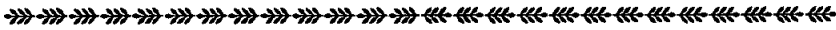


## Chapter Thirty-four

### SENATORS, BE NOT AFFRIGHTED



“SHOULD the Federal Laws Be Changed?” was the subject of my debate with Chief Justice Richard B Russell of Georgia, who had had eighteen children by two wives I always welcomed a debate, although after the first few years it had been almost impossible to find anyone to defend the other side, and therefore I was pleased to be called to Atlanta, in May, 1931, for this one

The old judge, white-haired and with white eyebrows and mustache, his figure still erect, fixed me with a glance, sometimes satiric and sometimes flaming with the rage of an Old Testament prophet He talked of the sacredness of motherhood, the home, and the State of Georgia “We don’t need birth control in Georgia We’ve had to give up two Congressmen now because we don’t have enough people If New York wants to wipe out her population, she can We need ours I can take care of all the children God sent me I believe God sent them to me because they have souls Poodle dogs and jackasses don’t have souls I have obeyed the command of God to ‘increase and multiply’ ”

His children and their wives and their relatives occupying several rows of seats down front applauded vigorously

On the train coming back I bought a paper and noted with surprise that I had been awarded the American Women’s Association medal for accomplishments on behalf of women, and was supposed to be receiving it that night in New York I sent a telegram of thanks

to Anne Morgan saying that I had just learned about it and there was no way of my attending

It was nice to be handed a medal instead of a warrant, at the postponed dinner, organized by John A Kingsbury, a director of the Milbank Fund, I sat there listening to the beautiful tributes and asked myself, "Is it really true? Am I awake? Or is it a dream?" I never thought of the medal as being given to me as a person, but to the cause, the women I represented, and, representing them, went through the act of accepting it

As I was trying to express this, a little woman who used to appear frequently on all sorts of occasions came up through the well-groomed audience, climbed to the platform, offered me a bouquet of flowers from the Brownsville mothers "You are our Abraham Lincoln," she said, unconscious of the smiles, amused yet sympathetic, of the audience She left a kiss upon my brow and hurriedly went back to her place To me she embodied the spirit of Mrs Sachs, who had died so long ago—all I was still working for, though through channels which had broadened immeasurably since then

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In the beginning of the birth control movement the main purpose had been the mitigation of women's suffering, Comstock law or no Comstock law Its very genesis had been the conscious, deliberate, and public violation of this statute Later, to change it became imperative, so that the millions who depended upon dispensaries and hospitals could be instructed by capable hands

In 1918 Mary Ware Dennett had dissolved the old National Birth Control League into the Voluntary Parenthood League, which had for its aim the repeal of the Federal law This seemed fine on the surface but repeal would permit anyone to give and send contraceptive devices as well as information to anyone through the mails regardless of standards or quality Mrs Dennett still looked upon the movement as a free-speech and free-press issue, just as I had done before going to the Netherlands Now I considered no one had sufficient knowledge of the possible consequences of some contraceptives to permit them to be manufactured or distributed without guidance or direction They might kill the birth control movement as well as some of the women who used them No sponsor could be found until in 1923 Senator Cummins had introduced her repeal, or so-called open bill, in which

the lack of safeguards was severely criticized. Therefore she had had it reintroduced in 1924 with a clause added that all literature containing contraceptive information must be certified by five physicians as "not injurious to life or health." This bill, practically impossible of application, died in committee.

Since we believed information should be disseminated only by doctors we had kept very quiet and out of it during those years. But we had our own ideas of what sort of legislation we preferred. When Mrs. Dennett retired and her organization ceased its work Mrs. Day, Anne Kennedy, and I, in January, 1926, went down to Washington on a scouting expedition to take a survey of the mental attitude of Congressmen and discover whether their reaction was more favorable towards a repeal bill or our proposal of an "amended doctors' bill." We set up headquarters and began interviewing senators until we had satisfied ourselves that personal sentiment was more in favor of our policy.

