



PRISON

Though Ethel's prison sentence was ended, Fania and Margaret were still facing trial

On January 29, 1917, Margaret announced to the press that she too would go on a hunger strike if convicted. But then she began to hedge. It would depend, she said, on how long a sentence she got. She realized that if she starved herself, her tubercular glands might start acting up, besides, with the war news crowding the headlines, there was little chance of her getting much publicity.

Fania's trial came first. Fania admitted distributing the booklet *What Every Girl Should Know*, so that the only matter now in dispute was whether or not the book was indecent—a matter that had been left undecided when the post office had permitted the *Call* to print several of its chapters several years before. The judges asked for time to read the book themselves, and her case was temporarily adjourned.

Margaret's case was called next. As she was the recognized star of the proceedings, the benches were crowded. Fifty Brownsville mothers came to watch and listen, many with babies, diapers, and packages of Kosher food. Near them sat a group of fashionably dressed women from the Committee of One Hundred, who had sent Margaret a bouquet of crimson American Beauty roses. She entered the court room, smartly dressed, carrying the roses in her arms.

Again there were three judges—John Freschi, a Catholic, who pre-

sided, Moses Herrman, an elderly Jew, and George O'Keefe, another Catholic. Jonah Goldstein represented Margaret, he hoped to get her off with a suspended sentence as Freschi, in particular, appeared to have an open mind.

The prosecuting attorney called as witnesses some of the Brownsville mothers who had been caught in the clinic raid. He questioned one as to whether Mrs. Sanger had given her information on birth control.

"Why did you go to the clinic at 46 Amboy Street?" he asked the first witness.

"To have her stop the babies."

"Did you get this information?"

"Yah, yah, dank you. It was gut, too."

"Enough," he snapped. After questioning a few others and getting similar answers, he rested his case.

Goldstein in turn questioned the witnesses. How many children had they had? How many miscarriages? How ill had they been with each? How much did their husbands earn?

Their answers were again similar. One thin, pale woman, for instance, said she was under thirty, though she looked more like fifty. She had been very sick when she lost three of her eight children by miscarriage, her husband earned ten dollars a week, if and when he could find work. This was more than Judge Freschi could take.

"I can't stand this any longer!" he exclaimed, pounding his fist on the desk and adjourning court for the day.

The following morning Fania was fined fifty dollars, which Mrs. Amos Pinchot paid, though the fine was later reversed on appeal. But Margaret's case was not settled so easily. Judge Freschi was willing to give her a suspended sentence if she would promise never to break the law again. Goldstein said he would ask her to make such a promise, since in any event he planned an appeal. But Margaret wouldn't agree. She kept pulling at Goldstein's coat as he dickered with Judge Freschi until the other judges noticed her and remarked to Goldstein, "Your client wishes to say something, counsellor."

"I certainly do," Margaret snapped. "I want to make several things clear that aren't clear now." The judge motioned her to take the stand.

Freschi: "You have been in court during the time that your counsel made the statement that, pending the prosecution of appeal, neither you nor those affiliated with you in this so-called movement will vio-

late the law that is the promise your counsel makes for you Now, the Court is considering extreme clemency in your case Do you personally make that promise?"

Sanger "Only pending the appeal "

Freschi "It must be without any qualifications whatsoever "

Sanger "The offer of leniency is very kind and I appreciate it very much But with me it is not a question of personal imprisonment or personal disadvantage I am more concerned with changing the law and sweeping away the law regardless of what I have to undergo to have it done "

Freschi "Since you are of that mind, am I to infer that you intend to go on in this manner, violating the law irrespective of the consequences?"

Sanger "I haven't said that I said I am perfectly willing not to violate Section 1142 pending the appeal "

Freschi "The appeal has nothing to do with it Either you do or you don't "

By now the judge was obviously angry He turned to Goldstein "What is the use of beating around the bush? The law was not made by us my colleagues and I are simply here to judge the case We harbor no feelings against Mrs Sanger We ask her, openly and above board, will she publicly declare she will respect the law and not violate it? And then we get an answer with a qualification I don't know that a prisoner under such circumstances is entitled to much consideration "

Goldstein tried to argue for his client He said that Mrs Sanger's future action depended on so many factors, including a possible change in the law, that she could make no binding promises But Judge Freschi had become impatient He banged his gavel "All we are concerned about is this statute As long as it remains the law, will this woman promise unqualifiedly to obey it? Is it yes or no? What is your answer, Mrs Sanger? Is it yes or no?"

