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THE PERSECUTION
AND
THE APPRECIATION

Brief Account of the Trials and Imprisonment of
MOSES HARMAN

Because of His Advocacy of the Freedom of Women
from Sexual Enslavement and of the Right of
Children to Be Born Well.

Together with an Account of the Public Reception Given
to Him on His Release from Prison.

Included in the Pamphlet Are Speeches Made at the
Public Reception and Letters of Sympathy Received
from Men and Women of Prominence.

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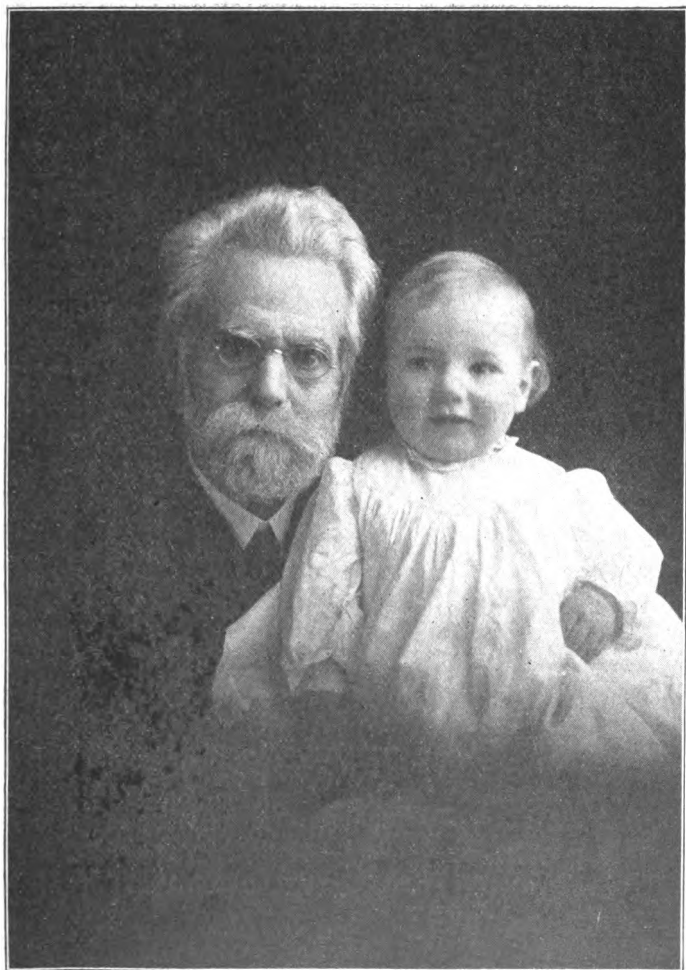


Photo by Gehrig, January, 1907.

MOSES HARMAN AND GRANDSON.

RECEPTION FOR MOSES HARMAN.

More than seven hundred persons assembled in Drill Hall, Masonic Temple, Chicago, on the afternoon of New Year's day to welcome Moses Harman, editor of LUCIFER, back to the liberty of which he had been deprived for more than ten months by Comstockian misuse of the anti-obsenity law.

The hall was filled to overflowing with intelligent men and women, and many persons who came late were unable to gain admission. It was a fervent and heartfelt greeting to the brave old worker for the betterment of humanity, and a strong and emphatic protest against his persecution and imprisonment on the false and absurd charge of circulating improper literature through the mail.

Herman Kuehn, chairman of the Harman reception committee, presided. Virna Winifred Walker, granddaughter of Moses Harman, played a selection on the piano, after which the Rev. Walter Henry MacPherson, pastor of People's Church, South Chicago, was introduced. Mr. MacPherson made an eloquent protest against the imprisonment of Mr. Harman and a strong plea for liberty of speech and press. He spoke of the importance of the spread of the knowledge which Mr. Harman was persecuted for publishing. He declared the cause of liberty is too valuable to be surrendered so easily, and added: "If Mr. Harman is sent to jail again they must send me, too."

Later Chairman Kuehn remarked that if all believers in freedom felt as Mr. MacPherson did it soon would become impossible to send any one to jail for expressing his opinion. He asked all in the room who were willing to go to jail themselves if Mr. Harman should be sent there again to rise. Nearly every person in the room rose.

Lucinda B. Chandler, one of the "Old Guard" of free thought and free speech, spoke of the great progress made in the last half century in free discussion of the rights of women in the sexual relations. She told of attending a meeting many years ago at which an address was delivered to women on their marital relations.

Most of the women, she said, held their hands before their faces in shame at hearing such matters discussed openly. But at the recent National Purity Conference, held at Abraham Lincoln Center, Chicago, she noticed that there was a strong demand for more education and freer discussion of the sex question, and that the address by Theodore Schroeder, attorney for the Free Speech League, delivered at that conference, in which he denounced the persecution of sex reformers by Comstock and his prurient allies, was enthusiastically applauded and was pronounced by many persons the best speech delivered there. Comstock, by the way, is a member of the National Purity League, but the great majority of its members are out of sympathy with him in his methods of persecution, which tend to the promotion of ignorance and the increase of impurity.

Letters of sympathy to Mr. Harman were read by J. M. Crane. They came from the Rev. J. M. A. Spence, pastor of People's Church, Aurora, Ill., who had expected to speak at the meeting but was kept away by illness; Elbert Hubbard, editor of the *Philistine*; Alice Hubbard, his wife; Horace Traubel, editor of the *Conserver*; B. O. Flower, editor of the *Arena*; Leonard D. Abbot, former editor of the *Literary Digest*; Bolton Hall, the Single Tax philosopher; Ernest H. Crosby, disciple of Tolstoy, peace advocate, philosopher and former judge of the International Court in Cairo, Egypt; Eugene V. Debs, former candidate for president on the Socialist ticket; Dr. Alice B. Stockham, author of "Tokology" and other medical books for women; the Rev. Jenkin Lloyd Jones, pastor of All Souls' Church, editor of *Unity* and founder of Abraham Lincoln Center, Chicago, and many other persons of prominence in efforts to uplift humanity.

Parker H. Sercombe, the original, plain-speaking and aggressive editor of *Tomorrow Magazine*, was the next speaker. He declared we have no freedom of speech. "We can speak freely," he said, "only so long as we say what others want us to say. If I were to go down to Atlanta and speak and write freely on the negro problem I probably would be killed in less than twenty-four hours. The cry is made that we are trying to break up the home and destroy families. Anything which will not cohere by its own nature can not be made to cohere by compulsion. The family will cohere because of mother love and father love, by natural cohesion. Court and church power are not necessary to hold it together."

The Rev. Paul Tyner, former editor of the *Arena*, openly declared that it might not be a bad thing if all prisoners were released

from the jails, because a very small proportion of the criminals are there.

Gertrude Breslau Hunt, recently a candidate on the Socialist ticket for State University trustee, began her speech by remarking that perhaps she ought to apologize for never having been a prisoner in jail.

An intermission of fifteen minutes followed, during which nearly every person in the hall came forward and shook hands with Mr. Harman, congratulating him on his restoration to liberty and wishing him many more years of life to carry on his work for the welfare of humanity.

