

CLINICS AND THE LAW

I MUST turn back now a few years to gather up the threads of an important activity. The reader will recall that since the day I first visited Holland, my real aim had been the establishment of birth control clinics, and that my first step after the dismissal of the Federal indictment against me in 1916 had been the opening of the first clinic in the Brownsville section of Brooklyn. All of the subsequent publicity of the movement in a sense came out of the raid of that clinic by the New York police. Out of Brownsville grew my sister's hunger strike with its tidal wave of publicity, my own arrest and imprisonment, and out of that the organization of the birth control league, and the publication of the *Birth Control Review* and the long, arduous task of educating the public through the platform and press.

I saw the clinic not as an isolated social agency, but functioning as an integral factor of public and racial health, forming an integral part of all pre natal and post natal agencies for maternal and child welfare. I envisaged it as well

organized as the public school system. Indeed, from my point of view, these systems of clinics were to be schools—centers of instruction, primarily in contraceptive technique, but schools as well for all problems of parenthood for men as well as for women, in the psychic as well as the physical aspects of marriage and love, centers where all sorts of difficulties might be straightened out and adjustments made, centers where parents might be taught how to teach their own children the basic factors in human relationships.

I have not sacrificed these ideals for the future, but I know that sometimes it is important to take one step at a time, and that the most imperative need is to make contraceptive methods available to all who most desperately need them. For around the problem of contraception all other marriage problems depend.

In view of subsequent developments, there could be no doubt in my mind that the battle of the Brownsville Clinic had resulted in a decisive, indeed an overwhelming victory. While it is true that the clinic at 46 Amboy Street had been brutally raided by the New York police, that I had been sentenced to thirty days in the workhouse, that my sister had sacrificed her health and jeopardized her life, and that for no less than five years thereafter I was hounded by detectives and in constant danger of arrest and conviction, yet after all these were insignificant prices to pay for the great victory won on the battlefield of public opinion. This had renewed my courage and given me manifold energy to carry on. I had discovered that the voice of the people was far greater than the dusty statutes. These laws were negative, they could not be enforced if the vast current of intelligent opinion were not only ignorant, but unconscious of them. At the same time, I knew that I should not evade dangers and risks—that I should not be afraid to go to jail if that were necessary to uphold my principles and ideals.

That earlier victory was confirmed by the decision of the Court of Appeals of the State of New York, handed down by Justice Crane in 1918, to the effect that physicians were

empowered to give instruction in the technique of contraception for the cure or prevention of disease

At first glance, this decision, with its limitation of the privilege, seemed to me to be both inadequate and silly, but I lost no time in coming to the decision to take advantage of it. To do so, it was necessary to find a doctor with a New York practicing license who would be willing to cooperate in this new venture. Lack of clinical data, lack of contraceptive supplies, lack of organized medical support, the impossibility of obtaining domestically manufactured supplies of tested efficacy—these factors had retarded American medical knowledge of the problems involved. It was indeed a subject necessarily ignored in the curricula of medical schools and in ordinary practice. Time after time in my travels and conferences in the cities of the United States, my attention had been arrested by the observation that it is always precisely those doctors who are most ignorant of scientific methods of contraception who remain most strongly opposed to the whole theory of birth control.

Now I realized that this new clinic I was planning to conduct, even though assisted by a duly licensed physician, would become inevitably a storm center, a target for the attacks of our various enemies. I must make haste slowly. I saw that premature publicity would be fatal to its growth and progress. It would first be necessary to demonstrate its value as a social need. It would prove itself to be a health center. It was to be, I decided, an experimental bureau, designed to demonstrate the practicability of the birth control clinic in all cities and towns. Therefore we must carefully guard its progress, we must organize it as a nucleus for research, a laboratory, as it were, dealing with human beings instead of with white mice, with every consideration for environment, personality, and background. We would help them as they were to help us. Women at last could contribute to scientific research and become part of this human laboratory.

With these ideals in mind, I set out to find a suitable and competent physician, a physician with the moral courage to

risk her liberty to enter this battle with me. This was more difficult than I had anticipated. At one time it seemed that the problem was solved. Dr Lydia Allen DeVilbiss agreed to act as a medical director. Rooms were found at 317 East Tenth Street, conveniently situated in a densely populated section of the East Side. A year's lease was signed for these rooms, and their transformation into a sanitary clinic got under way. Then the Town Hall raid occurred. Dr DeVilbiss decided that it was an inauspicious moment to undertake the hazardous task of directing a birth control clinic in New York City.

