

## The Birth of the Birth Control Movement

THE SUCCESS OF SANGER'S cross-country tour emboldened her to continue law-defying tactics. Four months of almost daily speaking appearances, newspaper interviews, protests, and encounters with police proved her flair for propaganda and increased her media savvy. Sanger's crusade charged the air in 1916 as radicals held rallies culminating in a series of arrests that focused on the free speech and moral ramifications of birth control. But Sanger stood alone among radicals in dedicating herself to this single cause and planning a strategy to push the fight beyond First Amendment challenges.

She had announced a plan to open a free clinic in New York's Lower East Side as early as August 1915, and during her lecture tour she repeated her intent to establish a network of clinics modeled after those she had seen in Holland. Upon returning to New York in the summer of 1916, she made it her immediate goal to open a clinic, bring about her own arrest, and make her argument in court. According to Sanger, after meeting with a group of Brooklyn mothers seeking contraceptive advice, she chose Brownsville, a squalid tenement neighborhood of mostly poor Jewish and Italian immigrants, as the ideal site for a clinic. She later noted that "as long as I had to violate the law anyhow, I concluded I might as well violate it on a grand scale by including poverty as a reason for giving contraceptive information."<sup>1</sup>

Sanger opened the two-room clinic on October 16, 1916, with her sister Ethel Byrne, a registered nurse, and Fania Mindell, a Jewish immigrant fluent in Yiddish who served as interpreter and receptionist. To ensure that the opening of her "secret" clinic would not go unnoticed, she contacted the press and informed the Brooklyn district attorney, though he never responded. From its first day, the clinic was a success; hundreds of women lined up, patiently waiting their turn. For a ten-cent registration fee, they met with Sanger or Byrne, who showed them how to use a pessary and told them where to obtain one. Some may also have received recipes for suppositories and douches and one or more of Sanger's pamphlets. Pessaries and condoms were probably offered for sale at the clinic, though Sanger later denied this. Over four hundred women visited the clinic before police shut it down ten days later, on October 26, arresting the three women.<sup>2</sup>

Sanger and Byrne were convicted and jailed in early 1917. The trials and imprisonments resulted in tremendous national publicity for the fledgling birth control movement, spreading the debate over the legalization of contraception to households, club meetings, and union halls. The media attention gave Sanger a decisive leadership advantage over the lesser-known NBCL. It also drew a socially prominent group of supporters to Sanger's side, who quickly organized the Committee of 100 to raise defense money and sponsor mass meetings to promote birth control.

The final outcome of the Brownsville trials gave Sanger much of what she wanted. A 1918 New York State court of appeals decision broadened the interpretation of the law by enabling physicians to prescribe contraception to women for general health reasons rather than exclusively to prevent venereal disease. In effect, Sanger's illegal action led New York State to provide legal protection for doctor-staffed birth control clinics.

To provide a public forum for birth control, Sanger also started a new monthly, the *Birth Control Review* (BCR). Under the direction of Frederick Blossom, a socialist social worker, the BCR was launched in February 1917 with an article by Sanger justifying her tactics. "No law is too sacred to break," she wrote, boldly setting her actions alongside those of such other notable lawbreakers as Moses, Christ, Joan of Arc, George Washington, and John Brown.<sup>3</sup> The BCR quickly became the chief source of information for birth control supporters; subsequent issues contained articles by Sanger and other prominent figures in the movement, political cartoons, poetry, book reviews, and letters.

The journal nearly folded in the summer of 1917 when Sanger accused Blossom of embezzlement and mismanagement. The disagreement between them erupted into an angry battle, with Blossom's socialist supporters denouncing Sanger for airing dirty laundry. The conflict reflected the growing chasm between Sanger and the radical organizations she had been so closely tied to in

earlier years. Though she did not abandon her radical friends or leftist causes, she dropped many of her formal ties to political organizations. As she pressed for the acceptance of birth control by the medical establishment, she also distanced herself, at least publicly, from her former anticapitalist arguments.

