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BIRTHRIGHT

What's next for Planned Parenthood?**By Jill Lepore**

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The Planned Parenthood health center in Brooklyn occupies ten thousand square feet on the sixth floor of an office building across the street from a courthouse. After you get off the elevator, you have to go through a metal detector. A guard behind bulletproof glass inspects your bags. The day I was there, in June, the waiting room was full; the line at the registration desk was ten deep. A bowl on the counter was filled with condoms, giveaways. A sign on the wall explained Plan B, the morning-after pill. In the waiting room, a couple of dozen women sat in rows of blue plastic chairs, texting. A few wandered over to a display of glossy brochures and picked up “Am I Ready to Have Sex?” or “Birth Control and GYN Care: For **FREE**. For **REAL**.”



Margaret Sanger opened the country's first birth-control clinic, in Brooklyn, in 1916, an action that led to her being arrested and sentenced to thirty days in jail. Photograph from Chicago History Museum / Getty

Aside from its proximity to the site of the United States' first birth-control clinic—opened in Brooklyn in 1916—the place is a typical Planned Parenthood clinic. Last year, seventeen thousand patients received

medical care here. Two-thirds were insured by Medicaid, or paid reduced rates, or received free treatment. They were tested for S.T.I.s and U.T.I.s; they were prescribed birth-control pills and antibiotics; they were fitted for diaphragms and I.U.D.s and cervical caps; they learned how to check their breasts for lumps. They had pregnancy tests and Pap smears and abortions.

Nearly every woman there looked to be in her twenties, and everyone was wearing flip-flops and jeans and T-shirts or halter tops; outside, it was sultry. Ponytailed college students carried bike helmets and backpacks; women wearing head scarves clutched handbags. One woman had brought her boyfriend. Another had brought her son. He was playing with a Nintendo DS. Thumbs herky-jerky, he would sometimes elbow his mother by accident, and she would smile and stroke his cheek.

Nellie Santiago-Rivera has been the director of the Brooklyn health center for the past eleven years. The corkboard behind her desk is covered with family photographs. When she was a teen-ager growing up in the Bronx, a friend brought her to the Planned Parenthood clinic at 149th Street to get contraception. "Birth control is not something we talked about in my family," she told me. Her parents were born in Puerto Rico. "We believed, 'You light the candle, and you pray.'" A report published in 1965, when Santiago-Rivera was a girl, found that ninety-four per cent of women who died in New York City from illegal abortions were either black or Puerto Rican.

The Brooklyn health center is one of four clinics run by Planned Parenthood of New York City, an affiliate of the national organization. There's one in Manhattan, one in the Bronx, and one in Staten Island. There are eighty-two Planned Parenthood affiliates nationwide, operating nearly eight hundred clinics. Planned Parenthood says that one in five women in the United States has been treated at a Planned Parenthood clinic. Critics of Planned Parenthood, who are engaged in a sustained attack on the organization, say that most of those women are going to those clinics to have abortions, paid for, in violation of the Hyde Amendment, with taxpayer money.

"This started the day after the mid-terms," Cecile Richards said when we met in July. Richards, the daughter of the former Texas governor Ann Richards, has been the president of Planned Parenthood since 2006. She's long-boned and fair-haired and glamorous, and she is in the eye of a perfect political storm. "What happened at the elections had nothing to do with abortion or birth control or Planned Parenthood," she said. "It had to do with the economy." But the election reshaped both Congress and state legislatures, and her theory is that "when those guys can't figure out what to do about jobs, and they can't, their first target is women."

The campaign against Planned Parenthood has been unrelenting. Michele Bachmann, in one speech, accused the organization of “committing crimes and enabling young minor girls and covering up issues I don’t even want to talk about it because it’s so disgusting” and, in another, described clinics in swank suburban malls where wealthy women who are “picking up Starbucks” can be found “stopping off for an abortion.” Was it shabby and underhanded or upmarket and unabashed? “We would wake up and, every day, it would be about something else,” Richards said. “Some days it was about abortion. Some days it was about race. Some days it was about me. Some days it was about kids.”

The fury over Planned Parenthood is two political passions—opposition to abortion and opposition to government programs for the poor—acting as one. So far, it has nearly led to the shutdown of the federal government, required Republican Presidential nominees to swear their fealty to the pro-life lobby, tied up legislatures and courts in more than half a dozen states, launched a congressional investigation, and helped cripple the Democratic Party. What’s next?

Planned Parenthood’s latest round of difficulties dates back about a year. Just as the new Republican-majority House was being seated, a group called Live Action, whose mission is “to expose abuses in the abortion industry and advocate for human rights for the pre-born,” sent a man posing as a pimp and a woman posing as a prostitute to Planned Parenthood clinics across the country, equipped with a hidden camera. Live Action was started in 2003 by a homeschooled fifteen-year-old California girl named Lila Rose; she has worked with James O’Keefe, who has engineered stings on ACORN and NPR. Charmaine Yoest, who heads Americans United for Life, has called Rose “the Upton Sinclair of this generation.”

Santiago-Rivera believes that the pimp and the prostitute came to her clinic and left, frustrated by the questions they faced at the registration desk. Planned Parenthood reported the man to the F.B.I. At the beginning of February, Live Action posted on the Internet very troubling videos taken at seven clinics, including one in New Jersey, where a clinic manager suggests lying to avoid detection. (The manager was subsequently fired.) In footage shot at the clinic in the Bronx, where Santiago-Rivera went to get birth control when she was a teen-ager, the couple asks about making appointments for girls who don’t speak English and who might need abortions. Live Action’s transcript reads like this:

PP: We see people as young as 13 years old.