Then came the interruption occasioned by my crusade into the Orient, followed by the International Conference in London in the summer of 1922. Therefore the rooms in East Tenth Street were eventually relinquished, and it was necessary to undertake a fresh start toward the planning of a permanent clinic upon my return.

It was during the year 1923—a year that remains in my memory as one of smiles and tears, of heart aches and anxieties, that finally I discovered a woman physician, Dr Dorothy Bocker, who agreed to act in the capacity of medical director providing there would be neither lay committees nor boards of directors to dictate her duty or meddle in her direction, and providing I could assure her the yearly salary she demanded. Together we were to open a clinic, or research bureau as it was to be called. Everything seemed agreeable except raising the salary demanded by Dr Bocker, that seemed prohibitive. But I scouted among our wealthy supporters to find one or two who would pledge the salary (\$5,000) of the doctor.

You will get into trouble. You can't do it. It's against the law. Why should I pay to get you into jail again?

It's a foolish dream. Such were the remarks made to me by even the closest of friends in the cause. Individuals of my board said: Why, you can't now pay for the expenses you have incurred—rent, printers bills, etc. How can you expect to pay for a clinic?

Such a reaction seemed logical and sensible, but behind my

dream there was a driving purpose which persisted in pushing aside all such negative arguments and continued to urge me to reach out and out for understanding support

The decision of the Court of Appeals concerning birth control, that doctors could give contraceptive information for the cure or prevention of disease, offered too big an opportunity to let pass. I resolved to test that decision. Our enemies had become insolent, and had attempted to usurp the powers of state. A clinic was what we needed to test the decision of the courts and the law on our rights. But could it be done? Must I stand alone again? Must I always assume the financial and moral responsibility for every step taken?

Never in all my life had I wanted money so desperately as I did during the period. Never was a financial backer so greatly needed. It seemed to me that a golden opportunity was presenting itself, and I could not let it pass. Remembering a promise made to me by an English friend some years before—that if ever I wanted any help I was to give him the first chance to refuse me—I prepared a long cable stating the case and asking him for \$5,000.

The reply came promptly. Yes, go ahead.

Again God be praised! A great project could now be carried out! Plans, long thought over and carefully laid, were now put into execution. Dorothy Bocker was the woman physician, under a two year contract with me, as we two alone were responsible for the work of this new venture. As no support had been given by any member of any organization for its establishment, it was decided to keep it free from official obstructions and to test out the court's decision alone in our own way, quietly, constructively, without any publicity.

In order to keep in close touch with the work of Dr. Bocker, I took two rooms in the building where I had the League's offices. These were accessible not only to me, but to the women who came daily to seek advice. Needy women asking me for advice were referred to the doctor and advised accordingly as their case came under the decision of the Court of Appeals, for the cure or prevention of disease.

This was the first real attempt to establish permanently the movement and to center its activities around a clinic. During the first year there was no publicity. No news of our activities was given to any one. There was no advertising, there was nothing to disturb the routine of gathering facts from such patients as applied to us.

When, at the end of the first year, there seemed to be every prospect of continuing the clinic without interruption, I applied to the New York State Board of Charities for a license to conduct a dispensary in the name of the American Birth Control League, of which I was founder and president. A reply came from Richard W. Wallace, assistant secretary of the board, pointing out that since the League had been incorporated under the provisions of Article 3 of the Membership Corporations, whereas corporations for the conduct of dispensaries must be formed under Article 7, therefore a license could not be granted under the League's incorporation.

The first annual report of the Clinical Research Bureau on 900 cases was presented at a public luncheon the following year. This insignificant news attracted the attention of those interested in this type of work throughout the country, and served at once as an example and as an inspiration for others to follow. We were besieged with questions on organization. Clinics began to be opened in other cities, and people who had formerly said, "Don't try to do it!" now expressed their approbation with the conventional, "I told you so."

