My Life* 676 (unabr. reprint 1970).

⁹⁰ *Id.*

⁹¹ See *id.*

⁹² See M. Vorse, *A Footnote to Folly* 57 (reprint 1980) (“With her delicate and distinguished face, she was a strange member of the I.W.W. Already of middle age, a woman of wealth, a lawyer, Jessie Ashley had gone over to the workers and joined their organization. She had a clear, fearless mind which permitted no middle course.”).

⁹³ See A. Tripp, *The I.W.W. and the Paterson Silk Strike of 1913*, 130-54 (1987).

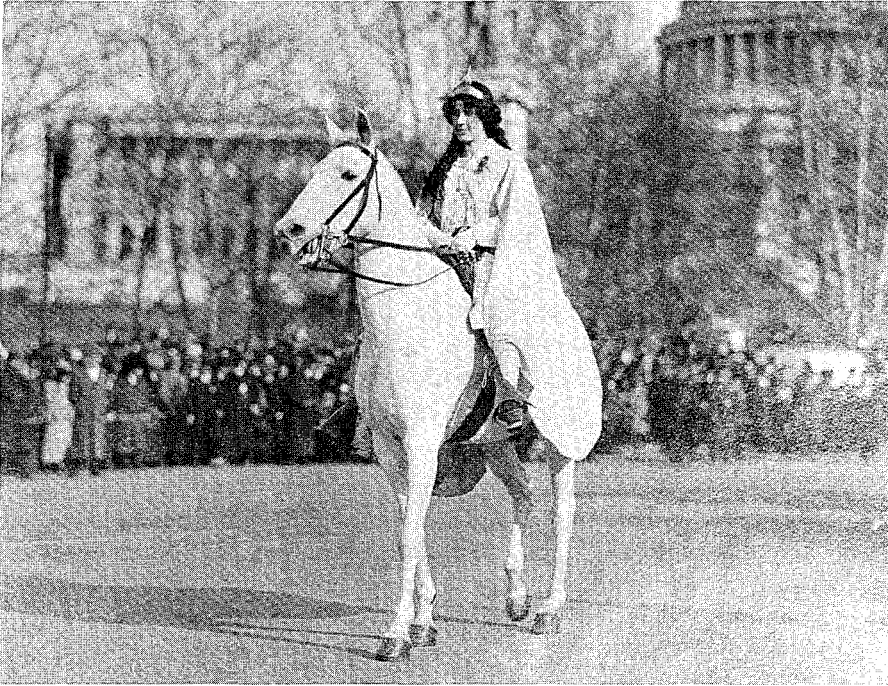
⁹⁴ See *id.* at 150.

⁹⁵ See M. Vorse, *supra* note 92, at 7-8 (“A huge one-eyed man . . . [h]e would have been anywhere a marked person. He could not heave himself through any crowd without people turning to look at him. He had the look which some notable men of his generation had in America: combined wisdom, shrewdness and power, a peculiarly American look.”); Baldwin, *Recollections of a Life in Civil Liberties—I*, *Civ. Liberties Rev.*, Spring 1975, at 39, 61 (“[Haywood] spoke gently but firmly; he was kindly, almost paternal. He was the opposite of the picture I had of him from the press and his record—a violent, intemperate agitator.”).