After the intermission, Seymour Stedman, the attorney who defended Mr. Harman in the federal district court, gave a brief history of the case and told how he was prevented by the court from introducing any evidence for the defense.

Hulda Potter Loomis followed with a few remarks on the unjust conviction of Mr. Harman, and then introduced him to the audience.

Mr. Harman had prepared a written address which he expected to read, but he was so deeply moved by the cordial demonstration of sympathy that he merely spoke briefly in defense of his work.

A QUESTION OF LIBERTY.

Address on occasion of reception to Moses Harman on his release from prison, New Year's Day, 1907, Masonic Temple, Chicago.

BY THE REV. WALTER HENRY MAC PHERSON.

It seems altogether fitting and proper that this meeting should be opened with prayer, and I am happy in being able to express my thoughts in the words of a poem written by our brother, George E. Bowen, a poet-prophet of the new time.

O Giver of all gifts! I plead
Nor power, nor pelf, nor place.
How less and less their pride I need
To grow in daily grace.

Be this enough—the strength to bear
A comrade's weary cross!
A cheerful heart, devout to share
A weaker fellow's loss.

Send not unto my idle want
The pleasure kings may crave;
Let manhood rise, with righteous taunt,
My strength and soul to save.

Rather unto my longing lend
The fiber and the force
To be with poverty the friend
Through all its cheerless course.

Keep not for me a crown of gold,
A conscienceless reward,
Nor count my wasted service sold
For counterfeit, O Lord!

But give me grace to master *here*
The vanity of kings;
To hold my fellow men more dear
Than worlds of jeweled things.

Yet more than all the little lack
Of comfort now I share,
Give me the strength to turn not back,
Bright wreaths of ease to wear.

For men are less than men who bend
To laws by hate ordained.
Oh, give me power such bonds to rend,
That *love* may live unchained.

It seems to me that the final stanza of this prayer-poem expresses the secret of the strength of the grand old man whose imprisonment and final release has furnished us an opportunity to honor ourselves by meeting in this place to do honor to him. Not that he needs any words of ours to sustain him in the faith of the justice of the cause for which he has gladly suffered. I believe that Moses Harman is above and beyond either the praise or blame of men. But we would be worse than the tools of injustice that sought to destroy this lover of little children, and through them of all humanity, did we not show by some means our appreciation of his sacrifice made for us and for our children and our children's children.

I do not suppose that every one in this audience fully agrees with Moses Harman in his methods of teaching, or in the means

employed to bring the results we all yearn for. I do not know that I myself do. I confess that I had barely more than heard of him before his sentence to imprisonment for one year at hard labor. But when I did read of that gross miscarriage of justice, my soul knit to his, and I sent him a message across the miles that was designed to make him feel that his death would not leave the cause for which he had lived and labored voiceless. I did more than that; I began at once to champion his cause in public, and laid the case of this grand old martyr before the people of my congregation. I told them then what I tell you now, that I was ashamed of the fact that I, too, was not in prison; for what I had only thought, this man had dared to say and live. I reminded them of the occasion when Henry D. Thoreau went to prison rather than pay what he considered to be an unjust tax. Ralph Waldo Emerson went to see him while he was in jail, and as Emerson peeked through the bars he said: "Why, Henry, what are you doing in here?" And Henry said: "Why, Ralph! what are you doing out there?" And I said that this old man might well ask every preacher and teacher and doctor in the land what they were doing on the outside, and he on the inside, because they had failed in their work of enlightening the people. But I went further and I told them then what I tell you now—if they send this old man to jail again they will have to send me, too! And I wish that I might pause long enough here to give every one in this audience a chance to stand with me while I say again: If they send this old man to jail again they will have to send me, too! For this is not a question of the means employed by Moses Harman; this is not a question of whether you agree with him or not; it is a question of liberty, of free speech and a free press. If any man or any set of men have power to stifle a voice or muzzle a press it is only a step to the place and time where they will not hesitate to break up such meetings as this. I demand a free press and free speech that shall be free indeed. I demand the right to express myself on any subject in the way I believe best expresses me, and not in the way that some other man says I shall express myself. And I demand nothing for myself that I do not demand every other person shall have the right to on the same terms.

There are years that lift themselves out of the centuries. It was in such a year that Moses Harman went to prison. Nothing that has happened in the year that has past did as much to endear it to memory of humanity as the sight of this bravest soul in America

taking his cause and our cause—the child's cause, the cause of the free woman that is to be, the cause of all humanity—through a prison. And as there are years that lift themselves out of the centuries, so there are days that lift themselves out of the years. So this day lifts itself out of the years of my life, and I doubt if I or any of us will ever attend any meeting more full of promise for the future, more pregnant with possibilities for the race.

DELIVERANCE TO THE CAPTIVES.

Address on occasion of reception to Moses Harman on his release from prison, New Year's Day, 1907, Masonic Temple, Chicago.

BY PAUL TYNER.

I am happy in the privilege of being joined with the friends of Moses Harman here today. I am happy, first, that I have part in this simple human gladness over a brother's release from imprisonment and restoration to liberty. We were bound in his bondage; we are free in his freedom. In a way, I wish that this gathering might become prophetic of that great day when, the ancient scripture being fulfilled by the coming of Christ in the heart of man, "deliverance to the captives" shall be proclaimed with the preaching of the gospel to the poor, the recovering of sight to the blind, the healing of the broken-hearted, the setting at liberty of them that are bruised,—that "acceptable year of the Lord."

If I read aright the great humanity of the man, the new humanism that (under and over all personal feeling and under and over all emphatic approval of Moses Harman's particular course of action) stirs all our hearts to this gathering in his honor, we will honor him best and honor ourselves by working toward the day when we shall mark with welcome and encouragement, sympathy and cheer, the emergence of every man (and especially every woman) from durance to freedom. Those that languish in our jails may be guilty of crimes, "malefactors" in the old Calvinistic phrase; but it is worth asking ourselves if there is a blacker crime in code or calendar than our cold-blooded and cowardly subjection and subjugation of our erring brothers to the spiritual degradation and the moral mutilation of enforced immurement, enforced servitude, brutal debasement of our present punitive system! "I was in prison and ye visited me not!" says Jesus, picturing the inevitable assize,

when the Soul of Man shall sit in judgment on the Ways of Men. Are we not all guilty of the indictment so long as we calmly acquiesce in the continuance of the torture-cure for criminals—criminals that are the logical product of systematized and intrenched social injustice? Are not the prisons and jails that blot our twentieth century civilization but lingering vestiges of the baronial castles and royal bastiles of feudalism? Is not the social system that cages men in torture chambers here twin to the dogma that so savagely condemns them to an endless hell hereafter?

I have not known Moses Harman very long, but friends of mine who have known him long and intimately tell me he is as pure-minded, as clean-lived, as kind-hearted and as brave a man as ever lived. He shows it in his face; he has proved it in his actions. With the loyalty and perseverance of the old saints and martyrs, he has stood by his convictions; taught what he believed to be true; battled for what to him seems right; willingly endured chains, stripes, calumny, objurgation, for conscience's sake, and above all suffered and kept kind. And these be the tests and tokens by which, in the long run, goodness and greatness are recognized among men.

Mr. Harman was locked up for a twelvemonth in Joliet and Leavenworth prisons for "immorality," as I understand. Morality, morality, what crimes are committed in thy name! And in what does his "immorality" consist? Is it not that in the pages of his paper, LUCIFER, he, in clear, calm and candid fashion, honestly and consistently pleads for purification and perfection in the relations of the sexes? that he champions the great first right of every child born on the planet to be well born? Incidentally to the intelligent discussion of the psychology of sex—to the fuller knowledge and understanding of the facts on which his plea is based—he seems to have questioned the final and ultimate perfection of the present stage of our customs and arrangements in this particular. To a large degree we have abolished pains and penalties for the questioning or rejection of religious or political dogmas. Persecution and prison still threaten the reformer bold enough to suggest a possible further evolution of the institution of marriage. No wonder Jesus wept! No wonder Voltaire smiled!

It's very likely that I do not agree with Mr. Harman in all his ideas nor in all his methods. But I am very frank to say that I agree with Mr. Harman, as I agree with the Apostle Paul, in conviction of the importance of this subject. Whence come all wars

and fightings everywhere? all oppression of the poor? all wantonness of the rich? all cankering care and corroding vice? Whence, but of the lusts that war in our members? Like Mr. Harman, I am unable to see that relations rooted in lust, and so impure and degraded in their whole nature, become pure and moral, sacred and sanctified, by the performance of either ecclesiastical ceremony or civil contract. Equally, I am unable to see that any relation illicit and impure in itself, as between the parties immediately concerned, becomes pure or moral by the absence of ceremony or contract.

But the learned judge and the sapient jury that sent our friend to jail deemed him immoral—vile and deserving of durance vile. They were cleverer than the good lady in London who complimented the great Dr. Johnson on his dictionary, then newly published:

“Let me congratulate you, Doctor,” she said, “that in your great work there is not a single naughty word!”

“Have you been looking for naughty words, Madam?” queried Ursa Major.

In a newspaper reference to this prosecution—rather persecution—I see it stated that the Law “imprisoned Harman and suppressed LUCIFER.” But, no! The presence of our friend here today proves that the Law no more suppressed LUCIFER than it suppressed Arcturus and Orion. It might as well undertake to suppress Plato and imprison the Pleiades as to suppress Harman and his paper.

Why, even the turnkeys and wardens at Leavenworth, I am told, showed shame in the attempt to disgrace this good gray prophet, and treated him rather as guest than prisoner. Socrates told his friends who wanted to know what they should do with him when he died, that they could do what they pleased with him, if they could catch him. So Harman may say to Institutionalized Ignorance, “Lock me up where you like if you can catch me, but you’ll have to confine Liberty and lock up Love, you’ll have to manacle Truth and chain Progress, before you really lock up Harman.”

LETTERS RECEIVED BY RECEPTION COMMITTEE.

In order to show that some at least of the men in America who rank high in intelligence and who have known Mr. Harman and his teachings for years do not indorse the verdict of Comstock, McAfee, Judge Landis and the jurors who sent him to prison on the absurd

charge of "circulating obscene matter through the mail," several letters written to be read at the reception are printed herewith:

From Ernest Howard Crosby.

Ernest Howard Crosby, former judge of the International Court at Cairo, Egypt; distinguished disciple of Tolstoi and Henry George, prophet of the higher civilization and author of many important works, wrote the following letter a few days before his death:

"No one can know Mr. Harman personally or through his writings without becoming impressed by the purity and honesty of his purpose and by the fact that his main impulse is what seems to him a high ideal. That such men should be met by the arguments of iron bars and dungeon cells shows that the spirit of Torquemada is not entirely exorcised.

"I hope that his confinement will lead to an improvement of prison conditions at Joliet and elsewhere. The subjection of prisoners to the insults of jailers and to infection and ill treatment from fellow prisoners should form no part of our corrective system at this late day.

"I am glad to know that the brave old gentleman has come out with his health unimpaired."

From the Rev. Jenkin Lloyd Jones.

Jenkin Lloyd Jones, pastor of All Souls' Church, editor of *Unity*, and founder of Abraham Lincoln Center, Chicago, wrote:

"I have read LUCIFER for many years as one of my exchanges, and while I seriously dissent from many of its contentions, I thoroughly agree with those who deem Mr. Harman's conviction and imprisonment nothing less than a crime.

"I should be very glad to indicate such conviction by my presence at the reception, but it will be impossible for me to disengage myself from other duties at that time. So I must decline your kind invitation and use this method of greeting Mr. Harman back to the life of freedom, of which he ought never to have been deprived."

From Leonard D. Abbott.

Leonard D. Abbott, former editor of the *Literary Digest*, wrote:

"TO MOSES HARMAN ON HIS RELEASE FROM JAIL—*Brother and*

Friend: I feel it a privilege to take part in this welcome, and only regret that I cannot be present.

"I have read your articles for several years past. I have read your letters from prison. I have felt deeply and bitterly the outrage inflicted on you. It is an outrage inflicted on many thousands of American radicals, for if it was right to put *you* in jail, then it would be right to put any of us or all of us there too.

"I greet you as an honored teacher, as a great pioneer of unpopular truth."

From Hugh O. Pentecost.

Hugh O. Pentecost, the brilliant orator, former editor of the *Twentieth Century*, whose recent death was an irreparable loss to the cause of liberty, sent this message:

"Please say to the meeting of welcome home to Moses Harman, the martyr of free speech, that I am glad with all his friends that his time of trial, so far as personal imprisonment is concerned, is over, and I hope it will be the last time he will be called upon to undergo such suffering. May his last days be crowned with prosperity and peace."

From Alice Hubbard.

Alice Hubbard, wife of Elbert Hubbard, editor of *The Philistine*, wrote:

"You say Moses Harman is with you again. Here is my heart-full of gratitude and love."

From Eugene V. Debs.

Eugene V. Debs, former president of the American Railway Union, leader of the great strike for justice for the employés of the Pullman company which was crushed out by the unlawful and invasive interference of the United States troops by the order of President Grover Cleveland at the instigation of the great railroad corporations and against the manly protest of Governor John P. Altgeld, of Illinois—Eugene V. Debs, who himself was imprisoned by a United States judge without trial on a charge of contempt of court, wrote:

"My heart will be with you and especially with the honored guest who will come to you fresh from the Temple of Fame with fresh luster added to his fair name. Moses Harman is a man with

a soul and the only way the hirelings of capitalism can honor him is by persecution, and this he has borne like a martyr, gloriously crowning his life work and winning the love of every honest man and woman. Put your arms around the old man for me."

From the Editor of "The Philistine."

It was expected that Elbert Hubbard, editor of *The Philistine*, would preside at the reception, but a lecture engagement prevented him from accepting the invitation. However, he showed his sympathy by sending \$10 to assist in paying the expenses of the meeting. Here is his brief but characteristic letter:

"I have a lecture engagement in the East on January 1, so can't be with you, but here is \$10 for the good work of freedom. My love to Moses."