As a result of the first report of the Clinical Research Bureau on 900 patients, I decided that it was an auspicious moment to organize a medical and scientific advisory council and to secure as medical advisor a physician with greater gynecological experience than Dr. Bocker had. Through the recommendation of Dr. Benjamin Tilton, one of our medical advisors, Dr. Hannah M. Stone accepted this post and has held it to the present time, constantly strengthening her position as one of the gentlest, most beloved and loyal workers in this field that one could hope for. Dr. Stone's sympathetic response to mothers in distress, her courageous stand in remaining at

my side, carrying on at our clinic despite the offer of a more lucrative position in one of New York's maternity hospitals, indicate qualities of staunch friendship and disinterested selflessness that are essential qualities for the successful carrying on of the clinical work. In addition, she has had to withstand abuse and misrepresentation that emanates even from members of her own profession.

In 1925, I also succeeded in persuading another member of the medical profession, Dr James F Cooper, to join our ranks and to go into the field as lecturer to medical societies. I was convinced that we must go into the States to reach the hearts of the medical profession and that we must get them to assist us in the battle for a new humanity. Dr Cooper was an able speaker. He had been trained in the Boston Medical School, and had specialized in gynecology. His work as a medical missionary in Foo Chow, China, fitted him for the task of winning to our cause that vast body of men and women upon whose service, and knowledge, and understanding, this movement must rise or fall.

The salary demanded by Dr Cooper was considered too much for our organization, with its board of directors of charming women whose instinctive reaction to new activities was always negative. Finally I was able to persuade a noble friend, again a man, who believed sufficiently in me, in my vision and in my direction of the cause, to pledge the money for Dr Cooper's salary and expenses for the year.

In January 1925, Dr Cooper went out into the field. He covered nearly all of the states in the Union. Reports of his good work came from every place in which he spoke, and in 1926 I again sent him on tour to gather medical supporters to our cause.

In his lectures, which totaled more than seven hundred those two years, Dr Cooper expounded not only the theory but the practice of contraception. He took necessary supplies, devices, and charts with him, and instructed the physicians in the technique and application of the methods.

These contacts made it possible for me to decentralize my

personal work. In other words, I was now able to refer mothers who wrote letters of appeal—there were fifty to eighty thousand of these each year—to a doctor in their vicinities.

This removed a great burden from my conscience. It is practically impossible to advise a woman in the most suitable method of contraception by letter or pamphlet. Advice and instruction in pamphlets was too general to guarantee satisfaction to the individual woman, and only by physical examination of the generative organs could a contraceptive be advised and properly recommended. Thus I was accomplishing a two fold task of future importance: educating the medical profession by sending a missionary to its very doors, and collecting facts of human physiological, economic, medical and social aspects of birth control directly from the patients who sought from us information to prevent conception at our clinical bureau.

About the time Dr Stone and Dr Cooper came into the field, another group of medical men were organizing for research and collection of scientific facts on fertility and sterility. The Maternal Health Committee of New York City, with Dr Robert L Dickinson as executive secretary, has made great inroads into the profession by its staunch, courageous adherence to the principles of the subject and its acceptance of the responsibility that birth control instruction is primarily a doctor's job. With the expansion and growth of the Maternal Health Committee, we can safely feel that it is only a question of time until that vast body will include contraceptive instruction as a preventive measure in its public work.

Each year the number of patients at the clinic increased. Doctors from far and near came to be instructed in our methods. Humbly the great ones came to learn, younger members of the profession especially came to enquire. We have on our books today the names of several hundred who have visited the clinic and learned from our staff the technique of contraception.