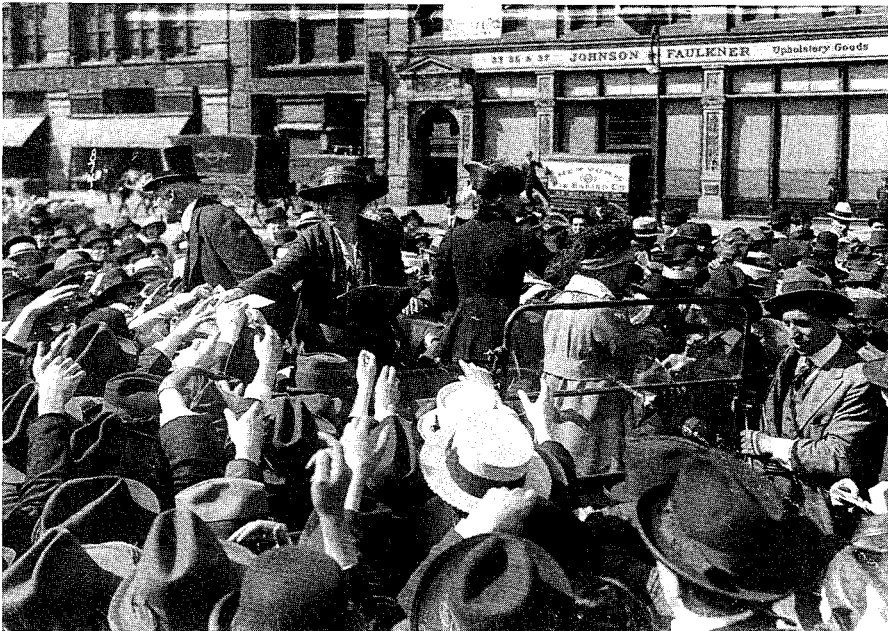
⁹⁶ M. Sanger, *An Autobiography* 71 (reprint 1991).

⁹⁷ M. Gray, *Margaret Sanger: A Biography of the Champion of Birth Control* 155 (1979). Those words were written in a letter to Sanger from Haywood, who was then at Leavenworth Federal Prison awaiting sentence for his part in a recent IWW strike. See *id.* at 154.

⁹⁸ This protest, following up on the arrest of Emma Goldman and Ben Reitman for distribution of birth control literature, was arranged as a “test of whether rich and influential



Inez Millholland (above), class of 1912, is shown here leading a suffrage march in Washington, D.C. Ida Rauh, class of 1902, Jessie Ashley, class of 1902, and Anne Sloane (below) are distributing birth control literature in Union Square.



Emma Goldman and others in a chauffeur-driven touring car and challenging the police to arrest them, the two passed out leaflets entitled "Why and How the Poor Should Not Have Many Children."⁹⁹ Rauh, who later earned distinction as a principal actor with the Provincetown Players,¹⁰⁰ addressed the crowds in her rich, viola-like¹⁰¹ voice:

[I]t is more moral that an old, ignorant law should be violated than that the right of the people should be violated to get information of vital importance to them [T]he child born to the poor who survives infancy is confronted with a childhood of work and drudgery . . . and a poverty-eaten old age.¹⁰²

The women were arrested, released on bail, and later convicted but given a choice between jail time and fines.¹⁰³

Rauh had another brush with notoriety that year, following her marriage to Max Eastman, brother of Crystal and editor of *The Masses*, the radical Greenwich Village monthly. When the two returned to the Village from their European honeymoon, Max Eastman put both their names on their mailbox, with Ida Rauh's name first.¹⁰⁴ This action prompted a page two story in the *New York World* entitled: "No 'Mrs.' Badge of Slavery Worn by This Miss Wife."¹⁰⁵ Rauh told the reporter that she had gone through the marriage ceremony merely for the purpose of "placating convention."¹⁰⁶ And Max Eastman, founder of the Men's League for Woman Suffrage, asserted: "I do not want to absorb my wife's identity in mine I want her to be entirely independent of me in every way"¹⁰⁷

Crystal Eastman shared her sister-in-law's suspicions of traditional home life and marriage.¹⁰⁸ Eastman, who abhorred housework and

women are to be arrested as well as poor young men and women from the East Side." Union Square Meeting Will Test Swann, N.Y. Tribune, May 20, 1916, in Stokes Papers, supra note 49, Reel 3302, at 50768.

⁹⁹ See Birth Control Demonstration on Union Square, Mother Earth, June 16, 1916, at 525-26.

¹⁰⁰ See M. Eastman, supra note 80, at 527 n.1.

¹⁰¹ See id. at 343.

¹⁰² Birth Control Demonstration on Union Square, supra note 99, at 525-26.

¹⁰³ Ashley made explicit her position of civil disobedience: "We women have no say in the laws, so why should we obey them?" Birth Control Test to go to Highest Court, N.Y. Herald, Oct. 30, 1916, in Stokes Papers, supra note 49, Reel 3302, at 50884.