We thought it advisable also to sound out the Catholic stand. Getting together was the trend of the times. Eugenists, the Voluntary Parenthood League, the American Birth Control League, all were trying to meet each other. People of tolerant opinions had always felt the Catholic Church was too clever to oppose a movement that inevitably it would some day have to sanction, and the tumult and interference was simply the result of local ignorance and bigotry, if we could reach the scholarly heads themselves, if we could all "sit at a table and talk things over," we would find their ideals of humanitarianism were much like our own.

Consequently, Anne had an interview with members of the Catholic Welfare Conference, including Monsignor John Ryan, John M. Cooper, Ph. D., Father Burke, and other prelates. We thought we would agree on the doctors' bill—that they surely wanted the public safeguarded from the misuse of contraceptives. But they unequivocally set forth their objections, not even a physician's indisputable right to save lives swayed them. They declared it was their office to see that no "social or moral" legislation passed Congress that did not conform to the tenets of Catholic doctrine, they would attempt to prevent any such bill from becoming a law. Anne wrote out a report of the interview, including this shocking statement, and showed it to

them so they might have an opportunity to correct it if they so desired They left it essentially as written

Considering this a fundamental issue of liberty and life not affecting birth control alone, I took the presumptuous document to H L Mencken, supposedly the outstanding libertarian in America He had the power to evoke a response from thinking minds, even though they were rock-bound in patriotic dogmas, he had knocked down a great many gods, chiefly along political and religious lines

Trusting that Mencken would make an effective protest in the *American Mercury*, I talked to him, explained the situation, predicting that if we let this go unnoticed we should all have to endure the future consequences He admitted the Catholic action was brazen, but mentioned the fact that he had too many friends of that faith in Baltimore for him to attack their church I gained the impression he was out to slash and hit where the cause was obviously popular, but had no intention of leading a forlorn hope or playing the role of a pioneer for freedom He never fulfilled the expectations I once had of him, he was not a tree bearing fruit but a spoon stirring around, very much of a "Yes, but-er" He said, "Oh, yes, that is grand, but, on-the other hand, there is this to be said for the other side"

In our campaign of educating the public in the necessity for changing the Federal statute I began having regional conferences in the East, South, Middle West, West, and linking them all into an organization to support the bill One of these was at Los Angeles At first most of the Westerners wanted an open bill such as Mrs Dennett's, and I stood rather alone on the doctors' amendment, which was only approved on the last night of the Conference by a very narrow margin

As the people filed out I saw at the end of the room a thin, almost emaciated woman with gray hair, somewhat shabby, but not unusually so She held out a bony hand to clasp mine, saying practically nothing, just a word or two, and her name, Kaufman, came to me I remembered it because Viola Kaufman had been one of the small subscribers to birth control in the past, and I was familiar with most of these names I thought nothing further of it at the time

Wanting all the endorsement I could get for the doctors' bill, and particularly that of the American Medical Association, I made a

special trip to Chicago to see Dr Morris Fishbein, who was a power in that organization I asked for advice or help, and offered to draw up a bill in any way which would suit them Dr Fishbein appeared sympathetic and turned me over to Dr William C Woodward, the legislative director, we had a pleasant conversation and that was all Though he made no comment as to its merits or demerits, I put the bill on record in their office

Tried and true friends, whose abilities and loyalties had been tested and proved, rallied around the National Committee on Federal Legislation for Birth Control, which established its headquarters in Washington in 1931 Frances Ackermann assisted my husband as Treasurer For Vice President we had Mrs Walter Timme who had left the League of Women Voters, a fine speaker, a clear-thinking crusader, a devoted ally of long standing Tall, large-framed, broad-shouldered, she could harangue audiences in the strong, convincing, and forceful fashion of the early, suffrage, soapbox days—nothing delicate or fragile When she had an idea, it was an idea, and she stated it as an idea More than once our bank account would have faded to a mere wraith had it not been for Ida Timme's money-raising talents

