

Sociology

1890

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NEXT REVOLUTION:

—OR—

WOMAN'S EMANCIPATION

—FROM—

SEX SLAVERY.

(NO. 2.)

PRICE: 25 CENTS.

LUCIFER PUBLISHING COMPANY,
VALLEY FALLS, KANSAS.
290.

DIANA.

A PSYCHO-PHYSIOLOGICAL ESSAY ON

SEXUAL RELATIONS.

For Married Men and Women.

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—OR THE—

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Erratum.

In nineteenth line from bottom of page 54, read *heap-*
ing instead of "loving."

PREFACE

While we do not deem it necessary to make an apology for the appearance of this pamphlet, perhaps a little explanation may not be altogether out of place as to the arrangement of the matter herein. In order that the reader may understand why there is such an incongruous disposition, it should be remembered that everything contained in this work was used just as it came out of LUCIFER from week to week, rendering it absolutely impossible to classify or divide it into departments.

The scope covered by this pamphlet embraces the leading articles that appeared in the LIGHT-BEARER from the early part of March until Mr. Harman was sentenced, or until about the first of May, '90. And as there is a manifest imperfection or indiscriminate arrangement, rendering it somewhat difficult for the reader to fully understand or comprehend their intent or purport without a perusal of the issues of LUCIFER current with the extracts which comprise this work, we will send these, on application, to all purchasers of the pamphlet, so long as the editions of those dates last.

With regard to import or purpose, the articles composing the NEXT REVOLUTION No. 2, can be classed under the following heads :

(1) Endorsements and duplicates of the O'Neill letter, and condemnation of the second arrest.

(2) Protests against the persecution of LUCIFER's editor for his defense of free speech and the right of free discussion, especially in matters pertaining to the right relations of the sexes.

(3) Account of and comments upon the late trial, conviction and sentence of Moses Harman.

This work was assuming too large proportions and its issue was being delayed too long, so that the continuation of the discussion on the same subjects, largely, will be continued in the NEXT REVOLUTION No. 3, now in course of preparation.

THE PUBLISHERS.

COME, LET US REASON TOGETHER.

In order to reason together we must hear both sides, or rather *all* sides. In this issue of LUCIFER letters are printed from more than one correspondent endorsing fully the plan, the act, of giving publicity to such revelations as those made by Dr. O'Neill, W. G. Markland, Sadie A. Magoon, C. C. Luce and others. In the "Opposition" column are printed some opinions denouncing in most emphatic language the publication of such matters. Besides these pronounced expressions of opinion from friends and foes we have received several letters that take a somewhat middle ground. Among these is one from an old (not in years) and much esteemed friend, which reads thus:

----- Kan., 3-1 '90

DEAR MR. HAPMAN: The copy of LUCIFER for which you have again been arrested lies before me. It is too bad that you have allowed such indecent, vulgar matter in your paper. Such articles cannot and should not be read in decent company nor elsewhere. They convey no information, suggest no remedy and only have a tendency to deprave the weak and disgust the strong. You had won a splendid victory and it is too bad that you have given it away.

Of course the U. S. Court has no right to fine and imprison you for mailing the paper. It has no other right than to protect its postal employees from physical injury, from explosives, etc., but who can successfully defend the right to send through the mails really OBSCENE literature when it is so difficult to maintain our rights even when we do not abuse these rights? Of course you will say, "what is obscene, and who shall judge?" Each one for himself, is my answer, and rest assured that under liberty, where sympathy for you and a desire to defend your right to publish what you please, would not retain your subscribers, 95 per cent would drop the paper at once. That would be judgment and punishment and the only kind that a decently organized community would care to inflict.

Yours Regretfully and in haste, -----

Without attempting to "reason the case" on all the points named in this letter, I would respectfully say:

It may be true, as above intimated, that the course pursued by LUCIFER's editor is a suicidal one, so far as the welfare of the paper is concerned. Judging from the indications—the expressions of strong disapproval, some of which expressions have been published—and judging from the sudden falling off of receipts, it did look awhile as though LUCIFER's friends and patrons would soon be reduced to the traditional and historic "three hundred"—the number that was left, after the sifting, to Gideon at Mt. Gilead, and to Leonidas at the pass of Thermopylae.

Now, if I may be allowed to use the illustration (disclaiming, of course, all intention of comparing my humble self to any heroic personage, whether historical or mythical) I will say that a presentiment now comes to me that the O'Neill letter will prove to be the *Thermopylæ* of the conflict in defense of the right of free publication—the palladium of all human liberties, whether present or future. It may be—and if the utterances of the opposition press are true prophecies it *will* be—that at the coming trial at Topeka, LUCIFER and its editor will be as effectually wiped out of existence, so far as future work is concerned, as were Leonidas and the three hundred Spartans by the countless hosts of Persian invaders, but it is just possible that in this case, as in the historic one, the sacrifice may not be all in vain. The sacrifice at Thermopylæ was a necessary preparation for, and an essential factor of, *Marathon and Salamis*. Without Thermopylæ there would have been no Marathon, no Salamis!

In like manner may it not turn out to be that the voluntary sacrifice of the few in defense of absolute freedom of speech—freedom that is responsible only to him or her who utters, and to him or her who is *injured* by such utterance—may it not be that the voluntary sacrifice of a few at the coming conflict of forces will so thin out and so discourage the hosts of paternalistic despotism that another Marathon and another Salamis will follow as natural sequences?

The question as to whether such letters as that of Dr. O'Neill should be "read in decent society" is one upon which good people may honestly differ. There are many good women and men who condemn the public recital of murders, highway robberies, bank robberies, etc., on the ground that they "deprave the weak," the young and the viciously inclined. But where shall the line be drawn? When we undertake to shield the young and the viciously inclined from all knowledge of the evil examples that are to be found in the world we find ourselves balked and defeated at every turn. No paternal government ever was or ever will be strong enough to carry out such a design. It is the old, old story of Eve and the tempter. The desire to know all that can be known breaks over all barriers and defies all restraint. It is the lesson of all time that the only safe prevention against evil ex-

amples is proper and timely warning—honest and faithful instruction. The question then is pertinent, "How can a child be warned against evil when his monitor is not allowed to tell in plain language what that evil really is?" To speak of it in vague and general terms is either no warning at all else it serves only to excite a morbid curiosity that will seek the desired information through channels that are destructive to the health and life of the inquirer.

"Disgust the strong." That is to say, such plain spoken revelations of human depravity shock the sensibilities of the virtuously strong. In all good conscience and kindliness of feeling towards those who differ I would again ask:

Is it the *fact itself* that shocks us, or is it only the *telling* of the fact?

From the arguments of our friendly critics themselves I am constrained to believe that it is the *telling* of these unnatural crimes and vices, rather than their acknowledged existence that shocks so many good people, and so long as this is the case I must maintain that our friends *ought* to be shocked! Nay more, they *must* be shocked before any determined and rational effort will be made towards eradicating these cancer spots from our social system.

Changing the figure of speech somewhat: When people are slowly but surely dying from breathing air poisoned with carbonic acid gas, all they ask is to be let alone. But what should and what would be thought of the on-looker who makes no effort to save these unconscious sleepers for fear of giving them an unpleasant shock? Our social structure, our organic physical life itself, is permeated with the poison of *sex-abuse* in its multitudinous forms. Shall we who know the facts and who know what the inevitable consequences must be to future generations of women and men, to say nothing of the miseries inflicted upon those now living, shall we raise no warning voice for fear of shocking the sensibilities of those who are as yet unconscious of being personally affected by the consequences of sex-abuse in and by others? If we could isolate ourselves from our fellow mortals, if we could shut out from our lives all the effects of the moral effluvia that flows from sex-abuse in and by others, there might be some excuse, from a narrowly elfish standpoint, in thus closing our eyes, stopping

up our ears and bridling our tongues in regard to these fearfully shocking vices and crimes. But it so happens that we cannot thus isolate our lives from the influences that make the weal or woe of our fellow mortals. The life of the individual is inseparable from the life of the race. If the social life of the race reeks with the effluvia of moral and physical corruption we cannot avoid being more or less affected thereby. A strong effort of the will may save us from personal moral and physical asphyxiation, but in proportion as we live the broader, higher, nobler life of of the altruistic humanitarian the more we must suffer because of the miseries resultant from the crimes and vices of our human brothers and sisters.

When our friends admit that *there is* "really obscene literature," and that we "abuse our rights" when we send such literature through the mails, they practically, though unconsciously, give away the whole ground in dispute to the agents of despotic paternalism. On the contrary LUCIFER maintains that *there is no such thing* as obscene literature, in the technical and legal sense, no more than there is, or should be, such a thing as *blasphemy* in the technical and legal sense, and therefore it is *impossible* "to abuse our rights" therein; and this position is practically admitted by our correspondent above quoted when he says the "court has no right to fine and imprison you for mailing the paper," no matter how much "real obscenity" it may contain. That is to say obscenity is simply a matter of *private opinion* with which the courts and the P. O. officials have nothing whatever to do.

"Convey no information." Yes, and no. To the "naturally vile" the O'Neill letter conveys no information, consequently it does not hurt them if it does them no good, but to hundreds and thousands of pure-minded women and men it *does* convey information—just the information needed to wake them up as with a bugle call, to a realizing sense of danger—danger to the weak and the viciously inclined, and danger through human solidarity, to the entire race, present, and, especially, future.

"Suggests no remedy." Well, suppose it is true that that individual letter did not suggest a remedy. Is it nothing to tell of a real danger though no means

of escape be suggested? Is it nothing to show that innocent women and unborn babes are being slain by the thousand and that men are ignorantly committing homicide and suicide? Is it nothing to call attention to the facts themselves and let *others* devise, and, through concerted action, inaugurate an effective plan for putting an end to such shocking crimes and vices?

Respectfully but most earnestly would we call attention of our middle-ground friends to the motto at the head of this current edition of LUCIFER—first page:

“The first step is to arouse the public intelligence to the fact of the dangers, and the public conscience to condemn and resent the wrongs.”—W. H. H. Miller, Attorney General, U. S. A.

This testimony coming from such a source should carry much weight. It is a most emphatic endorsement of LUCIFER's constant plea that the public conscience, the public intelligence, is the real court of appeal—the real tribunal before which ALL questions of morality or virtue must be tried. The individual intelligence, the individual conscience, must be reached and educated, and this can only be done effectually and effectively by means of the *public press*, public lectures, etc., and hence we speak correctly when we say the “public conscience,” the “public intelligence.”—*M. Harman, in Lucifer, March 7th, 1890.*

THE AMERICAN INQUISITION.

Its Methods and Objects---The Issue Clearly Stated.

NEW YORK, February 28, 1890.

FRIEND HARMAN: Nothing can exceed the meanness and vindictiveness of the malignity exhibited in your last arrest. The purpose of it is so apparent that if the court and jury can be made to exercise any thought upon the case they must perceive that purpose. If there were any honest intention of trying any fair issue in your case, by just methods, certainly the indictments, with their numerous counts, already pending against you would afford the prosecution ample chance for all the trial they could wish. This last arrest clearly proves that the tactics of the prosecution will be to create a prejudice against you, rather than to demonstrate in any way convincing to reason, that you have done anything wrong. This is the same old policy which has always obtained in this class of cases since the case of D. M. Bennett. The instigators of the persecution will not try to

show that you have done wrong, but they will go into court howling "this man has been arrested so many times that he must really be a very bad man!"

There is one little fact about your arrest that goes far to detract from the injurious effect your enemies intended it should produce upon you. That fact is that by good luck the warrant for your arrest fell into the hands of a marshal rather more honest than the generality of your persecutors. In such cases the marshal is generally expected to be very austere and to carry out his part of the pretense that a great crime has been committed and to feign great vigilance lest his prisoner run away, but Marshal Dillard, knowing that the charge against you was all a sham, knowing your integrity, knowing that you could not be induced to run away from the false accusations against you, seems to have taken all the force out of this new persecution by showing his entire confidence in you and allowing you to go on your parole until the next day. Thus by the honesty of one man the infamous purpose of this new attack is to a great extent frustrated.

I believe you have many friends who are wise enough to understand that the things discreditable to a man are the things he does himself and that a peaceable, well conducted citizen cannot be disgraced by whatever outrage some one else inflicts upon him, and I believe those friends will approve of your course, and stand by you loyally, however a few of the feeble ones may fall away.

Remember always that this is not a question of the good taste or bad taste of what you have printed, nor is it a question whether the statements and theories of Mr. Markland, Dr. O'Neill, Mrs. Luce and others are true or false. It is a simple question whether or not there shall be in this country entire and unrestrained freedom for the expression of opinion on any and every subject. Whether or not there shall be erected on American soil a corrupt, lawless, irresponsible censorship. Only this and nothing more.

ED. W. CHAMBERLAIN.

ANOTHER ARREST.

Causes and Probable Consequences Thereof.

LUCIFER: Beauty and health and virtue are naturally more attractive than deformity, disease and vice. It is natural that we should be disinclined to have these unattractive things obtrude upon us. When they are ob-

truded upon us, like the self-righteous Lavite we pass by on the other side, leaving it to the heretic, the good Samaritan, to administer needed aid. I was trying to spread the light, to preach the gospel of the beauty of holiness, and to keep back and to cover up, wherever it could be done, the repulsiveness which ignorance of sexual law has created, and which is forcing itself upon us in so many Awful Letters. But sexual vice was too aggressive and too inhuman to be ignored. For the last three years, called out by the persecution of the former arrests, the intolerable position of woman under the marriage law has been more and more clearly developed. And at last women themselves have come to the front, demanding that the veil shall be torn aside, and that they shall be freed from the domination of tyrannic lust.

Had the prosecution, when it found that the object of the original publications was to put an end to legalized rape and murder, withdrawn its mistaken charge, there would have been no necessity for accumulation of facts. There were facts enough, when legislators ~~were~~ honest enough to heed them. But the government maintained its attitude of opposition, attempting to discredit the facts already brought forward; and it became necessary, not only in self-defense but also in the interest of truth and justice, to gather corroborating facts, to sustain the position originally taken. It was natural that physicians, from their vocation, should be more familiar with such facts than others, and unless hardened by familiarity, that they should be more zealous to bring them forward. Dr. O'Neill, from his own knowledge as well as from his professional information, testifies in the article which is the subject of the new arrest, that the case quoted in the Markland letter, instead of being exceptional, is not uncommon. It is no longer the case of one woman who might have been killed legally, but was not; but it is the case of "thousands of women who are killed every year by sexual excesses forced upon them." It is unpleasant to learn of a single case of such cruelty; it is horrifying to know what multitudes suffer it. The pious Levites shut their eyes and closed their ears; while the good Samaritans in spite of persecution and arrest, come to the rescue.

In another respect Dr. O'Neill has given facts surpassing the enormity of the case in the Markland letter. It is unnecessary for me to call attention to that part of his letter. Had there not been this new arrest, the liberal public, so far as they read it at all, would have passed it by with a shudder and in silence, simply strengthened in their determination to spread the light which will put an end to such abnormal

practices. It is the arrest, and not O'Neill or Harman, which forces such hideous details before the unwilling eyes of the public; and not only these but many, many more. If such facts are true, they demand recognition somewhere that a remedy may be applied. The arrest substantially denies their truth, and forces those who know similar corroborating facts, to bring them forward. From my own investigations I am satisfied that when the facts are brought forward, as they must be if this persecution continues, the truth will be found to exceed the statements of O'Neill as much as his statements exceed those of the Markland letter upon the subject of marital rape. Shall those who know the facts keep silence while Harman is dragged to prison for lifting his warning voice?

DIANA.

Another Victim's Sad Story.

LOS ANGELES, CALIF.

EDITOR LUCIFER: A very dear and intimate friend of mine married, and was the mother of a sweet little girl whom I loved almost equally with my own little daughter, and who I believe loved "Auntie" next to her mama. She was a perfect child. I speak truly. I never saw her wilful, disobedient, ill-tempered, or naughty in any way. I often remarked to her mother: "Ida, do not expect her to reach womanhood, for she will not tarry long on earth." I shall never forget the last time I saw the child. I was leaving home for a few weeks, my little daughter accompanying me. Ida lived near the station, and we called at the door to say good bye. The little one stood on the threshold by her mama's side, not sobbing or crying, but with the tears in her eyes, and on her pretty cheeks.

"What is the matter, dear little Lena?" asked Ruby, my little girl, then five years of age. She nearly always called her "dear little Lena" when speaking to her.

"Auntie and Ruby going away, never see Lena any more."

"Oh yes darling" I said, we will come home bye and bye."

"You not see Lena," she answered, very solemnly and decidedly; and we did not. In three days she was no more.

Poor Ida pined and suffered a severe illness which nearly terminated fatally, and shortly after her recovery she left her husband. In reply to my question why she did this, she said: "I have endured life with him the past three years for Lena's sake. Now she is gone there is no need for me to be crucified longer. I am nearly wrecked and ruined by constant nightly intercourse, which is often repeated in the

morning. This and nothing else was the cause of my miscarriage. Wealth undreamed of would not tempt me to live with him again. I am undeveloped sexually, never having desires in that direction; still, with a husband who had any love or kind feelings for me, and one less selfish it *might* have been different, but he cared nothing for the torture to me so long as *he* was gratified.

"I often think of what Della P—— told me. How when George used to court her, and they sat up at night, when she sat by his side, or perhaps in his lap, and they kissed, or caressed one another, she felt the strongest sexual desire, I used to wonder at the difference between us. I have had several others tell me the same. Mamie H—— said she could hardly control herself. You remember how bright, pretty, well and strong she used to be, and how her health and strength left her after her marriage. This would not have occurred, however amative her husband might have been, if he had been kind and careful, but instead, he played the brute the first night after their marriage. To use her own expression, 'he went to work like a man a mowing,' and instead of a pleasure as it might have been, it was most intense torture.