¹⁰⁴ M. Eastman, supra note 80, at 379.

¹⁰⁵ Id. at 380.

¹⁰⁶ Id.

¹⁰⁷ Id.

¹⁰⁸ At the precocious age of fifteen, Eastman declared in 1896:

The trouble with women is that they have no impersonal interests. They must have work of their own, first because no one who has to depend on another person for his living is really grown up; and, second, because the only way to be happy is to have an absorbing interest in life which is not bound up with any particular person. . . . No woman who allows husband and children to absorb her whole time and interest is safe

through years of poverty always scraped up enough money to hire domestic help,¹⁰⁹ challenged those who proclaimed a woman's place to be the home.¹¹⁰ When British novelist G.K. Chesterton declared home to be not only woman's proper place, but also an "island of liberty," an underrated haven from the horrors of civilization,¹¹¹ Eastman took umbrage. The home, she asserted, can be "no oasis of comfort and relaxation" for "the person who stays in it . . . who is responsible for every detail of its comfort."¹¹² The feminist, Eastman argued, does not seek to abolish the home, but rather "to find a man who will share the burden and joy of home-making as she would like to share the burden and joy of earning a living."¹¹³

Of all the movements engaging NYU's restless alumnae, perhaps the most difficult was the peace movement, which offended not only the general public, but many progressives as well. Here, too, Eastman played an active role, heading a campaign to publicize American military aggression in Mexico in her capacity as secretary to the American Union Against Militarism (AUAM).¹¹⁴ Later historians credited Eastman's effort with averting a war.¹¹⁵ Her attempts to stop American intervention in Europe were less successful, though equally dramatic. She organized a "War Against War" exhibit, featuring displays such as "Jingo," the "all armor plating and no brains" dinosaur meant to symbolize the military mentality.¹¹⁶ The New York City exhibit, which drew thousands

against disaster.

Eastman, Mother-Worship, *The Nation*, Mar. 16, 1927, reprinted in *On Women*, supra note 51, at 43.

¹⁰⁹ See Cook, supra note 51, at 5.

¹¹⁰ See id.

¹¹¹ Eastman, Lady Rhonda Contends That Women of Leisure are 'Menace,' *Christian Sci. Monitor*, Mar. 8, 1927, reprinted in *On Women*, supra note 51, at 105.

¹¹² Id. at 105.

¹¹³ Id.; see also Eastman, Is Woman's Place the Home?, *Equal Rights*, Jun. 13, 1925, reprinted in *On Women*, supra note 51, at 100 (quoting with approval Rebecca West's observation: "[W]hen people say woman's place is at home they really mean that the *home is a symbol of a state of resignation to the male will.*" (emphasis in original)). Eastman herself maintained an unconventional, almost transatlantic, marriage to English pacifist Walter Fuller that lasted from 1922 to 1927. See Cook, supra note 51, at 29. In "Marriage Under Two Roofs," Eastman described the virtues of living apart from one's mate: "The two-roof plan encourages a wife to cultivate initiative . . . , to develop social courage, to look upon her life as an independent adventure" Eastman, *Marriage Under Two Roofs*, *Cosmopolitan*, Dec. 1923, reprinted in *On Women*, supra note 51, at 80. Eastman suggested that for the modern man or woman, traditional marriage "can become such a constant invasion of his [or her] very self that it amounts sometimes to torture." Id. at 81.

¹¹⁴ See Cook, supra note 51, at 15-16.

¹¹⁵ See, e.g., A. Link, *Woodrow Wilson and The Progressive Era, 1910-1917*, at 142-43 (1954).