Prostitute: How old?

PP: We see people as young as 13 and—

Pimp: As young as 13.

PP: Everything is totally confidential.

Days later, Mike Pence, a Republican representative from Indiana, introduced to Congress a measure to eliminate all federal funding for Planned Parenthood. “I thought that was an error on Pence’s part,” Richards says. “I thought they’d go for abortion restrictions, one by one, bit by bit. To have gone foursquare against Planned Parenthood—well, to do that is to go after health care for women.”

Calling the Pence Amendment an attack on women’s health was, in any case, the countermove. Planned Parenthood animated much of the budget debate on the House floor. “These proposed cuts to family planning represent the opening salvo in an all-out war on women’s health,” said Louise Slaughter, a Democrat from New York’s Twenty-eighth District, after Pence introduced his amendment. Todd Rokita, a Republican from Indiana, called Slaughter’s comments laughable demagoguery. Paul Broun of Georgia, a doctor, a member of the Tea Party Caucus, and a sponsor of the Sanctity of Human Life Act, said, “This is about abortion”: “Those babies deserve the right of personhood.” Chris Smith, a Republican from New Jersey, labelled Planned Parenthood “Child Abuse, Incorporated.” This led Jackie Speier, a Democrat from California, to remark that the speech made by the congressman from New Jersey left her reeling. Then she told the story of her own abortion, owing to medical complications in the seventeenth week of a planned pregnancy, and added, turning to Smith:

For you to stand on this floor and to suggest, as you have, that somehow this is a procedure that is either welcomed, or done cavalierly, or done without any thought, is preposterous. To think that we are here tonight debating this issue, when the American people, if they are listening, are scratching their heads and wondering: What does this have to do with me getting a job?

The Pence Amendment passed, 240 to 185. The Senate voted down the House budget, 56 to 44. Forty-one senators signed a letter opposing the defunding of Planned Parenthood. After the Republican whip, Jon Kyl, of Arizona, said on the floor of the Senate that abortion constitutes “well over ninety per cent of what Planned Parenthood does,” Planned Parenthood reported that abortions make up less than three per cent of its services, whereupon a Kyl staffer offered that what Kyl had said “was not intended to be a factual statement.”

When President Obama met with John Boehner to negotiate an eleventh-hour deal, the Speaker pressed the President on whether he would give way on defunding Planned Parenthood. “Nope. Zero,” Obama said,

according to an official. “John, this is it.” Boehner blinked. But that wasn’t it.

Just about everyone running for the G.O.P. Presidential nomination is opposed to Planned Parenthood. Michele Bachmann, Newt Gingrich, Ron Paul, Rick Perry, and Rick Santorum have all signed the Pro-Life Presidential Leadership Pledge: “If elected President, I will . . . defund Planned Parenthood.” Mitt Romney endorsed the Pence Amendment, and Herman Cain has called Planned Parenthood “a sham,” founded “to kill black babies,” a statement he defended last week on “Face the Nation.”

The pro-life pledge is a product of the Susan B. Anthony List, the Republican answer to EMILY’s List. EMILY’s List was founded in 1985 by a coalition of Democratic women who wanted to raise money to elect pro-choice women to office. (EMILY stands for Early Money Is Like Yeast.) The Susan B. Anthony List was founded in 1992 by a group of women including Marjorie Dannenfelser, a former staff director of the Congressional Pro-Life Caucus, to raise money to elect pro-life women. EMILY’s List claims to have helped elect nine governors, sixteen U.S. senators, eighty-six congresswomen (including Speier), and more than five hundred state and local officeholders. The Susan B. Anthony List says it has funded the successful campaigns of ninety members of Congress, twelve senators, and thirteen state officials.

In the middle of the budget debate, Boehner gave almost an hour of speaking time to three Susan B. Anthony-elected members of the House—Jean Schmidt, of Ohio, and Virginia Foxx and Renee Ellmers, both of North Carolina—to celebrate Women’s History Month. They used their time to argue that Susan B. Anthony, Elizabeth Cady Stanton, and Alice Paul, “the pro-life women of the past,” would have supported defunding Planned Parenthood.



A march in New York City, in 2004. Photograph by Michael Nagle / Redux Photograph by Michael Nagle / Redux

There are, in history, very few straight lines. Still, even on this winding road a turn that has conservative women invoking Susan B. Anthony to attack Planned Parenthood is a hairpin. Margaret Sanger opened that first clinic in Brooklyn four years before the passage of what was called, at the time, the Susan B. Anthony Amendment: “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.” Women had only just got the right to vote when the Equal Rights Amendment, written by Alice Paul, was introduced to Congress: “Men and women shall have equal rights throughout the United States.” Revisions were introduced in every session from 1923 to 1971. In 1972, the E.R.A. passed and went to the states for ratification. Its eventual defeat was accomplished by conservatives led by Phyllis Schlafly, who opposed the women’s-rights movement and supported a human-life amendment. Schlafly, not Anthony, is the grandmother of the pro-life movement.

Lately, human-life amendments have been supplanted by personhood amendments, one of which appeared on the ballot in Mississippi this month. The Mississippi amendment reads, “The term ‘person’ or ‘persons’ shall include every human being from the moment of fertilization.” Personhood amendments could be interpreted to make several forms of birth control illegal, challenging not only *Roe v. Wade* but also *Griswold v. Connecticut*, which placed contraception under the protection of a constitutional right to privacy. Last year, the Supreme Court ruled that, as regards free speech, a corporation is a person. How that Court would rule on a personhood amendment is uncertain.