Mrs Alexander C Dick was Secretary She had the old-fashioned head of a daguerreotype, but was thoroughly modern in her verve and gay personality and her quick agility of mind Since 1916, when I had first known her, she had been really interested in the research end of birth control, and definitely had agreed with the then new war cry that it should be under medical supervision It was mainly due to her and her late husband, Charles Brush of Cleveland, that Ohio had had from the beginning one of the best organized and conducted state leagues

Kate Hepburn was Chairman In her long public career she had learned great efficiency and was so careful of minutiae that she never let our witnesses run over their time Just as we were swinging along briskly she invariably tugged at a coat and passed over a little slip—"time up in one minute"

Best of all our lobbyists was Mrs Hazel Moore, our Legislative Secretary, who had left the Red Cross in the South to support us Nothing could withstand her indefatigable enthusiasm, and it took

a stout Senator to harden his heart against her feminine ruses and winning manners

We now began to be initiated into the A B C of Federal legislative procedure After your bill had been drawn up, you had to find a Congressman to introduce it Sometimes he believed in it a hundred percent, sometimes he believed in the individual a hundred percent, sometimes he sponsored it only to be accommodating and agreeable, in which case it was called "by request," a very weak way since you knew he was not going to fight for it When introduced, the bill was read in the House or Senate and at once referred to a committee, those having to do with changing a law to the Judiciary Ours was difficult to manage at first, because we were trying to alter several statutes simultaneously, not merely Section 211 and everything pertaining to mails and common carriers, but also laws relating to imports We had a general principle back of us, but we had to keep whacking off clauses so that it would not be thrown into the wrong committee

If you were fortunate enough to secure a Senate hearing for your bill the chairman of your committee appointed a sub-committee of about three, in the House, the entire committee might attend the hearing A day was set and you began preparing your ammunition, the opposition was allowed an equal amount of time to the second After the hearing a vote was taken If they were against it, they killed it then and there, if they recommended it, it came up before the full committee and, if then approved, went to the Senate or House for debate on the floor

To the frantic, worried, harassed, driven Congressmen of 1931 the announcement of a birth control bill was like a message from Mars, only less interesting and more remote The mind of each Senator resembled a telephone switchboard with his wary secretary as the operator All the wires were tied up with foreign debts, unemployment relief, reparations, moratoriums, sales taxes, prohibition, budgets and bonuses, war in Manchuria, peace conferences, disarmament, and the tariff—issues of vital concern to themselves for which they needed every vote, and their principal endeavor was not to cause conflict or get themselves disliked What chance had we to plug in?

When the vigilant secretary found we were not direct constituents, we were told the Senator was busy—in conference, in committee, meeting an arriving delegation. Would we come back later, tomorrow, next week? Always we came back promptly and on the dot. For months it was almost impossible to see any of them. Often as many as forty calls were made, and if we succeeded in getting two interviews, we considered that a good day's work. When finally we did reach them, few of the younger, still fewer of the older, Senators knew what we were talking about. When we were able to make this clear, young and old alike, just as in the state legislatures, were full of fears—fear of prejudices, fear of cloakroom joshings, mainly fear of Catholic opposition.

Though Senator Norris had approved the repeal bill, he believed that ours had a better chance of passing because antagonism to the former was even greater than in 1926. He himself had Muscle Shoals and the Lame Duck Amendment on his hands and several more pet projects to boot, and suggested we get somebody to introduce the bill who would not be up for re-election. Our choice fell on Senator Frederick Huntington Gillett of Massachusetts, for years Speaker of the House, and now about to retire. He was a gentleman born, gray-haired, typically New England, without children or any particular philosophy regarding birth control. Our Southern helpers, notably Mrs. J. B. Vandever, were persistent and determined. They would not be put off with polite, routine dismissals, but asked point-blank, "Will you introduce this bill for us?" Senator Gillett, recognizing their earnestness, agreed. But we heard no more of it.

When I returned at the next session of the same Congress someone remarked, "Aren't you lucky to have had your bill introduced?"

"What?" I stared with wide-open eyes.

"Yes, Senator Gillett remembered it a few days before the session closed."

I called on him at once. "Where's our bill gone?"

It had gone nowhere. "We'll just send it around to the Judiciary Committee," said the Senator. "Norris is Chairman and he's friendly. He'll pick out a good sub-committee for you."

We gathered our witnesses together the night before the hearing, which was to be February 13th, and asked, "What do you want to

say? How long do you want in which to say it?" We had eight people to testify in the space of two hours, moments had to be carefully parceled out to each. We were permitted to deduct ten from our allotment the first day to be used the following one for a rebuttal.

William E. Borah of Idaho and Sam G. Bratton of New Mexico had been assigned to us with Senator Gillett, but Borah did not appear. The audience, mostly women, crowded the committee room, imposing with marble pillars, glossy mahogany, gleaming windows.

Dr. John Whitridge Williams, obstetrician in chief of Johns Hopkins, summed up the medical evidence for birth control. "A doctor who has this information (prevention of conception) and does not give it cannot help feeling he is taking a responsibility for the lives and welfare of large numbers of people." The Reverend Charles Francis Potter, founder of the Humanist Society of New York, discussed the moral phase. "The bird of war is not the eagle but the stork." Professor Roswell H. Johnson, then at the University of Pittsburgh, stressed eugenics. "Most intelligent, well-informed people are so determined in this (spacing children) that no laws yet devised succeed in forcing a natural family, which is about eighteen children, upon them." Rabbi Sidney Goldstein dealt with religious aspects. "The population is not made up of those who are born but is made up of those who survive." Professor of Sociology Henry Pratt Fairchild spoke from the economic point of view. "We human individuals cannot break laws of nature. We can, however, choose which of her laws we see fit to obey." Mrs. Douglas Moffatt announced that the twenty-seven hundred members of the New York City Junior League were overwhelmingly in favor of the bill.

The next morning the opposition began by trying to prove that we who advocated birth control, a Russian innovation, were seeking to pull down motherhood and the family as had been done in Russia. The Honorable Mary T. Norton, Representative from New Jersey, made the astounding assertion that the happiest family was the big one, and that a large percentage of the great men and women of this country were born poor, this was a blessing since it fired them with ambition. And she mentioned Abraham Lincoln, whose birthday had been but two days before. I was particularly outraged by hearing



statements from other witnesses that the American Federation of Labor was against us, that the American Medical Association was antagonistic, and that the Methodist and other churches were going to help defeat our bill. Speaker after speaker representing Catholic organizations repeatedly hurled such dramatic tirades as, "I ask you, gentlemen, in the name of the twenty million Catholic citizens of the country, to whose deep religious convictions these vices are abhorrent, and of all those to whom the virtue of a mother or a daughter is sacred, to report unfavorably on this diabolical and damnable bill!"

It was difficult to gauge the impression that was being made, you could only sense that the response was one of feeling. These dogmatists, harking back to the Dark Ages, summoned to their aid the same arguments that had been used to hinder every advance in our civilization—that it was against nature, against God, against the Bible, against the country's best interests, and against morality. Even though you proved your case by statistics and reason and every known device of the human mind, the opponents parroted the line of attack over and over again, in the end you realized that the appeal to intelligence was futile.

On occasions like this the inward fury that possessed me warmed from coldness to white heat, it did not produce oratory, but it enabled me to move others. The way to meet the opposition was to keep emotions in hand and, at the same time, without stumbling or fumbling, to let them go. Every word I said was calculated and thought through, not in advance, but as it came along. I did not react this way often, but I did that day.