To another member of the reception committee Mr. Hubbard wrote:

"I am just in from a lecture tour and find your kind letter on my table. I surely would be delighted to be with you on January 1, as you suggest, but I have a lecture date in New England on that day. Please give my love to Moses. So here is a hand-grasp over the miles."

From Dr. John E. Roberts.

The widely known and warmly loved minister of the Church of This World, Kansas City, Mo., wrote:

"I had intended to visit Mr. Harman in prison—*a la* Jesus—and wrote him and Major MacLaughry to that effect, but being called away, I could not carry out my plan.

"I cannot be in Chicago January 1 to help welcome Mr. Harman home. Please tell him for me that I love, honor and respect him; that I feel that he is doing the work which lies nearest to my heart—namely, the liberation of mankind from tradition, superstition and convention.

"It is sad to think of, but the progress of the race is marked by Gethsemanes and Calvaries. Moses Harman has known the one. Let us spare the old sufferer from the other.

"I enclose my check for \$5."

From the Free Speech League's Attorney.

To Theodore Schroeder, 63 East Fifty-ninth street, New York city, attorney for the Free Speech League, is due the credit of

opening the eyes of several hundred earnest and zealous supporters of Comstock to the crimes against humanity and the cause of purity committed by the indiscriminate enforcement of the Comstock law. In a paper read at the conference of the National Purity Federation in Chicago on October 10, 1906, Mr. Schroeder called attention to the fact that the prurient enforcers of the Comstock law, instead of directing their attention to the suppression of obscenity, were persecuting the friends of humanity who are endeavoring to enlighten the public in hygiene and were denying the freedom to teach physiology. As a result the conference adopted a resolution authorizing the appointment of a committee which shall seek to have the law declare just what obscenity is, in order that the suppression of scientific and educational literature in regard to race culture may be made impossible. This resolution was signed by Sylvanus Stall, D. D., Theodore Schroeder, Mrs. Sarah F. Bond, J. B. Caldwell, Mrs. Rose Wood-Allen Chapman, Dr. Hattie A. Schweñdener and Dr. Delos F. Wilcox.

Following is Attorney Schroeder's letter:

"Dear Mr. Harman: I rejoice with your other friends that you have reached the end of your incarceration for exercising your right of free speech. It is good for humanity that there are such as you who are willing to suffer that others may be warned of the progressive encroachment upon their liberties. If all yielded in slavish and unquestioning submission to legalized superstition and invasive statutes, humanity might never discover that most of its members are still barbarous enough to punish unconventional opinions, or those expressed in unprudish literary style. I am glad you are not such a shirker as the rest of us.

"Your last imprisonment was the means of my giving much thought to the legal status of our 'freedom of the press.' I was surprised to find that it is abridged upon several subjects in every state in the union. Since then I have delivered several lectures and have had several magazine articles published which are calculated to clarify the public vision and enlarge our liberties. By these means I have secured influential coöperation. I have much more work of the same kind in contemplation.

"Whatever good may come to the cause of liberty through these efforts of mine, it must in justice be credited to you as one of the fruits of your martyrdom. My efforts may not avail much, but to you it may be a little consolation to know that yours have not been wholly in vain. Where all submit to the standardization of the intellect, all are slaves, and mostly without knowing it. I am glad that,

unlike myself, you do not belong to the great submissive mob.

"It speaks eloquently for the breadth of your heroism that you have never suffered imprisonment for anything you yourself had written, but only because of your willingness to give others a hearing. Only those deserve liberty who are willing to defend the liberty of others.

"Our present 'obscene' superstitions, like all others before them, will be outgrown in due time. When the public sanity shall have been restored the historian of the future will see to it that your name is enshrined in the hearts of humanity with the names of others who were denounced by the stupid elite of their time. A century or two hence your name will be listed with those of such martyrs of intellectual liberty as Socrates, Galileo, Copernicus, Bruno, Paine, Carlyle, Garrison and others of that royal band of the despised among their contemporaries.

"I hail you as the chief apostle of intellectual liberty of our time, because while you are willing to suffer imprisonment for the cause, the rest of us look on while anathema is hurled at you by the multitude, and the few other adherents to freedom's cause sacrifice only a few spoken or written words, the cheap contributions of our devotion."

From Bolton Hall.

Bolton Hall, philosopher and author of "Even as You and I," "The Game of Life," etc., wrote:

"Only imperative necessity prevents my being with you to honor Moses Harman and to greet the glorious army of the martyrs and the goodly fellowship of the apostles of liberty.

"I think Mr. Harman's courage of his convictions carries his expression sometimes farther than is needed for clearness, but I suppose some one must go out to defy the Philistines as well as to fight, and we who are safe at home must thank those who champion our cause."

From Dr. Alice B. Stockham, M. D.

The veteran author, publisher and speaker sent this message of good will and cheer:

"Greeting to all friends and especially to Moses Harman, of whom we may say that 'His heart is as great as the world, but there is no room in it to hold the memory of a wrong.'

“Race development progresses primarily through an educated parenthood. Men should be educated as husbands, women as wives, and both as parents. This education requires special branches in the curricula of school, besides the circulation of scientific literature that gives essential knowledge.

“The demand of the hour is more light—more knowledge upon hitherto forbidden topics, and the freedom guaranteed by the constitution of the United States to disseminate this knowledge. May this occasion, this greeting to Moses Harman, be significant in its purpose—demanding that the light of all truth and all knowledge shall be free to those who seek it.”

From the Rev. J. M. A. Spence.

Mr. Spence, though unable to be present as announced, expressed his readiness to “stand up and be counted” as a friend of the Man and of the Cause.

“AURORA, ILL., Dec. 31, 1906.—*My Dear Mr. Harman:* It is a cause of keen regret to me that I am unable to be present and take part in the welcome to be extended to you tomorrow. For the past two days I have been suffering from a severe attack of asthma, which prevented my speaking in my own pulpit yesterday and which necessitates my remaining within doors for some days to come.

“Disappointed as I feel in not being able to be with you and those who assemble at Masonic Temple to welcome you home, I rejoice with you all in the growing power of free thought and of the cause of a better born humanity, whose ultimate triumph is as certain as the stars in their courses.

“ ‘These things shall be! a loftier race
Than e’er the world hath known shall rise,
With flower of freedom in their souls,
And light of knowledge in their eyes.’

“The gathering tomorrow marks an epoch in our progress toward this goal. Your imprisonment, apart from the physical discomfort and injustice from which you suffered, is a cause for congratulation. It has called attention to you and your work. It has enlisted the support of many who would otherwise have remained indifferent to the encroachments being made upon the liberty of the press. It

has aroused all who are aware of the iniquity perpetrated under guise of 'morality' and who have a passion for truth and reality to more resolute efforts in overthrowing the forces of oppression and ignorance from which humanity suffers.

"Oppression and ignorance, these are the evils from which flow all misery and all wrong. Freedom and knowledge, these are the possessions without which all others are meaningless and life itself is vain. Long may you be spared to contend for the principles so dear to your heart and to the hearts of an increasing number of your friends, among whom I am happy to inscribe myself."

From B. O. Flower.