"He kept this up for a little less than a year, then, as you know, she was laid in the grave, and he is just as much her murderer, as though he had killed her in any other manner."

I believe that a strong, healthy, well organized woman will have sexual desires, and if less so than man, it is because she is less active in the fresh outdoor air. I was riding in the cable car a few days ago, when three young ladies entered, and sat down in front of me. One of them though not large, was finely proportioned, with a full chest, and well rounded waist. Her eyes sparkled, her cheeks glowed and every motion was replete with life and grace. The other two, though broader shouldered, were much smaller at the waist; indeed they were laced to such an extent that they sat stiff and upright, and they were pale, dull eyed, and appeared listless and languished, with no grace or poetry of motion. I thought to myself, is it any wonder if sex life is destroyed in their being? What kind of wives and mothers would they make? but how terrible it would be to have it destroyed by some horrible brute in the life of the well-developed one.

There are men loving, gentle, and kind, and there are men brutes.

SADIE ATHENA MAGOON.

THE WOMAN QUESTION.

NUMBER III.

LUCIFER: In a tract issued by Rachel Campbell, I find a proposition for the maintenance of women, the first two sections of which bear directly upon the principles laid down in the two preceding articles. The first section provides that every woman, after reaching the age of 18 years, shall be supported from the public treasury. The second section provides that every child shall be supported from the public treasury until it is 18 years of age. That is, every female is to be supported for life, and every male until he is 18 years of age, from the public treasury.

The proposition for the support of women from 20 to 45 years of age, in my last article, was shown to require appropriations of money too vast to be dreamed of under existing conditions; and here is a proposition requiring still more enormous appropriations. I shall assume in this article that it is right and just that some such provision shall be made, if there is power to make it, and consider the authority for making it.

The general principle of political economy has been enunciated, that a man is entitled to the product of his industry. If this provision for women and children is to be made a man is entitled to only one-half or one-third of the product of his industry. But who is to determine what proportion he shall hold, and what shall be done with the remainder? Republican governments, instituted primarily for the protection of individual rights, have levied taxes for various objects admitted by common consent to be for the common benefit, the support of public schools, the repair and lighting of streets, &c.; but such taxes have been so small in proportion to the annual product of industry as seldom to be burdensome even to those who happened not to share in the benefits. Are we to authorize governments to increase these taxes so as to include more than half the entire net income of the country, and to divide them according to their own judgment? Would not this be too dangerous a power to entrust to ordinary legislators, already known to be too easily bribed to subvert justice for their own aggrandizement?

I know of but one way in which these objections can be met. When we are ready to form voluntary associations for the reorganization of industry, through such associations an equitable division of the profits can be made. If such equitable division can be attained in no other way, it is an additional reason why we should persevere, in spite of repeated failures from adverse conditions, in the endeavor to

reorganize society upon an equitable basis.

But recognizing this necessity, and the impossibility of its immediate development, we need to devise whatever temporary expedients are practicable, to check the downward course which must result from the failure of the higher classes to do their share in the duties of maternity, leaving the next generation to be largely the offspring of the classes least fit for maternity.

PENELOPE.

MORE OBSCENITY.

Light Thrown into Dark Places by a Conservative Journal.

The latest contribution to that class of literature which the prurient are very fond of calling "obscene," is made by no less profound a scholar and no less elegant gentleman than Mr. Irving Browne, the editor of the *Albany Law Journal*. In his issue of March 8, 1890, that gentleman quotes into an editorial article extracts from the first annual report of the New York State Commission in Lunacy which fill over three columns of his paper. These extracts are descriptive of the way in which New York treats her pauper insane in county institutions and are highly "obscene." They are given as Mr. Browne says, "Lest it should be thought that we exaggerate," when he says, "huddled together in cramped and ill ventilated quarters, without proper water, fire clothing, food, medicines or bedding, without suitable opportunities for exercise, in filth, squalor and wretchedness, these miserable beings are treated with a shocking disregard of the decencies due to sex, with a callous indifference, and even without an apparent recognition of the fact that they are unfortunate human beings, deserving and demanding the pitiful care of the community to whom God has given them in trust."

Of the extracts from the report which Mr. Browne reproduces there is room in *LUCIFER'S* columns to reprint only a very few, but those few are most instructive and when read in parallel columns with the Markland letter and the O'Neill letter and an intelligent comparison made between these extracts on the one hand and those now famous letters on the other hand and the motives for the publication of each duly considered, it will be clearly seen either that the charge of obscenity against *LUCIFER* is a most brutal outrage, or that one of the best informed and most

learned legal gentlemen of the state of New York together with such eminent gentlemen as compose the New York State Commission in Lunacy, are guilty of the most atrocious "obscenity" and should be indicted and convicted. The following must suffice:

"An examination showed that some beds, and especially those of the disturbed and filthy patients, were simply too vile for description. In many instances the mattresses were literally reeking with filth, and evidently were not dried from one day's use to another."

"It is literally true, however difficult of belief, that it is a common practice at most of these places to bathe three or more patients in the same water."

"These patients, by reason of lack of night service, are put to bed and left to lie in their filth and excrement until morning."

"In one institution, within a year or two, a case was established of intercourse between an idiot woman and an insane man, which resulted in the birth of a child."

"The floor was wet and otherwise soiled with excrement, the odor from which was exceedingly offensive. In fact it smelled more like a privy vault than a place for the confinement of a human being."

"The beds in these rooms were examined and presented a most shocking appearance. The ticks were only partly filled with straw and the bedding was saturated and discolored by human filth. The odor from the beds was extremely offensive, penetrating the whole building."

"She was bare-footed and evidently had nothing on her person except a blue cotton skirt and a man's coat."

Cætera paribus absunt.

Mr. Irving Browne justifies the publication of so much "obscenity" in the following ringing language:

"This is a shocking, even a disgusting recital. But it ought to be read more extensively than it ever will be in the pages of a public document, and we spread the painful details before our readers in the hope that some one will be stirred to activity in the endeavor to ameliorate the condition of these unfortunate beings. While the people are building a capitol at a cost of twenty millions, and are proposing to pay fifteen millions for the privilege of holding a fair in the city of New York, it will be a wholesome lesson to legislators and to the community to behold the rottenness under the goodly outside of our social fabric, to be reminded how they live for show and rivalry and luxury, and how neglectful and callous they are to human suffering. We are tender of our criminals in comparison; we give them wholesome food, sufficient clothing, and keep them moderately clean; we compel them to go to church, and we furnish them with good reading. If any of them have deserved death, after loading them down with flowers, we go about to invent some painless and speedy method of taking them off. But for these poor distracted creatures, who have committed no crime, we have nothing better to offer than this report discloses. We are glad to learn that a bill has been introduced in both houses of the legislature to close these chambers of horrors and put their inmates under the care of the state.

It ought to pass at once, so that this burning disgrace may be wiped away. And until this is done we had better dispense with grand staircases and other senseless displays of selfish wealth and unfeeling power."

Here is a state of affairs which is the direct outcome, the necessary and inevitable result, of that kind of "morality" which is prosecuting LUCIFER for "obscenity." Shall LUCIFER's editor be put into a prison little better than the places described in the above extracts and Mr. Irving Browne and the gentlemen of the Lunacy Commission of the State of New York go free? Will those who justify the persecution of LUCIFER on the grounds of taste please state why the editor of the *Albany Law Journal* and the Lunacy Commission should not be likewise prosecuted?

The unprejudiced reader will observe that the arguments used by the conservative editor of the *Law Journal* in defending the exposures published by him, are almost identical with those advanced by us in justification of the exposures made by Dr. O'Neill, W. G. Markland, C. C. Luce, Dagmar Mariager and others. Whether the parallel of cases thus fairly instituted will have any weight with our prosecutors and with court and jury at the trial next month, remains to be seen.

Will our paternal rulers (Anthony Comstock, Wanamaker & Co.) reenact the fable of the lawyer and the farmer, in which story the verdict depended altogether upon the question as to whose bull it was that had done the going?

CRIMES AGAINST WOMANHOOD.

The O'Neill Letter Vindicated and Duplicated.

[Of the writer of the following letter I have no personal knowledge, but of her entire reliability I am assured by one of LUCIFER's oldest and firmest friends, and hence I feel no hesitation in giving publicity to her statements of what she believes to be matters of fact.—EDITOR LUCIFER.]

DEAR FRIEND AND BROTHER: I have felt so keenly for you in this last trouble that I cannot forbear writing you a few lines, hoping thereby to give you some assurance that you are not altogether deserted in this case. That you have done what is right in publishing the O'Neill letter, there is no doubt in my mind, but that you should be arrested for it is an outrage. It contains as much truth as the Markland letter, the trouble is that the truth which it does contain is less generally known, and the practice which it exposes is

not sanctioned by law as the Markland practices are. So I presume, it is considered a greater crime in you to publish it. An acquaintance of mine who lived in Kanaas City at one time, assured me that "Suckers" were as common as prostitutes there, that they charged a quarter for the act, and that women who had become so diseased that they were not safe for men to use resorted to the practice for a living. That men preferred it to going to a prostitute. An intimate friend of mine told me her husband insisted on having her go through the performance for him, but she always refused, though she granted him every other outrage he chose to perpetrate. She drew the line at this point, and refused absolutely. He gave her several beatings for refusing, but she persisted. When her second child was less than three weeks old he demanded of her this outrage. She refused and he dragged her out of bed, kicked, choked, pinched and bit her, and then left her lying on the floor unconscious. Her nurse came in and found her there. Her life was despaired of, but she recovered far enough to leave the house and go to her aunt, and tell the story of her wrongs. The aunt, a Christian bigot, told her she must go back, and do as her husband required her to do, but the poor woman braved all that a young woman ignorant of the ways of the world *must* brave under such a decision as she made, and would not go back. She was divorced when I knew her, but broken in health, despised by her relatives, and making her way in life as best she could. So long as these revolting, disgusting, horrible things *are*, they may as well be made known, that they may be done away with. The fact that they *do* exist is enough to make any person having any humanity in them, struggle to enlighten the race on the right use of sex. That those who do strive for sex enlightenment are far in advance of the times is evidenced by their being consigned to a prison as their reward. *You* will be better appreciated in a hundred years from now.

I have felt tempted to add my mite to the appeals, and the accounts of outrages suffered by women, even though there are so many who are doing the work so much better than I could hope to do. * * * * But I am with you in this fight for a better sex life, heart and hand. I have been on the unpopular side of the subject all my life, and have been proscribed, and ostracised by friends and relatives, but the assurance that I have been on the side of Justice has sustained me. And I have not been entirely without sympathetic friends at any time.

I have your photo—thanks to the kindness of a friend, and by it I see what a sensitive, generous nature you have, and how great a capacity you have for suffering from being misunderstood. I regret very much that you are called upon to suffer for doing what you conceive to be right, and what the world must some time come to see *is* right. You have my sincere sympathy, and I trust you will be able to bear up bravely under this extra tax upon your strength and health. There are true hearts that are with you in all your noble work, and whose kindly thoughts are wafted to you hourly. Don't think you are forsaken, even though a few frail friends fly from you when you grow ahead of their capacity to grow. I like to think that there is a law of compensation in nature, and that there will come a time when all good work will be appreciated. If not in our time there are generations yet to come that will bless the memory of Moses Harman.

If there is anything in this that you want to publish, you are at liberty to do so, but for the reason given already, please do not give the name. With a heart full of sympathy, and with a fervent Bless You, I am sincerely yours for all good work,

A QUESTION OF JUDICIAL INTEGRITY.

The last assault upon the editor of *Lucifer* seems to indicate that after three years of cowardly braggadocio the obscenists intend to brace themselves up for trial at the coming term. Whether the trial comes off or not, it stands *LUCIFER* in hand to state its case so clearly that the misrepresentations of its persecutors may be ineffectual, even though those misrepresentations should receive the approval of the court as expressed in an adverse judgment. The threatened trial if it ever takes place, will be more like the trials for witchcraft that were had in early New England times than like judicial proceeding appropriate to our day. It cannot be otherwise. In such cases it is always the judge and not the victim who is on trial, and I apprehend that the reason why *LUCIFER's* persecutors have delayed for so long to place Judge Foster on trial is that he showed so much honesty in deciding as he did, in 34 Fed. Rep. 872, that when a trial is to take place there should be something to be tried.

The decisions in cases under the blackmail law are so confused, so contradictory, and so eccentric that each case reflects the individual character of the judge who tries it and holds *that* up into prominence, while the offense real or pretended of the defendant is lost sight of in the general maze. Irreconcilable decisions have been rendered under this law, the only effect of which is to display the judges in various favorable or unfavorable lights according as they

have been true or false to the obligations of their judicial office. Opposing decisions have been rendered on the very simple questions as to whether it was necessary to set out the matter in the indictment, as to whether it was necessary to allege "*scienter*," as to whether the law applied to letters or not, &c., &c., &c. A very instructive case and one in which the judge shows a high sense of the responsibility of his office is *U. S. vs. Huggett*, tried July 1, 1889, in the Circuit court of the Northern District of Ohio and reported in 40 Fed. Rep. 636. Judge Hammond in this case does not snivel and wiggle and shirk the issue as many Judges have done in these cases. He decides the question that is before him to decide, not in the broadest way possible, it is true, but with a manliness and independence which compared with the efforts of some judges to make capital for themselves out of the conviction of an innocent victim, entitles him to commendation. Speaking of the confusion to which I have alluded Judge Hammond says:

"Strictly and technically none of the decisions by any of the judges are of authority, and in the circuit I take it all the judges stand alike in this matter, supposed distinctions in rank not adding anything to the authoritative effect of judgment or opinions. Whichever judge holds the circuit court, it is the judgment of the court, and can be no more or less authoritative because of these distinctions. It would be intolerable if it were otherwise. Unfortunately, *owing to our very absurd judicial system* it seems quite impossible to introduce into it the rule of *stare decisis*, as between the different circuits and in the courts inferior to the supreme court, the decisions of that tribunal alone being binding as authority upon all. If the first judicial decision of this question had been followed as a precedent, there would have been no conflict of authority, and "letters" would have been excluded from the operation of this act. But Judge Deady's careful judgment was by him all too graciously, perhaps, made to yield to mere statements that other judges in his circuit thought differently, and without any published opinions from them. Other courts felt at liberty to disregard the first precedent, and so we have them all acting independently in judgment. This may be deplorable, but it is inevitable, unless all will yield to the first careful and intelligent decision as a precedent, strictly considered."

Judge Hammond then proceeds to quash the indictment before him, which after all is the only thing an honest judge could possibly have done, for the reading of the law of 1876 as to "letters" is plain enough. But a list of opposing cases upon this point, whether the law of 1876 applies to letters or not, which list is given by Judge Hammond in full, will be instructive.

The law was held to include "letters" in *U. S. vs. Gay-*

lord 17 Fed. Rep. 438, U. S. vs. Hanover Id. 444, U. S. vs. Britton Id 731, U. S. vs. Morris 18 Fed. Rep. 900, vs. Thomas 27 Fed. Rep. 682.

The law was held not to apply to "letters" in U. S. vs. Williams 3 Fed. Rep. 484, U. S. vs. Loftis 12 Fed. Rep. 671 U. S. vs. Comerford 25 Fed. Rep. 902 and U. S. Mathias 36 Fed. Rep. 892.

Some of these efforts to bring private correspondence within the operation of this infamous law are very strained and show a very great prejudice and a very great degree of mental impurity on the part of the judges who make them, but they are too voluminous to be any more than referred to in an ordinary article like this.

It would not be proper however, to close this article without inserting the thundering protest against all this abomination, made by Judge Turner in U. S. vs. Commerford, tried November 1885 in the District Court of the Western District of Texas. If there had been more judges of the character and integrity of Judge Turner there would have been fewer silly decisions upon this rascally law and the law itself would long ago have had its quietus. Judge Turner says:

"We have been taught to believe that it was the greatest injustice towards the common people of old Rome when the laws they were commanded to obey, under Caligula, were written in small characters, and hung upon high pillars, thus more effectually to ensnare the people. How much advantage may we justly claim over the old Roman, if our criminal laws are so obscurely written that one cannot tell when he is violating them? If the rule contended for here is to be applied to the defendant, he will be put upon trial for an act which he could not by perusing the law have ascertained was an offense. My own sense of justice revolts at the idea. It is not in keeping with the genius of our institutions, and I cannot give it my sanction."

Here was a test of the integrity of the judge. Judge Turner stood that test splendidly. If LUCIFER'S case is ever tried I hope it will be before a judge as capable of standing such a test as Judge Turner was. It is, after all merely a question of judicial integrity. It is ridiculous that on such a question one-half of the decisions should be one way and the other half just the opposite way, and I say without hesitation that in these cases where the decisions have stretched the law to embrace private letters the judges so deciding have very clearly demonstrated their lack of moral character, patriotism and integrity.

ED. W. CHAMBERLAIN.

THE WOMAN QUESTION.

NUMBER IV.

LUCIFER: If it is the duty of the government to provide for the support of women and children, and if it is impossible for the government to perform that duty, as it certainly is to-day and is likely to be for many years, some other provision must be made. Or if such a power is necessarily too dangerous to be delegated to a government, some other provision must be made. Who has the right to determine for the husband or father what that provision shall be? Such an interference with its control over the products of his own industry, is but one step removed from the plan of taxation to the same extent.