When my ten minutes for rebuttal came, I knew that emotional speed was required. Nevertheless, I first knocked down their false assertions that the birth control movement had originated in this country during 1914, long before anyone had ever heard of Bolshevism, that the objections of the American Federation of Labor had referred to the repeal bill of 1925, quite different from the doctors' bill now under discussion, that the American Medical Association had taken no stand, but two of its most important branches, the Neurological and Woman's Medical, had gone on record in our favor, that Dr. C. I. Wilson of the Methodist Board had denied his church was opposed, and, in fact, its ministers had worked unofficially

for us "When someone says that the happiest families are the largest ones, and that the world's great leaders have been of large families, I would like to call to your attention that the great leader of Christianity, Jesus Christ himself, was said to be an only child" Here the Catholics crossed themselves and muttered, 'Blasphemy'

"These opponents have had the laws with them, the wealth, the press, and yet they have come today to say they are afraid of the morals of their people if they have knowledge, if they do not continue to be kept in fear and ignorance Then I say their moral teachings are not very deep Mr Chairman, we say that we want children conceived in love, born of parents' conscious desire, and born into the world with sound bodies and sound minds"

The two Senators sat there in silence The bill was killed, due to the adverse vote of Senator Borah—who had not attended the hearings

The next year, 1932, Senator Gillett was gone and a substitute had to be found Believing the first woman Senator would be on the side of her sex, we asked Mrs Hattie Caraway to introduce the bill She said she herself was interested in the subject, but her secretary would not let her touch it

Ordinarily Congressmen paid little attention to abstract arguments, logic, or the humanitarian needs of outsiders But they could be reached through their constituents One way of doing this was to get women "back home" to help themselves directly by writing letters This required money We sought it from a foundation which donated ten thousand dollars earmarked for this special purpose To the still continuing stream of letters from mothers, requesting as always contraceptive advice, my reply went, "I would gladly give you the information you ask for if the law permitted Your Congressman now has the opportunity to vote on this bill Send him a letter telling how many children you have living, how many babies dead, how many abortions, what wages your husband receives, everything you have told me," and I enclosed an envelope, stamped and addressed to their respective Congressmen

While walking one day through the tunnel which connected the House with the Senate, I stopped to ask a man my direction He said, "I'm going your way Come along and I'll show you"

We fell into conversation He informed me he was a Senator, and asked what I was doing

"I'm working on the birth control bill "

"That's funny I've just had a letter from a woman five miles from where I've lived most of my life Listen to this "

And he took it out of his pocket and read the history of the woman's abortions and operations "I've never heard anything quite so awful, and at the bottom she says, 'You can help me by getting this law changed, and Mrs Sanger, who has the information, will send it to me if you get the law changed ' "

These letters brought fine results Through them Senator Henry D Hatfield of West Virginia was persuaded to introduce the bill At the hearing he described how as physician and surgeon and governor of his state he had seen the free mating of the unfit, and had forced through a sterilization law We produced our usual array of experts, and the opposition produced Dr Howard Atwood Kelly, a famous gynecologist in his day at Johns Hopkins, but now Professor Emeritus and very old, who rambled discursively on morals, his was a state of mind if not of reason Dr John A Ryan, a member of the National Catholic Welfare Conference, chose economics for his discussion Neither spoke on his own subject, but selected something on which he was not an authority

The bill was killed in committee, and the one introduced by Representative Frank Hancock of North Carolina in the House got into the wrong committee so nothing happened

Before you had seen it, the Congress of the United States loomed impressively in your consciousness, you had a feeling, "This is the greatest country in the world, this is its Government, I helped to send these men here " Then you watched Congress at work, listened to it, and were disillusioned A few years of sitting in the gallery and looking down gave you less respect for the quality of our representatives, less faith in legislative action, and you wondered whether those who had already abandoned hope of obtaining relief in this way and resorted to direct action had not, perhaps, the right idea

The same arguments went on from year to year A certain amount of publicity was secured, a certain number were educated Some of our followers, in face of the evidence to the contrary, still were con-

fidant that if the Catholics understood our bill they would not obstruct it. They said Representative Arthur D. Healey of Massachusetts, a member of the Judiciary Committee, although a Catholic was so liberal that if he could once be made to see the reasons back of it he would cease being openly hostile, and it might even get out of committee. Accordingly, I went to his office, we talked at length, and again got nowhere. As I was leaving this father of four said, in order to explain himself, "You see, Mrs. Sanger, I'm just one of those unusual men who are very fond of children." I was inwardly convulsed at the thought that he considered himself unusual and that we were all a lot of Herods trying to do away with babies.