If a fertilized egg has constitutional rights, women cannot have equal rights with men. This, however, is exactly what no one wants to talk about, because it’s complicated, and it’s proved surprisingly easy to use the issue to political advantage. Democrats and Republicans thrust and parry, parry and thrust, in a battle that gives every appearance of having been going on forever, of getting nowhere, and of being unlikely to end anytime soon. That, however, is an illusion. Neither abortion nor birth control is, by nature, a partisan issue, and, from the vantage of history, it’s rather difficult to sort out which position is conservative and which liberal, not least because this debate, which rages at a time when there is no consensus about what makes a person a person, began before an American electorate of white men was able to agree that a woman’s status as a citizen is any different from that of a child.

The first birth-control clinic in the United States opened on October 16, 1916, on Amboy Street in Brooklyn. There were two rooms, and three employees: Ethel Byrne, a nurse; Fania Mindell, a receptionist who was fluent in Yiddish; and Byrne’s sister, Margaret Sanger, a thirty-seven-year-old nurse and mother. Sanger and her sister came from a family of eleven children, one of whom Sanger helped deliver

when she was eight years old. When Sanger began nursing poor immigrant women living in tenements on New York's Lower East Side, she found that they were desperate for information about how to avoid pregnancy. These "doomed women implored me to reveal the 'secret' rich people had," Sanger wrote in her autobiography. (A study conducted in New York at the time found that forty-one per cent of women who received medical care through clinics operated by the city's department of health had never used contraception and, of those, more than half had had at least one abortion; they averaged almost two apiece.)

Between 1912 and 1913, Sanger wrote a twelve-part series for *The Call*, the socialist daily, titled "What Every Girl Should Know." Because any discussion of venereal matters violated the Comstock law, Sanger's final essay, "Some Consequences of Ignorance and Silence," was banned on the ground of obscenity. By way of protest, *The Call* ran, in place of the essay, an announcement: " 'What Every Girl Should Know'—NOTHING!"

Sanger wasn't the only person to hand out literature about contraception—Emma Goldman once spent fifteen days in the Queens County jail for doing the same thing—but she was the first to make it a movement. In 1914, Sanger began publishing *The Woman Rebel*, an eight-page feminist monthly, in which she coined the term "birth control." Six of its seven issues were declared obscene, and were suppressed. Indicted, Sanger fled the country. When she returned, in 1915, the charges against her were dropped. One of her three children, a five-year-old daughter, had just died of pneumonia, and the prosecution decided that bringing a grieving mother to trial for distributing information about birth control would only aid her cause. Determined to have her day in court, Sanger rented a storefront from a landlord named Rabinowitz, who lowered the rent when she told him what she was going to use the space for. She wrote a letter informing the Brooklyn District Attorney of her plan. Then she posted handbills in English, Italian, and Yiddish:

MOTHERS!

Can you afford to have a large family?

Do you want any more children?

If not, why do you have them?

DO NOT KILL, DO NOT TAKE LIFE, BUT PREVENT

Safe, Harmless Information can be obtained of trained nurses at

46 AMBOY STREET.

On the day the clinic opened, Jewish and Italian women pushing prams and with toddlers in tow lined up down the street, Sanger recalled, “some shawled, some hatless, their red hands clasping the cold, chapped, smaller ones of their children.” They paid ten cents to register. Then Sanger or Byrne met with seven or eight at once to show them how to use pessaries.

Nine days later, an undercover policewoman came, posing as a mother of two who couldn’t afford any more children. Mindell sold her a copy of “What Every Girl Should Know.” Byrne discussed contraception with her. The next day, the police arrived, arrested Sanger, confiscated an examination table, and shut down the clinic.

Mindell and Byrne were also arrested. Mindell was convicted on obscenity charges; her conviction was eventually overturned. Byrne and Sanger were charged with violating a section of the New York State Penal Code, under which it was illegal to distribute “any recipe, drug, or medicine for the prevention of conception.” (The fear was that contraception would promote promiscuity.) Byrne’s lawyer argued that the penal code was unconstitutional because it infringed on a woman’s right to the “pursuit of happiness.” She was found guilty. Sentenced to thirty days, she went on a hunger strike and nearly died. An editorial in the New York *Tribune* begged the governor to issue a pardon, threatening him with the judgment of history: “It will be hard to make the youth of 1967 believe that in 1917 a woman was imprisoned for doing what Mrs. Byrne did.”

At Sanger’s trial, during which the judge waved a cervical cap from the bench, Sanger hoped to argue that the law preventing the distribution of contraception was unconstitutional: exposing women, against their will, to the danger of dying in childbirth violated a woman’s right to life. But the judge ruled that no woman had “the right to copulate with a feeling of security that there will be no resulting conception.” In other words, if a woman wasn’t willing to die in childbirth, she shouldn’t have sex. Sanger went to Queens County Penitentiary. She was sentenced to thirty days.