By 1917, the socialist and anarchist supporters who had helped Sanger orchestrate her *Woman Rebel* defense were a negligible factor in the movement. Radicals had serious problems to contend with in these years: government intimidation of leftist radical organizations and suppression of antiwar sentiment. With the passage of the 1917 Espionage Act and the 1918 Sedition Act, criticizing the U.S. government in any form became a federal crime. Ostensibly passed to protect the military, the government used these laws and the 1918 Immigration Act not only to restrict antiwar expression but also to suppress almost any form of radical dissent in the years after the war. Imprisonments and scare tactics crushed the IWW and sent many labor leaders, socialists, and anarchists to prison, including Sanger's friends Eugene Debs, Marie Equi, and Bill Haywood.

Sanger, an observer of the war from both sides of the Atlantic, spoke out forcibly against the draft in a June 1917 *BCR* article. Urging American women to defy the government, she wrote, "You will make it necessary for this democracy, which has set out to conscript your men for foreign warfare, to take them over the dead bodies of the protesting womanhood of the United States."<sup>4</sup> Over the next two years, she defended her comrades on trial or imprisoned for their antiwar sentiment, even becoming an advisory board member of the League for Amnesty of Political Prisoners. She used the *BCR* to publish antiwar cartoons and editorials criticizing the government's assault on the Left.<sup>5</sup> Though the government pressured Sanger for Comstock law violations, periodically confiscating issues of the *BCR* and hounding and finally imprisoning its militant street hawk, Kitty Marion, it ignored Sanger's political dissent even as other prominent radicals were prosecuted for similar kinds of speech. Though she was kept under surveillance,<sup>6</sup> government authorities may have backed off because of her expanding network of politically powerful New York friends or out of concern that Sanger would turn a federal prosecution under the Espionage Act into another platform to discuss birth control. Sanger herself may have passed through the repressive wartime atmosphere unscathed, but the official intolerance took its toll on grass-roots birth control groups around the country, many of which suspended their work or disbanded altogether.

Sanger's most fulfilling work during this time was running her "little room," an informal birth control consultation clinic funded by a new friend, Juliet Rublee, a wealthy and politically well-positioned eccentric, who would help fund nearly every aspect of Sanger's campaign and become her closest confidant for the next forty years.

Apart from the *BCR* and her little clinic, Sanger had no clear agenda and no

organization to coalesce support. Stung by the wartime breakup of past alliances and indifferent to the NBCL and its moderate legislative focus, she was, by 1918, unsure how to proceed. Nor was she secure in her personal life. Though she had romantic liaisons with such stimulating writers and poets as Billy Williams, Harold Hersey, and Walter Roberts, who all worked periodically at the *BCR*, she was not interested in serious affairs. Her life was further complicated by a flare-up of her tubercular lymph nodes and bouts of severe exhaustion. She finally resigned herself to a period of recovery and contemplation.

With funds provided by friends, Sanger went to California in the winter of 1918–19 to rest and write. There she developed the theoretical underpinnings of her crusade in *Woman and the New Race*, a book in which she merged her radical politics and feminism with science-based inducements for smaller families. But the trip did little to improve her health. As the decade ended, Sanger was forced to stop everything and retreat for a month to regain her strength.

#### NOTES

1. MS, *Autobiography*, 213–14; MS, "Why I Went to Jail," *Together*, Feb. 1960, 20 (quote) (*MSM* S72:1017). On the clinic, see *New York Times*, July 22 and Sept. 12, 1916.
2. MS, *Autobiography*, 215–19.
3. MS, "Shall We Break This Law?" *BCR*, Feb. 1917, 4 (*MSM* S70:769).
4. MS, "Woman and War."
5. For a Robert Minor cartoon, see *BCR*, June 1917, 5.
6. Margaret Sanger, FBI File 36-1301, obtained under the Freedom of Information Act from U.S. Department of Justice, Federal Bureau of Investigation. Requested as "Margaret Sanger, FBI file," Sept. 1994; received Feb. 1998.

#### 89. FROM WILLIAM J. ROBINSON

Providing contraception was illegal under Section 1142 of the New York State Criminal Code. The only exception to that law was covered in Section 1145, which enabled physicians to prescribe contraceptives for the cure and prevention of disease—commonly understood to mean the provision of condoms to men to prevent venereal disease. Sanger hoped her clinic would fall under Section 1145, and, as she later recalled, "I began to think of doctors that I knew. Several who had previously promised now refused. I wrote, telephoned, asked friends to ask other friends to help me find a woman doctor to help me demonstrate the need of a birth control clinic in New York. None could be found. No one wanted to go to jail. No one cared to test the law. Perhaps it would have to be done without a doctor. But it had to be done; that I knew." No letters survive documenting Sanger's efforts to seek a physician for her clinic, but she solicited advice from William J. Robinson, one of the few American Medical Association members who supported birth control, on the probable reaction of the medical community, which was hostile both to the idea of free clinics and to medical services provided by laywomen. (MS, *My Fight*, 152–53; Meckel, *Save the Babies*, 126–27.)