Margaret took her time, her body stiffened and her face tightened At last she answered "I cannot promise to obey a law I do not respect "

The spectators bent forward tensely as the judge pounded his gavel once more "The judgment of the Court is that you be confined to the workhouse for thirty days "

Margaret took this calmly What was thirty days when she had been afraid she'd get a year, with a large fine in addition? As a woman from

the benches called, "Shame!" Margaret allowed herself to be led quietly to the anteroom where prisoners' fingerprints are routinely taken. Once in the anteroom, however, she rebelled. "I refuse to be fingerprinted like a common prisoner when I have merely run a birth-control clinic," she declared and held her arms tightly by her side.

Weary of her by now, the attendants shrugged their shoulders and gave up. As she left the court she posed smilingly for pictures, she was taken by patrol wagon to the Raymond Street jail, where a matron told her to get ready for another routine procedure—a physical examination. Again she refused. "I am not a prostitute or a picket. My defiance of the birth-control law does not bring me down to that level. I will not be examined." She outstared the matron who, after consulting with the other attendants, let her go. She was put into a cell for the night, and the next day was taken to the Queen's County Penitentiary on Long Island.

At the penitentiary there were the usual forms to be filled out giving her age, place of birth, occupation, and religion. Under occupation she wrote "nurse," under religion, "humanity." The warden was startled by the last answer. "What church do you attend?" he asked. "None," was her reply. Nonplussed, he ordered her fingerprints taken for the second time, and for the second time she refused. He, too, gave up.

She settled down to prison routine without further protest. Asked to choose a job, she chose the sanitary squad for the vigorous exercise of cleaning the prison corridors. She spent the rest of her time in jail giving lectures to the other prisoners on birth control and questioning them about the size of their families. According to the records which she persuaded the warden to let her look at, each was an only child. Confidentially, however, she was told that it was an unwritten law among prisoners that they keep their families out of the picture. Actually, they had an average of seven brothers and sisters, which helped confirm her belief that large families led to crime.

A week after her arrival, she wrote to her sister Mary

My days here are going fast. I shall be released soon. Already I have an invitation for breakfast for the morning (of my release) and from then on I start a lecture trip.

Stuart writes me. He is sturdy but oh! so sensible. He sets the table at school for breakfast for the dollar a month which is his allowance. He saves and spends judiciously while Grant buys

flowers and a \$1 00 handkerchief for his mother's Xmas, and hides them under the pillow at night and under the dresser by day He got a severe scolding from Stuart for such extravagance!"

Grant dreams in music, rhythm and color while Stuart thinks in dollars, food and rent They are both darlings though, and I look forward to the days when I can have them with me again I'll have to go next and find a widower with money and settle down for life

Did I tell you of the Carnegie Hall meeting? That must have been when Mrs Hepburn heard me That huge audience rose to its feet twice in tribute to the cause and the work I am doing I was quite overwhelmed with joy

You are quite right about the courage of our family I have been fortunate in having had a vision and a clear conception of what was worth fighting & dying for With that in ones heart and brain on fire with the call to do or die—*something* had to happen

Good luck go with you & all that you touch & my love ever

She wrote to Ethel too, speaking among other things about Bill

Bill seems not to have much liking for J J (Jonah Goldstein) but I don't feel there is any kick coming Certainly I never expected to be acquitted nor did you, I guess Fania—perhaps—but when once we realize that the whole force of the church was out against us—why we get some ideas of the forces behind them Editorials in all the Catholic papers called upon the Judges "to give those lovely intellectual women a good dose of jail " It's absurd to call J J names now and expect he should have saved us To me he did everything in his power to clear the issue and keep it clean He at least kept the commercial taint out of it and that's what The Enemy tried hardest to put in But then B S was always a chronic kicker, so what's the use

Ethel answered

I count off the days as you counted off mine Bill S and I are loyal friends You will seek a level with us when you get out

I saw (a) Mrs Graves today & she expressed her pride in knowing the B C sisters! I looked at her all done up in her \$1000 dollar

worth of elegance (and thought) you should worry, you can have as many children as you want

With lots of love to you, Margaret I couldn't have lived or fought through anything if I hadn't known you

Margaret was released on March 6 At the last moment they tried to fingerprint her again, this time forcibly For two hours, until her arms were bruised and she was weak from exhaustion, she resisted Finally an officer telephoned from department headquarters, where Goldstein had protested the delay, and the order was given to let her go without fingerprinting

Outside it was bitter cold, but a group of co-workers were waiting They broke into the "Marseillaise," while many of Margaret's prison friends leaned from the windows and joined in

Margaret waved goodbye to them, then was taken, in a limousine supplied by the Committee of One Hundred, to the Hotel Lafayette where a luncheon was given in her honor Later she had a leisurely Turkish Bath, and in the evening went to see Isadora Duncan dance

After the dance recital she told a *New York Times* reporter jauntily "Already I feel ready to begin work again "