

DISORDER IN COURT AS SANGER IS FINED

Justices Order Room Cleared When Socialists and Anarchists Hoot Verdict.

DEFENDS BIRTH CONTROL

Prisoner Accuses Comstock of Violating the Law and Goes to Jail Rather Than Pay.

Turbulent scenes followed the conviction yesterday in Special Sessions of William Sanger, artist and architect, of having violated the Criminal Code in giving away a single copy of "Family Limitation" a pamphlet on birth control written by Margaret Sanger, his wife.

The announcement of his guilt brought Sanger to his feet with a denunciation of the verdict and an impassioned declamation that the court could not intimidate him.

In a second nearly every one in the court room was upon his or her feet, cheering, shouting opinions of the judge and court and declaring that the prisoner had been unjustly treated.

All business was suspended while court attendants with difficulty got the disturbers into the corridor, practically clearing the court room.

Before the climax came there was a heated passage between Sanger and Anthony Comstock and the latter declared that he had been threatened with assassination if he continued the prosecution of the case. He did not say in what manner the threat had been conveyed to him nor did he intimate who had promised to kill him.

The Sanger case has attracted much attention among sober-minded persons who believe that there should be a wide discussion of birth control, and Sanger, in the trouble which came upon him after giving a copy of the pamphlet to a Comstock agent, has had the support of Socialists and anarchist.

Long before the case was called many men and women prominent in anarchy and Socialism entered the court room and when Sanger was called to the bar the room was filled and a hundred more struggled to get in. Among those in the court were Alexander Berkman, Miss Elizabeth Girley Flynn, Leonard D. Abbott, Carlos Tresca, Miss Marie Yuster, and Samuel D. Abbott. Mrs. Amos Pinchot was also present.

Admits Misrepresentation.

When his case was called Sanger announced to Justice McInerney, Salmon, and Herbert, that he intended to plead his own case. Charles J. Bamberger, an agent of the Comstock Society, testified that he had gone to see Sanger on Dec. 19. The latter then had a studio at 10 East Fifteenth Street. He said he had represented himself to be a Mr. Heller, a friend of Mrs. Sanger, who was then abroad. Sanger had refused to give him a book until he explained that he had other works of Mrs. Sanger, and desired "Family

Limitation” to have translated and distributed among the poor. Having convinced the architect that he was a “friend,” the latter hunted among his wife’s effects, found and gave him the pamphlet. Bamberger said Sanger cautioned him not to say where he got the circular, and to an offer of pay, said there was no charge. Sanger refused to question the witness.

The events surrounding Sanger’s arrest a month later were recited by Anthony Comstock. When he was arrested Sanger surrendered five copies of the pamphlet. When asked to question Comstock the prisoner replied that he was not going to question witnesses, but confine himself to reading a prepared statement.

“Very well,” said Presiding Justice McInerney, “take the stand.”

After being sworn, Sanger told of his appeal to a higher court for the right of a trial by jury, and went on.

I am charged with violating a statute of the penal law of this State which makes it a crime to furnish information regarding the prevention of conception. The District Attorney has brought into court a Comstock agent to whom it is charged. I gave a copy of my wife’s pamphlet on “Family Limitation.” I do not deny I gave the pamphlet. I frankly admit it. Nor will Mr. Bamberger, the Comstock agent, deny he came to me under false name and obtained the pamphlet under false pretenses. I admit I broke the law, and yet I claim that in every real sense. It is the law and not I that is on trial here today.

Charges Criminal Methods.

Sanger entered into an account of the perfidy of Bamberger in coming to him as “Mr. Heller,” and went on.

I was trapped into handling the pamphlet in question to an agent of Comstock. This self-appointed censor of our morality and his agent did not hesitate to use criminal methods to make a criminal out of me.

“Bang,” fell the Justice’s gavel.

“I deny I am criminal,” continued the witness, raising his voice. There followed an interruption, during which Sanger insisted he wanted to make his statement. He continued that he thought his reputation was such that character witnesses were unnecessary. For the information of the court he said he had lived here for forty-five years, that he had been raised a Unitarian and that he needed no credentials from any one. He denied the pamphlet was indecent and declared that it was as decent as any medical book.

“I was offered a suspended sentence by Comstock if I pleaded guilty,” the prisoner fairly shouted.