New York [N.Y.]  
September 13, 1916.

Dear Margaret:

I have your note.<sup>1</sup> The American Medical Association<sup>2</sup> cannot and will not in any way interfere with you—it is outside of its domain. The only Society that could have something to say would be the New York County Medical Society, but I am quite certain that you need fear nothing at their hands, because their province is only to interfere with illegal practitioners, with people who treat disease. As you will not deal with treatment, only with hygienic advice, they can have nothing to say to you.<sup>3</sup> Of that, I repeat, I am quite certain. Neither can Federal authorities have anything to say in the matter. The only people you have to be afraid of are the State authorities, or the Vice Society.<sup>4</sup> If you conduct the thing properly I believe you will have no trouble.

And the first and most important thing for you to do is to have every woman who applies for advice sign a slip that she is a married woman and that she wants the information for her personal use, as for either hygienic, hereditary or economic reasons she feels herself unable to have any more children. Of course you cannot demand of the women to bring their marriage certificates, but the fact alone that they sign such a statement would absolve you from any blame and from any possible accusations of fostering "immorality." If you should publicly declare yourself willing to give that information to unmarried women you would have the law down on you at once.<sup>5</sup>

If you do it as I say and if you don't charge the people anything for advice, which I know you won't, they would have great difficulty in doing anything to you, and this Birth Control Clinic might become the germ of thousands of similar clinics.

The whole thing is to conduct it in such a way as to avoid all unnecessary antagonism. You will have enough unavoidable antagonism but with this we have to count.

As to the photo play, let Mr. M. call me up and I will give him an appointment.<sup>6</sup> I will certainly be glad to read it, and if it meets with my approval I shall certainly give it all our moral support. Most sincerely yours,

Wm. J. Robinson [signed]

P.S. Again I say, go slowly and carefully in the matter of the Birth Clinic. It is a splendid opportunity, and it would be a pity to spoil it.

TLS MSP, DLC (LCM 10:4-5).

1. The letter was not found.

2. The American Medical Association was founded in 1847 to create medical standards, improve education, and organize physicians. MS was, in her words, frustrated by the "stol-

id indifference and ignorance of the medical profession on the entire subject. The man who was an expert in performing gynecological operations seemed quite unaware of the importance of preventing conception." She was particularly angry that "abortion laws were broad enough to allow in such cases a 'duly licensed physician' to perform an abortion in order to save the life of either the woman or the child. It all seemed such a chaotic state to me—that it was perfectly legal to go thru the sufferings of abortion, but illegal to prevent conception." (MS, Letter to the Editor, *Medical World*, Nov. 1917, 402-4.)

3. Though MS claimed she provided only verbal advice to women and did not sell or otherwise furnish contraception, she did not make as sharp a distinction between "advice" and "treatment." One of the arresting police officers claimed to have heard her say, "A doctor or midwife may fit this for you, or if you bring it to me, why I shall adjust it myself." (*New York v. Sanger*, 222 New York 192, 118 N.E. 637 [MSM C15:298].)

4. He was referring to the New York Society for the Suppression of Vice, then headed by John S. Sumner.

5. When a woman arrived at the Brownsville Clinic, her history was taken, including questions about her husband's trade and wages. MS later admitted asking the women if they were married but not whether she gave them birth control information if they were not. (MS, "Clinics, Courts and Jails," 3-4.)

6. This was probably an early version of *Birth Control*, a silent film that dramatized MS's early work on the Lower East Side through the fortunes of a struggling mother too poor to purchase contraceptives and a middle-class woman with a small, healthy family. MS wrote the screenplay, possibly with the help of Frederick Blossom. "Mr. M." was B. S. Moss (1878-1951), a theater syndicate founder who produced the film in 1917 through his Message Feature Film Company. (Message Photoplay Press Sheet [MSP, DLC unfiled scrapbooks]; Brownlow, *Behind the Mask*, 48-50; *New York Times*, Dec. 13, 1951.)