Another theory, which has the two great merits of not interfering with private rights of property, and of being immediately applicable, is this:

Every person is morally bound to pay for his support. If he is unable to pay for it at the time, it is a continuing obligation. A child is unable to pay for his support for a period of years. He is therefore indebted, when he becomes capable of self-support, for what has been reasonably expended upon him up to that time. By this theory the mother is relieved from the burden of supporting her children; since they will repay all the cost. She has only herself to support. But the cost of support properly includes compensation for the time and care bestowed, and this is a part of the indebtedness. A mother, then, in virtue of her being a mother, has an occupation giving her compensation for all the disabilities connected with it. The whole burden of the maintenance of women, is by this theory thrown upon the shoulders of those who are to reap the benefit, the children of the next generation. Under this theory there is no occasion for special pecuniary provision for mothers. The adoption of this theory saves the nation the taxation of thousands of millions of dollars per annum, which would otherwise be necessary to do justice to woman.

This is more easily said than done. There are serious difficulties in the way; and the community must overcome those difficulties before this theory can be put in successful operation. The statement of some of the greater of these difficulties, and of the modes by which they can be more or less effectively met, will tend to prepare the way for making the trial.

Before undertaking to consider these questions, I will

say that I do not consider this plan in any way antagonistic but only supplementary to the plans heretofore proposed. The other plans require extensive co-operation before anything practical can be accomplished. This plan can be tried in individual families, with more or less effect; and just so far as it is tried, it will tend either to accomplish the result of securing freedom and independence to the parties concerned, or to develop such modifications of the plan as may be necessary to ensure success. In the meantime, the broader work of securing freedom and independence to all women by a complete reorganization of industry, need not be neglected.

PENELOPE.

THE WOMAN QUESTION.

NUMBER V.

The plan promised in my last communication, that every person should pay his own way, would make ample provision for women, if the difficulties could be removed out of the way. If the time and labor necessary to prepare a woman for maternity, were to be as fully compensated as the time and labor necessary to prepare a man for a profession, all the arguments for a special provision for woman in consequence of her sex, would fall to the ground.

These difficulties are formidable. Some of them can be removed; if others are at present insuperable, it will diminish without destroying the efficiency of the plan; and it is only by bringing them clearly to view that we can learn how to deal with them. I will mention some of the greatest.

1. One-half the children will die before they become capable of repaying the debt.

Life Insurance companies should insure the lives of children from their birth, and perhaps before; and the cost of the insurance will be a part of the expense to be repaid. There will be no difficulty in obtaining such insurance when there is a general demand for it; the only question to the companies will be the ability of the mother to pay the premiums; and the questions to the mother will be her ability, and her risk in effecting such insurance from considerations to be presently considered.

2. One-half the children will be girls.

This is only a temporary objection; for although at present the girls could not be depended upon to be able to refund their support, yet if the principle were thoroughly established and in general operation, they would be as well able to do so as boys.

3. Some of the children will never be able to pay the debt.

Any man capable of supporting a wife, can repay his own support when relieved of the support of his wife. So that in practice the incapables will be only those whom already the nation supports. Where such inability is without fault of the mother, it would be no greater burden upon the community than it now sustains, if it should reimburse the mother for at least her necessary expenditures. The taxation might be a little greater, but on the other hand a portion of the community would be relieved from an unjust burden.

4. Some of the children will repudiate the debt.

So far as such failure results from improper education, the mother deserves to lose the amount. But public sentiment may make it a disgrace for a child not to repay, and the law may enforce this indebtedness as it does other indebtedness. In the case of parents whose accumulations will be bequeathed to their children, this objection has no weight; but the danger of children robbing their mothers of their support, while society makes it customary for unmarried women and even young men to live with their parents without paying for their support, is very great. We have insurance companies that will insure against the dishonesty of employes; but until it becomes a disgrace for either boy or girl to depend upon parents for support after ceasing to be children, this universal want of honesty will stand in the way of woman's liberation.

5. It will be difficult to determine the amount of the indebtedness.

This may be determined by legislation, with due regard to the varieties of circumstances. It would then be optional for the mother to increase the expenditure at her own risk if she thought best. The want of such legislation, arbitrating between mother and children, will add much to the danger and the difficulty spoken of in the last paragraph.

6. The payments will come too late to be available.

If the preceding objections could be removed, there would be no difficulty in obtaining loans from insurance companies upon the security of their own policies. Until such insurance companies exist, this objection will be often fatal.

7. The indebtedness will be a heavy burden upon the young, and will have a depressing influence.

A debt which is paid by a sinking fund imposes no other burden than the annual payment; and the universality of the plan would remove the depressing influence. A burden

does not depend upon the nominal indebtedness, but upon the actual amount that must be paid; and the amount of actual expenditure is not increased by the form of the indebtedness. The difficulty is in the adjustment of commercial relations to the new plan, and not in any increased expenditure or cost.

It will be seen from the above that one great want in the adoption of the proposed plan, is the establishment of insurance companies to take the risks attending it, for a reasonable compensation. Just as soon as the public accept the plan as just and equitable, the way will be open for the accumulations of wealth to intervene and establish such insurance companies. The cost of the policies may at first seem exorbitant. Men of wealth, convinced of its desirability, will endow such institutions, and enable them to reduce the charge. The risks will continually diminish; and the growing wealth of the community will of itself continually lessen the burdens of coming generations.

In view of these considerations, the plan outlined in my last article, seems to me the earliest and most practicable solution of the Woman Question. PENELOPE.

Sympathy. Expose and Query.

VINELAND, N. J., March 7, 1890.

It is sickening to learn another inquisitorial rack is hinged to good brother Harman's head, though hoped its fangs may not reach his heart. It is not a surprise to those who know the warring nature religion has ever shown—its tortures will be expected to fall on laborers for justice till we pass the test ordeal of pagan strife for the control of this nation—and they will not wholly cease till woman's education in health and sociology gains control of all of her personalities. Suffrage claims are small compared with social rights.

I want to express warm thanks to those, especially the women, who have recently so well sustained LUCIFER and its editor in resisting the powers that seek to suppress and stifle its workers and influence. May they continue tireless and fearless, and call out hundreds more to speak and demand in their own and the whole sisterhood's behalf. Nearly all women could tell revolting tales of hidden cruelties akin to those for which persecutions are prolonged. Of the *terribles*, I think sex disease worse than rape. Combined they are most flagrant murders, yet common. Some women rebel and leave the liability after too late for safety, and evermore

are supposed to be "rheumatic" subjects. That sort of rheum is more prevalent than suspected. Cities and villages conceal appalling conditions that are "unutterable filth" never sent in newspapers to squeamish ignorance.

An elderly lady has had a grum, husky voice since an early marriage-contracted disease operated mainly in the throat. Leaving the husband, treating promptly, and good health favoring, healing was apparent; but her fine voice, in song like a silver lute, sang no more, gave no clear tone.

I once stopped a while in a proud aristocratic village where some rich men's wives had secreted their husbands' vices until misery impelled disclosures. Some were almost blind, the eyes being a center of virus action; some had spotted countenance, some swelled glands, all wretched. A few would have fled to their relatives but for lack of travel money; though they had brought thousands to the firm, they were allowed only their clothing and care of a house, not a *home*. Common cases. They averred that the last dozen women buried there, died of "unutterable" ills.

A doctor's wife said if her daughters married they must accept young men their father had vainly tried to cure; whose blood would taint with all forms of consumption the coming ages. But the sad mother's lips are closed to the public, for medical codes close physicians' mouths with air-tight secrecy on confidential cases; thus they help uphold horrid systems of oppression, and become cyclopedias of concealed outrages.

I hope Dr. O'Neill's forced breathing crevice will lift the lip-seals and show all men that the medical atonement, promising to exempt from penalties, is almost as impotent in skill as fabled saviors', ancient and modern.

Is such common life civilization?—farther still, is it enlightenment? Church darkness seems a truer definition, Christian Respectability, generally accepted, perhaps truer still. Allowing the truth and liberty loving, and humanely laboring portion to be subtracted, let the accepted one stand, it is on a par with its greedy, sordid and cruel religion, if at all separate. To perpetuate its like is the worst that can befall man's real happiness, but to do so, men wage war to the death, and determine on woman's subjection to insure easy supplies.

M. E. TILLOTSON.

NOTES AND COMMENTS.

The *Advocate* (Topeka, Kan.) is quite right in saying that it is the "province of mothers to give instruction to her daughters, and the father [and mother,

too,] to the sons," and this reason, if no other, justifies the publication of such terrible facts as those given in the O'Neill and Markland letters, in order that careless and ignorant mothers and fathers may be roused to a sense of the necessity of giving their children proper instruction on the vitally important subject of sex. As a rule the parents themselves are deplorably ignorant in regard to the dangers that beset the young and inexperienced.

As to whether these proscribed letters are "calculated to debauch rather than refine and cultivate the intellect and the understanding," is a matter of opinion upon which the "best people" honestly differ. That the facts related therein are shocking—distressingly so, is readily conceded and is an argument in favor of their publication instead of their concealment. Whether these facts are told in a way "calculated to debauch," etc., is a question that each editor and publisher must determine for himself. I, for one, do not think them open to that objection.

Whether LUCIFER is an "exponent of the literature of the slums of society" could perhaps be best decided by an *inhabitant* of those malodorous precincts known as slums. Unfortunately, or fortunately as the case may be, I have but little knowledge as to what the literature of the slums may mean, but so far as I have any such knowledge, LUCIFER is not now and never has been an exponent of that class of literature. I would like, however, at this place in few words to say that language, *i. e.*, literature, is good or bad according to the use to which it is put. With this view I claim the right to use the literature, the vocabulary, of the slums, if there be such vocabulary, in order the better to describe the evils, the abuses, the perversions that prevail, as we are led to believe, in places commonly known as slums.

It may be a mark of senility or worse, on my part, but to me it seems simply amazing that those two usually clear-headed thinkers and brave defenders of the right of free expression, E. M. and George Macdonald, should condemn in the strongest terms the *manner* in which Dr. O'Neill unveils the most hideous of crimes and vices, and yet have *not one word* of condemnation for the crimes and vices themselves. The *facts*, or the statements of facts, are not called in question, but only the manner of telling them. Dr. O'Neill *may* have offended the canons of *good taste*. Granted; but if so, what is *his* offense, and his publisher's offense, when compared to the offenses against personal right and personal purity committed by the men whose acts are laid bare by the humane and plain-spoken physician?

SUPINENESS OF WOMEN.

As to which reform, which agitation, takes or should take precedence is a question for each agitator to decide for herself or himself. For myself I take the ground that before woman can be freed, in any sense, there must come a genuine *desire* for freedom—there must come an unquenchable thirst or longing for something higher and better than

our laws and customs now grant to women; and I maintain that there is no means by which this desire, this unquenchable longing, can be excited or aroused—no means so potent for this purpose as an appeal TO HER MATERNAL INSTINCTS—her mother love.

Appeals to her judgment, or sense of right, will generally fail, simply because woman's large approbateness prompts her to hearken to what "they" say; that is, her desire for the approval of others leads her to adopt the popular standard of propriety rather than to follow her own unbiased judgment. Appeals to her love of personal ease, comfort, health or of life itself will often fail because her natural generosity or benevolence prompts her to sacrifice her own ease, comfort, health or even life for the benefit, real or supposed, of others. Not only does natural impulse make women self-sacrificing but education, especially religious education, makes her still more so.

Whether woman be naturally religious or not there can be no doubt that her aspirational and emotional nature makes her an easy victim, an eager devotee, to religious beliefs, and it is necessary only to remember that the religions of all nations and peoples assign to woman a subordinate position, and make obedience to man, self-sacrifice for man, an important part of each religious creed—it is only necessary to remember this to know that her religious education is a most potent factor in woman's enslavement.

If, then, appeals to woman's judgment, to her sense of self-preservation or to her educational and religious prejudices—if none of these considerations can be relied on to stimulate woman to action in her own behalf there remains but one more appeal to be made, and that, as already said, is the appeal to her love for her offspring—her maternal affection—the strongest, the deepest, the most universal, most abiding, of all human instincts or emotions.

Once convince woman, by reference to matters of fact that come or may come within the field of her own observation, that in submitting to abuses such as the Awful Letters describe she is doing an irreparable wrong to her helpless and innocent unborn babes—convince her that the conditions, the physical, mental and moral influences, under which she allows herself to become a mother are indelibly stamped upon the minds as well as bodies of her children, convince her of these facts, facts now known to every physiologist, and you supply woman with the first and most essential factor—most important condition or element—in and towards her own emancipation from all slaveries, economic dependence on man included, viz: a consuming, unquenchable desire for freedom, for self-ownership. In order that she may worthily fulfill her function of motherhood; in order that she shall no longer be compelled to become the unwilling creator and builder of mental and moral dwarfs and imbeciles—in order that she may no longer be compelled to help supply the gallows, the prison, the poor house, the house of ill-fame, with birth-predestined victims.

I quite agree with Lizzie M. Holmes that it is not alone the "mere tie of marriage" that keeps women in bondage, but my own observation and the confessions that have reached my ears, convince me that poverty, or the economic dependence of woman upon man, is not the only or even the chief cause of woman's enslavement. That this economic dependence is one of the most powerful of the *secondary* causes I freely admit, but back of all this is the *supineness* of woman herself, and chief among the elements of this supineness is woman's *fear*—"fear of God," fear of the priest or parson, but more than all, fear of what *her own sex will say* about her. So long as her own sex, (Madame Grundy) tells her that she must submit without an audible murmur of complaint to all the nameless outrages that a sexually insane husband can heap upon her we may rest assured that the vast majority of women will silently and tamely submit.

To arouse her from this condition of supineness LUCIFER is now appealing to woman's most powerful emotion—her MOTHER-LOVE.

VOICES FROM PAST AGES AND ECHOES FROM THE PRESENT.

Half the cruelty in the world is the direct result of stupid incapacity to put one's self in the other man's place.—John Fiske.

How frequently audacity and pride are found in the guilty and shame and embarrassment in the innocent.—J. J. Rousseau Confessions, 9th Book, p 398.

Disjoined from any perceived good, the divine will is simply so much as we have ascertained of the facts of existence which compel obedience at our peril.—George Eliot. *Life by Cross*, Vol. 3, p 10.

Solomon informs us that much reading is a weariness to the flesh, but neither he nor other inspired authors tell us that such or such reading is unlawful, yet certainly had God thought good to limit us herein, it had been much more expedient to have told us what was unlawful than what was wearisome.—Milton's *Areopagitica*.

"What the State can usefully do is to make itself a central depository, and active circulator and diffuser, of the experience resulting from many trials. Its business is to enable each experimentalist to benefit by the experiments of others, instead of tolerating no experiments but its own."—John Stuart Mill, *On Liberty*.

"Every hand is wanted in the world that can do a little genuine sincere work."—George Eliot. *Life by Cross*, Vol. II, p 41; Franklin Sq. Library.

The prevalence of misery and want in this boasted nation of prosperity and glory is appalling and really seems to call us away from mental luxury. Oh, to be doing some little toward the regeneration of this groaning travailing creation! I am supine and stupid—overfed with favors—while the haggard looks and piercing glance of want and conscious hopelessness are to be seen in the streets.—George Eliot. *Life by Cross*, p 18.

"And so there will be always some who will forget, under the pressure of certain disadvantages, all the blessings that a free press has conferred upon us, who, in the sun, will see nothing but spots, or, in the spring time, a carnival of east winds. Moreover, is the abuse of a thing to be truly and permanently cured by restraining the use of it? If a man handles his sword awkwardly, so that he wounds his friends and himself rather than the enemy, will his dexterity be improved by taking his weapon from him? Or shall we not better teach him a more judicious management?—Hale's Introduction to Milton's *Areopagitica*.

It is of the highest importance to the administration of criminal justice, that acts creating crimes should be certain in their terms and plain in their application, and it would be in no small degree unseemly that courts should be called upon in administering the criminal law, to adjudge an act creating offense at one time valid and at another time void.—A. S. Johnson J., in *Wynehamer v Peo.*, N. Y. 425.

It often saddens one to find between the leader of a great reform and the reform itself a wide discrepancy; the work seems so great and massive and noble and the man seems so weak and little and contemptible.—Nicoll "Great Movements," Wilberforce, p 51.

"Assuming if you like that Mr. Bradlaugh is the vilest man, in attacking the rights of the vilest of men you attack the rights of the most noble of mankind."—Mr. Labouchere defense of Bradlaugh, from

"Scenes in the Commons," Anderson, p 152.

It is not a question of Mr. Bradlaugh individually.

"They are not skillful considerers of human things who imagine to remove sin by removing the matter of sin, for, besides that it is a huge heap, increasing under the very act of diminishing, though some part of it may for a time be withdrawn from some persons, it cannot from all, in such a universal thing as books are, and when this is done, yet the sin remains entire. Though ye take from a covetous man all his treasure, he has yet one jewel left, ye cannot bereave him of his covetousness. Banish all objects of lust, shut up all youth into the severest discipline that can be exercised in any hermitage, ye cannot make them chaste, that came not hither so, such great care and wisdom is required to the right managing of this point.

"Suppose we could expel sin by this means, look how much we thus expel of sin, so much we expel of virtue, for the matter of them both is the same, remove that and ye remove them both alike. This justifies the high providence of god, who, though he commands us temperance, justice, continence, yet pours out before us even to a profuseness all desirable things, and gives us minds that can wander beyond all limit and satiety. Why should we then affect a rigor contrary to the manner of god and of nature, by abridging or scanting those means, which books, freely permitted, are, both to the trial of virtue, and the exercise of truth?"—Milton's *Areopagitica*.

THE NUDE IN LITERATURE.

[The following common sense article by George Cary Eggleston, originally appeared in the *N. Y. World*. That it is appreciated as an honest expression of right sentiment on the subject of which it treats is shown by the facts of its frequent reproduction in other papers. A friend sends it to us as reprinted by *The Author*, Boston, Jan. 1890.—*LUCIFER*, April 4th, '90.

Our generation needs to learn that ignorance is not innocence, and that knowledge is not only not guilt, but is not provocative of guilt. The evil facts of life and of human nature are known to every human being who has passed beyond infancy. Such knowledge enters the mind through gates which no precaution can close, and such knowledge becomes evil only when its possessor is taught to lie about it by pretending ignorance.

It is the function of literature to reveal, to describe,

to depict the facts of human character and human life. The question is whether it shall depict them truthfully or shall disguise, pervert and falsify them with the ready-made clothing of conventionality; whether it is better for literary art to tell the truth or to tell lies; whether it is better to present hideous things as they are or to hide their hideousness beneath some false pretence, and thus, perhaps, to make things alluring which should be repulsive.

Women's instincts are finer and truer than man's, because women, as a rule, are morally better than men; and it is a fact, known to every observant person, that women are less unreasonably conventional in their views of this matter than men are. It is men, and not women, who see evil and danger in literary truthfulness; it is men, and not women, who loosely class together as bad all works of fiction which deal with forbidden things of character and conduct, without intelligently discriminating between those which deal with such matters in artistic fashion and exalted purpose and those which make vile use of them as allurement to attention.

The attitude of the public toward this matter is strangely inconsistent and incomprehensible. Classic literature, English and other, is not only tolerated, but admired, and held up to the writers of our time as an example for imitation, and yet that which mainly distinguishes classic literature from the literature of our time is the greater unrestraint with which the writers of classic literature handled the facts of human nature for artistic and moral purposes.

In our time there is a strange want of discrimination between the artistic and the brutal use of what are called the forbidden things as literary materials. Our straight-laced generation will not look upon nakedness in everything. Even truth must be draped by the tailor and disguised by the modiste.

The true test of morality in literature is its effect upon the mind of the reader, and by that test every book should be judged. The real question is not whether all the incidents recorded in the story are incidents to be approved, or whether all the characters have acted as a high morality dictates, but whether, on the whole, the tendency of the book is to make the reader love vice or loathe it. The study of pathology does not prompt the physician to love disease or to invite it in his own person, and the study of physiology would be of little use to him if he drew a veil between his eyes and the possibility of morbid conditions.

For erotic fiction in the true sense of the word,—by which I mean fiction the effect of which is to confuse moral standards and falsify conceptions of right,—no right-thinking man or woman can have anything but loathing and contempt; but it would be fatal to literary art to exclude from legitimate use those facts of life and character which the erotic novelist turns to illegitimate account.

It is not a question of legitimacy of materials; it is a question of the legitimacy of the uses made of them.

THE WOMAN QUESTION.—[For *Lucifer*.

NUMBER VI.

From the *New York World* of March 9th, I enclose a double column display heading as a census taken by *World* reporters, in which the numbers of the houses and the names of the heads of families are given in detail. Please reproduce it, as nearly as you can do so, reducing it to the size of your single column:

A CENSUS OF CHILDREN.

STERILE FIFTH AVENUE VERSUS PROLIFIC CHERRY HILL.

A MOST SIGNIFICANT REVELATION.

WHAT WOULD BECOME OF THE REPUBLIC IF FIFTH AVENUE WAS ITS ONLY HOPE?—IS WEALTH AN ENEMY OF CHILDHOOD?—READ THESE FIGURES AND LEARN THEIR LESSON.

THE "SUNDAY WORLD'S" CANVASS.

300 FIFTH AVENUE FAMILIES.

Total number of children under 10 years,..... 91
Total number of children born within 12 months... 6

300 CHERRY HILL FAMILIES;

Total number of children under 10 years,.....660
Total number of children born within 12 months...111

The *World's* comment upon this, after giving the mode of making the canvass, is as follows:

"The showing of this canvass is remarkable. It proves that only one in fifty Fifth avenue families had a child last year, while over one-third of the Cherry Hill families added to the population.

"During the last ten years 300 Fifth avenue families had 91 children, while 300 Cherry Hill families had 660 children,

"Cherry Hill has been over eighteen times as prolific as Fifth avenue the past year.

"And yet Fifth avenue has the wealth and the leisure to rear the future citizens of the republic as they should be reared, while Cherry Hill struggles in poverty.

"Is Wealth an Enemy of Childhood?

"Is Fashion the Foe of Posterity?

"Here are the texts for many a sermon."

If it were the question between wealth and fashion on

the one side and honest industry upon the other, the Republic would have little to fear from the results shown. If wealth has no heirs, it is not annihilated; the world will enjoy it after this generation leaves it. I am not sure that the wealthy are any better qualified to produce and to educate the next generation, than the average citizen. But Cherry Hill is the abode, not of honest industry and thrift, but of poverty, ignorance, intemperance and crime. While the wealthy are sterile; while the educated and industrious classes produce slowly; the lowest classes in the community are reproducing themselves at the rate of a child to every family every three years. It is a warning. The Republic can stand foreign immigration; but can it stand the degradation which will follow the blotting out of the higher classes, and replacing them by the lowest classes?

No pecuniary independence for women will even palliate this evil. While public sentiment regards women as performing their whole duty, who are not in the way of becoming mothers of at least four to six children, pecuniary independence tends to degradation in the next generation. This generation are not yet worthy of freedom. Women are not yet worthy of it; and men are not worthy of a state of society in which woman will be free. Important then as is freedom for woman; while we should do all that we can to assist her to obtain it as a right; yet the first and most important lesson for us to learn, and to reduce to practicality, is honorable maternity. The marriage which does not result in four to six children of a superior quality is a failure. It is the lower classes who need fewer children and better; the higher classes need more children and better.

The children of the lower classes can be improved by education; and that is our only safety just now; but the true remedy is to lay the axe at the root of the tree, and let the higher classes produce the larger families of children. When we can remodel our social institutions so that that shall result, the Republic will be saved.

PENELOPE.

Dagmar Mariager to Judge Foster.

Judge Foster: SIR:—A young woman of my acquaintance, and who was a good looking, bright, modest and honest servant in a private family, met some years ago a man of her church, who in due time, by his gentlemanly behavior, won her consent to be his wife. He was a clerk in a store, and was respected and honored by the public, and a favorite among his fellow church goers, and all said that in getting him, a man who had a home to give her and money in the

bank, while she had only a couple of hundred from her earnings, she was doing well.

The couple were married one evening, and the morning of the second day she deserted him, resuming her duties in the family which she had left but 36 hours before. The husband raised a great rumpus, and made bitter complaint, and sent the minister and all the congregation to solicit her return to him, as she refused herself to talk with him. The would-be peacemakers and all their acquaintances coaxed her, and then badgered her, and finally threatened her with social odium for her unwifely behavior, if she did not immediately resume and remain true to the promise she had made before God and man to live with her husband. None of these god-fearing and god-loving people knew, or cared to know *why* she had deserted him, though all knew that she was not the one to do such thing on an idle whim, or without a proper reason. It was not the welfare of either the wife or the husband that prompted these people to this course in their desire to continue the union, but that blind reverence for the institution of marriage, which has been the mother of countless crimes against my sex.

The meddling public labored in vain, and the threatened social odium was duly and piously cast upon the woman. It met her at every turn with a vengeance becoming the spirit of such unreasoning and fanatical people as follow Comstock in a blind honoring of a name, while the deed underlying it reeks in filth and is in all its bearings uneclipsibly foul. In the meantime the young husband had power, being a pet both in his church and his secret lodge and he and his indignant friends scattered the most groundless and loathsome reports against the woman's honor, and whenever she went upon the streets the good citizens and "respectable" people cast at her brazen insults and the foulest accusations. The many knew and privately acknowledged her innocence, but continued and applauded the persecution in a growing spirit, in the theory that the end aimed for justified the means resorted to to secure it. She was thus cut away from all her past friends, as she dared not enter the church unprepared to confess her sins and promise an aim to live a "better life."

She was with a Jewish family but even they, because of the public clamor against her, and because of the husband's business interests, were compelled to discard her both as friend and servant, and thus she was set upon the streets to be attacked by the multitudinous mass of jeering moralists. She was homeless, penniless, ill and crushed by the wrongs done her in the name of purity, while she dared not speak in self-defense. She disclosed her secret to me, but I dared not repeat it. I was otherwise unable to help her, and so I saw her driven to seek a livelihood by prostitution, and the self-righteous people cried out: "There!—Didn't I tell

you so? I knew she was nothing but a scheming strumpet. If she hadn't been a poor friendless woman the stink she raised would not have been suffered so long. She has brought disgrace upon the community, and given us a deal of trouble, the huzzy."

Her secret was this:—

DAGMAR MARIAGER.

[For the present, at least, the remaining paragraph is withheld. To spare the feelings of those who cannot bear to hear an inhuman outrage spoken of in the only terms that can properly portray the enormity of that outrage we leave the further explanation to the imagination of the reader.—
LUCIFER, April 14th, '90.

Another Appeal.

LOS ANGELES, CAL., Cor. Brooklyn and Lorne Sts.

Judge Foster: Seeing by the Valley Falls LUCIFER, dated October 18, that their trial had been postponed till spring, I write to beseech you to think seriously and conscientiously of their case and to not allow prejudice, fear of criticism nor condemnation, influence you during their trial. Deal with them justly and they will certainly be freed. In the name of all that is good and great, for the sake of what liberty we now possess, for the sake of oppressed womanhood and in the interest of coming generations, do not allow these innocent men—for they are just as innocent of any crime as either you or I—to be imprisoned for a single day. They have done a great and noble work in publishing their brave LUCIFER, and it is to be hoped it will live long and prosper to do still more good by shedding its bright light on many darkened intellects.

I have been a constant reader of LUCIFER for over two years and have failed to ever see anything obscene in it, not excepting the Markland letter. On the contrary it could not help having an elevating and refining influence on anyone who would thoughtfully peruse it; and, as for those who delight in reading obscene literature, they would be sadly disappointed in LUCIFER, but can find all the smut and filth they desire in the daily papers. There are some people who pretend to be so nice they consider it indecent for a woman to expose her arms and shoulders and men who cannot look on a woman thus without exciting their lewd desires; but does that make the woman who so dresses obscene? And so it is with what LUCIFER publishes. It is the person who is obscene who thinks the Markland letter obscene.

"To the pure all things are pure" is ever true. And so Anthony Comstock, if he has success in his present undertakings, will probably turn his attention to women ex-

posing their arms and shoulders and term it "indecent exposure." Not being one who indulges in that kind of dress I might be selfish enough to say, like some do when it is not their shoe which pinches, "I don't care; it doesn't hurt me any." But I will not, for until we feel that every one's sorrow is our sorrow misery will reign.

Every woman in the land should try and encourage these men in their grand endeavor to free women from sex slavery. To think how poor helpless women are ill-treated in the name of law and with the pretext of protection! It is shameful, but it will never be righted without perfect freedom of speech, press and mails. Hoping you will see clearly and be on the side of liberty and justice,

Yours respectfully, MRS. L. D. McCASLIN.

Marital Abuse a Fruitful Cause of Insanity.

ROCHESTER, MINN., March 20, '90.

EDITOR LUCIFER: Am *very* sorry to learn of your recent arrest, *more* sorry to know such hideous practices as the O'Neill letter portrays are enacted, and *most* sorry to see "twilight liberals" censure you for daring to print the naked truth.

Does any one of these alleged Liberals think it possible to plaster over such vices and such vicious practices with a healing salve which will not at the same time draw the impurities of the system to the surface? Deception has been tried too long, and that's what's the matter! Some say: "O yes, this subject should be discussed, but in a proper manner." That assertion is ambiguous. What would be a "proper" way for one who thinks or believes "the human form divine," would be decidedly improper to another who has become mentally twisted up into a contorted muddle by false ideas and church teachings.

I do not blame Mrs. Whitehead for wishing to resign, but it appears to me that the obnoxious facts so infill all humanity that there is no resigning or running away possible, and I hold that the church is most to blame for the present status of ignorance and vice. Marriage is a "sacred" institution!

Just one case for record: A young lady friend acted as attendant for several months, at our Sec. State Insane Asylum here. As it was necessary for the attendants to know how to proceed with new patients, the doctor in charge would give instructions. One morning a woman was brought in, who had been there before. The doctor turned to Miss R. and said: "She is not violent. Some men are brutes, and that's all you need to know. Yes, men are worse

than brutes and ought to be killed. Look at that poor woman's eyes. You will soon learn to tell a misused married woman by her looks. There are many such here."

Miss R. learned that this was the third time this patient had been brought there. After the first commitment the doctor told the husband that it would result in permanent insanity if she had any more children. She had the child and returned home to the "protecting" (?) arms of her owner (husband) and in a few weeks had to be taken to the Asylum, again and again, during pregnancy, to escape the loving embraces of her husband!

Miss R. said: "I heard and saw so much of the utter slavery of these women that I have concluded to grow up an old maid, rather than to give myself in marriage to any man."

Now, does it not seem an imperative duty we owe future generations, to demand that woman shall be freed from the enforced (l)awful "marital rights" of man?

Those who would be free must strike the blow,
Strike for JUSTICE, and more room to grow—
And don't be so slow!

FLORA W. FOX.

O'Neill to his Critics.

NEW YORK CITY, March 29, 1890.

I will take no notice of *personal* criticisms because I do not care a straw for them, and because your space is too valuable to be filled with egotism.

I think it was Alexander Pope who said.

"Vice is a monster of such frightful mien
That to be hated, needs but to be seen."

I fail to see how the recital of such outrages as I mentioned, could incite others to commit such atrocities. As well might it be said that the account (in the newspapers) of the Nebraska woman who cooked and ate her new-born babe would provoke other women to do likewise!

As for the question of "taste" I would simply say with Horace, "*De Gustibus non*," &c. [There is no disputing about tastes.]

The records of the Insane Asylums, Divorce Courts, Women's Hospitals, and Medical Journals are full of outrages on women by their husbands, perpetrated under the aegis of "Law and order."

The only *real* question at issue, as it seems to me, is this: Under the law of Equal Freedom, has not every man a right to publish what he deems proper, so long as he does not infringe the equal rights of others, and so long as he slanders no one?

Some one has said "

"All seems vicious which the vicious 'spy,
As all looks yellow to the jaundiced eye."

How does this apply to the contemptible curs and hypocrites, Comstock & Co., who, with the "prayer" of their alleged "god" upon their lips, "Lead us not into temptation," go and deliberately tempt men to "vice" and then gloat with fiendish glee over their rascally work! They are all pretended followers of the meek and gentle Jesus, who said: "If a man smite thee on one cheek turn to him the other," "Love thine enemies," "do good to them that hate thee, and bless them that persecute thee." I quote from memory.

I observe that many are inoculated with the "non-resistance" mania. I am not a follower of Jesus nor of Tolstoi, while I hope I recognize the good in both. I take the view of Krapotkin, Ruskin, Reclus and others, on this point. "They have rights who dare maintain them." A willing slave is *more contemptible* than a tyrant!

The non-resistance" doctrine is, to my mind, nothing but intellectual castration. You know how Bishop Origen and his monks went around, like a press-gang, castrating every man they met so that he might the better be able to "save his soul!"

I thought Mrs. Whitehead (a most estimable lady) was rather deficient in "back-bone," from a conversation on Revolutionary Anarchism I once had with her. Her heart is in the right place, however. She is a "non-resistant" thinker.

I hope to revert to this subject again very soon, provided you are inclined to devote any space to the subject of "Revolutionary Anarchism."

R. V. O'NEILL.

That Which is Done in Secret Shall be Proclaimed Upon the Housetop.

EAST PORTLAND, ORE., March 27, '90.

BRO. HARMAN: I sent some stamps, the first part of this month for back numbers of LUCIFER, as mine had been lost in trying to forward them to me while I was down in Coos county, but they have not come to hand yet, consequently I have not seen Dr. O'Neill's letter, but in LUCIFER of date, March 21st, I find a letter in reference to the same which gives me some idea of what the letter is for the publishing of which you are again arrested.

My brother, men a hundred years hence will glory in the fact that a *man* had the courage to probe the ulcer so deeply, and if there is a deeper bottom let us have it—let it be *scraped clean*.

The woman with whom I am staying is one against

whom even Mother Grundy dare not wag her tongue. A friend read the letter that "duplicates" O'Neill's to her while she was preparing the dinner, before I had had time to look at it, and she too understood. This afternoon, while speaking of it she said, "It made me sick; I could not eat my dinner. I know of one case where a man when his wife was so near her confinement that he did not care to enforce his claim in the natural way, forced her to relieve him by making a "sucker" of her and she would vomit with the disgust and nausea thus caused. The child was a poor sickly thing that seemed so disgusted with food that they could hardly get enough down it to keep it alive. I could never publish anything like that, but I am glad Mr. Harman has had the courage to do it and I will stand by him."

This, to me, was testimony from an unexpected source. I shall never forget the horror I felt when I first learned (some sixteen years since) that such a thing was possible. For years I could never bring myself to put the diabolical perversion into words. Three years ago last November, when in Chicago, I heard a lady say of some man who was named by another:

"They say he is a French taster." "What is that?" I asked, and then for the first time I learned that there were men who earned their living in that manner.

Great Comstock! I was going to say great God, but I think Comstock will do. I am tired of a god who can keep silent while such abominations prevail; tired of a Christianity which imprisons people for opening up such hells to the light of day. And yet they claim to be the followers of one who is reported as saying:

"That which is done in secret shall be proclaimed upon the housetop."