At first it seemed that I was to have greater success as the result of my interview with Dr. Joseph J. Mundell, Professor of Obstetrics at Georgetown University, who advised the Catholic Welfare Conference on all their medical legislation. In a private session I conceded some things in the bill, Dr. Mundell gave up certain others. The compromise apparently suited everybody.

In 1934 identical bills were introduced in Senate and House, the latter by Representative Walter M. Pierce, Democrat, who as Governor of Oregon had burned his political bridges by vetoing a bill which permitted parochial schools. Since he had nothing to lose, he did not have to play politics.

Hatton W. Summers of Texas was chairman of the hearing. Our side led off, again specialists in each line covering the vital points. Rabbi Edward L. Israel of Baltimore made an impassioned plea: "And I say, gentlemen, if this thing we are now advocating is not morally right, let us stop being hypocrites and, in its place, put a law on our statute books that will drive contraceptive devices out of your homes and mine."

Here John C. Lehr of Michigan, sitting back in his chair with thumbs hitched in his suspenders, declared pompously, "As a member of this Committee I want to go on record there have never been any contraceptives used in my home. I have six children, too."

Malcolm C. Tarver of Georgia interrupted, "You don't mean any member of Congress has used anything of that kind, do you?" His surprise was obviously genuine.

The proponents of our bill, even elderly women, had stood while delivering their testimony. But when Father Charles E. Coughlin entered, cheeks very pink over his black collar, a chair was placed for him, because as a representative of the Church he would not stand before a representative body of the State. He began talking at random, "I have not heard one word of the testimony these ladies and gentlemen have produced, and my remarks are not addressed to them now, because I can easily handle them over the radio Sunday after Sunday. You, gentlemen, you are married men, all of you, and you know more about it than I will ever know." Here he arched his eyebrows into a leer. "The Chairman, I understand, is a bachelor like myself. We know how these contraceptives are bootlegged in the corner drug stores surrounding our high schools. Why are they around the high schools? To teach them how to fornicate and not get caught. All this bill means is 'How to commit adultery and not get caught.'"

Some of our sympathizers walked out of the room. Two Congressmen left the table. But we were a polite, well-behaved group that shrank from scenes, and, though furious and indignant, we allowed him to conclude his half-hour of grossness.

I could hardly believe my ears when Dr. Mundell, who shortly before had helped us formulate a bill which he said was satisfactory to him, rose and deliberately betrayed us by stating there was no need for legislation whatsoever, because a recent scientific work—by which he meant *Rhythm*—had shown that fertility in women could be reckoned with almost mathematical precision.

In the rebuttal Dr. Prentiss Willson testified that the theory of the cycle of sterility had no medical standing. Then came my turn. I had in my pocket a copy of *Rhythm*, and quoted from it. Under the heading of procreation it asked whether married people were obliged to bring into the world all the children they could, and then made answer:

Far from being an obligation, such a course may be utterly indefensible. Broadly speaking, married couples have not the right to bring into the world children whom they are unable to support, for they would thereby inflict a grievous damage upon society.

I told the committee that apparently the only distinction in the pros and cons of the birth control question was that the method we advocated was a scientific one under the supervision of doctors, that of the Catholics had *not* been proved scientifically and was open to any boy or girl who could read the English language

Nevertheless, the bill again died in committee

The Senate hearings on the bill, introduced by our old friend Daniel O Hastings of Delaware, did not come until March We presented our advocates, among them a miner's wife from West Virginia, the native state of two members of the committee, Hatfield and Nealy She was a perfect illustration of the type which most needed birth control When she had finished a Catholic woman asked her, "Which of your nine children would you rather see dead?"