## 90. NEWSPAPER INTERVIEW: "POLICE CAN'T STOP ME"

On October 16, 1916, Sanger opened the doors of the nation's first birth control clinic, a small storefront at 46 Amboy Street in Brooklyn. A donation of fifty dollars from Kate Crane Gartz, a philanthropist Sanger had met in Los Angeles during her 1916 tour, paid the first month's rent. Sanger and Fania Mindell, who had returned from Chicago to help with the clinic, circulated flyers proclaiming, "Mothers, Do not kill, do not take life, but prevent" by obtaining "safe, harmless information" from "trained nurses" in English, Yiddish, and Italian. Several papers ran stories on the operation of the clinic and her goals. The following newspaper interview was given by Sanger six days after the clinic opened. (*Brownsville Clinic flyer*, Oct. 1916 [MSM S62:835]; MS, *Autobiography*, 214-16. For other articles on the clinic during its first two weeks of operation, see *New York Call*, Oct. 20, 1916; *New York Tribune*, Oct. 24, 1916; and *Brooklyn Daily Eagle*, Oct. 22 and 24, 1916.)

[New York, N.Y.]

[October 22, 1916]

"The poor, century-behind-the-times public officials of this country might just as well forget their moss-grown statutes and accept birth control

as an established fact. My new national plan makes it as inevitable as night and day."

Mrs. George<sup>1</sup> Sanger, short and smiling, with a tinge of red in her hair and more than that in her eye, sat in her little two by four hotel bedroom and said that here today. Within the last forty-eight hours she has established semi-secretly in this city the first out-and-out birth control clinic in the United States—the law, a Federal indictment and numerous arrests all over the country to the contrary notwithstanding.

#### Law Can't Reach Her.

"The police are hunting my clinic today," she went on. "They can't find it. If they should, they can't hurt it. It is an oral clinic, and the law says nothing about not spreading birth control information orally.<sup>2</sup> If they do try to interfere, I am legally prepared to carry a hard and bitter fight to the highest tribunal in the land, with the best legal talent there is.

Four more secret clinics will be running in New York within a week. In less than a year there will be clinics in Washington, Cleveland, Detroit, St. Paul, Minneapolis, Milwaukee, Denver, St. Louis, Los Angeles, San Francisco, San Diego, Portland, Seattle, Spokane and Butte. They are every one organized and ready to open the minute I say the word. The Washington clinic will open within a few days.<sup>3</sup>

#### Women are Eager.

Do the women like it? Say, you ought to go down in the neighborhood we have canvassed with secret circulars the last forty-eight hours. The women have been coming in by the dozens. You can hear them calling from house to house in the congested district, 'Oh, Mrs. Rosenbaum, you ought to see this; this is something fine!'

Within two years every man and woman in this country will know how many children they can afford to have. And, when they know that, I predict that two generations of birth control will wipe out all the slums, eliminate the birth of mental defectives, minimize the number of humans in our insane asylums and automatically put a stop to child labor and prostitution.

I say it will wipe out child labor because statistics show that 97 per cent of our child labor is recruited from families that are too large to be cared for by the parents.<sup>4</sup>

I say it will wipe out the worst of prostitution because statistics prove that 95 per cent of the girls taken from lives of prostitutes and placed in industrial homes come from poor parents, with nine or more children.<sup>5</sup>

**Lack of Attention.** Poverty doesn't force these girls into prostitution, but the lack of attention they get, with so many children at home, and the general sordid tone of their lives naturally leads them to such a life.

My friends and myself are going to bring the people of this country to re-

alize that a man making only \$15 a week cannot afford to marry, much less have children.<sup>6</sup> And they'll learn that the average workingman's family should not exceed two children, even under the most favorable physical conditions.

This is the work the law and public officials are trying to stop. The poor, blind officials really are not to blame, they simply live in their law books; They don't live along in everyday life; and, as the law is a century behind the times, so are the officials."

*New York Call*, Oct. 22, 1916, 8. The article by George Martin ran under the title "'Police Can't Stop Me,' Says Margaret Sanger," with the subheading "Birth Control Clinic Secret and Oral, She Declares—More to Be Opened Soon."