From the start, the birth-control movement has been as much about fighting legal and political battles as it has been about staffing clinics, because, in a country without national health care, making contraception available to poor women has required legal reform. When Sanger appealed her conviction, the judge ruled that doctors could prescribe contraception, which is what made it possible, subsequently, for Sanger to open more clinics. In 1921, Sanger founded the American Birth Control League. She received stacks of letters. “I have Ben married 4 years the 25 december and I have all Redy given Birth to 3 children and all 3 of my children ar Boys and I am all most Broken down and am only 24 yers old,” a Kentucky

woman wrote in 1922. “mrs sanger I do want you to write me an Return mail what to do to keep from Bring these Little one to this awfel world.” Mailing her that information would have broken the law. In 1926, Sanger and her colleagues went to Washington and met with sixty senators, twenty congressmen, and seventeen members of the Judiciary Committee. (Mary Ware Dennett, of the Voluntary Parenthood League, had pointed out, when she lobbied the New York State Legislature in 1924, that the very men who refused to change the law had wives who broke it: congressional families had an average of 2.7 children.) They didn’t make much headway. Senator James Reed, of Missouri, told the lobbyists that “Birth Control is chipping away the very foundation of our civilization,” that “women should have many children and that poverty is no handicap but rather an asset.” Henry Ashurst, a senator from Arizona, said that he “had not been raised to discuss this matter with women.”

The Susan B. Anthony List publishes on its Web site a list of the Top 12 Reasons to Defund Planned Parenthood Now. Reason No. 11 is that Margaret Sanger was a eugenicist. (Also on the list: Planned Parenthood endorsed Barack Obama in 2008, Planned Parenthood is big, and Planned Parenthood clinics do not perform mammograms.) Sanger was abrasive and impatient and often heedless. She really did court eugenicists; at one point, the American Birth Control League discussed a merger with the American Eugenics Society. But Sanger was a socialist, which often put her at odds with the eugenicists, and with her own organization as well. A survey conducted of nearly a thousand members of the American Birth Control League in 1927 found its membership to be more Republican than the rest of the country. In a successful bid for respectability as a reform akin to prohibition, the league had attracted to its membership the same women and men who joined organizations like the Red Cross, the Rotary Club, and the Anti-Saloon League. The next year, Sanger was forced to resign as the league’s president; its members objected to her feminism.

During the Depression, when more and more people were interested in having fewer children, Gallup polls found that three out of four Americans supported the legalization of contraception. In 1931, a committee of the Federal Council of Churches of Christ, chaired by Reinhold Niebuhr, issued a report endorsing contraception, arguing that, by separating sex from reproduction, it promoted marital love. In 1936, a federal appellate court heard *U.S. v. One Package of Japanese Pessaries*—a test case engineered by Sanger—and removed contraception from the category of obscenity. Not long after that, the American Birth Control League merged with Sanger’s Birth Control Clinical Research Bureau to become the Birth Control Federation of America. Sanger, however, did not have much of a role in the new organization, whose leaders deemed the words “birth control” too radical; in 1942, despite Sanger’s strenuous objection, the organization

became the Planned Parenthood Federation of America.

During the Second World War, Planned Parenthood touted controlling family size as part of the war effort. Birth control continued to gain religious support. In 1946, more than thirty-two hundred Jewish and Protestant clergy signed a resolution in support of Planned Parenthood. In the nineteen-fifties, the organization was run primarily by men interested in population control. Barry Goldwater was an active supporter of Planned Parenthood, and his wife served on the board in Phoenix. In 1956, Sanger, who had retired, wrote to a former national director, "If I told or wrote you that the name Planned Parenthood would be the end of the movement, it was and has proven true. The movement was then a fighting, forward, no fooling movement, battling for the freedom of the poorest parents and for women's biological freedom and development. The P.P.F. has left all this behind." Sanger was bitter, but she was right. Birth control, as the historian David Kennedy once argued, was a liberal reform often turned to conservative ends.

Planned Parenthood began to wrestle with the subject of abortion in 1955, at the urging of Mary Steichen Calderone, a public-health physician who served as its medical director. (It was during Calderone's tenure that Planned Parenthood clinics began to administer Pap smears.) Abortion had been legal until 1821, when Connecticut became the first state to make abortion after quickening—at about four months—a crime. By the middle of the twentieth century, with limited exceptions, abortion had become illegal in most states. It was, nevertheless, widely practiced. "If there was even a communicable disease that affected that many people in this country, we would do something about it," Calderone said. She organized a conference and conducted a study. In an article published in 1960, she remarked on the difference between a legal abortion and an illegal one: three hundred dollars and knowing the right person.

Calderone left Planned Parenthood in 1964 to found the Sex Information and Education Council of the United States. She wanted to teach people how to talk about sex, because, as she once said, "People don't have much of a vocabulary. Or a concept of anything, except fucking." Alan F. Guttmacher, the chief of obstetrics at Mount Sinai Hospital and a clinical professor of obstetrics and gynecology at Columbia, had become the president of Planned Parenthood in 1962. Guttmacher had three priorities: improving Planned Parenthood's relationship with the black community, securing federal support for family-planning programs for the poor, and liberalizing abortion law.

The Birth Control Federation of America had established a National Negro Advisory Council and a Division of Negro Service: black doctors and public-health officials who wanted to reduce black maternal-death and infant-mortality rates through child spacing. Guttmacher hoped to strengthen these alliances,

build new ones, and counter the accusation that the organization was racist. In 1962, the director of the Planned Parenthood clinic in Harlem (over whose opening, three decades earlier, W. E. B. DuBois had presided) met with Malcolm X. Malcolm X said that he thought it would be better if the organization called its service “family planning instead of birth control.” (The meeting notes, sent to Guttmacher, read, “His reason for this was that people, particularly Negroes, would be more willing to plan than to be controlled.”) In 1966, Martin Luther King, Jr., who, as a young minister, had joined a Planned Parenthood committee, was given the Margaret Sanger Award. In his acceptance speech, he drew parallels between the birth-control and civil-rights movements—“There is a striking kinship between our movement and Margaret Sanger’s early efforts”—and celebrated Sanger for having “launched a movement which is obeying a higher law to preserve human life under humane conditions.” In 1967, after a leader of the Pittsburgh branch of the N.A.A.C.P. said that Planned Parenthood was holding down the black birth rate, the assistant executive director of the national organization clarified that the N.A.A.C.P. supported family planning. In 1968, a clinic in Cleveland was set on fire.

Before the mid-nineteen-sixties, birth control had largely been privately funded; clinics affiliated with Planned Parenthood ran on donations, grants, and fees for service. “I cannot imagine anything more emphatically a subject that is not a proper political or governmental activity or function or responsibility,” Dwight Eisenhower said in 1959. “That’s not our business.” But by 1965, as concerns about overpopulation, worldwide, began to dominate policy debates, Eisenhower had reversed his position on family planning, serving with Harry Truman as co-chairman of a Planned Parenthood committee.

Meanwhile, the last legal obstacles to contraception were overcome. After Estelle Griswold, the executive director of Planned Parenthood of Connecticut, opened a birth-control clinic in New Haven, she was arrested and fined under the provisions of a Connecticut statute banning the use of contraceptives; in 1965, the Supreme Court declared that ban unconstitutional. The next year, Guttmacher testified before Congress, “We really have the opportunity now to extend free choice in family planning to all Americans, regardless of social status, and to demonstrate to the rest of the world how it can be done. It’s time we get on with the job.”

In 1968, Paul Ehrlich’s “Population Bomb” was published, the Pope issued “*Humanae Vitae*,” reiterating the Church’s prohibition on both abortion and contraception, and Lyndon Johnson appointed a Committee on Population and Family Planning. The next year, Richard Nixon pushed Congress to increase federal funding for family planning. In the House, Representative George H. W. Bush, of Texas, said, “We need to make

family planning a household word. We need to take the sensationalism out of the topic so it can no longer be used by militants who have no knowledge of the voluntary nature of the program, but rather are using it as a political stepping stone.” In 1969, Nixon told Congress, “No American woman should be denied access to family planning assistance because of her economic condition.” The following year, he signed Title X into law.

It was Cecile Richards’s birthday the day I sat down with her in a room in a Washington hotel. Her cell phone, folded up on top of a yellow legal pad, kept vibrating. “No one ever calls,” she apologized, smiling sheepishly, “but it’s my birthday.”

Richards was born in 1957. The story of her life is the story of the Democratic Party in the second half of the twentieth century. “I come from a long line of feisty and independent women,” she said. Her paternal grandmother, Eleanor Richards, was a president of the Texas League of Women Voters. Her mother, Ann Richards, had a long career in Texas politics. “My mom was just like every other nineteen-fifties or nineteen-sixties mom,” Richards says. “The only difference was that our dinner table was where the precinct lists got sorted.”

Richards grew up in Dallas, where her father, David, worked as a labor lawyer. “My folks were basically against everything,” Richards said. “Every movement that came through town, my parents joined.” As a baby, she slept in the car while her parents drove to meetings of the Young Democrats. Her father took care of her on the nights that her mother volunteered at N.A.A.C.P. headquarters in East Dallas, stuffing envelopes for the 1958 gubernatorial race. During primaries, Cecile went door to door, in a stroller. In 1961, the family spent a year in Washington while David worked for the Civil Rights Commission. Ann hired a babysitter once a week, so that she could go to the Senate gallery and watch the proceedings. When Cecile was eleven, she saw her father argue his first case before the Supreme Court. Her first dance, when she was twelve, was a fund-raiser at the V.F.W. for the United Farm Workers. During the Vietnam War, her father defended conscientious objectors. When Cecile was in seventh grade, she got sent to the principal’s office for wearing a black armband, in protest against the war. She said, “It was the first time, as a young person, standing up for something I believed in.”

Richards was nine in 1966, when Margaret Sanger died. The following year, Alan Guttmacher edited a book called “The Case for Legalized Abortion Now.” As a young intern in the nineteen-twenties, Guttmacher had watched a woman die of a botched abortion, and had never forgotten it. At Mount Sinai, he performed abortions until the hospital told him to stop. Laws liberalizing abortion in the nineteen-sixties and early

nineteen-seventies were urged by doctors and lawyers and supported by clergy. Between 1967 and 1970, some restrictions on abortions were lifted by legislators in Alaska, Arkansas, California, Delaware, Georgia, Hawaii, Kansas, Maryland, New Mexico, New York, North Carolina, Oregon, South Carolina, Virginia, and Washington. Governor Ronald Reagan signed the California law. By 1970, the Clergy Consultation Service on Abortion, established to help women find doctors who could conduct abortions safely, was offering services in twenty-six states.

Women were not much involved in any of this agitation. Betty Friedan endorsed the liberalization of abortion laws at a meeting of the National Organization for Women in 1967, but women's-rights activists really began to join this effort only in 1969, the year the abortion-rights group NARAL was founded, at a conference in Chicago during which Friedan declared, "There is no freedom, no equality, no full human dignity and personhood possible for women until we assert and demand the control over our own bodies, over our own reproductive process."

In 1972, when Cecile Richards was in high school, Sarah Weddington, a twenty-seven-year-old lawyer who had done consulting work for a contraception and abortion-referral service, ran for the Texas legislature. She recruited Ann Richards, a housewife and a mother of four, to help manage her campaign. Cecile and her sister and brothers handed out bumper stickers. After Weddington won, she hired Ann Richards as her administrative assistant. Sarah Weddington is one of the lawyers who argued on behalf of Jane Roe in *Roe v. Wade*.