The editor of the *Arena*, Boston, Mass., expressed his opinion of the attempted suppression of LUCIFER in the following letter to the reception committee:

"In my judgment, Mr. Moses Harman has been the victim of a despotism as odious as that practiced by the government of the Czar or by the Sultan of Turkey. It is difficult to conceive how any healthy or normal mind could imagine that the cause of sound morality could be advanced by attempting to suppress the rights of those who are striving to abolish conditions that render possible prostitution within the marriage bonds.

"The action of the postal authorities in their autocratic rulings seems to me to indicate on the part of the censors prurient and evil minds, and a distrust of the free discussion of vital questions—which is absolutely essential to healthy growth and true morality—that might be in harmony with medieval concepts, but is in direct opposition to fundamental ideals of democracy. The attempt to destroy or to prevent freedom of speech and that healthy discussion of grave and fundamental questions that is absolutely essential to a sane, healthy and normal morality, is one of the most ominous signs of the present period of reaction towards unreasoning prejudice and bigotry. Believing with Thomas Jefferson that error of opinion may be tolerated where reason is left free to combat it, I am most unreservedly opposed to the present attempt to abolish one of the greatest and most fundamental victories won by democracy.

"In the case of Mr. Harman, the persecution inaugurated by the Chicago postal officials seems to me to have been peculiarly odious, for not only was it an attack upon the principle of free discussion

of great and vital questions, but it was an attack upon a man who was consistently fighting against what he held to be sex debauchery. I cannot imagine how any man could be sexually aroused or inflamed at anything that has been published in *LUCIFER*. This cannot be said of the Bible, or of the great classics, or of a vast amount of the present-day literature and periodicals being published.

"One may not believe as does Mr. Harman, one may indeed differ radically with him in regard to many of his sexual ideas, but no one can, I think, charge him with publishing erotic literature, or of giving place to anything that indicates a corrupt, vicious or sensual imagination on his part. Indeed, his writings everywhere evince the bold, insistent and conscience-overmastered brain of the radical who is completely dominated by an idea that he believes to hold redemptive potency for the race; and when the government imprisons such a man—a man whose sole desire is to better the condition of the people, to ennoble and not to degrade—it follows in the footsteps of the criminal governments and ruling powers of despotic ages and lands that since the dawn of history have stoned the prophets and persecuted those who have striven to lift humanity to purer heights.

"The action of the narrow-visioned, bigoted officials who acted as postal censors should arouse all friends of free institutions and lead them to consecrate life's best gifts to the cause of that wholesome freedom of speech which is the handmaid of true morality."

From Alice Stone Blackwell.

Alice Stone Blackwell, associate editor of the *Woman's Journal*, Boston, Mass., and daughter of Henry B. Blackwell and Lucy Stone, the veteran abolitionists and pioneers of woman suffrage, wrote as follows:

"I heartily congratulate Moses Harman upon his release from prison. His sentence to a year in the penitentiary was a gross miscarriage of justice.

"My attention was forcibly drawn to the arbitrary way in which the postal officials were dealing with him when an issue of his paper was refused transmission through the mails because it had copied an editorial from the *Woman's Journal*. That editorial was afterwards submitted to Mrs. Julia Ward Howe, Jane Addams and a number of clergymen, all of whom declared that they could not see the slightest impropriety in it. It did not discuss social questions at all, but was merely a criticism of the methods of the post-

office. It had been allowed to circulate freely through the mails in the *Woman's Journal*. But as soon as it was copied into *LUCIFER* the Chicago postal officials pronounced it indecent and unmailable, and the higher postal authorities at Washington upheld their decision.

"Mr. Harman is entitled to the respect of all who esteem unselfishness, sincerity and courage, whether they agree with his opinions or not. In my judgment, some of the doctrines preached in his paper are highly objectionable, but it is a thousand times more objectionable that the right of free discussion should be denied to any doctrines, however erroneous. Yours for a free press."

From C. B. Hoffman.

ENTERPRISE, KAN., December 24, 1906.

Herman Kuehn—Dear Comrade: Extend to Moses Harman, the brave, undaunted man, my loving welcome. Slowly but surely the people are being awakened to the serious menace of the despotic postal censorship which has fastened itself upon our government. Not only will Moses Harman be known in history as an emancipator of woman, but as one who exposed by personal sacrifice the dangerous nature of plutocratic and ecclesiastic encroachments upon our liberties. Moses Harman I have known for thirty years. I love, honor and admire him.

From James F. Morton, Jr.

James F. Morton, Jr., formerly editor of *The Demonstrator*, of Home, Wash., but now living in New York, sent the following letter:

"*Dear Friends:* I greatly regret the fact that I cannot be with you to rejoice in the enfranchisement of our Moses and in his preservation to us for what we all trust will be a long period of usefulness. It is most fitting that those who have endured much in the cause of freedom should receive in their lives some portion of the recognition which is assured them at the hands of posterity. In honoring Moses Harman we honor ourselves. Hence I obey no conventional form, but follow the spontaneous dictates of my heart, in sending a word of greeting, and in reminding you that this celebration belongs, not only to the friends of Moses Harman in Chicago, but to the friends of human liberty everywhere. Next Monday evening [Dec. 31] New York liberal thinkers will gather under the auspices of the famous Sunrise Club to hear our testimony

to the cause for which our comrade has suffered a persecution characterized by persistent malevolence and dastardly meanness, but unable to rob him for a single instant of his courage and his cheer. Throughout the vast area of these United States, and even across the water on the most distant continents, men and women are in spirit with this your gathering. The upward march of humanity is a long and toilsome one, but the forces of evolution are baffled by no obstacles. Slowly but steadily the backward tendencies are weeded out, and the race advances. The Comstocks and McAfees may strut their little hour, and imagine themselves able to crush the power of self-expression and the impulse to earnest investigation; but they are maintaining a losing cause. Truth is mightier than all the efforts of degenerates to cramp the human mind.

“No work for mankind can be more sacred than that in which Moses Harman has been these many years engaged. It strikes at the root of many of our social disorders and much of our racial imperfection. It seeks to implant in men and women a knowledge of the laws of their own being. If our civilization ever goes down to eternal night, and some more enlightened race, perhaps the Japanese, or even one of those which our vain and ignorant race prejudice leads us today to brand as inferior, shall succeed to the position of leadership, it will be because we remain content to feed on the guesses of the dead past, and refuse to hear the prophets of the living present and the rising future. Harman is one of the illustrious pioneers who point the way to us. The struggle in which he bears so glorious a part is but beginning. It is for us not to content ourselves with passing on him the eulogies he so well merits, but to range ourselves by his side for active service in the years to come.”

From Horace Traubel.