An office building soon became inadequate for our growing

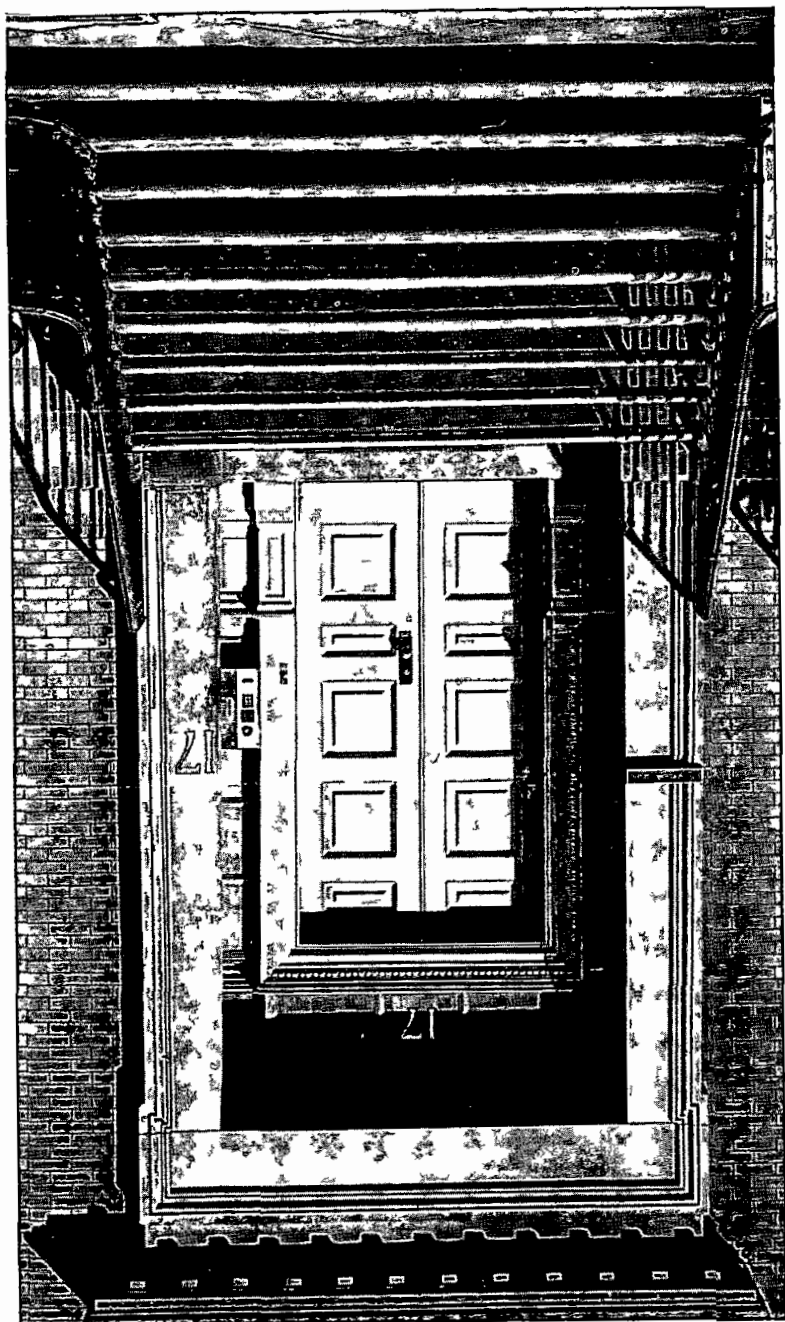
needs, and in 1926 we moved our Clinical Bureau to 46 West Fifteenth Street, on the ground floor where mothers could be neighborly and bring their baby carriages. Two floors were engaged to accommodate the increasing demands. Every day brought more women to our doors than we could provide instruction for. Women came from all over the country, and like those of Brownsville they came from all classes.

On March 23, 1929, a woman came to the Clinical Research Bureau, and was registered as Mrs. Tierny. She made an appointment to be examined and on the appointed day was instructed by Dr. Elizabeth Pissoort, one of our several staff physicians. Her clinical record card indicated her answers to the questions asked. Mrs. Tierny claimed that she was the mother of three children, the oldest five years old and the youngest less than a year, that her husband earned \$40.00 per week as truck driver, and that he was addicted to drink. The medical examination took place on April 3. Contraceptive instruction, this examination revealed, was fully indicated. Supplies were furnished and the woman returned on April 10 for a check up by Dr. Hannah Stone, our medical director.

Five days later a squad of seven police descended upon the Bureau, and for alleged violation of Section 1142 of the Penal Code (the same statute invoked for the raid thirteen years before of the Brownsville Clinic) arrested Dr. Stone, Dr. Pissoort, and three nurses employed in the bureau. Miss Antoinette Field, Mrs. Sigrid Breastwell and Mrs. Marcella Sideri. Mrs. Tierny was as a matter of fact none other than Mrs. Anna K. McNamara, a policewoman! Our clinical records reveal to what lengths, to what depths, this woman was willing to go in her effort to gain evidence to close the doors of this Clinical Bureau.

It was, however, another policewoman, Mary Sullivan, who directed the raid. It was staged with every attention to spectacular effect. A police automobile drew up at the door of our modest establishment in West Fifteenth Street. Two policewomen, assisted by six plain clothes police officers, entered with a complete absence of ceremony. Fifteen poor, timorous

THE DOORWAY



women were waiting patiently for the doctors instruction. The police bullied and intimidated them, not without first forcing them to give their names and addresses, as if they were criminals. Not content with arresting the five conscientious women who were working there, they seized all available materials and doctors case records. Several bundles of doctors supplies were piled into the wagon and taken to the police station with the doctors and nurses.