Most people, when they get to this chapter in American history, throw up their hands. No matter what you think of the ruling, what followed was awful. An early portent: ten months after *Roe*, Guttmacher described having shown up at Brigham and Women's Hospital, in Boston, to give a lecture, only to be confronted by a protester wearing a surgeon's gown spattered with red paint, crying "Murderer." Guttmacher wrote in the *Reader's Digest* that "those who oppose and those who favor legalization of abortion share a common goal—the elimination of *all* abortion," through better, safer, cheaper contraception, because, as he saw it, "each abortion bespeaks medical or social failure." This earned him plenty of hate mail. He died not long afterward.

"Unless *Roe v. Wade* is overturned, politics will never get better," the *Times* columnist David Brooks has written, insisting, "Justice Harry Blackmun did more inadvertent damage to our democracy than any other 20th-century American. When he and his Supreme Court colleagues issued the *Roe v. Wade* decision, they set off a cycle of political viciousness and counter-viciousness that has poisoned public life ever since." But

Linda Greenhouse and Reva Siegel, both of whom teach at Yale Law School, have argued that this conventional narrative gets history backward. In an article published in the *Yale Law Journal* in June, they suggest that what happened after Roe was a consequence not of the Court's ruling but of G.O.P. strategists' attempt to redefine the Party—before Roe. In their account, if there's a villain it's not Harry Blackmun; it's Richard Nixon.

In 1969, in “The Emerging Republican Majority,” the Nixon strategist Kevin Phillips offered a blueprint for crushing the Democrats' New Deal coalition by recruiting Southerners and Catholics to the G.O.P. At the time, prominent Democrats, including Edward Kennedy, were vocally opposed to abortion. Nixon's advisers urged him to reconsider his position on abortion and family planning. In 1970, the year Nixon signed Title X, the Department of Defense adopted a policy that doctors on military bases could in some instances perform abortions. In 1971, Patrick Buchanan wrote a memo recommending that the President reverse that policy, as part of a strategy to insure that George McGovern (the candidate Nixon wanted to run against) would defeat Edmund Muskie for the Democratic nomination. Observing that abortion was “a rising issue and a gut issue with Catholics,” Buchanan wrote, “If the President should publicly take his stand against abortion, as offensive to his own moral principles . . . then we can force Muskie to make the choice between his tens of millions of Catholic supporters and his liberal friends at the *New York Times* and the *Washington Post*.” A week later, in a statement to the Department of Defense, Nixon borrowed the language of the Catholic Church to speak of his “personal belief in the sanctity of human life—including the life of the yet unborn.”

“Favoritism toward things Catholic is good politics,” a Nixon strategist wrote in “Dividing the Democrats,” a 1971 memo to H. R. Haldeman: “There is a trade-off, but it leaves us with the larger share of the pie.” When a Nixon supporter balked, Buchanan held firm. Asked whether Nixon might go back to his original position, Buchanan mocked the question: “He will cost himself Catholic support and gain what, Betty Friedan?”

Abortion wasn't a partisan issue until Republicans made it one. In June of 1972, a Gallup poll reported that sixty-eight per cent of Republicans and fifty-nine per cent of Democrats agreed that “the decision to have an abortion should be made solely by a woman and her physician.” Fifty-six per cent of Catholics thought so, too. Blackmun clipped the *Washington Post* story reporting this survey and put it in his Roe case file.

Nixon was reelected in November of 1972. Eight days after the Supreme Court issued its ruling on Roe, in January of 1973, a right-to-life amendment was introduced to Congress. “This poses real strategy problems,”

a former president of Planned Parenthood said in an interview, “because to the degree that any of us fight to keep that out of the Constitution, it brands Planned Parenthood as pro-abortion.” Gerald Ford’s wife and his Vice-President, Nelson Rockefeller, supported abortion rights. In 1976, the year Congress passed the Hyde Amendment, Ann Richards ran for office for the first time, and Cecile Richards was a student at Brown. She got her birth control at Planned Parenthood in Providence.

In the late nineteen-seventies, the Republican strategists Richard Viguerie and Paul Weyrich, both of whom were Catholic, recruited Jerry Falwell into a coalition designed to bring together economic and social conservatives around a “pro-family” agenda, one that targeted gay rights, sexual freedom, women’s liberation, the E.R.A., child care, and sex education. Weyrich said that abortion ought to be “the keystone of their organizing strategy, since this was the issue that could divide the Democratic Party.” Falwell founded the Moral Majority in 1979; Paul Brown, the founder of the American Life League, scoffed in 1982, “Jerry Falwell couldn’t spell ‘abortion’ five years ago.”

Richards graduated from Brown in 1980. Then she worked organizing garment workers in South Texas, hotel workers in New Orleans, and janitors in Los Angeles. In 1988, Ann Richards delivered a galvanizing speech at the Democratic National Convention. Two years later, Cecile, married and pregnant with twins, went back to Texas to work on her mother’s campaign for governor, against Clayton Williams, a cowboy Republican who told rape jokes and said of his opponent that he would like to “head and hoof her and drag her through the dirt.” In the final months of the race, Cecile Richards sat at her desk with a fetal monitor strapped around her belly. Her mother, a rising star in the Democratic Party, defeated Williams.