Horace Traubel, editor of the *Conservator*, wrote:

“*Dear Kuehn:* I think no one will put the real things about Moses Harman into words. The real things will remain forever unspoken. Our underlying admiration and faith must be inarticulate. Harman has not fought the good fight. There is no fight in Harman. He has lived the good life. He is full of Love. He is not brave. He is not a coward. He has got away beyond bravery and cowardice. He has got on where the Ideal is. He has got on where Love is. He has got on where people have stopped talking about justice and

have commenced living lives of justice. I never know what to say about that kind of man. I'm full of words for little things. But when the big ones come along I am voiceless. It's fine business getting a man out of jail. Any man. It's finer business getting the jail out of a man. The trouble with our civilization is that it has a jail in it. We will remove that jail. In the meantime there will be suffering. The process will have its martyrs. But the jail will be removed. I don't say to you: congratulate Harman. I say to you: congratulate his friends. I never think of Harman as a martyr. I think of him always as a lover. I don't think he has any consciousness of martyrdom. I believe he has only the consciousness of faith. We are not doing him any honor by this recognition of ennobling service. We are doing ourselves honor. He don't need honor. We do. I remember that Harman didn't go to jail to vindicate a single idea. He went to jail to vindicate all ideas. He did not go to jail in his cause alone. He went to jail in your cause and mine, whatever they may be. The principle is larger than Harman. And Harman is so big that he has acquitted himself of his task in a spirit competent and conclusive. I like Harman's good will. It is good will without exceptions. He don't ask whether a man thinks himself an enemy or a friend. He overflows with good will. It is for all. It is for all. For those who persecute and for those who resent persecution. He don't walk about with a chip on his shoulder. He doesn't knock the chips off the shoulders of other people. He just loves. He has ideals because he loves. He is strong because he loves. Nobody ever feels like pitying him. To pity him would be to misunderstand his character."

From Lizzie M. Holmes, La Veta, Colo

Moses Harman: I am so glad to think you are bodily free—for even in the darkest hours of your outward bondage you have never been anything but truly free. It did my heart good to read of the kindnesses and honors paid you after your suffering, and I know you do not regret what you have passed through, and would not wish an atom of harm to any one who has helped to push you into your experiences. I am glad to learn that your health is good and that you are generally feeling well.

Many more letters were received but limited time prevented reading them at the meeting.

FREE SPEECH? NOT YET—NOT YET.

BY PARKER H. SERCOMBE.

Address on occasion of reception to Moses Harman on his release from prison, New Year's Day, 1907, Masonic Temple, Chicago.

Though our brother, companion, and beloved co-worker is again with us, we must not forget that there are still 270,000 people con-

fined in jails in this country, many of whom are there for offenses no more real than the alleged crime of Moses Harman, whose home-coming we have met here to celebrate. The same antiquated system that secured his unjust condemnation is still keeping thousands of others behind iron bars, thereby breeding brutality, disease, and the contamination of enslavement among thousands whose souls, unlike Moses Harman's, are unable to maintain serenity and good will to man in the face of the oppression and injustice.



Our claim that we grant "free press" and "free speech" is merely one of our racial hypocrisies—there is no more free press or

free speech now than there was in the time of George III., who always guaranteed immunity and freedom to those who wished to discourse in favor of himself and the English Church. Ideals *only* have changed—we now discuss some subjects freely that were "sacred" in the days of King George, but we still have "sacred topics," the discussion of which is variously punished with ostracism, imprisonment, starvation and even death. The same old principle holds over—viz., freedom to discuss what the majority already believe.

Under the protection of secrecy the sex life of millions of our

race has become a graft, a debauchery, and an outrage, that publicity would prevent or cure, and yet imprisonment and death have been the fate of some of our noblest humanitarians—victims of collective ignorance and false modesty, which in the interest of a wrong system have cried “obscene, obscene,” until by sheer weight of numbers they have forced decisions of judges and juries.

Free press? Not yet—not yet.

We have been wrongly taught that families exist and cohere as a result of law and compulsion, whereas there is nothing in this whole world that coheres because of law and compulsion. Everything that does cohere, even the rock of granite, coheres because it is its nature to do so; and if all laws and compulsive methods now employed to hold the family together should be immediately removed, families would continue to cohere on much the same basis as before, except that, realizing that their status is voluntary instead of compulsive, there would be a consequent less friction and the percentage of disturbance and dissolution in families would be decreased in a marked degree.

We have for so many centuries been taught to believe that we do certain things on account of laws and regulations, instead of because it is our natures to do so, that it has grown to be almost impossible to make us understand that all the thoughts and habits we have *have grown up with us*, while laws and regulations, instead of making us what we are, merely symbolize the ideal of the majority and in most cases have no other value except as symbols; as witness more than ninety per cent of the laws on our statute books which we no longer heed and have completely outgrown.

There is no law that commands us to eat three meals a day, nor to dress warmer in winter, nor to grow weak through indulgence or grow strong through exercise. We do these things voluntarily in response to impulses which are more or less guided or affected by environment, and not only do we require no law to force the family to cohere, but, on the contrary, no despot or compulsionist of the rankest type could ever enforce a law that would prevent them from cohering. The wailing and lamenting of preachers and editors to the effect that Mrs. Parsons or any one else desires or is able to “break up the family” is too childish to deserve attention, when we know that compulsion not only is powerless to hold families together which desire to separate, but compulsion has been and always will be powerless to separate families which desire to hold together, for it is the nature of parenthood, not only human but

throughout all the lower orders, that ties of blood and family are the strongest that exist, and when the family is held together by *love*, the strongest bond known to man, to a certainty it does not require compulsion, which on every count is seen to have been the weakest, most contemptible and ineffectual chain ever forged by ancestral tyrants.

Our forefathers thought that they took a marvelous stride forward when they declared for free press and free speech, whereas the conception they had reached was exactly what the Pilgrim Fathers had run away from—viz., a freedom to discuss the affirmative side of what the majority already believed in. Our American colonists, instead of inaugurating free press and free speech, simply set up a slightly different set of ideals, and proceeded to punish with ostracism, imprisonment and death those who opposed them, while the spirit of “toleration” involved not only remained unchanged but is still unchanged to this very hour. Witness the persecutions even in New England of those who attempted to talk anti-slavery before the war; witness the ostracism, abuse and reducing to economic slavery of those throughout this entire land who have offended the tobacco and liquor interests by daring to speak against intemperance and cigarettes; witness the fact that a man or a magazine cannot exist at this time in the South, or even be assured of life for twenty-four hours, unless he declares himself as a persecutor and hater of the negro; and witness, too, the conviction and imprisonment of Moses Harman and others who dare to write contrary to the fashion of the day on matters pertaining to human sex relations.

It is thus seen that even to this very hour, from the standpoint of the race as a whole, what we call toleration is but a dream, for the state, the clergy and our courts only tolerate and only permit free speech and free press to the extent that they actually change their own minds—that is, legislation and ostracism continue to condemn, convict and imprison and despoil those who speak or live contrary to the fiat of the majority.

That which we have referred to as free press and free speech in the past is seen to be only a bluff, a pretense, and we may discern that the reality of free press and free speech can never be experienced in any community of human beings until each individual has achieved democracy in his own heart, a democracy so profound as to be unwilling not only to control, invade or exploit others, but a democracy based on such keen habits of justice that it recognizes the privilege of others to go wrong as well as right and express themselves in

speech and in life according to the inspiration of their own souls.

