

SANGER PREFERS PRISON TO FINE

Anarchists Shout Protests as Family Limitation Advocate Is Convicted.

SUFFRAGE SNEER BY COURT RESENTED

Equal Vote Leaders, Bitter at McInerney, Retort That They Are Protecting Home.

The red flag was raised in protest in the Court of Special Sessions yesterday when **William** Sanger, the anarchist architect, was convicted of disseminating obscene literature and led away to jail.

The defendant was on trial charged by Anthony Comstock with distributing a pamphlet written by his wife, Margaret Sanger, on the control of motherhood, entitled "Family Limitation." Many prominent radicals, including Alexander Berkman, Carlo Tresca, Leonard D. Abbott, head of the Free Speech League, the Misses Etta and Rose Yuster, Sam Hartman, and others, sat in the court-

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Sanger, "convinced there was no justice in the courts," appeared, without counsel, to defend himself. He attempted to read a lengthy statement, defending the doctrine of birth control and denouncing the law and "Comstockery." He read along, trembling with excitement, with presiding Justice McInerney interrupting him. Finally he was ordered to stop with the comment that the court believed the defendant was crazy.

The demonstration came when the three justices, McInerney, Herbert and Salmon, finished their deliberations on the case and the presiding justice announced the verdict.

All Laws Violated, Says Court.

"You seem to think that you have done no wrong," said Justice McInerney. "You are determined to get upon the record here your doctrines and opinions of the law, with which this court is not at all concerned. The law is on the statute book and this court is here to enforce it. The court finds you guilty of this charge. In my opinion the pamphlet is both indecent and immoral. Your crime violates not only the laws of the state, but the laws of God."

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"Any man or woman who would circulate literature of this kind is a menace to the community. I know, of course, that many persons now believe it a crime to have to bear children, and that in many communities the birth rate is at a standstill. If some women who go around advocating equal suffrage would advocate the bearing of children this town would be a lot better off."

"The statute gives you the privilege of being fined for this offence, but I do not believe this should be so. A man, guilty as you are, should have no alternative from a prison sentence. You are fined \$150 or to serve thirty days in jail."

Sanger shouted that he would never pay a fine. He asked to make another statement and the court attendants waited before leading him away to allow him to speak.

"The law is on trial here, not I," cried the prisoner. "I'd rather be in jail with my convictions than free at the sacrifice of my manhood and self-respect, and under Comstock rule."

Vigorous applause and cheers broke from the crowd in the courtroom as Sanger was escorted to the pen declaiming his defiance on the way. The women in the throng were particularly demonstrative. They hurled curses upon the court. The clamor could be heard throughout the corridors of the Criminal Courts Building. Court attendants from other parts of the building rushed in to assist the law in Special Sessions. They were compelled to handle some of the women and men roughly in clearing the courtroom.

The pounding of the justice's gavel on the bench, and the orders of Justice McInerney to arrest any one who resisted the attendants had no effect on the excited spectators. Many of them seemed to welcome arrest in a spirit of martyrdom. No arrests were made, however.

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Sanger's friends and sympathizers gathered in the corridor outside the courtroom and held an indignation meeting. Acting as spokesman Leonard Abbott said:

"Our answer to Sanger's conviction will be to print a million new copies of the pamphlet, including a history of the Sanger case, and distribute them. We already have \$1,000 for that work and contributions are coming in from many persons all the time."

Sanger declared on the witness stand that Comstock offered to see that he received a suspended sentence if he pleaded guilty. This Mr. Comstock denied.

"I want the court to have all the facts in this case," said Mr. Comstock, "and I want you to know that my life has been threatened and I have been told I would be shot if I prosecuted this case. But I don't care about such threats."

Some of the suffragists took exception to the remarks of Justice McInerney about the misplaced activities of their advocates. Mrs. Bella Neumann Zilberman, of Brooklyn, and others issued statements after the trial, denouncing the court's attitude and supporting the Sanger theories of limiting families, particularly among the working classes.

Charles J. Bamberger, an agent of the Society for the Suppression of Vice, and Anthony Comstock were the only witnesses against Sanger. Bamberger told how he went to the architect's studio in December, 1914, and obtained a copy of Mrs. Sanger's pamphlet from her husband. He said that Sanger cautioned against saying he had given out the pamphlet.

Mr. Comstock testified to the arrest of Sanger at his home on January 19.

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Sanger's unread statement to the newspaper men. In it Sanger declared that Comstock had "framed up" the case against him. He admitted that he had "broken the law." Among other things he said:

"I deny the right of the state to compel the poor and disinherited to rear large families and to drive their offspring to child labor when they should be at school and at play. I deny the right of the state to exercise dominion over the souls and bodies of our women by compelling them to go into unwilling motherhood. I deny the right of the state to arm an ignorant, irresponsible and prudish censorship with the right of search and confiscation, to pass judgment on our art and literature, and I deny as well the right to hold over the entire medical profession the legal ban of this

obscenity statute. The obscenity laws, state and Federal, as administered by Comstock and his inhuman and ignorant censorship, have driven the mother of my children into exile, separated her from her children now for almost a year, and caused untold hardship to her and me."

Mrs. Sanger fled to Europe a year ago after she had been indicted by a Federal grand jury for using the mails to circulate obscene literature. According to her husband she expects to return to this country next month and face trial.

Suffragists Bitter: