

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
UNITED STATES OF AMERICA :

v. :

NOLLE PROSEQUI

MARGARET H. SANGER :  
-----x

Indictment returned August 25, 1914.

The indictment charges the defendant with having deposited and caused to be deposited in the United States mails, on March 27, 1914, an issue of a magazine entitled "The Woman Rebel", which contained certain articles alleged to be obscene, lewd, lascivious, filthy, and of an indecent character, in violation of the provisions of Section 211 of the U. S. Criminal Code.

Two other indictments were filed on the same day for the deposit of the May and July, 1914, issues of the same magazine.

Since the date of the filing of the indictments, no copies of "The Woman Rebel" have to my knowledge been deposited in the mails. The defendant is in no sense a disorderly person, and is not engaged in any way in the traffic in obscene literature.

I have given considerable thought to this case, and on the whole I am of the opinion that while the pamphlets or magazines themselves may be non-mailable, the evidence is not of such a character as to establish the defendant's guilt beyond all reasonable doubt, and of such character to warrant the expectation of a conviction in the event that the indictments should be brought to trial.

Under all the circumstances, I respectfully recommend  
the entry of a nolle prosequi herein.

Dated: New York, N.Y., February 18, 1916.

*Harold A. Content*  
Assistant U. S. Attorney.

In view of the foregoing recommendation, I hereby  
direct that a nolle prosequi be entered herein.

Dated: New York, N.Y., February 18, 1916.

*H. Rowdman*  
United States Attorney.