Thus far, in relation to the noble sentiment of toleration and brotherhood, humanity has shown itself to be a race of liars and pretenders. We have not made good. Even those who are advocating the freest kind of free speech are seen to be frowning upon others who have different views, and those who with fervor commend the theory of brotherhood prostitute their days and lie awake nights in diverse schemes to filch the earnings of their fellows for their own enrichment. It is true that we are enabled to speak and write plainly of many things not permitted a century ago, but only because beliefs have changed, and not because the spirit of innate democracy and fairness has yet reached a point in human conception where it is given free opportunity to exploit opposing views and hold up for dissection our tenderest fancies and delusions.

There are now two great questions before the American people which cannot be downed or set aside, and though these questions are being skillfully avoided by speakers and editors who deal in "dope," they will not be downed and cannot be set aside. The most important of these questions is sex freedom of women; the next is the race problem, which would be no problem at all if the American people had "democracy" and a "square deal" in their hearts instead of both being used as sounding phrases.

To the thousand liberal thinkers within the sound of my voice: Let us not be balked in the slightest degree by any fear of ostracism, criticism, threats, or any other means by which the enemies of fairness and the enemies of democracy in all ages have attempted to crush those who were pressing on for a better civilization.

The fact that our courts are still so corrupt and devoid of knowledge of the controlling power of freedom as to send Moses Harman to prison for merely making use of his prerogative of free speech, and the fact that J. Max Barber, editor of *The Voice of the Negro*, was compelled to leave Atlanta on an hour's notice in order to escape death at the hands of a white mob, indicate that in the matter of our free press and free speech pretensions we are in no way in advance of the days of good Queen Bess.

The democracy of today, as interpreted by the courts who have tried to crush Moses Harman and his paper, is not the democracy of tomorrow.



LUCINDA B. CHANDLER.

A FEW WORDS OF CONGRATULATION.

BY LUCINDA B. CHANDLER.

Address on occasion of reception to Moses Harman on his release from prison, New Year's Day, 1907, Masonic Temple, Chicago.

I wish to say a few words of congratulation. I congratulate our worthy and persecuted brother not only on his safe return to home and friends, but that he has had repeated opportunity to demonstrate the power and nobility of human soul. Whatever it may be on other planets, the supreme value of life on this earth is human being. Human soul is the measureless value, and in the realm of material value human labor is supreme, for from it comes all other value.

It is doubtful if our brother realizes how greatly his loyalty to truth and the right of a free wifehood and motherhood has contributed to the welfare of the race. And I wish to congratulate all lovers of humanity that at last, after ages of indifference and ignorance, the fundamental need and right of knowledge in regard to human propagation, and the preparation for a parenthood that can be a blessing, is the object of a movement and an organization in Chicago called Social Hygiene. This was founded by one hundred and fifty physicians. A lady at a meeting recently read a paper relating the manner in which she had instructed her pupils in high school in the physiology of sex. There are similar organizations in New York and Philadelphia. The first was started in Berlin. The physicians consider their special work to be scientific instruction, and the publication and distribution of literature that will be useful to children and youth and help parents to instruct children is the laudable aim of this Social Hygiene movement. There is a practical affiliation with the purity movement also.

At the National Purity Convention held in Chicago in October Anthony Comstock was on the program, but he failed to appear. But Mr. Schroeder, of New York, who denounces Comstock's methods, read a paper strongly advocating the free discussion of the relations of sex, which was well received by the members of the National Purity Association, who were evidently most of them of orthodox religious belief. An excellent paper on motherhood was read by a lady. This to me was especially encouraging and cause of congratulation. Until we can have a womanhood well informed of the possibilities for the improvement of humanity belonging to her high function and office, and a social state, economical and educational, to promote wise motherhood, we cannot know the blessing of a well-born and *completed* humanity.

MARRIAGE SYSTEM IS PROP OF CAPITALISM.

BY GERTRUDE BRESLAU HUNT.

Address on occasion of reception to Moses Harman on his release from prison, New Year's Day, 1907, Masonic Temple, Chicago.

Comrades and Friends: I never before felt so much like apologizing for never having been to jail. I count it a privilege to be here today and an honor to have been chosen spokeswoman for the hosts of women who are united with us in sympathy and hope but are unable to be present at this inspiring meeting.

I am happy to have this opportunity to express the gratitude we owe to Moses Harman for his long service in our behalf, and to extend to him our comrade love and our hearty welcome on his return to liberty and friends.

Recently while touring the state of Indiana I met many who asked about this man. They had read the malicious reports of his trial and sentence in the venal press. They asked what he had done; why an old man should print obscene articles and have his paper confiscated, go to jail again and again, and not even get rich. Among my questioners was a bright little woman, a physician. When I told her he was combating the evils of our marriage institution, based upon property rights, and demanding liberty and equality for women even though married, she rejoiced. "Why," she said, "too much cannot be learned about this subject. Ignorance is too expensive to be tolerated and is costing the life and happiness of millions. Not two weeks ago," she continued, "I lost a case, a young married woman, for no cause save that a married woman does not own her person and may be legally invaded by the husband even in illness. My patient was nearly well—fever gone, always a critical period in typhoid; then the fever returned suddenly, then subsided, and again returned. I was puzzled, and closely questioned the mother of the patient. She hinted of the husband's insistence upon marital relations. I stated the case plainly to him, with strong words of warning. I got no reply, but three days later I was called hastily. My patient was dying. The man's brutal deed had ruptured the intestine, worn to the thinnest tissue by the typhoid ulcers."

And our courts sent Harman to jail for five years, of which he served one, for printing a letter from one grief-stricken mother whose daughter died from such an outrage, when these same courts afforded no protection.

I very soon after met a second case very similar, and am told by medical people that they are far more common than we suppose.

Woman is yet a serf, in some respects little better than a chattel. One can but wonder whether men are afraid to meet us on an equal footing. Always are the oppressed, when asking for liberty, told, "You are not yet ready," and we get only what we can demand and command.

This is not merely Moses Harman's cause, not merely woman's cause; it is vital to the whole human family. Strange that our present marriage institution, with its corollary of 60,000 divorces annually and half a million prostitutes, should be judged so perfect by any one that criticism and scientific investigation should be held to merit imprisonment.

I belong to that school of social science whose students believe that the prevailing religious, political and other social institutions of any given society are fixed by the dominating economic class for the object of perpetuating their class supremacy. Because our present marriage system is one of the props of capitalist private property our capitalist courts fine, imprison, and confiscate the property of its opponents. Every weapon but truth is used against them—ignorance, prejudice, the press, pulpit and political institutions.

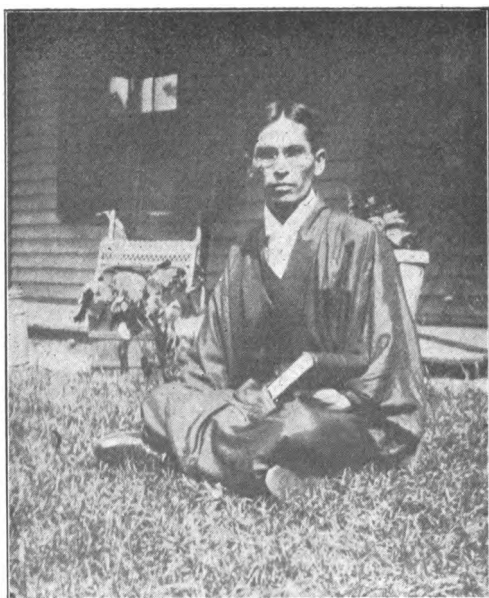
Wendell Phillips pointed out that one of the reasons why African slavery was defended so strenuously was that it gave the right to flog a million women to prostitution, or degrade them to accept it as honorable; and one reason for the defense of our wretched system is that economic dependence and helplessness drag down thousands of our women, white and black, into no less enforced prostitution.