When notified by my secretary over the telephone, I hastened to the door of the Clinical Bureau that mild April morning. I found it locked, and a police officer within barring it against my entrance.

"You can't get in here!" he brusquely announced, opening the door just enough to send out his contemptuous words. "This place is shut!"

"Oh yes I can!" I retorted. "I am the owner of this place and I intend to get in."

I kept my foot against the door and waited. The officer passed my request along to a superior, and I heard some one answer him. "If it's Mrs Sanger, let her come in."

Our orderly and attractive reception room, as well as the more private offices, had been thrown into confusion by the raiders. Even now they were rushing aimlessly about like chickens fluttering about a raided roost. One man was standing with pad and pencil in hand bellowing at a pathetic intimidated woman patient, trying to get her name and address. Beside her a little child was trembling with fear, gazing intently up at the mother's face as if waiting for a cue to burst into screams.

I knew the purpose of this interrogation, and I knew as well our rights in the case.

"Don't be afraid, little mother," I said to the trembling woman, approaching her calmly. "No one can harm you. You will not be arrested, and you need not give your name if you do not care to. Just sit down quietly in this chair and everything will soon be settled."

I turned to the other women and quieted them, and then

took up the matter of the arrest with one of the policewomen—the very Mrs Tierny who had obtained the evidence. This energetic policewoman was madly turning over the case records, as fast as her fingers could travel. She seemed to have an eye for certain special cards.

I protested against her invasion of our records. She replied that she had a search warrant permitting her to do so. I called for this warrant and insisted upon seeing it. After a few moments Mrs Mary Sullivan produced the warrant, and I discovered that it had been signed by Chief Magistrate McAdoo.

As I read that warrant, I must admit, I was almost crushed. In my hurried review of the document it seemed to be a whole sale warrant empowering these ignorant vandals to seize anything their clumsy hands fell upon—to destroy in a few moments the order that had required months to build up. Nevertheless as I stood there watching those eager, vindictive hands scoop up the doctors records one by one with a barbaric, angry glint of triumph in her eyes, I protestingly warned the woman:

You're going to get yourself into more trouble than you suspect if you interfere with those records.

Trouble? she snapped back, —and what about you?

I can take care of myself, I answered.

Doctors and nurses were herded into the patrol wagon, the police refusing to permit them to ride to the station in a taxi-cab. When one of the officials protested with Mrs Sullivan, she shouted at him: Say, this is *my* party! If I had not secured an attorney immediately, they would have been fingerprinted like common criminals. At every step, these officers abused their authority. In view of recent revelations of police corruption, this is not surprising, and it aroused bitter indignation at that time.

Ironically enough, one phase of the raid—that of violation of the long recognized immunity of confidential case records—which could have been eliminated so easily, on my own advice, turned the tables against the authorities. Even Chief Magis

trate McAdoo, whose signature was affixed willingly to the warrant permitting the invasion, finally had to admit, in a public statement, that the police had exceeded the warrant's authority. He requested that all seized articles, except the case history of Mrs McNamara, be returned to his office.

And here was a peculiar thing, a mystery never officially solved. About forty cards and six books were returned to the Chief Magistrate, leaving some 150 cards unaccounted for. To this day they are still unaccounted for. What use the police department might have had for them, or to whom they might have been of interest, no one can say—no one, that is, who *will*. For months after the trial was over Mr Ernst and I investigated, questioned, demanded. Those cards still repose in a secret hiding place or have been destroyed beyond inculpating possibilities, and, however we may suspect certain persons and agencies, there is no legal way for us to regain our stolen property.

Incidentally, it is worth noting in passing that several women patients whose cards were thus purloined have come to us pleading that we shall not use their names publicly as patients of the Clinical Research Bureau. Upon being questioned, they confessed that they had received mysterious and anonymous telephone calls telling them that if they continued to go to the clinic their cases would be exposed in the newspapers. They happened to be Roman Catholic mothers, whose case cards were taken and never returned.

We have not been able to trace the others, because their names and addresses are lacking. From private and authentic sources we were told that the suggestion for this raid on the Bureau came from Mrs Mary Sullivan from high Church authorities. Cardinal Hayes' advice had been asked by Catholic social workers as to what answer to give Catholic mothers who wished to go to the Clinical Research Bureau as patients.

The most intense public indignation was aroused by the seizure of our confidential records and case histories. If the police can seize doctors and lawyers' general files, protested the *Herald Tribune* without a specific warrant and paw over

them in search of possible evidence, the privileged relation of doctor and client ceases to exist. The possibilities of abuse, including blackmail, are virtually unlimited. Even those doctors who have not agreed with the general position of the birth control clinic are likely to protest against such arbitrary police invasion of medical privacy.

Under the direction of Morris L. Ernst, brilliant and impassioned attorney, whose name had been associated with the defense of many liberal causes, a committee was formed to protect the rights of the five women.

More than 500 distinguished persons, some old friends and many new ones, openly gave us their support. Their names lend added dignity to our case—names like those of the Rev. Dr. Harry Emerson Fosdick, Rev. Karl Reiland, former Health Commissioner Louis L. Harris, Dr. Walter Timme, Samuel Untermyer, Mrs. Otto Kahn, Mrs. William K. Vanderbilt, Mrs. H. O. Havemeyer, Mrs. Ogden Mills Reid, Mrs. Henry Phipps, Mrs. Henry Morgenthau, Jr., and Mr. and Mrs. Corliss Lamont. Newspapers and magazines published scathing editorials criticizing the police department. It was heartening to note that not one publication praised the police for their action. Not one report of the proceedings in court failed to betray sympathy with the five women who had been humiliated in the course of their humane activities.

Police Commissioner Grover A. Whalen, then embroiled in an embarrassing, futile investigation of the murder of the notorious gambler named Arnold Rothstein, called the raid of the birth control clinic a routine matter. Eventually Mr. Whalen himself changed his mind, and indited an apology to the directors of New York Academy of Medicine. For all his light talk, the people of New York had failed to regard this raid as routine. Everywhere one went that first week, and afterwards, talk centered around the case. As the story unfolded, emotions ran high.

There is no gainsaying the fact that the decoy patient, Mrs. McNamara, was made to appear in a sinister light to the general public. She admitted, in the course of the trial,

that she had set out deliberately to deceive the doctors of the birth control clinic. She had made three visits to 46 West Fifteenth Street, she said, and as she testified her stolid face turned from pink to purple. She had pretended that she was the mother of three children aged five, three and one, although actually she had two children in their teens. Her husband made \$40 a week as a truck driver, she had said, which he spent largely for drink. She wanted to avoid having any more children, she had told Dr Pissoort, who examined her and gave her the desired information plus a device to prevent conception. Dr Pissoort also gave her some gratuitous medical advice that her teeth needed expert attention. On the basis of this scientific interview the raid came.

It was small wonder that sympathies were with us during the trial. We had always had our ardent supporters, but this time we had the populace. At the preliminary hearing on April 19th about 500 men and women assembled in Magistrate Rosenbluth's courtroom packing the benches, lining the walls, and betraying their enthusiasm continuously. Many prominent physicians came to testify for us if needed, and at least three fourths of the onlookers were women, most of whom I had never seen before.

The magistrate, an hour and a quarter later, adjourned the case forty minutes after he had opened it, hearing but one witness, Mrs McNamara. His conduct of the proceedings brought a letter of protest from Mrs Ethel E Dreier, president of the Women's City Club, who accused him of procrastination.

In the courtroom itself I could discern an intense critical attitude quite different from anything exhibited at previous demonstrations for the birth control movement. When Mr Ernst sought to question Mrs McNamara closely, the magistrate reminded him that she was a policewoman apparently as such not required to tell all. Murmurs circulated through out the spectators' portion of the courtroom. The sound was melodious to ears accustomed to harsh and suspicious accents only twelve years before. To me, every step in the legal pro-

cedure following the raid was an amazing revelation of progress—the fruit of long, steady plodding, the response of an awakened conscious interest which up to then had been strangely silent. As the hearing progressed, the enthusiasm of onlookers grew to such bounds that at one time Magistrate Rosenbluth had to send them from the courtroom. This was during the testimony of Dr. Harris, of the New York Health Department.

The birth control clinic is a public health work, averred Dr. Harris on the stand. Every woman coming for treatment is asked if she is married. If she is not, then she is rejected by the doctors.