Again the gavel fell, and this time Justice McInerney said emphatically he was not going to have “a lot of rigamarole” on the record.

Sanger insisted that he be allowed to make his statement and the Justice said that he would not be allowed to do so. As a way to a solution of differences Comstock was recalled to the stand.

Sanger was on his feet brushing aside a court attendant who would have restrained him. “I say on my solemn word of honor that he did promise me a suspended sentence.”

There was an interval of comparative quiet, during which the three Justices conferred and inspected the copy of "Family Limitation" that accompanied the indictment. Then the presiding Justice called upon Sanger to stand up. He said that the court found him guilty of circulating a pamphlet that was both immoral and indecent.

A Menace to Society.

"Such persons as you who circulate such pamphlets are a menace to society," said the Justice. "There are too many now who believe it is a crime to have children. If some of the women who are going around and advocating equal suffrage would go around and advocate women having children they would do a greater service. This, however, is my personal opinion."

Sanger insisted that he be allowed to read the statement, and he was finally told he could say what he pleased in giving ground for his reasons why sentence should not be pronounced upon him.

Continuing his statement approximately where he left off. Sanger kept on with his attack upon Comstock.

"The trouble is that you think you have done nothing," commented the Presiding Justice.

"I have done absolutely nothing," came back Sanger.

"I think you must be crazy," said the Justice.

"Oh no, I am not," said Sanger quietly.

Two or three times more Sanger tried to read more of the five-page manuscript he held in his hand.

Finally he was quieted, and Comstock, who had been standing beside the witness enclosure audibly voicing his disbelief in the statement of Sanger, was called to the stand to tell what he knew against the prisoner's character. Like Sanger, he did not keep to his subject, but left it at once to brand Sanger as a perjurer. He denied that he had ever promised Sanger suspension of sentence. The court interrupted to ask what he knew about Sanger's character.

"Well," said Comstock loudly, "I have been told that if I prosecuted this case I would be shot. I have disregarded the threat." He added to this that he simply told the Justices of the threat that they could have all the facts before them.

Decided Against Prison.

As Comstock got down from the witness chair Justice McInerney leaned over the bench and told Sanger that while he was in favor of sending him to prison, it had been decided to fine him.

"I sentence you to a fine of \$150 or thirty days in the City Prison," he said in a low voice.

The prisoner waited until the last word was spoken, and then shouted: "It is indeed the law on trial here today."

The attendants tried to stop him, but he continued, his voice raising shrilly: "I will never pay that fine. I would rather be in jail for my conviction than to be free at a loss of my manhood and my self-respect."

"Then," said Justice McInerney, "you will go to jail."

"This court can't intimidate me," shouted the prisoner, and the court attendants seized him and hustled him through the door to the pen and the Tombs..

At this the storm that had been gathering in the crowded courtroom broke. It began with a volley of hand-clapping and ended in a medley of shouts and cries. Men and women stood on the benches and waved their hats and handkerchiefs.

The three Justices, their faces red with anger, stood at the bench. The gavel of the Chief Justice went on pounding, which only marked time for the din in the room. The court attendants, reinforced by policemen, finally succeeded in getting the anarchists into the corridor.

There, for a time, the discussion was lively. It was asserted that \$1,000 had been raised for the publication of another edition of "Family Limitation," and this edition will carry the history of the Sanger case.

"Our contention is," said Mr. Abbott, "that no law was violated in the circulation of the pamphlet, for no law can be right that limits liberty of action and keeps thousands in ignorance of facts that they ought to know. The knowledge that a prudish censorship would keep from the people, especially the poor, has been circulated in Europe and in other countries.

Woman Defies the Law.

A very small and very young woman confessed that she had circulated many copies of the pamphlets among her classmates, and she added that, no matter what steps were taken to prevent the circulation of the new edition of "Family Limitation," they would be useless, for as fast as one circulator was arrested another would step forward and take his place.

Margaret Sanger, who wrote "Family Limitation," went to Europe after she was indicted by the Federal authorities for sending through the mail Woman Rebel, a monthly paper which she edited and published. She is now in Holland, and it was said by her friends after the trial that she would shortly return to this country. It is expected that she will be here by Oct. 1 in time to plead to the charge of misusing the mails.