Nothing even remotely resembling party discipline on the issue of abortion can be identified on Capitol Hill before 1979, as the political scientist Greg Adams demonstrated in a study of congressional voting patterns. And a partisan divide over this issue only split the country a decade after it showed up in Congress. Adams reported that, among voters, “Republicans were more pro-choice than Democrats up until the late 1980s.”

Meanwhile, opposition to abortion grew violent. In 1985, pro-life protesters picketed at eighty per cent of clinics that provided abortions. Linda Gordon, in her history of the birth-control movement, reckoned the toll between 1977 and 2001: “3 doctors, 2 clinic employees, 1 clinic escort, and 1 security guard were murdered. There were also 17 attempted murders, 41 bombings, 165 arson attacks, 82 attempted bombings or arson attacks, and 372 clinic invasions.”

In 1983, Planned Parenthood added to its legal department a new arm, headed by Roger Evans, to handle a

growing body of litigation. Evans has served as counsel for most of the major reproductive-rights cases of the past quarter century, including *Planned Parenthood v. Casey*. “People opposed to abortion have spent decades trying to make it more and more difficult for women to get to an abortion by placing hurdles in their path,” he says. “And I think they have learned that that is a largely ineffective approach; it’s more like torture.” But it did have an effect: fewer and fewer places were willing to provide abortions, which made Planned Parenthood, in many parts of the country, the last abortion provider left standing. Today, more than a quarter of all abortions conducted in the United States take place in clinics affiliated with Planned Parenthood.

In 1994, Cecile Richards worked on her mother’s campaign for reelection against the challenger, George W. Bush. “I will never forget 1994,” Richards says, looking stricken. One day, she was handing out pamphlets, “and the reaction that I got, I couldn’t understand it. It was just this visceral reaction. And of course we found out later that Ralph Reed and the Christian Coalition had mobilized a whole bunch of voters from the Republican Party—not that many, but they were very, very mobilized.” Bush won.

Cecile Richards founded the Texas Freedom Network in 1995, to oppose the Christian right. Later, with Ellen Malcolm, a founder of *EMILY’s List*, she helped found *America Votes*, which advocates for reforms aimed to increase voter turnout and protect voter rights. She was also raising three children. Before Planned Parenthood, she worked as deputy chief of staff for Nancy Pelosi.

The phone thrums. Cecile Richards has just turned fifty-four. She drums her fingers. She says, “I have been organizing my whole life.”

Standing around the reflecting pool in front of the Capitol, they looked like a flock of pink flamingos. Ever since the Susan G. Komen pink-ribbon breast-cancer-awareness campaign, in the nineteen-eighties, pink has been the color of women’s health. (The Komen Foundation has been attacked, too, for supporting Planned Parenthood. So have the Girl Scouts, for the same reason.) Six hundred Planned Parenthood members had come to Washington for the organization’s annual policy summit and youth conference. This was Lobby Day. And it was the youth—young women, mostly—who were out on the streets around Capitol Hill, wearing bright-pink “I Stand with Planned Parenthood” T-shirts on top of mini-shorts and long, skinny legs.

It was July, and things for Planned Parenthood had got both better and worse. Rick Perry had signed legislation adding Texas to the list of states that, after Congress failed to defund Planned Parenthood, had

undertaken their own measures. But the clutch of state defunding laws looked likely to fail in the courts. An Indiana law prohibiting Planned Parenthood's affiliates there from receiving funds from Medicaid had been blocked by a federal district-court judge, Tanya Walton Pratt. "States do not have carte blanche to expel otherwise competent Medicaid providers," Pratt said, adding, "There are no allegations that Planned Parenthood of Indiana is incompetent or that it provides inappropriate or inadequate care."

Outside the Rayburn House Office Building, on Independence Avenue, the flamingos lined up for security inspection, passing handbags through metal detectors and wondering whether barrettes would set off an alarm. In between knocking on the doors of their representatives, they sat in the House cafeteria, leaned on their elbows, and sipped bottled water. In a field of graying men wearing gray and blue suits, pink T-shirted women arrayed themselves around tables like flower petals.

Amelia Jones had just graduated from high school in Boise. "In Idaho, there is no sex education, except, sometimes, an abstinence program," she said. She is part of a peer sex-education program called Youth in the Know. I asked whether they were having much success knocking on doors. Jennifer Whitney, a field organizer from Planned Parenthood Votes Northwest, laughed. "Idaho's congressional delegation has a hundred-per-cent anti-choice rating," she said. But, she added, "Planned Parenthood has a higher favorability rating than the Idaho state legislature." Laretta Mary Campbell recently graduated from the University of Idaho. She knows people who use Saran Wrap as a prophylactic. She began volunteering for Planned Parenthood five years ago, after attending a student meeting and going to a clinic to get birth control. She and her boyfriend want to have a family someday. "But we can't afford kids right now," she said. "Last year, I made fifty-five hundred dollars. And I worked four jobs."

The Planned Parenthood Federation of America is a 501(c)(3) nonprofit; last spring, while under siege, it gained more than a million new supporters. It also spent a great deal of money and resources fighting political and legal battles, often against adversaries with deep pockets. Planned Parenthood is both a health-care provider and a lobbyist. Its lobbying arm, the Planned Parenthood Action Fund, contributes to political candidates through both a PAC, which was founded in 1998, and a Super PAC, which started last year. Critics on both the left and the right charge that these two missions—health care and activism—are in conflict. Richards sees no conflict: "The more patients we see, the stronger advocates we have, and the stronger advocates we are, the more patients we see."