1. This was an incorrect reference to Mrs. William Sanger.

2. While the federal Comstock Act was limited to the use of the postal service, Section 1142 of the New York State Penal Code made it a misdemeanor to sell, lend, exhibit, or advertise contraceptive materials and held criminally responsible anyone who "gives information orally, stating when, where, how, of whom, or by what means" one could get contraceptives. (William McKinney, ed., *The Consolidated Laws of New York, Annotated*, vol. 39 [Northport, N.Y., 1917], 417-18.)

3. MS had rented rooms for a Manhattan clinic on Avenue A, but she focused on the Brownsville site first. She abandoned the Manhattan rooms after her second arrest. Apart from Brownsville, the only clinic that opened in 1916 was a short-lived informal clinic in St. Paul, Minnesota. (*New York Times*, Sept. 12, 1916; *New York Call*, Oct. 20, 1916; *New York Tribune*, Oct. 24, 1916; MS, "Clinics, Courts and Jails," 3.)

4. She probably based her assertions on a 1915 article that inferred from investigations by the National Child Labor Committee from 1912-15 that large families produced most of the child workers. (Mary Alden Hopkins, "Large Families and Child Labor," *Harper's Weekly*, Aug. 7, 1915, 135-36.)

5. The source for MS's figures was not found, though studies indicated that prostitutes were more likely to come from overcrowded, poverty-stricken homes. (New York Committee of Fourteen, *The Social Evil in New York City* [New York, 1910], 197-200; A. Maude Royden, *Downward Paths* [London, 1916], 21.)

6. In 1914, the average weekly pay for a production worker was \$12.68; by 1920, this had increased to \$29.39. (U.S. Bureau of the Census, *Historical Statistics of the United States* [New York, 1976], 172.)

#### 91. NEWSPAPER INTERVIEW: "MRS. SANGER TO REOPEN CLINIC"

*The police monitored the Brownsville Clinic from its opening and sent a female undercover agent to purchase contraceptive supplies. On October 26, they shut down the clinic, arresting first Sanger and Mindell and then Byrne later that night. During the raid, the police confiscated twenty-nine Mizpah pessaries, an assortment of condoms, tablets, supposito-*



ries, and medical equipment, as well as twenty "books on young women," most likely *What Every Girl Should Know*. Sanger and Mindell spent the night in the Raymond Street Jail, Byrne at the Liberty Avenue Station in Brooklyn. All were released the next day on five hundred dollars bail. Following several postponements, all three were arraigned at Brooklyn's Adams Street court on November 6 and scheduled for trial in the court of special sessions. What follows is an interview with Sanger conducted a week after her arraignment, part of a longer article on her arrest. (New York Call, Oct. 27, 1916; Magistrates Docket, 10th District Brooklyn, Oct. 26, 1916 [MSM C15:171]. For documents relating to the trials and appeals, see *New York v. Margaret Sanger (Brownsville trial)* [MSM C15:176-298 and S69:17-172]; for the complete list of confiscated items, see MSM C15:173.)

[New York, N.Y.]

[November 13, 1916]

"I consider it my duty to reopen my clinic," said Mrs. Sanger yesterday at her office, 104 Fifth Avenue, where she is preparing the first number of her magazine, *The Birth Control Review*, that will appear December 1.<sup>1</sup> "The success of the clinic during the ten days before the raid by the police showed that it is a wonderful boon to the poor women of that congested section of Brooklyn where all the people are poor and have no knowledge of the means to limit the size of their families. Hundreds of women of all nationalities came to the clinic for information."

"The news of the opening of the clinic, which was the first in the United States, reached to all parts of the country, and women have journeyed from distant points on Long Island, from Massachusetts and Maine to get the information we alone would give them. A woman came from Maine and brought her children with her because there was no one to leave them with at home. After all the long journey she found the doors of the clinic locked. The neighbors told her where she could find me so her trip was not in vain."

"I will make the fight in Brownsville alone this time and will keep the clinic open until it is closed again by a police raid<sup>2</sup> or until it is going so successfully that I can leave it in the charge of a nurse. Then I will open another clinic in Manhattan. I have all the material for the Manhattan clinic but will not undertake that until the Brooklyn fight is settled."