Yes, these things will and must come to the LIGHT and the CAUSES which produce such degradation must be found and REMOVED.

And yet such knowledge can be of little use under our present property system, *only* as it serves to show the necessity of economic independence for woman *and the way to obtain it.*

Yours for the bottom truth, LOIS WAISBROOKER.

FOR LUCIFER.

"SCIENTER"---"KNOWINGLY."

The indictment against Aunt Elmina was quashed because it did not allege "scienter;" that is, although it alleged that she knowingly deposited obscene letters in the mail, it did not allege that she knew that they were obscene. If

she had been asked by a neighbor to deposit a letter in the mail, without knowing its contents, and if the letter really was obscene, she would have committed the act described in the indictment; but that would not have been a criminal act; it would not have been a violation of the statute. The indictment therefore failed to include one of the essential elements of the criminal act it was undoubtedly intended to charge. That was a fatal defect, and the indictment was quashed. The multitude of indictments first brought against the publishers of LUCIFER were all defective for the same reason; and Judge Foster followed the ruling of Judge Paul, and quashed them all.

This was not a mere technicality. Not only were the government excused by the form of the indictment from bringing forward any evidence that Aunt Elmina knew that the letters were obscene, but she was prevented from proving that she did not know that they were obscene. She could have proved that; she had witnesses there for that purpose; but such evidence was ruled out; it was not relevant to the matter before the court. And the same would have been true, undoubtedly, had the original indictments against the publishers of LUCIFER proceeded to trial. The omission of the allegation of *scienter* would have deprived the defendants of an important element in their defense.

When the new indictments come to trial, the defendants answer that they did not know the matter complained of to be obscene; and if that is true, it is a sufficient defense. The decision of Judge Paul, and Judge Foster, as well as prior decisions with which they concurred, settle that beyond controversy. It is not at all the question what Judge Foster believes to be obscene, or knows to be obscene, or what the jury believe to be obscene, but what the publishers of LUCIFER, at the time of the mailing of the several articles complained of, knew to be obscene.

The publishers of LUCIFER knew at that time of the legal definition of obscenity in the Bennett case, and in earlier cases. They knew that the term obscene in the statute had received authoritative construction. They knew that that construction was not the definition given in the dictionaries, which includes, "foul, filthy, offensive, disgusting." It is manifest with such a definition the law would be exceedingly stringent. It is impossible for an editor to avoid disgusting some of his readers. If he speaks strongly against a political candidate, the friends of that candidate are disgusted; while if he does not speak strongly, his own friends are disgusted.

But unreasonable as the Comstock law is, it is not so bad as that; and the publishers of LUCIFER knew that it was not. They had every reason to believe that the construction given to the statute by the court was the construction which it was their duty to accept; and most certainly they did not know that they could be amenable to the law under a different construction.

The question then is whether they knew that the articles complained of were obscene in the legal sense. The legal construction is this:

"The test of obscenity is, whether the tendency of the matter is to deprave and corrupt the morals of those whose minds are open to such influences, and into whose hands a publication of this sort may fall."

Will it be supposed, can it be supposed, that they knew or believed that the tendency of these articles was to deprave and corrupt the morals? There are minds so full of lust that it is always bubbling up to the surface; and such minds, even the horrors of the Markland and O'Neill letters might not be able to restrain. It is not these letters which excite lustful thoughts, but it is their own innate or inbred corruption. The publishers of LUCIFER, in the publication of the earlier papers complained of, believed that their tendency would be to benefit the morals of those who read them; they certainly did not know that it would not. And in the last three years they have seen the good which has arisen from them; they have seen how the good and the pure have been strengthened by them in their endeavor to promote good morals; and now it cannot be said that they know what all their experience contradicts; but on the contrary it may be safely said that they know that the articles they have published are not obscene, that their tendency has not been corrupting, but has been directly the reverse.

DIANA.

WHO AND WHAT ARE ON TRIAL?

In less than two weeks from the date of this issue of LUCIFER an important trial is expected to come off in the U. S. District Court at Topeka, Kansas. Important, not because of the prominence of the individuals who stand accused of crimes or misdemeanors, but important because of the principles involved in the questions that will then and there come up for investigation and for legal interpretation and decision, and important because of the prominence and number of the persons who will really though not technically or nominally be put on trial.

As it is just possible if not probable that the present conductor of this free platform—LUCIFER's platform,—will not much longer be allowed the privilege of saying his say from said platform, he now respectfully asks the careful attention of the reader of these lines, to a short statement of what he believes to be the issues to be tried at the approaching term of the U. S. Court and also, who are the persons that are then and there to be put on trial.

I. As to Principles:

(1) The principle, the right, the demand or claim, of and for freedom of speech and of the press, will be put on trial.

(2) The principle of citizen right to and of civil liberty, including political and religious liberty, will be put on trial; for if speech and press be not free, then it can be easily shown that civil, political and religious liberty are hollow mockeries.

(3) The constitution and laws of the United States will be put on trial. The constitution and laws are part of the machinery of the artificial thing we call government. Government, human government, is of itself an evil, a very expensive and dangerous evil—dangerous because of the tendency to arrogate to itself powers and functions that do not rightly belong to it. Government,—written constitutions and laws,—is the creature of man, and therefore *inferior* to man. In fact, until incarnated in the person of man, or men, as officials or executors, government is only an *idea*. As a force or power it is less than what we call "the idle wind"! Incarnated in man or men this idea becomes useful or hurtful according to its use or abuse. The only use or excuse for the existence of this thing we call government is to help, by co-operative effort, to secure each individual person or citizen in the enjoyment of his or her natural rights. Among the most important of all natural rights is the right to think and the right to express one's thoughts. This latter necessarily implies or includes the right to free speech and free press.

If the written constitution, as an important part of the artificial arrangement we call the government of the United States, provides for and guarantees absolute freedom of speech and press, then this fact will be fully brought out at the Topeka trial.

If, on the contrary, there is no such guarantee in the printed document called the constitution of the United States, then this fact also will be fully made manifest, and it will then be in order for the citizens

of the country called the United States to begin to inquire whether this document, the venerable document they have been taught to regard as the palladium of their liberties, is really worth the blank paper it is written on.

As to other laws, as to enactments other than the constitution itself, bearing upon the case or cases under consideration, the same remarks or rules will apply. If these laws support, guarantee and defend the citizen in the enjoyment of his natural rights then they will come out of the ordeal unscathed; but if, on the other hand, it is found that they deny or contravene those natural rights, then the verdict must be pronounced, "Weighed in the balance and found wanting!"

II. As to Persons:

(1) The judge, Cassius G. Foster, will then and there be on trial. As presiding officer, arbiter or umpire, the responsibilities of the judge are very great. The judicial oath, a copy of which is given a conspicuous place in large type on first page of this issue, outlines, in part, at least, the responsibilities resting upon the presiding officer of the court, but it does not tell the whole story. Cassius G. Foster, for instance, was a *man* and a citizen before he was a judge of the U. S. District Court. When he became a judge he did not cease to be a man and a citizen. His manhood and citizenship are of much greater importance to him than his judgeship. His duties as a man and a citizen take precedence of his duties as a judge, simply because, as already stated, governments, of which judgeships are a part, are the work of man, or of men, and therefore inferior to the men who make and who can, if they choose, *unmake* them. As a man it is Cassius G. Foster's duty to do no wrong to any human being. As a citizen of a republic or commonwealth he is the equal of any other citizen, living or dead, consequently he owes allegiance to no other citizen or citizens, for it is absurd to say that an individual citizen owes allegiance, loyalty, to an equal, or to equals. The only allegiance or loyalty that a free and equal citizen can owe, is loyalty to *his own manhood*, to his highest ideal of Truth, Right and Justice. If the constitution and laws embody and represent C. G. Foster's highest ideal of truth, right and justice, then he owes allegiance to that constitution and those laws, but *only because of*, and so far as, they embody this highest ideal.

41
That is to say, every judge, every magistrate, every presiding officer of a court, from the lowest to the highest, is

BY VIRTUE OF HIS MANHOOD, and by virtue of his citizenship, a judge of the laws, the statutes, the human enactments, that he is called upon to administer—from the constitution of Alexander Hamilton, of Washington and Franklin, down, *down*, to the postal laws engineered through a degenerate and debauched Congress by Anthony Comstock!

These are some of the reasons why we say that of all the persons to be put on trial at Topeka, Kansas, at the approaching session of the U. S. District Court, Caissus G. Foster takes, and should of right take, the first and most important place. How he will bear himself under the strain of this trial, is a question in which many thousands of people scattered all over this broad land, now feel a deep interest. Will he come out of it with honor to himself and with credit to the judiciary of which he is a member, or will the ordeal prove to be too great for the man? Will he show himself a jurist whose record will be found worthy to be quoted on the side of liberty and equity in future years, or will he take rank with those jurists who sacrifice principle to expediency or to judicial bias, who bow to "precedent" instead of to Truth and Justice, and for social or political reasons are ready to sacrifice the innocent to gratify a popular clamor, which clamor has no other cause or foundation than ignorant prejudice?

Besides the judge there are other persons who will be put on trial at Topeka within the next two weeks, but the consideration of their cases will have to be postponed till another issue.—LUCIFER, April 4, '90.

NOTES AND COMMENTS.

Respectable morality, popular morality is only skin-deep. Like the fabled apples of Sodom it is fair and beautiful to the sight, but break or cut the rind and you find nothing but bitter ashes. It is not strange therefore that the guardians of this respectable morality should seek to punish by fines and imprisonment the daring iconoclasts who have the hardihood to puncture the fair-seeming shell, and show the rottenness that it hides.

Of the twenty odd contributors to the make-up of this edition of LUCIFER six or seven are physicians by vocation. It would seem very proper and right that physicians as a class should take a leading part in the discussions growing out of the sex-question, especially in its physiologic and hy-

gienic aspects, and I am very glad indeed to find among them so many that seem fully awake to the importance, the paramount importance of the general diffusion of knowledge on this hitherto neglected and tabooed subject.

Are there such things as "nameless crimes," or nameless vices? If there be crimes and vices more atrocious than all others--crimes and vices the *bare mention* of which makes the hearer stand aghast and catch his breath short and quick, is not this fact itself the best possible reason why such crime or vice should receive the more accurate description, so that its presence or near approach may be the more readily detected and guarded against? The attention of the candid reader of LUCIFER is invited to the article of Dr. Lloyd, in this issue, entitled, "Describing Disease in not itself Disease,"—and especially to the paragraphs beginning, "Sexual vileness is a form of sexual disease," and ending with, "to call the simple description of a vile act vile, is just as absurd as to call the description of murder murderous, or the description of theft robbery."

I quite agree, in passing, with Dr. Lloyd, that it is "more important in every way that people should have clear sexual ideas, than that their prejudices with regard to certain words, phrases or forms of expression should be overcome." LUCIFER hitherto has made no fight for the use of *any* particular words, phrases, or forms of expression. All we have demanded is the right to use *such* words and phrases as shall describe "accurately and scientifically" the subject matter upon which we are treating, and this, too, is stoutly contended for by Dr. Lloyd himself. So then there really is no ground of difference between us. While asserting, now and always, our absolute right, with and for a good purpose, to use the language of the "slums" as it is called, we have not yet utilized, or practicalized, that right, so far as this writer now recalls.

"Obscenity" exists only in the mind of him or her who perceives it as such. Abnormality, perversion, may exist and does exist outside the mind that perceives it, but *obscenity* never. Instance:

A manure heap reeking with ammoniacal gasses, is, to the ignorant and artificial city dude an *obscene*, a disgusting object. But to the intelligent and common sense agriculturist it is neither obscene nor disgusting; he sees in this uncouth and malodorous pile the elements of beauty and of use—the beauteous and fragrant flower and the useful fruit. He knows that the ammoniacal gasses escaping from this heap are destructive to health, so he goes to work to change abnormality to normality by bringing into play the law of *use*.

So likewise an uncared-for wound is a disgusting, an obscene object to the uneducated and unsympathising observer. To the educated and humane physician, however, no evidence of abnormality is disgusting or obscene. He observes carefully the nature of the granulations and from these indications he learns how to adapt means to ends so as to secure a return to normality or to health.

Dogmatism, arrogant self-assertion or assumption of

superior knowledge, wisdom or goodness, is by no means an exclusive trait of the orthodox Christian clergy. Editors, including some who claim to be evolved out of the bogs and fogs of superstition and to have reached the broad tablelands of Rationalism and Naturalism, sometimes show very strong symptoms of the dogmatic disease. To those editors who have sat upon LUCIFER's case anent the O'Neill publication, and who have pharisaically and magisterially, if not judicially and juridically condemned him, we would mildly suggest that they read this number of LUCIFER through, not neglecting the reprinted article on fourth page entitled, "The Nude in Literature." Read it carefully, laying aside prejudice, if possible, and you will probably come to the writer's conclusion that "it is not a question of legitimacy of materials; it is a question of the legitimacy of the *uses* made of them." That is to say, *all* materials, including all words and phrases, are legitimate and proper when a right and proper use is made of them. Tried by this rule I am confident no humane or generous souled man or woman can, on due reflection, condemn Dr. R. V. O'Neill for writing, nor LUCIFER's editor for publishing the letter that has been made the pretext for a new assault upon personal and civil liberty.

The lesson to be drawn from these illustrations, when applied to social or sexual diseases, abuses or abnormalities is too obvious to need further elaboration.

Among the short letters in the correspondence department will be found one signed "Nancy Harman." That the bare mention of this name awakens many a tender memory in the mind of the writer will not be thought strange when I say that the owner of that name is my *mother*. With her, by her and for her the battle of life has been fought. Her record is made, and though it may a partial son that says it, no record is more honorable, in the true and right sense, than is hers. The world with its ambitions, its joys and sorrows, is now fast receding from her sight--she is now in the eighty-third year of her age--but she has lost nothing of her lifelong solicitude for the welfare of the son who now pens these lines. If our correspondence can be relied on there are many who have watched and are watching with interest the progress of the battle for free press in the Kansas U. S. Court, but it may be safely said that by none has this contest been watched with more earnest, more unflagging solicitude than by Nancy Harman. A mother's love, a mother's solicitude for the welfare of her children, *never grows old, never wearies, never dies!*—LUCIFER, April 1, '90.

WHO AND WHAT ARE ON TRIAL?

In last issue of LUCIFER something was said in answer to this inquiry. The ground was then and there taken that the principle of free speech and of free press, is or would be on trial in Topeka, on or about the 14th inst. Also, the principle, the doctrine, the right of civil and religious liberty. Also, that the constitution and the laws of the United States, are

now and would then be on trial. Also the judge, or presiding officer of the court, would then be tried. And now we add the names of a few other persons, viz:

The district attorney, J. W. Ady, by name, will be on trial at the approaching session of the U. S. District Court. Of this gentleman's past record I know nothing. I met him once, at the preliminary examination at the time of the last arrest, and my impressions of him both as a man and as an official, were decidedly favorable. There was no indication, either in his manner or his words, that he felt himself better or greater than other men because of his official character or position. As was said of Judge Foster, so I would say of Dist. Attorney Ady, he was a man and a citizen before he became a U. S. official. His manhood and his citizenship are of much greater importance to him than is his attorneyship. Both his manhood and his citizenship require him to do no wrong to any human being. If on sufficient examination of the complaints against any defendant, he should become satisfied in his mind that no wrong was committed or intended by such defendant it will be his duty as a man and as a citizen to proceed no further in the case. As the U. S. Attorney for Kansas it is his interest to magnify his office and make it honorable by securing as many convictions under the law as possible, whether the parties prosecuted are really guilty of intentional wrong or not. As a possible aspirant for other and higher positions of honor and trust, the temptation to listen to the popular voice, instead of the demands of justice, will be great and hard to resist. Whether J. W. Ady, the man, will triumph over the temptations that assail J. W. Ady, the official, remains to be seen.

There are still other persons—the jury, the witnesses and the general public—that will then and there be on trial, but of these, more, perhaps, hereafter.
—LUCIFER, April 11, '90.

NOTES AND COMMENTS.

I find the following accredited to Col. R. G. Ingersoll, as his opinion of the agent of the New York Society for the Suppression of Vice, in whose behalf, or at whose instance, the postal laws were enacted under which, *LUCIFER* is now being prosecuted:

"I regard Comstock as infamous beyond expression. I have very little respect for those men who endeavor to put down vice by lying, and very little respect for a society that would keep in its employ such a leprous agent."

To those who reverence "authority," it may be of use to quote Blackstone's Introduction to his Commentaries.

After giving at some length his ideas of the origin of "law" he sums it up by saying that the "foundation of what we call ethics or natural law" "is this one paternal precept, 'that man should pursue his own true and substantial happiness,'" and then proceeds to add,

"This law of nature, being coeval with mankind, and dictated by God himself, is of course superior to any other. It is binding over all the globe, in all countries, and at all times, no human laws are of any validity, if contrary to this, and such of them as are valid derive their forces and all their authority, mediately or immediately, from this original."

It is true that Blackstone mixes up a good deal of theology with his talk about the origin of law and of ethics but this is to be expected of a jurist who lived and died before the rise of modern science. The essential point is the concession by this distinguished author that no human law is valid that contravenes or nullifies natural law or natural ethics, which natural law or natural ethics he says is built upon the precept that "man should pursue his own true and substantial happiness." Now that modern science has eliminated the god-idea from nature, it follows, as we think, that the maxims of Blackstone, *i. e.*, the concession of the right of each to pursue his own substantial happiness, includes and implies the concession of the right of each to decide for himself what *is*, and what is not, his true and substantial happiness. This concession then must be fatal to all assumed right by one man or set of men to exercise censorship or control over their fellow men; such censorship as the Comstock laws, or the obscenity laws, would predicate and authorize.