The junior lobbyists from Idaho hoped to see their congressman, Raul Labrador, a freshman Republican who was endorsed by the National Right to Life Committee and who campaigned by attacking his opponent

for receiving a donation from Planned Parenthood. They wanted to tell him to support Planned Parenthood. They met with an aide, who they said was welcoming but told them, “Look, we need to do what the constituents who elected us to office want us to do, and they don’t want this.”

Meanwhile, in a House hearing room three floors above the cafeteria, Charmaine Yoest and eight Republican members of Congress were preparing to hold a press conference. The week before, Americans United for Life had released a report called “The Case for Investigating Planned Parenthood.” Its chief allegation is that there is a correlation between the amount of federal money Planned Parenthood receives and the number of abortions conducted in its clinics, suggesting that the funds have been treated, illegally, as fungible.

Yoest, who is warm and friendly and smart and a mother of five, has a Ph.D. in politics from the University of Virginia; her dissertation examined parental-leave policy and gender equity in the academy. Her first job out of college was in the Reagan White House. Then she worked for the Family Research Council. She serves on the executive committee of the Susan B. Anthony List. She was a senior adviser for Mike Huckabee’s Presidential campaign. The A.U.L., like the Planned Parenthood Action Fund, is “nonpartisan,” a word that no longer has any meaning.

Yoest’s staff had propped on an easel a five-by-ten-foot poster of the report’s cover. New Jersey’s Chris Smith had brought posters of his own. North Carolina’s Renee Ellmers called the conference to order. “The issue today is, Should American taxpayer dollars be going to pay for abortion?” she said. Yoest called Planned Parenthood “the abortion giant.” But Representative Smith was the most heated speaker. “Every ninety-five seconds, a child is killed in a Planned Parenthood clinic,” he said. And then, talking about both the young girls who he says constitute the majority of Planned Parenthood’s patients and the children who are “stabbed and decapitated” at Planned Parenthood clinics, Smith stumbled and, for a moment, appeared confused: “the child, and the other child . . . both children.”

However you look at it, there is a great deal going on in the nation’s capital in the name of children. Who knows what will happen next. But whether or not Title X is repealed, or Planned Parenthood is defunded, it won’t be because anyone in Congress has had a candid, compassionate, and thoughtful conversation about anybody else’s constitutional rights.

The storefront at 46 Amboy Street in Brooklyn is long gone. There’s a boarded-up building there now, and, on the corner, a cell-phone store. At the Planned Parenthood clinic, a subway ride away, the

walls of the waiting room are lined with the organization's posters: "I plan to be a mother some day. 'Til then I'm using the Pill." There are five examination rooms, a laboratory, an ultrasound room, five counselling rooms, two rooms for abortions, and, around the corner, a recovery room.

Kate Steinle, a nurse-practitioner, wears glasses and a lab coat. There is a paperweight of a uterus on her desk. "My role here is to help women take care of themselves," she says. She especially likes working with teen-agers. "This patient I saw—we went through the whole exam, and then she just sat there. And so I let her sit there for a while. And then finally she started talking. She asked a whole bunch of questions about sex with her boyfriend, things that she wondered about, and wondered if they were normal." She was fine.

The day I visited the Brooklyn clinic, Wisconsin was slated to defund Planned Parenthood. I asked Steinle what she thought about that. "There are lots of different people in this country," she said. She sighed. "We are where we are."

Here is where we are. Republicans established the very federal family-planning programs that Republican members of Congress and the G.O.P.'s Presidential candidates are this year pledging so vigorously to dismantle. Republicans made abortion a partisan issue—contorted the G.O.P. to mold itself around this issue—but Democrats allowed their party to be defined by it. And, as long as Planned Parenthood hitches itself to the Democratic Party, and it's hard to see what choice it has, its fortunes will rise and fall—its clinic doors will open and shut—with the power of the Party. Much of the left, reduced to a state of timidity in the terrible, violent wake of Roe, has stopped talking about rights, poverty, decency, equality, sex, and even history, thereby ceding talk of those things to the right. Planned Parenthood, a health-care provider, has good reason to talk about women's health. But, even outside this struggle, "health" has become the proxy for a liberal set of values about our common humanity. And it is entirely insufficient.

Meanwhile, however divided the electorate may or may not be over abortion, as long as Planned Parenthood is the target the G.O.P. stands only to gain by keeping up the attack, because a campaign against a government-funded provider of services for the poor appeals to the Tea Party. In September, Cliff Stearns, a Republican from Florida and the chairman of the Subcommittee on Oversight and Investigations for the House Energy and Commerce Committee, launched the investigation Yoest had called for.

The day the investigation began, Richards called it politically motivated, and Yoest said that it was "a historic first step in getting the American taxpayer out of the business of subsidizing abortion." Richards and Yoest are like Cold Warriors who came of age after the Cold War began. They never knew a world without it.

They can't quite recall how it began. And they can't imagine how it will end.

Steinle's e-mail beeped. She leaned forward to look at her computer. She had received a lab result for a patient who was in the waiting room. "Just a sec," she said, dashing out the door. "I'll be right back." She came back, breathless, smiling.

Some of the patients she sees come for annual exams; some come because something's wrong. Most don't get any health care anywhere else. "A Muslim woman just came with her sister," Steinle said. "She walked in; she had never been sexually active. She had a question about her anatomy. She had seen her sister naked once, and she didn't look the same. I said, 'Let's do an exam.' And she was fine. Everything was fine. 'You are fine,' I said, and she sighed with relief, her whole body sighed." Steinle sank into her chair. "For ten years, she had been carrying this around with her, this fear that she would never be able to be with anyone." Ten years. It was a long wait. ♦

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