"Oh, I don't want to see any of them dead I love them all, but I don't love those I haven't had"

Her reply was just right, it could not have been better

Vito Silecchia, my former coal and ice vendor from Fourteenth Street, also made his way to Washington and told his simple story His wife had come to me when pregnant with her fourth child, and I had said I could do nothing for her until she had had her baby Now, many years afterwards, she had no more than the four Vito reasoned his case as a man, "I am a Catholic myself The Catholics say we should have much children I say different I say it is not good to have too many children You can't take care of them" He ended by describing the mother of six who lived next door to him "I told her, 'I will take you to a place It is a wonderful place' She does not know the English language Therefore, she has never come up to see Mrs Sanger, but she will—but she will"

For the first time the Senate sub-committee reported out the bill and it was put on the unanimous consent calendar The last day of the session came, June 13th Over two hundred were ahead of it, but there was always hope One after another they were hurried through and then, miracle of miracles, ours passed with no voice raised against it The next one came up, was also converted into law, another up for discussion, tabled Twenty minutes went by Suddenly Senator Pat McCarran from Reno, Nevada, famous divorce lawyer though an outstanding Catholic, came rushing in from

the cloak room and asked for unanimous consent to recall our bill. As a matter of senatorial courtesy Senator Hastings granted his request, had he not done so Senator McCarran would have objected to every bill he introduced thereafter. It was summarily referred back to the committee and there died.

In 1935 we took the fatal step of having it voted on early in the session and it was promptly killed. The whole year's labor was lost. The following winter, when I was in India, Percy Gassaway of Oklahoma introduced a bill in the House, Royal S. Copeland of New York, in the Senate, by request, neither one reached a hearing.

Another line of attack on the Comstock law was to try for a liberal interpretation through the courts. Among the products shown at the Zurich Conference in 1930 had been a Japanese pessary. Pursuing the clinic policy of testing every new contraceptive that appeared, I ordered some of these from a Tokyo physician. When notified by the Customs that they had been barred entrance and destroyed, we sent for another shipment addressed to Dr. Stone in the hope that it would then be delivered to a physician. But this also was refused, and accordingly we brought suit in her name.

After pending two years the case finally came up for trial before Judge Grover Moscowitz of the Federal District Court of Southern New York. Morris Ernst conducted our claim brilliantly, and January 6, 1936, Judge Moscowitz decided in our favor—the wording of the statute seemed to forbid the importation of any article for preventing conception, but he believed that the statute should be construed more reasonably. The Government at once appealed and the case was argued in the Circuit Court of Appeals before Judges Augustus N. Hand, Learned Hand, and Thomas Swan, whose unanimous decisions were rarely reversed in the Supreme Court.

In the fall of 1936, while I was in Washington getting the Federal bill started again in advance of Congress' meeting, news came that the three judges had upheld the Moscowitz decision and had added that a doctor was entitled not only to bring articles into this country but, more important, to send them through the mails, and, finally, to use them for the patient's general well-being—which, for twenty years, had been the object of my earnest endeavor.

The Government still had the right to appeal inside of ninety

days Therefore, I was not unduly jubilant We had had so many seeming victories that melted away afterwards

But long before the period of grace had expired, Attorney General Cummings announced to the press that the Government would accept the decision as law, and, with commendable consistency, the Secretary of the Treasury sent word to the Customs at once that our shipments should be admitted It is really a relief to be able to say something good about the Government

In the face of the court decision there was little point at this time in continuing the Federal campaign The money for closing it up came through a most unexpected and affecting channel About a year after I had seen Viola Kaufman at the California Conference in 1931, I received a letter from her asking me please to write out the form in which I would like any money left so that she could designate it in her will I took her clear, concise note to my attorney who suggested that, since organizations were many and might go out of existence at any moment, it would be wiser to have the bequest in my name to be dispensed for any purpose within the movement I saw fit I answered her to this effect and she replied, "I am now passing over to you in my will whatever I possess"