E. H. Heywood in *March Word* says: "As Sumner spoke for ravished Kansas, in the U. S. Senate, so Harman types the woes of raped wives, and re-incarnate 'bully' Brooks bludgeons him for it; penned by Irish pluck which nerves Parnell in the British Commons, readers *SHALL HAVE O'NEILL'S LETTER* in next *Word*; we will see what lewd official or citizen dare touch us for printing or mailing it." —*LUCIFER, April 11, '90.*

THE ISSUE CONCISELY STATED.

Tell truth and shame the devil.—SHAKESPEARE.

A noted political leader when asked by his friends what they should say to those who assailed his private personal record, replied briefly and tersely,
"Tell the TRUTH!"

A hundred years ago Robert Burns, poet, philosopher and hater of shams, wrote:

"Here's Freedom for him that wad read,
Here's Freedom for him that wad write;
There's nane ever feared that the truth should be heard,
Save they wham the truth wad indict."

These memorable lines, these world-renowned aphorisms most clearly and concisely outline the issue upon which hangs the verdict and sentence in the case to be tried at Topeka next week in which the

Kansas LIGHT-BEARER is defendant and the (alleged) people of the United States of America are plaintiffs.

LUCIFER is contending for the right to tell the "truth, the whole truth and nothing but the truth," in regard to the evils (devils) that haunt the basement stories of our social edifice. LUCIFER would tell the truth and shame these devils; it would turn upon them the calcium light of investigation so that, being seen in all their native hideousness, they may be shunned by the unwary, and so that the abodes where these devils now dwell and where they hold their ghoulish orgies may be cleansed, purified, sanctified and consecrated to the use of the "angels of light"—*i. e.*, the normal, the uplifting impulses of Uncorrupted Human Nature.

If this be the object of LUCIFER's contention—if LUCIFER is really what its name indicates, a *light-bringer*, what must be the position, the attitude, the object, of those who are now ranged in battle array against it? What must be the aim of the prosecutors who would extinguish LUCIFER's light? The answer, it would seem, is self-evident. The prosecutors of LUCIFER DO NOT WANT the lurking devils to be exposed! In plainer words, LUCIFER's enemies do not want the social evils, the sexual perversions, to be uncovered and shown to be what they are—physical and moral cancers eating away at the vitals of humanity.

Is this latter position untenable? Is it inconceivable that any man or woman of average intelligence could really wish the continuance, the perpetuity of these universally acknowledged evils?

Sad and discouraging as such admission must be to the lover of his race, the conviction has long since forced itself upon the writer of these lines—who, by the way, is by no means a pessimist—that *there is* a class of men, a very influential class of men, whose interest it is to have these evils perpetuated. Helen H. Gardener, in her late article in the *Arena*, speaks of a class of people "who are benefitted by the unintelligent increase of an ignorant population." And why or how should anyone be benefitted by such increase? The answer most evidently is that the increase of an ignorant population gives to the ease-loving and the power-loving class of men greater facilities and more opportunities for the exercise or gratification of their own selfish propensities.

And for a precisely similar reason the power-lov-

ing class are interested in keeping intact the vicious practices and the revolting sexual crimes that have been laid bare by LUCIFER's correspondents. This power-loving class may be personally pure themselves; they may never be guilty of participating themselves in those vices and crimes, but they know that it is *through and by SEX that the human race is reproduced*, and they know, too, that whatever vitiates and debases sex vitiates and debases the product of sex—*i. e.*, the oncoming generations of men and women. This power-loving class know that if all children were born with strong, self-reliant, intelligent natures there would soon be no need or occasion for a governing class, or at least that there would be so many, comparatively, that would be capable of governing themselves, and so few that would need governing by others, that their own chances of retaining power over their fellow men would be greatly diminished. A captain of police in New York City, in speaking of his own vocation, is reported to have said: "About so many arrests must be made anyway." But if there were no ignorant and vicious subjects of arrest and punishment, the taxpayers would soon tell the captain of police, the police judges, the sheriffs, the legislators, etc., that their services were no longer needed.

All unconsciously, it may be, to themselves, even, but that these considerations largely influence the men who are now seeking the destruction of the LIGHT-BEARER, there is good reason to believe. But these are not the only considerations and causes that are now at work. Among these causes may be named the old theologic superstitions in regard to sex, and the fear that if too much light is thrown upon the workings of our ecclesiastico-civil laws and customs regulating the relations of the sexes the integrity of these laws and customs themselves would be endangered or destroyed, and thus the whole time-honored fabric come tumbling about our heads.

To sum up in fewer words the issue to be tried at Topeka next week, it is the issue between Truth and Light on the one hand, and Deception and Darkness on the other. LUCIFER's work is to uncover and expose vice and crime, in order that they may be avoided and that their perpetrators may be held to account. The work of the prosecution is to *prevent* such exposure by imprisoning the man who has had the hardihood to publish to the world the unvarnished

facts. All talk about "obscenity" is mere subterfuge. Language, words and phrases, whether spoken or printed, has of itself no character at all, good or bad; its character depends upon the use to which it is put. If the use of words in the exposure of evil, for the purpose of curing that evil, be not a legitimate use of words then it would certainly be hard to find a legitimate use.—LUCIFER, *April 11, '90.*

Who is Sufficient for These Things?

May I make a few comments in regard to co-workers and friends of humanity? Knowing as I do the profound honesty and humanitarianism of Celia B. Whitehead, her deep and tender love for suffering human beings, I cannot omit to testify that I consider her withdrawal from *LUCIFER* not in the least an evidence of hard-heartedness, indifference, or a shrinking from duty.

Having myself experienced the sickness of soul at a realization of the horrible degradation of my sex in the early days of my investigations, even to the extent of physical prostration, it is easy for me to appreciate the feeling of Mrs. W. that the "constant inspection" of the marriage "score" can do her no good,—that it is, for her, wisdom to look away from it.

With one exception, the facts stated in Dr. O'Neill's letter are stale to me. That the sex disorder of the race is much more than a result of economic defect, I have no doubt. The one indecous fact in Dr. O'Neill's letter indicates that, plainly,—that woman would free herself from slavery to man's sex nature were she "free and independent" economically, is true in all probability—at least so far as serving the desire of a man would free her.

But, that when "Authority, both legal and ecclesiastical, is abolished,—when free people have free access to Nature's gifts, the sex question will settle itself,"—I cannot expect as does my friend Lizzie Holmes.

Harriet Garner has touched the core of the carbuncle with her clear thought and keen shaft of truth—"Just so long as human beings think the sum of happiness is in the amount of sensation gotten on the coitive plane of life will they find themselves in the quagmire of disappointment, discontent and suffering.

The higher nature of man is a perpetual protest against dwelling in the pleasures of sense. The kind of enjoyments that do not tend to the deeper satisfactions which nothing can disturb, and to aspirations for the nobler life, become destructive of themselves. Man's highest endowment is the creative principle. When his creative force is uselessly

expended in the physical sensation he has robbed himself of the potency by which he can become ruler and master of himself, and of all life below him.

This useless sense gratification has demoralized generation after generation, till monstrosities of disorder are common. Moral Education, and healthful training will be requisite for some generations, even after we have equitable economics, and free access to Nature's gifts. The young man of whom I knew who threatened his bride of a week with a sharp knife in his hand, to compel her to perform the office of "sucker," would no doubt have had the same disposition though no soul on the planet had a want unsatisfied or lacked a natural right. The wife left him, as she was capable of self support.

His sexual insanity could not be cured by any economic system.

LUCINDA B. CHANDLER.

NOTES OF TRIAL,

LUCIFER, April 18, '90.

Wednesday night. So busy have I been with preparations for trial, and with the trial itself, that nothing has been written for LUCIFER this week. At 10 A. M., today, the case against Moses Harman was called. I responded by making an application for continuance in words as follow:

UNITED STATES OF AMERICA,		}
DISTRICT OF KANSAS,		
In the District Court for the District of Kansas:		
The United States	} Indictment for Depos- iting in the Mails, Non- mailable matter.	
vs		
Moses Harman, et al.		

George Harman, being first duly sworn, on his oath deposes and says, that he is one of the defendants in the above entitled cause. That on or about the 7th day of April, 1890 at the city of Topeka, in the state of Kansas, and in the federal building, he, the affiant, having come to Topeka for that express purpose, had a conversation with the Assistant United States District Attorney for the District of Kansas, Mr. Soper, in the presence of David Overmeyer, wherein said Soper agreed with this affiant and said Overmeyer, who was then and there the attorney of the affiant herein, that he, said Soper, and Mr. Ady, the District Attorney, would agree upon a day certain upon which the several cases against said defendants should be called for trial, and that he, Mr. Soper, would notify said Overmeyer of the time so to be fixed, who in turn would advise affiant and the other defendants. And affiant says that he relied upon said arrangement, and made the same known to said other defendants, Moses Harman and E. C. Walker, who also relied thereon, and affiant says that said Moses Harman is affiant's father, and that he knows that said Moses Harman placed full reliance upon said arrangement as aforesaid; but affiant says that said Soper and said Ady did not fix any time for the calling of said

cases by said arrangement agreed on and that the same being now called and so called not in pursuance to any time so fixed, but in pursuance of the order in which said cases were placed upon the docket, whereby the defendants, and especially the said defendant, Moses Harman, is greatly surprised and embarrassed, as will more fully appear in his affidavit accompanying this.

GEO. HARMAN.

{ SEAL. }

Subscribed to before me this 15th day of April, '90.

J. C. WILSON, Clerk.

In the District Court of the United States, District of Kansas:

United States

vs.

Moses Harman, et al. }

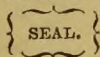
Moses Harman, being first duly affirmed, on his solemn affirmation, and under the pains and penalties of perjury, deposes and affirms that he is one of the defendants in the above entitled cause, that he has heard read the foregoing affidavit of his son, George Harman, that it is true as therein stated that George Harman, on his return from the city of Topeka, upon the occasion referred to, made known to this deponent the fact of an arrangement which he said he had made with Mr. Soper, the Assistant United States Attorney for this District, whereby Mr. Soper had agreed to consult with Mr. Ady, the District Attorney, and fix a time certain upon which the several causes against these defendants upon the above indictment and indictments, should stand for call. And deponent says that he had arrangements consummated with Mr. Ed. W. Chamberlain, an attorney and counsellor at law, of the city of New York, whereby said Chamberlain should come here to Topeka to assist in the defense of the deponent herein, when he should be notified to appear. That deponent relied implicitly upon said arrangement between said Soper and his said son and co-defendant, Geo. Harman, and fully expected and intended to wire Mr. Chamberlain to be here at such time as he, deponent, should learn the case or cases were fixed for trial as aforesaid, and not hearing of such time being fixed as aforesaid, deponent was greatly surprised and embarrassed on yesterday to learn, as he did, that no special time had been fixed for the calling of said cases as aforesaid. And deponent says that Messrs. Clemens and Overmeyer, who formerly represented him herein are no longer the attorneys of deponent herein, having finally and definitely withdrawn from the defense of deponent on the 9th inst., of which said deponent was advised by letter, late in the evening of the same day. But not until yesterday did deponent learn that no special time had been fixed for the calling of said cases; that after hearing of said fact on yesterday he immediately telegraphed to said Chamberlain, and later last night wired him again to come at once. That outside of said Clemens and Overmeyer, there is no other lawyer of whom deponent has knowledge, besides said Chamberlain, sufficiently acquainted with the nature of these prosecutions and the defense of this deponent thereto, to properly defend deponent. Besides the deponent is financially poor and not in a condition to employ numerous counsel. And deponent says that if the trial of this deponent

herein and upon the several indictments herein is not postponed until such time as Chamberlain can arrive here, deponent will be compelled to make such defense as he can in person. That deponent is 59 years old and in ill health, being greatly troubled for a long time past and at present with insomnia, and greatly debilitated and a sufferer from anæmia or poverty of blood and palpitation of the heart, and deponent says that in view of the condition of his health he feels that he is not physically able to properly conduct his own defense, even if he were otherwise able to do so. And deponent has learned since this affirmation has been in process of preparation, by telegram just received from said Chamberlain that he was confused by the two dispatches of the deponent, but that he would start at once upon another dispatch from deponent to do so. And deponent says that he has a good and valid defense herein; that he is not guilty as charged in the indictment herein, and he prays the court to postpone the hearing of this case and these cases as to this deponent for a reasonable time that he may be represented by counsel as aforesaid.

MOSES HARMAN.

Affirmed and subscribed to before
me this 15th day of April, 1890.

J. C. WILSON, Clerk.



This request was very promptly denied by the court, winding up his refusal by saying: "If you had been as diligent in looking up counsel as you have been in instructing me in my duties, you would not now be unprepared for trial. The case will proceed." These were very nearly his exact words.

Friday noon. The trial is over, all except rendering the verdict and passing sentence. When the Judge, on Wednesday morning, ruled that the case should be tried at once I asked that I be allowed a lawyer to help me obtain a jury and help to examine witnesses and asked that David Overmeyer be called. On sending for Mr. O. he could not be found, being detained at home, as was afterward ascertained, by the severe illness of his wife and child. Mr. Clemens, also, was sent for, but could not be raised. Mr. Wilson, Clerk of the Court, then suggested that Col. Bradley, a lawyer of considerable note, and who happened to be in the room, be called to take the place. On a little consultation with him I decided to retain him as advisory counsel. The jurors were then questioned in the usual way and two or three challenged or rejected for cause. Eleven of the twelve are men of families. Two or three acknowledged to being members of church, one remarking that he was "rather a poor church member." Almost without exception they are men with intelligent countenances, and if the case is lost it is believed it will be because of

adverse rulings of the court. Thirteen witnesses were called and examined for the prosecution, including the complaining witness, R. D. Simpson, who testified that his reason for notifying the Attorney General at Washington in regard to the matter, was the refusal of M. Harman to exculpate him from blame in binding over to court Edwin Walker and Lillian Harman at the time of their arrest in Sept., '86, for alleged violation of the marriage laws.

Most of the witnesses testified to having received copies of LUCIFER, containing the Markland letter and that of Celia B. Whitehead, through the mail at the Valley Falls post office. The efforts of the prosecution were mainly directed to proving that the indicted articles were obscene in the meaning of the statute and that the defendant, Moses Harman, had deposited the papers containing them in the post office for delivery or for transmission through the mails.

After the prosecution had closed their examination of witnesses, Col. Bradley, my counsel, called a half dozen or more of their witnesses to the stand to testify as to the general reputation of the defendant, for honesty and good citizenship. With one exception they testified that his reputation in these respects was excellent, none better, the same also as to his conduct toward the other sex. Considerable time was taken up with these witnesses in an effort by counsel to show that while perfectly sound in mind in other respects, the defendant is now, and was at the time of mailing those letters, *insane* in regard to the questions pertaining to the right relations of the sexes. This part of the line of defense was, of course, without the sanction or co-operation of the defendant himself.

THE VERDICT.

Two o'clock, P. M. On reaching the court room in company with Lillian, I found the jury already in their box, ready to report a verdict, which verdict Clerk Wilson proceeded to read. On four counts out of the seven claimed by the prosecution—"We, the jury, find the defendant guilty as charged in the indictment." The judge then informed me that another indictment had been found against me by the grand jury, and asked if I wanted a trial upon that case now. I replied that I thought not. "You are not ready, then?" "No," said I. A continuance was therefore ordered in the case of the U. S. vs. Moses Harman for publishing and mailing the O'Neill letter.

This is written in the marshall's office, where I am now a close prisoner. Wishing to write a few letters before the departure of my friends, I will close, not knowing how soon I will be called up to receive sentence.

M. HARMAN.

CONVICTED.

LUCIFER, April 18, '90.

As stated elsewhere under the head of "Topeka Notes," the editor and publisher of LUCIFER has been tried in the U. S. District Court for Kansas, and found guilty of violating the postal laws. The trial occupied two days, Wednesday and Thursday of this week. The judge's charge was given to the jury at ten A. M., Friday morning, and after an absence of four hours they brought in a verdict of guilty on four counts out of the seven that had finally been selected by the prosecution, on which to demand conviction. These counts were all based on the Markland and Whitehead letters, the other two indicted articles, viz: "Family Secrets" and "Comments on Chavannes," were practically ignored or withdrawn from the list of articles complained of.

Throughout the whole trial, the prosecuting attorney, J. W. Ady, showed an eagerness to convict,—showed much of the vindictiveness of the partisan and but little of the spirit of fairness that should characterize him whose unpleasant duty it is to prosecute those who, through force of circumstances or from bad heredity, may have become criminals against their fellow beings. The claim of good faith, or good motive, made by the defendant and his counsel, was constantly scouted and sneered at by Mr. Ady. The sworn statement of nearly all the witnesses, whether for prosecution or defense, that the editor of LUCIFER is personally a man of good moral character was treated with scorn, contempt and ridicule by the U. S. Attorney.

Behind Mr. Ady, and frequently whispering in his ear, sat R. M. McAfee, alias Chas. Stratton, alias Nellie B. Stratton, etc., with an almost constant smile, or, more correctly speaking, grin, upon his (or her) face, that very forcibly recalled the cold, scoffing, relentless fiend of Goethe's Faust, known as *Mephistopheles*. The business of this man(?) is thus described by the *Topeka Capital* in giving its account of the trial of the cases against LUCIFER:

Special Postoffice Inspector McAfee is also here to assist in the presentation of evidence in the case. Mr. McAfee is one of the three

agents of the Comstock society of Boston [New York], the object of which is to suppress vice, and one of the principal duties of its officers is to look after the sending of objectionable matter through the mails. He has a commission as a special officer of the United States government, but draws no government pay, being paid by his society, which is doing the good work. Mr. McAfee has been the instrument of bringing many vicious and dangerous parties to justice for crimes of the nature of the one now before the court.