"I do not understand why the police and the district attorney keep on hounding me. The most conservative agree that a clinic is the best method for the spreading of information about family limitation to poor women to whom every child means a tremendous burden. The district attorney of New York County promised women interested in birth control agitation that he would not interfere with them as long as their propaganda was conducted 'decently.' They gave out some leaflets at Union Square and now are awaiting trial, having been arrested despite the district attorney's promises."<sup>3</sup>

<sup>1</sup>"Mrs. Sanger to Reopen Clinic," *New York Call*, Nov. 13, 1916, 5.

1. The first issue of the BCR did not appear until February 1917. Her first editorial was "Shall We Break This Law?" 4 (MSM S70:769).

2. MS estimated that she saw between 480 and 500 women prior to the police shut-down of the clinic. (*People of New York v. Sanger*, 222 New York 102 [1918]; MS, "Clinics, Courts and Jails," 3-4.)

3. MS reopened the clinic on November 13 and was arrested a second time on November 14, on charges of maintaining a public nuisance. Police were then stationed at the clinic to see that it remained closed. Indicted by the Kings County Grand Jury in December or January, she pleaded not guilty and was released on another five hundred dollars bail. This indictment, moved from the court of special sessions to the county court for jury trial, was later dismissed. (*New York Times*, Nov. 16, 1916, and Jan. 26, 1917.)

4. She was referring to the prosecutions of Jessie Ashley, Bolton Hall, and Ida Rauh Eastman, who were convicted and fined despite District Attorney Edward Swann's (1862-1945) promise not to interfere with the distribution of birth control pamphlets. (See MS to Charles and Bessie Drysdale, Aug. 9, 1916, note 26, herein; and *New York Times*, Sept. 21, 1915.)

## 92. TO JAMES J. MCINERNEY

James J. McInerney, one of three judges assigned to hear the Brownsville case, had presided over the trials of Jessie Ashley and William Sanger, at whose trial he said, "Too many persons have the idea that it is wrong to have children. Some women are so selfish that they do not want to be bothered with them. If some persons would go around and urge Christian women to bear children, instead of wasting their time on woman suffrage, this city and society would be better off." At Ashley's October 1916 trial, McInerney dissented from the majority ruling that let her off with a fine, saying that he would have sentenced her to thirty days in jail. Sanger released a press statement (not found) in which she accused McInerney of being "judicially unfit" to try her case and characterized him as "steeped in the grossest bigotry and religious prejudice." (McInerney quoted in Abbott, "Conviction of William Sanger," 270; *New York Times*, Oct. 31, 1916; *New York Tribune*, Nov. 27, 1916; and *New York Call*, Nov. 27, 1916.)

New York City, [N.Y.]

Nov. 26th 1916.

An Open Letter to Judge J. J. McInerney:  
Sir:

As a man, as a citizen of a democracy, as an American pledged to the principles and spirit on which this republic was founded, as a judge obligated by oath to fair and impartial judgment, do you in your deepest conscience consider yourself qualified to try my case?

In those Birth Control cases at which you have presided you have shown to all thinking men and women an unfailing prejudice and exposed a mind steeped in the bigotry and intolerance of the Inquisition.

To come before you implies conviction.

Now, in all fairness, do you want a case of this character brought forcibly before you when the defendant feels and believes that you are prejudiced against her?<sup>1</sup>

Margaret H. Sanger.

TRcy MSP, DLC (LCM 11216). Return address: "104 Fifth ave." Handwritten notes by an unidentified author read, at the top, "An Appeal to a Judge's Sense of Justice," and at the bottom, "NOTE—Two days later req to be relieved from sitting on this case [illegible]."

1. MS declared she would not attend her November 27 trial if McInerney presided, and she requested a jury trial. McInerney then released a statement denying that he was prejudiced but agreed to recuse himself. MS's request for a jury trial was denied, and her case was heard by a three-judge tribunal. (*New York Call*, Nov. 28, 1916.)