Magistrate Rosenbluth leaned forward heavily. Does the clinic send out social workers to discover the truth of patients' statements? he asked.

Did you ever know of a situation where a doctor dispatched a detective to find out whether his patient was married? demanded Mr. Ernst.

A wave of applause by the spectators engulfed the room.

Unless there is absolute silence, I shall clear the courtroom! bellowed the judge, and then, seeming to grow angrier, he added. On second thought, I shall clear it anyhow. Out you go!

This was, if anything, the dramatic climax of the trial, for the actual result was so well known in advance that it brought little spontaneous emotion. As the spectators filed from the courtroom, they shouted and booed and sang. Sweet land of liberty! One of them, our own veteran worker Kitty Marion, cried. Land of the dumb driven cattle! and was widely quoted for it. The emotions of a mob had been awakened, and pandemonium ensued.

After the withdrawal of the spectators, the trial proceeded. A few minutes later, a fifteen minute recess was ordered by the judge. It seemed a mere coincidence that when court convened again the magistrate readmitted the public. We learned afterward that in the interim a number of women had proceeded to the office of Chief Magistrate McAdoo, who

accordingly reversed Magistrate Rosenbluth's ruling barring the spectators. At the end of the hearing the magistrate reserved the decision until May 14. Two days before the announcement of his decision, Mary Sullivan was demoted as head of the Policewomen's Bureau. Captain S. P. Brady, a lawyer, was made director. Commissioner Whalen admitted, when pressed, that the raid was responsible for Mrs. Sullivan's fall from grace. She had not consulted him about her purposed action, and in something so important, said the man who had termed it routine, she should have sought his advice.

Captain Brady's legal training will help him not to make mistakes, I trust, the Commissioner is reported to have said.

Mrs. Sullivan was very much surprised at the order. Reporters calling at her home found her utterly unprepared for such a move, warm in her reiteration that it could have had nothing to do with the birth control matter. But she certainly must have known the tide was turning against her, for after a silent appearance at the preliminary hearing of the five women she never attended another hearing. In addition, she flatly refused all along to reveal the reasons for the investigation she had ordered Mrs. McNamara to make. When asked whether it was due to Roman Catholic Church orders, she refused to answer. When her surprise at the demotion had died down, her attitude was one of calm acceptance. It was pointed out that in spite of her disgrace her salary remained the same, and the formation of a Crime Commission in the police department, with a social worker, a woman, to supervise the work of the policewomen was regarded as a mere blind until such time when the birth control case would be forgotten and Mary Sullivan actually, if not technically, reinstated.

A day after Mrs. Sullivan's demotion, the first public expression of approval of the raid was made—obscurely, to be sure, but enlighteningly. The Rev. Francis X. Talbot, S. J., editor of *America*, a Roman Catholic publication, said at a communion breakfast of the Holy Name Society in Jersey

City that the raid had been justified. He condemned Mayor Walker for allowing the demotion of Mrs. Sullivan, and explained that the Roman Catholics had been very busy at the task of keeping God in the country.

We were prepared for Magistrate Rosenbluth's discharge of the two doctors and three nurses. He wrote an admirably clear, fair, and definite resume of actualities, and his decision was one of the finest we have ever won. In substance he said the prosecution had not shown lack of good faith on the part of our doctors in treating Mrs. McNamara.

Good faith in these circumstances is the belief of the physician that the prevention of conception is necessary for a patient's health and physical welfare. That Mrs. McNamara came to the defendants in an avowed search for a means of preventing conception and disclosed that purpose to the defendants does not of itself furnish a basis for an inference of bad faith on the part of the defendants. It may well be that, in spite of her purpose to search out and beguile a suspected violator of the statute, Mrs. McNamara's physical condition as disclosed only to the doctor defendant made their advice and instructions to use the contraceptive entirely necessary to prevent disease.

In his column Heywood Broun called attention to the fact that our clinic had been in operation for more than six years, that it had been conducted under the direction of reputable physicians entirely familiar with the laws concerning the dissemination of contraceptive information and that my former conviction in 1917 had proved a very useful sacrifice, which had advanced the cause of birth control. Following that conviction the courts had ruled that physicians could give information to prevent or cure disease. A precedent was at last established.

The lone battle had been won, now that reinforcement had come from indignant and distinguished individuals in the New York Academy of Medicine. Mary Sullivan's party ushered in a new support for the cause.