Scraps from Society and Law.

James Beason thinks that the black woman slave could make herself safe from her master's abuse of her womanhood by reporting him to his wife. Let him find, if he can, a servant woman who dare do such a thing and hope to escape having her hair and eyes torn out. Then let him consider further that the servant woman is *not* the mere property of both the wife and husband, nor of either, while his black slave was the property of the wife, and both that of the husband. The husband could not demand the servant woman to meet him on a given pretext at whatever place he might consider safe, nor would he dare a direct intimidation of her by the crack of his whip, but the black woman slave had no protection against either of these persuasions. It is in the family as it is in society. It is not the moral rottenness that is objected to, but the uncovering of it it. Woe to him or to her who dares expose it, whether or not he or she be the victim and exposes it in a hope of thereby getting protection from it. It is not the presence of the filth, but the aim to clear it away that shocks people's sensibilities so severely. Men have made women to their order through the establishing of the church, and so they find themselves safe, while they set women to loving *all* punishments for evil upon their own sex, and so the wife would play upon the injured instead of the injuring party, just as we see society and its bull-dog law—doing the same thing. The servant girl can go when she pleases, yet she would not dare tell, while the slave woman could *not* go, nor have rights or consideration in staying. That moral condition is seen everywhere, and that is why women are so degraded and men so base. The most fiendishly cruel principle, and weak morality, is the struggle everywhere for a false respectability. One of my women neighbors said of another a few days ago: "It is *all* true. I know it, as people never say such things when they are not true, especially in speaking of a woman." The one who said this did it in a vain hope to attract my attention from the fact that much worse is said of herself, and she seemed in ignorance that she was indorsing it all. Such is the imbecility pervading what we are pleased to call respectable society. It is but a constant and a no less conscienceless and desperate strug-

gle for self-security at an expense to others, and until the costs are *all* counted in their ghastly numbers, and we try to pay dues where dues are due, there can be no rescue from this depraving social system.

H. Bettes thinks that a social chaos is aimed at in the abolition of marriage. I see no moral need of legal strings upon either the couples who truly respect and love each other or the couples who do not. I speak alone for myself, it is not matehood that is objected to, but the master and slave sentiment christianity has put upon marriage, and which is exercised alike on all because of the church's power in law. I am a strict advocate of monogamy as well as abolition of marriage. Promiscuity seems to me abominable. It is the purifying of matehood, the making of a success, the home happy, and the little brood in it loved, loving and full of good promises, that I labor for. The chain that binds the couple should be within their hearts and minds, as, when they are independent of the personality, they only chafe and irritate the flesh to no possible good. We must do away with all outside props. The gods, the hopes, the aspirations, the merits, must all be cultivated *within* us, or we can but be mere tops set spinning irresponsibly by whatever power may give our necks a twist.

C. L. James seems ignorant of the fact that it is the prevailing violation of law *in* law that is even more barbarous than is the law itself. Let him investigate, and see the fact that the judges and lawyers who prate most about the necessity of strict enforcement of law, go deliberately into the court rooms to violate their official oaths by breaking the same law. And let him see that the average "law-abiding" juryman no less thoroughly violates human obligation, while he airs in practice his contempt for the law he professes to respect. A young woman here has just been sentenced to ten years imprisonment, and the grossest defiance of the law was visible in every feature of the trials she has been undergoing here one year. (Yes, James, I *saw* it.) In obedience to law, they could never have even arrested her, much less "found her guilty," as they did not, though they pretended to do so. She was simply selected as a sacrifice to the vindictive god-cursed spirit of the city.

DAGMAR MARIAGER.

Pent Up Heart Cries.

WATHENA. KAN., March 22, 1890.

ED. LUCIFER: Have just returned home; found a number of copies of LUCIFER, *Fair Play* and other papers; have read them carefully. I am overwhelmed with the import-

ance of the subject and the means to which we must resort to make our cause understood. Unearthed our buried family skeletons must be, if it must, for the future race, if too late for us. Oh God, if I must perish, save my child! Are not these awful letters the pent-up heart cries of long suppressed suffering? the cry of anguish, wrung from us by the great and growing evil? By the gross neglect and ignorance of the true science of life?

Do not these awful facts prove that the human family represent the lowest grade of animal life as well as the highest? Surely there are specimens of the human family so low that they have not the slightest conception of the highest grades of humanity, while there are also specimens so advanced, so pure and intelligent that it is impossible for them to imagine the lowest depths to which the forms of man can descend.

Women are the least suspicious of all, and often find themselves wedded to a brute *for life*. What can she do? and the longer she lives thus, the more perplexing becomes her situation. What can he do, if perchance he finds he has married one he loves not? Why, he can put his hand on the money *and go*. He never finds himself bound down with children, born and unborn, and penniless, too. She to get the means of escape must appeal to her captor—ha!

As for the language used in the letters, we will find everywhere language is used necessary to tell the story. See Ezekiel, 16 chap.; Judith, 12 chap., 16 verse; Isaiah, 17 chap.; Solomon's Songs, 7 chap.; Genesis, 19 chap.; Hosea, 2 chap. Close the book and say "Holy-Book—Precious Treasure thou art mine"! that will make it pure and legal custom, you know! See newspapers full of crime, murder, theft, vulgarity, the most atrocious and blood-curdling, unfit for family perusal and contemplation. Still they must be permitted, inasmuch as there is no particular object in their publication other than to gratify the morbid appreciation of such works.

It has been said that one-half of the world don't know how the other half live. I believe there are true, noble men who would rise and work for the rescue if they could only know one-half of the concealed suffering. I will give an illustration of man's unthoughtful career. Said a big burly Probate Judge, "your child don't seem to have good substantial food, don't you think she ought to have more nourishment, madam?" Madam was a thin, pale widow, who had seen care and sorrow. "Sir," said the widow, with flashing eyes, "the child has the same that I

have; that is all we can get. My income is \$180 per year when my house is rented, but rented or not my taxes are \$80 per year, and you have eaten \$8 of her bread and butter this year, and I pay \$9 per year for being her guardian, now what have I for her? Protective laws indeed! Protect the widow and the orphan and preserve the orphan's money lest the mother steal or waste it! A force of county officials set to watch the mother, to dictate to her her duties and her bonds, and to tax her for said services. To the orphans and widows give credit for your own fine good health and portly form, Sir!"

Old creeds and customs shadow our land! Oh! that we could shake them off. Are we not all bound in some degree to some creed or ism by force of custom? Have we not grown up with it, and are we hardly conscious of it? Are we not compelled to join some society or bear the scornful criticisms of self righteous partisans? Said a little girl once, not many years ago,

"Ma, which church are you going to join?" "Why not any, I think." "Why Ma, why not? we want to know where we belong. All the Methodist girls in the school, wont speak to the Campbellite girls, they draw back their dresses and won't touch them, and then the Campbellite girls treat us the same way." "Well, my dear, you ought to be thankful that you are not making a public show of holiness, that you do not belong to either of these classes. You ought to be glad that you are free; if you once get into the meshes, and happen to vary from the old set rule you would be set upon by a set of self constituted judges, and you would have to suffer many wrongs for the liberties you had taken, or they had imagined you had taken. In these creeds you must follow your leader faithfully. It is not a question of happiness or charity, but it is 'come in and do as we do,' or get out with you, vile sinner."

Another old custom is to join the church young. Marry! marry! yes, fulfill the scripture or fortify your lives for the sure storm of sarcasm; raise all the children you can, young woman, are you not told this is your mission? Fade! decay! die! (don't complain). Go to dust, or grass; be patient! Consider your mission. Don't try to help yourself. Your funeral sermon will ring loud and long in your praise; you will be a model called away by a wise dispensation; too good to stay; called to your reward. No matter how many poor little babes left behind, you've filled your mission, followed the custom, ah! Martyr mothers, when will the world cease to mourn the lost mothers that die in vain? Were any good attained we could and would submit,

but what we need is robust mothers who can raise their children and live their own natural lives in an honorable and natural way.

MRS. E. A. ABBEY.

THE TRIAL.

LUCIFER, April 25, '90.

As already briefly told in our issue of the 18th, the late trial of the case against LUCIFER in the Federal court was technically and legally a failure, so far as the defense is concerned. This result is to be regretted,

1st, Because of the consequences to individuals, involving, as it does, the possible if not probable life-long imprisonment of the defendant, Moses Harman, and the possible if not probable absorption of what little property he may have saved from his forty or fifty years of hard labor; also, because of the probable consequences to those who are intimately associated with or bound to him by natural ties—chief among whom are his conjugal companion, a chronic invalid—a cancer patient of several years continuance, who has already lost her palate and a considerable part of her upper jaw by surgical operation—also, his aged and infirm mother now in her eightythird year, who has never lost any of her maternal solicitude for the welfare of her children, and to whom the conviction and imprisonment of her eldest son will be like a poniard to the heart.

2d, A more serious cause of regret, however, than any possible loss of liberty or property by the defendant, or any pain and anxiety to relatives and friends, is the natural, the logical effect of this defeat upon the cause of personal liberty and of human advancement. Every such defeat in the courts encourages the champions of paternalistic despotism to make renewed assaults upon the citadel of personal right, or civil liberty, and at the same time every such defeat discourages those who labor and hope for the dawn of a better day—a day in which there shall be no infringement upon personal or citizen rights, a day in which woman's right to self-ownership shall not be infringed or invaded by and through the protection given the invader by man-made statutes.

To understand fully the situation and to be enabled to properly fix the responsibility for and of the defeat aforesaid, I would request the candid reader to go over again the fragmentary statements made in last week's LUCIFER, especially the affidavits of Geo. Harman and myself. Then I would request him or

her to remember that I never for a moment regarded Col. Bradley as the *manager* of the defense. When, as stated in the said affidavits and explanatory "Notes," I found myself forced into trial without the aid of counsel of my choice, I felt that the state of my health was such as to preclude the possibility of standing the strain of a prolonged fight, even if I had been well versed in court usages and technicalities. I therefore asked that I be allowed a lawyer—not to conduct my defense, this I all the while meant to do for myself, but simply to protect me in my citizen and legal rights. This request was at once granted by the court; I asked for Messrs. Overmeyer and Clemens, and when, as already related, they could not be found I accepted the suggestion of Clerk Wilson and allowed Col. Bradley, an entire stranger to me, to be appointed by the court to assist in the defense, never for a moment supposing that this appointment gave him any right to manage or *control* me or my case, any further than I saw fit to permit him so to do. I asked him the direct question, "Will I be allowed to make my own statement to the jury and in my own way?" and the reply was an emphatic affirmative.

With this understanding, and with *no other* on my part, viz: that I was to be my own lawyer, and that the *real* defense would be made by myself (or by Mr. Chamberlain if he should arrive in time) I allowed Col. Bradley to open the case—allowed him to put in the plea of irresponsibility in the mailing of the alleged obscene matter, and also the plea of monomania, or of insanity. All this I considered as mere *by-play*, and that it would enable me to husband my energies and to collect and arrange the ammunition for the real struggle. ———

Right here, as it now appears, I made the fatal blunder; this was the turning point in the battle, provided, of course, we admit that there ever was even a fighting chance for victory for the defense in this court—which admission or which hypothesis, by the way, I now consider inadmissible. We might have hung the jury, perhaps, but the instructions of the court were such as to preclude all rational hope of acquittal. However that may be, it now appears that when I allowed the court to appoint counsel for the defense, that moment I *lost control of the case*—lost the legal right to be my own defender.

Taking up the narration of facts at the point at

which it was dropped in last week's issue: After evidence for prosecution was all in, and after experts had been summoned to hear and adjudge the point as to the sanity or insanity of the defendant, I was put on the witness stand to testify in my own case. After answering to the usual questions in regard to age, nativity, education, employments, etc., I was questioned in reference to the publication called LUCIFER, and my responsibility therein or therefor. To this question I replied at some length, telling the jury how, in the summer of 1880 (current calendar) LUCIFER first saw the light—that it came into existence as the exponent and defender of the principle, the right, of free discussion on all questions of human interest; that its platform, its columns, had always been open and free to the defenders of all doctrines, creeds or opinions, whether of Jew or Christian, Infidel or Mohammedan, Anarchist or Authoritarian, Socialist or Individualist, the only test or requirement being that of good faith, good intent, coupled with freedom from malicious or slanderous attacks upon persons. That in accordance with this basic principle upon which LUCIFER had come into existence the Markland and Whitehead letters had been given a place in its columns, its editor not assuming the right of censorship over the matter or manner of his contributors, except in the cases or for the reasons just mentioned.

When questioned as to whether I had any other object in publishing the Markland letter than that of vindicating the right of free discussion and free publication, I answered, Yes, that I wished to vindicate woman's right to own and control her own person, her own maternal functions, in marriage as well as out of marriage, and because I wished to join my own protest to that of Mr. Markland against all such marital outrages as that related by the mother of the young wife spoken of in said letter. When asked if I did not know that such plain talk about sex matters was or is obscene and indecent, I replied, No, I did not. I knew that the statement of facts was or is shocking, extremely so, but that I considered the use of words by Mr. Markland to be legitimate and proper, although, from our preconceived notions and prejudices, we might consider the wording objectionable. I told how the letter, or its publication, was held for weeks or months in abeyance while I mentally discussed the pros and cons, that is, while I weighed the reasons for and against its publication without edi-

torial pruning or modification, and how the pros finally prevailed over the cons.

Similar questions were asked and similar answers given in regard to the publication of the Whitehead letter. I was asked whether I considered the tendency of such publications to be in the interest of good morals, and the reply was a most emphatic affirmative. I showed, or tried to show, that the object of Mrs. Whitehead, whose reputation as a writer and teacher was of the highest and best, was in the interest of continence and personal purity in sex-relations, and against licentiousness, against unlimited and unbridled indulgence. In short, that to ask what I considered the tendency of such publication, after reading the letter itself, was simply amazing on account of the palpable absurdity of such question. When asked if there was any hesitation over or about the insertion of the Whitehead letter, I answered: None whatever. The reputation of Mrs. W. as a writer on reformatory subjects, and her record as an advocate of the most exalted purity in thought, word and deed, was such as to preclude the idea of need of editorial pruning or revision.

"Family Secrets," or the "Millerite Story," one of the four indicted articles, was ignored by the prosecution—the judge having given it as his opinion that it was an old chestnut, and not within the intent or meaning of the prohibitory postal law. The remaining article, "Comments on Chavannes"—although not considered obscene by the judge in giving his written "opinion" upon these four articles—was made the subject of much cross-questioning by the prosecution, as well as direct questioning by the defense. It seemed to be the object of the prosecution to impress it upon the jury that "Dianism," "Alphism," etc., is something beastly, something demoralizing, and that a man who taught this doctrine, or these doctrines, or who allowed others to teach them through his paper, is a criminally immoral man and should be punished on general principles.

In reply to these searching inquiries the defendant said he did not believe "Dianism" and "Alphism" to be of immoral tendency—said that they both inculcate self-control and moderation, and that their advocates oppose excessive indulgence of the sexual appetite. Upon these points, however, the defendant did not profess to speak with confidence or with authori-

ty—said that he had never made “Dianism” or “Alphism” subjects of special study, but that on the principle of hearing all sides of all questions he had allowed these matters to be discussed to a limited extent, by others, through LUCIFER’s columns.

After doing what they could to prejudice the jury against me as an advocate of these heresies, the prosecutors, Ady and his whispering partner, R. M. Williams, of St. Louis, alias, R. M. McAfee, alias, Chas. Stratton, etc., concluded to drop that article also, and in the final make-up of their slate they asked for conviction on the Markland and Whitehead letters only.

More Letters to the Judge.

To Judge C. G. Foster: Honored Sir: I wish you could decide the Harman case from a woman’s stand-point. I wish you could see that the infliction and imposition of such terrible wrongs on the mothers of the race is a *greater crime* against government than the exposure of such wrongs. Breeding criminals faster than the government can build prisons to confine them, is the result of these wrongs. If you could see that obscenity is more in the vile construction which viciously organized minds put upon everything they see and hear, you would see that it is in the mind of the prosecutor more than in Mr. Harman’s.

It reminds me of the Dutch vender of second hand clothing, when a customer objected to a suit because of its filthy smell, he said: “You dinks dose glose schmell pad; not zo, *dot vas me!*” Just so with people of low moral attributes. Everything from their stand-point smells bad, is obscene.

Now while the U. S. censorship is prosecuting Harman for exposing wrongs that should be exposed and some means taken to right them, the U. S. mails are full of obscene cards and books which mothers find in their boys’ pockets when repairing their garments. Not a thousand miles from Topeka on a board fence was a caricature which I would like to have the U. S. censorship see. My attention was called to it by hearing some boys going home from school trying to make the girls read the writing descriptive of the drawing. I called another friend’s attention to it. He said: “I wish Mr. Comstock and Judge Foster could see that.”

It is from such things that a race of *obscenists* are being educated.

On a Sunday not long ago I attended church; the text was from Nicodemus’ visit to Christ, asking him “how can a man enter a second time into his mother’s womb?”

Moral: I wish the U. S. protectorate could have heard what some boys just merging to manhood said.

The suppression of vice is all right, but the censorship methods are all wrong.

That man is either knave or fool,
Or bigot plotting crime,
Who for advancement of his kind
Is wiser than his time.
For him the hemlock shall distill,
For him the ax be bared,
For him the gibbet shall be built,
For him the stake prepared.
Him shall the wrath and scorn of man
Pursue with deadly aim
And malice, envy, spite and lies
Shall desecrate his name.