### 93. PRISON DIARY

The Brownsville trials began with Ethel Byrne's on January 4, 1917, before the court of special sessions. In a courtroom filled with socially prominent women, the defense attorney Jonah J. Goldstein argued that Section 1142 of the State Penal Code (under which all three defendants were charged) was unconstitutional. But the court refused to hear the defense's main witnesses (including Sanger's physician Morris Kahn, whose birth control study for New York City's Department of Health concluded that two-thirds of patients knew nothing about the prevention of conception) and limited Goldstein's argument to fifteen minutes. Byrne was convicted on January 22 and sentenced to thirty days in the Blackwell's Island workhouse. She promptly went on a hunger strike. Sanger's trial began on January 29 before Justices John J. Freschi, Moses Herrman, and George G. O'Keefe in a courtroom overflowing with socialites, reporters, and about fifty Brownsville Clinic clients, many of them subpoenaed by the prosecution to testify. The clients unwittingly incriminated Sanger by testifying that she had provided birth control information and contraceptives, but their tragic stories of multiple miscarriages, infant deaths, incessant childbirth, poverty, and disease substantiated her socioeconomic arguments. Sanger was found guilty on February 2. In the wake of Ethel Byrne's hunger strike, the justices tried to avoid making Sanger a martyr by offering her a suspended sentence if she would promise to abide by the law. Sanger, who challenged not her guilt but the law itself, replied, "I can't respect the law as it exists today." She chose a thirty-day prison sentence over a fine and was taken into custody on February 5 and processed at Blackwell's Island (currently Roosevelt Island) before being transferred to the less infamous Queens County Penitentiary. Sanger kept the following diary of her imprisonment. She later included a transcribed version in *My Fight for Birth Control*, 179–81. The changes and insertions in her transcription, save for minor adjustments in grammar and punctuation, are indicated in endnotes. (Corning Leader, Feb. 2, 1917; MS, Autobiography, 229–37 [quote on 237]; Jonah J. Goldstein, "The Birth Control Clinic Cases," BCR, Feb. 1917, 8; *New York Times*, Jan. 26–29 and Feb. 2–5, 1917.)

Queens Co Penitentiary [*Long Island City, N.Y.*]  
[February 6, 1917]

#### First Day.

Only a few minutes after the reporters left me at the workhouse—I was taken into the Hospital or Doctors room to be examined & finger printed I refused both.<sup>1</sup>

Then taken back to Mother Slattery's<sup>2</sup> room & all my possessions returned to me—I was passed over to a woman & man placed into a wagon & driven some length down the Island in front of the Penitentiary. We then got on the boat & came to N.Y.C. 57 St I think not a word as to where I was being taken—Alice in Wonderland I truly was. After various changes on cars—came to Long Island City to Queens County Penitentiary. Warden—a nice youthful chap—met me asked me about lunch & hoped I was not going on a hunger strike which I said no—not unless I was forced on one from bad food. Sen introduced a very motherly matronly woman to me & sent up some lunch.<sup>3</sup> Put me into cell 210, where Josephine Blank is also near by in same corridor.

Josephine is a very interesting type—a half wild nature<sup>4</sup> irritated by chains & bars. Naturally intuitive—high tempered & quick—outsoken to an unpleasant degree at times—

Has no use for men or men women—but drinks a "bit" once in a while. A kind big hearted woman considered off, but I think very intelligent—<sup>5</sup>

Afternoon drags slowly—& supper bread & molasses & tea seemed tasteless—locked in at 6PM—lights out 9 o'clock. Other women in corridor work for warden & only come in at 7 o'clock. So days alone with Josephine.<sup>6</sup>

Wednesday [February 7, 1917]

Cells open at 7, but bells ring at 6 o'clock—breakfast oatmeal & salt & milk & coffee—two slices bread [*untouched?*]<sup>7</sup> clean cells—a walk in air—talked with little colored girl "Liza" who knew of Mrs Sanger & called out "Youse eats don't you?"<sup>8</sup>

Dinner of stew & bread— Afternoon four letters—called to Wardens room to be finger printed—told him I objected to being classed as a criminal<sup>9</sup> supper of—tea bread stewed peaches.

Women like Warden McCann & Matron— Atmosphere here very different from Workhouse or Raymond St. Jail—<sup>10</sup> Women are not treated as well as men though—not allowed papers—or to send out for anything<sup>11</sup> which men are allowed—no visitors only two a month. All letters read going & coming which is an outrage.

Thursday— [February 8, 1917]

Hominy & coffee (no sugar ever) walk—talked to semi negress woman<sup>12</sup>—dope fiend— indefinite sentence. Horrible liberties a State takes with human lives—for a "crime" of drink—or dope which should be considered