I considered that the only courteous thing to do was to have Anna Lifshiz, who was living in Los Angeles, go to see Miss Kaufman The address was in the Mexican district, in the poorest, most dilapidated, run-down section In patched clothes she came to the door of her house, in which there was hardly any furniture She was formal and rather cold

Anna merely explained the reason for her call was that she knew Miss Kaufman as one of our subscribers She wrote me, "That poor creature hasn't money enough to keep body and soul together"

Two years went by I was in Washington, preparing to start for Boston for a meeting when a messenger boy delivered a telegram from the director of the General Hospital at Memphis, Tennessee, requesting me to come at once, Viola Kaufman was dangerously ill with pneumonia and asking for me I looked up trains, it would take forty-eight hours, and so I put in a long-distance call to the director, who told me she had died during the night

"What was she doing in Memphis?"



"We don't know The Salvation Army brought her in to us She has only a little cash tied up in a handkerchief We can't do anything without you because you're the beneficiary"

The undertaker also wanted an order from me, and, since her executor, an officer of a bank in Los Angeles, had gone on a fishing trip, I arranged the details for her cremation She had ordered that her remains be sent to me and when they arrived the clinic staff came up to Willow Lake and we held a little memorial service of gratitude and respect, spreading the ashes over the rock garden

To everybody's astonishment Viola Kaufman had about thirty thousand dollars in Los Angeles realty But it took a year and a half to settle the estate and by this time everything was at the lowest ebb of the depression We received approximately twelve thousand dollars I have never looked at the obituaries for the last twenty years without hoping to read that someone has willed a million dollars for birth control, but the only legacy ever bequeathed us was that saved from the meager earnings of this schoolteacher, Viola Kaufman, who herself lived in poverty

With this money we wrote finis to the Federal legislation Of the old organization all that was left in Washington was a secretary to read the *Congressional Record* daily—a watchdog to report any bills proposed which would make it necessary for us to jump into action to combat them

Six years of this work had cost one hundred and fifty thousand dollars It had also meant strain and worry beyond anything I had ever attempted—never being able to detach myself from it whether Congress was in session or not, always on the alert to discover any new person elected who might be favorably disposed Now and again it had been discouraging, you could exert yourself to the utmost with pleasure if it were a matter of convincing a person and watching his mind being pried open, but here, over and over again, you saw this same conviction, yet he reverted to the same fears and refrained from doing anything

However, the process of enlightening legislators had also unclosed the eyes of an enormous number of organizations First to approve publicly had been the National Council of Jewish Women Eventually more than a thousand clubs—civic, political, religious, and so-

cial, including the General Federation of Women's Clubs, the Y W C A , local Junior Leagues—in all representing between twelve and thirteen million members—had given their endorsement And, more important than anything else, the public had been educated persistently, consistently away from casual and precarious contraceptive advice into the qualified hands of the medical profession

Dr Dickinson had been appearing regularly at American Medical Association meetings, keeping the question constantly alive But not until Dr Prentiss Willson had formed a national body of doctors in 1935 to carry on legislative work had there been any action One had stirred up, the other organized

I was at Willow Lake one June morning of 1937 when I saw spread across the newspaper in double column the glad tidings the Committee on Contraception of the American Medical Association had informed the convention that physicians had the legal right to give contraceptives, and it recommended that standards be investigated and technique be taught in medical schools

In my excitement I actually fell downstairs To me this was really a greater victory than the Moscowitz decision Here was the culmination of unremitting labor ever since my return from Europe in 1915, the gratification of seeing a dream come true

These specific achievements are significant because they open the way to a broader field of attainment and to research which can immeasurably improve methods now known, making possible the spread of birth control into the forlorn, overpopulated places of the earth, and permitting science eventually to determine the potentialities of a posterity conceived and born of conscious love