But Truth shall conquer at the last,
For round and round we run
And ever the right comes uppermost
And ever is justice done.

CHAS. MACKAY.

Yours for Justice, Right and Truth,

CLARK LUCE.

Another Woman's Story of Wrong and Outrage.

PITTSBURG, PA., 1725 Sarah St., April 26, 1890.

Much Respected Editor of Lucifer: Knowing full well that at the present time you are being overrun with correspondence, and for that reason I may be infringing upon sacred time, yet I cannot resist the temptation to write and assure you of my heartfelt sympathy and admiration in your time of trial. I am more sorry than I can tell, to find that you have lost; but it is ever thus. 'Those who have had experience in our courts will always find law in abundance, but justice? I for my part have failed to find a sign of it. I have found how pitiless and cruel the law can be to those who dare to deviate ever so slightly from the course it has marked out. The shame, the humiliation it heaps upon the suffering heart—I could a tale of woe unfold of woman's wrongs and woman's suffering. I am tempted to do so, and think will yield to that temptation.

It is the story of a girl of sixteen, full of life and health when she became a wife. Possessed of a rich love nature, there was little she would not have done for the sake of her love, but filled also with a love of liberty she soon chafed beneath commands. The bonds she thought so pleasing at first soon became galling chains. She was a slave in every sense of the word, mentally and sexually, never was she free from his brutal outrages, morning, noon and night, up almost to the very hour her baby was born, and before she was again strong enough to move about. Oh! how she learned to hate, to despise, to loathe that man—no, not man but inhuman brute! Added to that, she was the victim of his insane jealousy. Because she was unable to give him a sexual response he blamed her for favoring other men, and

would often threaten her life with revolver and knife. She loathed his touch as that of a vile reptile, and yet was forced to submit.

I have read in *LUCIFER* of some one likening a man sometimes to an elephant. Often did her experience last an hour or two, and one night she will never forget, the outrage lasted exactly four hours. The woman that never had such an experience can not realize the fearful horror of it. Such was the life she led, until she was often upon the verge of insanity. Added to his jealousy and its results were the persecutions and insults of other men, who believed a man would not be jealous without a cause. She would not dare breathe of this, as the husband in turn would say that it was her bold and unwomanly conduct that was the cause of such results, whereas in reality she was very pure minded and in consequence of the life she led was thoroughly disgusted with sex relations.

But with all this he had never been able to quell or subdue her high spirit. She rebelled against such treatment, and would only submit to brute force. She led this life for seven years, she had been three times a mother, her first born, a boy, she laid in the grave. With her remaining two, a girl of four and a boy of two, she one day left him and returned to her parents, and nothing was able to induce her to return. Then followed a divorce suit. Oh! the shame, the humiliation, the agony she underwent at that time. But it was over at last, and she was once more a free woman, but his vile persecutions were not yet at an end. He blacked her fair fame wherever he could, and, as is always the case, found many believers. But she struggled bravely on, maintaining herself and children by the work of her hands. It was hard uphill work, but she held her head high and proudly gave back scorn for scorn.

When her boy was nine years old, his father stole him from her. This was another blow, as more than anything else she dreaded the influence under which he would grow up, but money being the ruling power she was once more forced to submit. Her daughter remains, and is now a blooming girl of seventeen, whom she would rather see laid in her grave than that one day her mother's experience should be her own.

And it is for the publication of such stories of suffering and wrong that a noble man is doomed to be outraged by the law. I can call it nothing less. It is only a short time since I first read *LUCIFER*. Until then I had not known that such a paper was in existence. I was well pleased with it in every respect, and was only too willing to see it in the

hands of my young daughter. I believe that marriage as an institution, in connection with our present social system, is an utter, a miserable failure. Although I am a married woman myself I have a husband who as far as the sex relations are concerned is an angel of consideration, and is very kind in many respects, according me many liberties that are surprising, considering that I am a radical and he a supporter of the church, yet that very fact also shows the lack of perfect harmony, and I repeat, marriage is a failure, but I also believe that little can be done to better the conditions of the sexes until there has been an entire economic revolution—not that I would advise to suspend work in that line until the revolution has taken place; on the contrary, go on with the noble work. It is one of the strongest arguments we have that that revolution should take place.

Yours fraternally,

THERESA HUGHES.

COURT NOTES.

LUCIFER, April 25, '90.

Wednesday noon. We, that is, N. H. Harman, my bondsman, and myself, reported according to promise at the marshal's office at two o'clock yesterday. From Col. Bradley, who still acts as my counselor, I learned that a motion for a new trial on the old indictments had been filed by him, and that arguments on this motion would probably be heard today or tomorrow (Thursday). There is an embezzlement case now being tried in the court, involving the Lawrence (Ks.) postoffice, that in all probability will occupy the attention of the Judge for a day or two longer; meantime nothing will be done towards determining the question of new trial on the old indictments against LUCIFER.

Saturday morning. I have not yet interviewed any of the jurymen who were impanelled to try the case of the U. S. vs. LUCIFER, but my counsel, Col. Bradley, says that three of the twelve held out for acquittal on all the counts, and that they finally gave in, after a four hours' siege, on condition that all the twelve jurors should sign a request or recommendation to the judge to give me the lowest penalty named in the law, which penalty the district attorney had told the jury might be a fine of fifty cents. (This latter statement, however, would seem to be a gross and wilful perversion of truth on the part of the district attorney.) This fact, viz: that the verdict of "guilty" was not unanimous, is one of the grounds of asking a new trial. Another plea is that the court erred in instructing the jury that it did not matter what the defendant thought, or might have thought, in regard to the character of the indicted articles,—i. e., that it

made no difference whether M. Harman thought them obscene or not--thus ignoring altogether the *intent* or *motive* in the said publications.

The court seems to be taking plenty of time to consider whether it will hear arguments on a motion for new trial. Meanwhile defendant can only exercise the grace of patience. It is more expensive but much more comfortable to board at a hotel and pay \$1.25 a day instead of taking prison fare at the expense of the people.

A Strong Expression.

SANTA CRUZ, Cal., April 27, '90.

FRIEND HARMAN: Your paper just received this moment and I hasten to learn of your fate, and notwithstanding my many fears I was shocked at the word "Convicted." I never indulged in a profane oath in my life (except when on the witness stand), but had it not been for the presence of a lady I would have said a bible word in a just cause, and I would swear by all the gods of whom I have any knowledge that you are morally and legally entitled to \$30,000 for false imprisonment. Not altogether for your personal damages, but for establishing a precedent for Cotton-Mather Christians to circumvent the liberties of the press.

I cannot believe all the rebel batteries turned upon one of the greatest of humanitarians are personal. It would be a step in the direction of Church over State and the Sunday law or any other infamous proposition for Christians to feed upon persecution. If there is a literal —— (well, I forget the name of the country) I should expect that Comstock and all his cops were found scavengers around the palace of Pluto.

I cannot descend to the usual arguments on this occasion, as I would have to acknowledge some grounds for the decision. I sincerely believe what I will unhesitatingly assert. If some of my millionaire neighbors would shp \$12,000 or \$15,000 into my pocket, I could go to Kansas and make the acquaintance of that court and jury, Comstock district attorney, etc., then go into court without an associate attorney and without more money than the price of my ticket home, and I could make Bro. Harman's character as clear and pure as Queen Vic.'s big diamond, and I would be credited with a "bigger speech" than any other man could make (who had forgotten more in one Christmas week than I ever knew). The jurymen would stare at each other and wonder at their own indiscretion and found their own innocence in the hereditary trait of "man's inhumanity to

man." And when we had concluded, the foreman of that jury would have announced from his seat: "We, the jury, find from the new light thrown on the case that there is no cause of action and that Mr. Harman's character remains as brilliant as the evening star."

Then we could have turned upon Comstock, prosecuted him for false imprisonment, and with that same jury (after having a little pleasantness in privacy) we could have sentenced this notorious plaintiff until the weakness of our compassion had given way. And yet, if all this figure was verified, we have human charity enough to find for this jury mitigating precedents which would elevate them far above the meanest of culprits. Precedents are planks for the foundation of law, and when men in high places would virtually repeal the Chinese exclusion law, saying they "would not tag them like dogs," but for the thousands of golden Chinese gods these Republican congressmen would tag their own constituents with a tag more damnable than the Mongolian one, and compel the so-called free American peers to subsist in servitude competing with Chinese slavery.

What more could be expected of a Kansas court and jury in the interest of Comstock degradation, Church and fanaticism. I would hate to be found dead in Kansas, although on sober second thought am compelled to believe that there are more than two hundred good people in Kansas.

In conclusion I must pay a tribute to Christian Comstock—he should not have a burial in a free reputed country; he should be taken to a Christian desert, where human footprints never mark the bleak sands, where the cypress withers and the evergreen dies, and there buried a thousand feet below the simoons, face downward, with the inscription upon his back—"No Resurrection." IRA H. WILSON.

SENTENCED.

LUCIFER May 2, '90.

COUNTY JAIL, Topeka, Kans., April 30, 290.

Dear Friends and Patrons of Lucifer: At 2 P. M. today arguments were heard on motion for new trial. As intimated in last issue of LUCIFER, the chief grounds upon which Messrs. Overmeyer and Bradley hoped to obtain a new trial were,

First, That the verdict was not unanimous, that it was a conditional, a compromise verdict, and therefore a vitiated verdict.

Second, That the court erred when it instructed the jury that the belief of the defendant in regard to the character of the indicted articles should have no

weight in determining the verdict, thus ruling out the motive or intent.

The pleadings were very brief, not lasting more than twenty minutes, if so long. The court limited Mr. Overmeyer to five minutes. He protested that he could not present the argument in so short a time, but his protest was of no avail. The motion for new trial was overruled, and defendant told to stand up. The judge then informed me that I had been found guilty of mailing obscene literature, by a jury of twelve men, and asked if I had anything to say why sentence should not be pronounced upon me. I replied in the affirmative, and asked how much time I would be allowed in which to say what I wished to say. The judge replied, "Five or ten minutes." This limitation entirely upset my calculations also, having made a number of notes covering the leading features of the trial,—both prosecution and defense. The jail facilities for writing being very poor, I shall be obliged to defer making a report of what I said to the judge and of what he said to me when passing sentence, until a more convenient season.

Thursday noon. One night and forenoon in prison. The jail is quite populous just now. On the lower floor there are twentysix boarders. The cell to which I am consigned had already three occupants. Cells about eight feet square and seven feet from floor to ceiling. The furniture consists of a hard bench about five feet long, and four steel wire mattresses with a blanket to each. I slept scarcely any, last night; not because of mental worry on account of the defeat of motion for new trial, or because of any unexpected severity of the sentence—I have for years schooled myself to be surprised at nothing, therefore the sentence was received with entire equanimity on my part. The novelty of my surroundings, the almost perpetual noises proceeding from the various cells separated only by grated doors and a narrow hallway, added to the somewhat close and malodorous atmosphere, were probably the chief causes of my sleeplessness. My health is fully up to the average for some months past.

FIVE YEARS IN THE PENITENTIARY AND \$300 FINE!

The following appeared in the *Topeka Journal* of Thursday evening, May 1st:

Judge Foster late yesterday afternoon passed sentence upon Moses Harman for publishing in his paper, *LUCIFER*, at Valley

Falls, and causing to be circulated in the mails obscene and indecent matter. Hon. David Overmyer attempted to secure a new trial for the defendant, but the court overruled the motion. Harman refused to stand up when ordered by the court to do so, but his attorneys lost no time in getting him upon his feet. When asked whether he had anything to say before sentence was passed upon him, he said he had and asked how much time the court would give him. Judge Foster allowed him ten minutes, which he consumed in endeavoring to show the court that he was a martyr to opinion's sake and the cause of emancipating mankind, especially women, from certain social evils. At the conclusion of his talk, Judge Foster told the prisoner that he had a few things to say. The first was that the prisoner could not plead martyrship to decency for indecency. He said the effect of the teachings of Harman was bad, whether he intended them to be good or bad, and that if intention to commit crime alone should be deemed crime, there would be little need of courts. He said that the course of the prisoner throughout the trial had been rebellious and defiant, and that it had not appealed to the leniency and mercy of the court. He had seen circus performers stick their heads into lions' mouths, but he had never seen them have the temerity to twist the beasts' tails or kick them in the ribs while performing the risky act. [Laughter.] He then sentenced Harman to serve five years in the Kansas penitentiary and to pay a fine of \$300.

In regard to the above I have a few words to say at this place:

(1) It is true that I refused to stand up when ordered to do so by Judge Foster, but my refusal was based on the impression that I was to be denied my citizen right to say a word or two in my own defense. I meant by this refusal that I protested against the rulings of the court, and that I did not mean to be a party to my own conviction by obeying the command to stand up to receive the sentence of the court. I said, "I positively and absolutely refuse to consider myself a criminal and therefore refuse to stand up to receive sentence." When the ten minutes granted me had expired I sat down and refused to stand while the judge replied to my defense, and while he passed the sentence, as told by the *Journal*. This sentence, by the way, was by far the most potent part of the judge's argument. Armed with this argument there was really no need for him to waste time and breath on any other. What need was there of his spending fifteen minutes in trying to disprove the arguments of Celia B. Whitehead, Lucinda B. Chandler and hundreds more who contend that the Markland letter is not obscene? The sentence of five years and \$300 shows, beyond the shadow of a peradventure, that Foster is *right* and that these women and all other defenders of LUCIFER are *wrong*!

(2) It is true that I maintained the proposition that the prosecution against me was in the nature of a persecution for opinion's sake. I said that the alleged crime of obscenity, like the alleged crime of blasphemy, heresy or witchcraft, is simply and solely a matter of opinion. I said there are hundreds if not thousands of pure and good women and men who

honestly believe that the Markland letter is not obscene, even when judged by the standard set up by the postal statutes. "I hold here," said I, "a Remonstrance or Protest signed first by eleven well-known lady writers, one of whom, Mrs. Chandler, has been for many years president of the Moral Education Society, with headquarters at Chicago, and which Remonstrance has been signed by many hundreds of women in all parts of the country, in which document these women set forth and defend the opinion that the indicted articles are not obscene, not of immoral tendency, but on the contrary that their tendency is in the direction of a higher and purer morality in sex-relations than that which now prevails."

But while contending that the prosecution is based on difference of opinion as to the moral tendency of the indicted articles, I certainly did not mean to pose as a "martyr." I may have said, however, and probably did say, that while not seeking martyrdom I was quite ready to meet any fate that might be thrust upon me while in the discharge of what I conceived to be my duty.

(3) I certainly agree with Judge Foster that there would be but little need of courts if "intention to commit crime alone should be deemed crime," and while I do not say that the intention is the only element in any or all crime I do most emphatically say that there can be *no* crime where this element is lacking. I told the judge that in the absence of overwhelming testimony to the contrary, my own statement, under solemn affirmation, that I did not intend to do an injury to anyone ought to be conclusive testimony against the charge of crime in the publication of the indicted articles.

(4) If to make a respectful but firm stand for my rights as a citizen and against what I believe to be the encroachments of irresponsible power, and if this conduct lays me open to the charge of being "rebellious and defiant," then I plead guilty to said charge; otherwise I plead not guilty. It is true, in the absolute sense, I did *not* "appeal to the mercy and leniency of the court," and for the honor of our common human nature I hope and trust that *I never shall ask for clemency and mercy* from this or any other court. All I ask for is JUSTICE! Justice, equity, citizen right, natural right, is good enough for me. Give me justice and I ask nothing more from the officials of this government, or from the executives of any man-made law.

(5) When Judge Foster likens himself or his court to a powerful but naturally fierce and unreasoning beast of prey, and when he likens me to a fool-hardy circus performer, I prefer that each reader will draw his or her own inferences, but will simply deny that I have wilfully or knowingly put my head into the mouth of any unreasoning beast, or that I have knowingly twisted his tail or kicked him in the ribs! I have given Judge Foster credit, all the while, with being a reasoning human being and not a blood-thirsty, vengeful animal. Whether the unprecedented severity of the sentence is due to the fact that I have not properly estimated his character as an official, or as a public servant, and also as a man, a citizen—a ruler—I leave others to judge.

Friday noon (May 2). I am still here, an occupant of cell No. 4, of Shawnee County Jail. In most respects I think this penal institution is very well arranged and well conducted. Its ventilation and sanitary arrangements are above the average in excellence, so far as my observation goes. Though not entirely free from unpleasant and unwholesome odors, there is little cause for complaint on this score. The food is good in quality and sufficient in quantity, the most serious lack, with me, is the absence of fruit, milk, butter and brown bread. Just now, during the sessions of the courts, there are too many prisoners for the number of cells, many of the 8x8-ft. cells having four occupants each. The whole number of prisoners now within the jail is about 50, nearly one half of whom are colored. These latter occupy the upper floor. Last night I slept well till about four A. M., when I woke up with something of a head-ache, whether from insufficient ventilation or from indigestion, I do not know. Am feeling better now.

The prospect is that I will be taken to Lansing penitentiary tomorrow. Several friends have called and offered their services in any way possible for my comfort and welfare. Among these are my son, Geo. Harman, and Noah Harman, from Valley Falls, both of whom came over to Topeka as soon as they got word, by telegraph, of the sentence. I have not seen David Overmeyer since sentence was passed, but understand he that he is preparing the papers upon which to ask for a writ of *habeas corpus*, provided our friends think it best to apply for a hearing before the supreme court of the United States. Wishing to get

this letter into the mail in time to catch the Valley
Falls train, I close for this time. Hopefully ever,
M. HARMAN.



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