¹¹⁶ See Cook, supra note 51, at 14; G. Fox, *The American Civil Liberties Union and American Freedoms: Their First Decade* 62 (Honors Thesis, Bates College, Mar. 15, 1982).

daily,¹¹⁷ angered more than munitions makers; Eastman's irreverent approach to authority also antagonized many of her AUAM colleagues.¹¹⁸

Eastman and two colleagues—Roger Baldwin and Norman Thomas—further disturbed the conservative element of the AUAM when they founded an AUAM committee called the Bureau for Conscientious Objectors, just as the country entered World War I.¹¹⁹ AUAM conservatives objected to the new committee, because they believed it pitted the AUAM directly against the government.¹²⁰ In an effort at compromise, Eastman suggested that the Bureau for Conscientious Objectors be renamed the Civil Liberties Bureau and seek to defend the rights of all.¹²¹ Under Roger Baldwin's direction, the Civil Liberties Bureau survived, and later became the American Civil Liberties Union.¹²²

Other feminists joined Eastman's struggle for pacifism. In 1914, Eastman arranged a mass meeting at Carnegie Hall on the need for women to organize for peace.¹²³ Keynote speaker Emmeline Pethick-Lawrence, who had been jailed and force-fed during her leadership of the English suffrage campaign,¹²⁴ urged her listeners to learn from the suffrage movement and become "active and militant" pacifists.¹²⁵ The audience's warm response led Eastman and her former roommates, Ida Rauh and Madeleine Doty, to organize the Women's Peace Party of New York.¹²⁶ Eastman pressed Pethick-Lawrence to meet with Jane Addams, "the most influential woman in America,"¹²⁷ to convince Addams to preside over a national Woman's Peace Party.¹²⁸ The National Woman's Peace Party, with Addams at the helm, was founded two months later.¹²⁹ The group evolved into the Women's International League for Peace and Freedom.¹³⁰

Pacifists were profoundly unpopular during the World War I era,¹³¹

¹¹⁷ See Cook, *supra* note 51, at 14; Letter from Lella Secor to Loretta Secor (May 15, 1916), reprinted in B. Florence, Lella Secor: A Diary in Letters—1915-1922, at 73 (1978).

¹¹⁸ Cook, *supra* note 51, at 15.

¹¹⁹ *Id.* at 21.

¹²⁰ See D. Johnson, *The Challenge to American Freedoms: World War I and the Rise of the American Civil Liberties Union 19-20* (1963).

¹²¹ See *id.* at 20-21.

¹²² See *id.* at 146-48 (describing transformation of Civil Liberties Bureau into ACLU).

¹²³ See Cook, *supra* note 51, at 11.

¹²⁴ See *id.*

¹²⁵ *Id.*

¹²⁶ See *id.*

¹²⁷ E. Pethick-Lawrence, *My Part in a Changing World* 309 (1938).

¹²⁸ Cook, *supra* note 51, at 16.

¹²⁹ *Id.*

¹³⁰ See J. Sochen, *Movers and Shakers*, *supra* note 3, at 52; see also G. Bussey & M. Tims, *Women's International League for Peace and Freedom, 1915-1965*, at 17-33 (1965) (describing formation of League).

¹³¹ Attorney General Gregory, speaking before the American Bar Association in 1918, de-

and organizations that harbored pacifists found themselves hunted. Heterodoxy, the feminist luncheon club to which Byrns, Eastman, Milholland, and Rauh belonged, had to change its meeting place each week to avoid government surveillance.¹³² Individual acts of dissent prompted public uproar; Jessie Ashley and an escort received “considerable notoriety” when, dining in Rector’s Restaurant, they failed to stand for the Star-Spangled Banner.¹³³

The pacifist movement even caused a rift among feminists. Many suffragists supported American intervention in Europe.¹³⁴ When the leadership of NAWSA pledged the resources of the organization to the war effort, pacifists like Elinor Byrns—then NAWSA’s national publicity director—quit in disgust.¹³⁵ Byrns, active in the Women’s Peace Society and later in the Women’s Peace Union,¹³⁶ drafted a federal amendment to outlaw war that was introduced in the Senate in 1926.¹³⁷

As the war split the women’s movement, so did success in the battle for the vote.¹³⁸ World War I had ended by 1919, and the Nineteenth Amendment, which Wilson described as a reward to women for their war work,¹³⁹ won ratification in 1920. Suffragists disbanded.¹⁴⁰ NAWSA became the League of Women Voters¹⁴¹ and the Woman’s Party rededicated itself to passage of a new federal measure—the controversial Equal Rights Amendment, vehemently opposed by many former suffragists.¹⁴²

clared the “so-called ‘respectable pacifist’ ” to be the country’s “greatest menace.” Suggestions of Attorney-General Gregory to Executive Committee in Relation to the Department of Justice, 4 A.B.A.J. 316, 316 (1918). While Gregory could tolerate a mother’s wish to protect her sons from battle, he characterized the male pacifist as being inevitably “a physical or moral degenerate.” *Id.*

¹³² J. Schwarz, *supra* note 3, at 40.

¹³³ Miss Jessie Ashley Dead, *N.Y. Times*, Jan. 22, 1919, at 11.

¹³⁴ See D. Kennedy, *Over Here: The First World War and American Society* 284 (1980) (“Feminist leaders . . . divided on the main issues of the war. A small band of prominent women, including Jane Addams, Crystal Eastman, and Emily Green Balch, courageously persisted in their prewar pacifism, though most of their sisters flocked to the colors.”).

¹³⁵ See C. Babcock, *supra* note 43, at 4.

¹³⁶ See *id.* at 5-6.

¹³⁷ See *id.* at 7.

¹³⁸ See J. Sochen, *Movers and Shakers*, *supra* note 3, at 52.

¹³⁹ See President Wilson’s Address to the Senate of the United States, Asking for the Passage of the Federal Woman Suffrage Amendment, 8 *Women Law. J.* 1, 1 (1918).

¹⁴⁰ See J. Sochen, *Movers and Shakers*, *supra* note 3, at 52 (noting that, contrary to Eastman’s expectations, women did not campaign for other women’s causes after gaining suffrage).

¹⁴¹ See *id.*

¹⁴² See R. Rosenberg, *Beyond Separate Spheres: Intellectual Roots of Modern Feminism* 110 (1982) (describing how reformers within suffrage movement feared that Equal Rights Amendment would destroy hard-won protections for women).

CONCLUSION

During the early years of this century, when most law schools permitted entry only to men, New York University not only admitted women, but actively welcomed them into the legal profession. This enlightened policy attracted a remarkable number of spirited, adventurous women eager to topple any obstacle that stood between them and full equality. United in rebellion against barriers to their advancement, they thrived in each other's company and forged powerful, long-lasting ties of friendship and mutual support during their time at NYU.

Many of NYU's pioneering alumnae sought social justice as well as individual advancement. Recalling Jessie Ashley, a friend described her in terms that hold true for the other restless women of this Essay:

[T]he power that made her study law when few women entered the legal profession also made her venture unafraid into the ways her own clear vision pointed out. . . . Wherever there was a movement designed to help the oppressed and disenfranchised . . . that movement belonged to [her] by right of valiant sympathy and participation.¹⁴³

Jessie Ashley, Crystal Eastman, Elinor Byrns, Inez Milholland, Ida Rauh, Madeline Doty, and Bertha Rembaugh embraced the most exciting movements of their time: waging and winning the battle for the vote; advocating prison reform, workplace safety, and the right to birth control; and, finally, fighting for pacifism and civil liberties.

These women deserve to be remembered not only for their individual accomplishments, but also for the joyous partnerships they forged in their struggle for social justice. When suffragists gathered to pay tribute to the martyred Inez Milholland, they celebrated her spirit as much as her sacrifice, hailing her as a "radiant being" who "went into battle with a laugh on her lips."¹⁴⁴ Mourners took solace in the misbegotten belief that "[g]enerations to come" would recall Milholland's legend.¹⁴⁵ For too long, her legend and those of her comrades in restlessness have been lost. This Essay has sought to bring their histories to light, perhaps to inspire new generations of restless women.

¹⁴³ Kirchwey, Jessie Ashley, *Intercollegiate Socialist*, Feb.-Mar. 1919, at 10, 10. Ashley was a member of the Executive Committee of the Intercollegiate Socialist Society, which ultimately evolved to become Students for a Democratic Society, famous in the sixties. See M. Horn, *The Intercollegiate Socialist Society, 1905-1921: Origins of the Modern American Student Movement* iii (1975) (unpublished Ph.D. dissertation, Columbia University) (available at Tamiment Institute Library, New York University).

¹⁴⁴ D. Stevens, *supra* note 68, at 49.

¹⁴⁵ *Id.* at 51.