Some one has said: "If there be anything divine in the universe, it is love; if anything sacred, it is liberty." The sum of Moses Harman's crimes is that he had "no time to waste in patching fig leaves for the naked truth." He refused to give the service of his hand and brain as a "hired bravo" of capitalism; refused to be a sycophant, gilding crime with sophistry.

Others of our comrades are languishing in prison today because they battled for human rights as opposed to property interests. Happy indeed we shall be if we may welcome Moyer, Haywood and Pettibone back to liberty from the Boise jail. Violate conventional legal property morals and you will be damned. I know not how it may be with you, but as for me, I would rather be damned with Harman and Haywood than to go to heaven with Anthony Com-

stock and Caroline Corbin. We may not see eye to eye with Moses Harman. My views differ from his at many points, but we are agreed on one essential—the right of the downmost human being to speak out his complaint; that in the search for truth all must be free; eternal opposition to any sort of tyranny, religious, political, industrial, sexual; in the firm belief that increased knowledge brings increased virtue, liberty and happiness.

Welcome, Moses Harman; you have done a mighty work, you have struck a noble blow. May you long be spared to serve the cause of truth and liberty.



KIICHI KANEKO.

WELCOME, MOSES HARMAN!

To elevate the position of women,
To enlighten the mass of ignorance,
To knock down the door of slavery,
To fight the fight of the true man,
He rose from the bottom of society.
Amidst the hate and scorn
He stepped to the front, fearlessly and alone;
To show the truth that he found and believed right.
The world was not intelligent enough,
The government under which by chance he was a citizen
Was not courteous enough to receive him well.
Christianity snarled at him,
Conventional moralists ridiculed him,
Professors and scholars laughed at him.
He was tried, he was persecuted,
He was imprisoned many times over.
But how ridiculous it is!
Do they think that jail life will change the views of Moses Harman?
Do they think a man will abandon his principle for such persecution?
Who dares to judge "Right and Wrong!"

Could Russia stop the revolutionary movement
By sending her radicals to Siberia?
Could Japan stop the Socialist movement
By manufacturing patriotic text books?
Mighty strange thing it is that the governments
Of all lands are guilty of this folly.
It is a shame to see, in this land of freedom,
That this childish game is still on today!
But his fight was not a fight without result.
LUCIFER, that bears the light of truth,
Shines the world over, from one corner of the globe to the other.
It has found its friends in England, in Germany, in Italy, in Switzerland.
It has found its followers in New Zealand, and even in Japan.
And I, from a distant land,
Though I cannot agree with all he agitates,
I offer here my hand to shake with him!
I shake hands with you, not for your theory,
But for your courage, for your sincerity,
For your honesty, nay, for your manhood itself.
I welcome you home, Moses Harman!

KIICHI KANEKO.

LUCIFER AND THE OBSCENITY LAWS.

BY MOSES HARMAN.

[The following statement was prepared to be given by Mr. Harman at the reception meeting held in Drill Hall, Masonic Temple, Chicago, Jan. 1, 1907, but when the time came for its delivery he was so overcome that he could only speak a few words of heartfelt thanks and appreciation of the enthusiastic welcome and indorsement which he had received.]

Twenty years ago next month my son and myself were arrested at Valley Falls, Kansas, charged with the offense of violating the federal statute against using the common mails for the dissemination of "obscene" literature. The arrest was made late in the evening, just as I was about to close my office for the day, by United States Deputy Marshal Thompson, whose orders were to bring the publishers and editors of the paper called LUCIFER THE LIGHT-BEARER to Topeka, the capital of the state, for examination.

At that time the editors of said paper were Edwin C. Walker and myself, with my son, George Harman, a youth of 18 summers, named as assistant publisher. Mr. Walker, being absent from home, could not be included in the arrest at that time. I asked the officer to allow me to go home, a mile out of town, to get a change of clothing and bid good-by to my wife. This request was denied. Sending for the needed clothing, my son and self, accompanied by a friend and relative, N. H. Harman, an old citizen and substantial farmer, who kindly volunteered to become our bondsman, we three went to Topeka by train, arriving at that city about midnight. On the way the officer said his duty required him to place his prisoners in jail for safekeeping till next day, but at the urgent request of our prospective bondsman he accepted our parole that we would report at the office of the United States commissioner next morning at 9 o'clock, and allowed us to go, without guard, to a hotel for the rest of the night.

Next day Commissioner Wilson put my son and self under bond in the sum of five hundred dollars each for appearance at the next session of the United States federal court, provided indictments should meantime be found against us by the federal grand jury.

And thus began a series of prosecutions against the paper founded by the Valley Falls (Kansas) Liberal League in the summer of 1880, which series of prosecutions lasted nearly ten years, during all of which time I, as senior editor and publisher, was either

locked up behind prison bars or was a prisoner at large under bonds ranging in amount from five hundred to six thousand dollars.

After many futile attempts to bring the defendants to trial—at one of which the indictments were quashed—involving much loss of time and money spent in railway travel and hotel bills for ourselves, our witnesses and bondsmen, the original case was formally heard at Topeka in April, 1890. The trial lasted two days, ending in the acquittal of Mr. Walker on the ground that he was absent on a lecture tour in Iowa at the time of publication of the indicted articles, and in the acquittal of my son George because under legal age. The discharge of my junior partners was, of course, all the while desired and demanded by me, whatever the result might be in my own case. Always I had assumed entire legal and moral responsibility for the publication of the offending articles, and wished, above all things, that no one else should be molested or punished for such publication.

The charge of Judge Foster to the jury, as is usual in such cases, favored the side of the prosecution. The jury disagreed—three for acquittal and nine for conviction. Finally, to prevent a hung jury, a compromise was effected, those for acquittal agreeing to a verdict of guilty on condition that the judge be requested to give me the minimum penalty, which minimum the United States prosecuting attorney, Ady, had falsely told them was a fine of *fifty cents!* (The real minimum was and is \$100, if I mistake not.)

The following statement taken from the *Topeka Journal*, the leading city daily—"Independent Republican" in politics—describes fairly well what occurred when sentence against me was pronounced:

"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 that 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."

An hour or two after sentence was pronounced I was lodged in the Shawnee county jail by the United States marshal, preparatory to being sent to the state prison at Lansing. Writing from the county jail the same evening, April 30, 1890, I said:

"*Dear Friends and Patrons of Lucifer:* At 2 p. m. today arguments were heard on motion for new trial. The chief grounds upon which Messrs. Overmyer 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, lasting not more than twenty minutes, if so long. The court limited Mr. Overmyer 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."

I did not claim to be a "martyr," in any sense, as reported by the *Journal*. From the jail I wrote for publication a report of my

ten-minute speech to the judge, as nearly as I could recall it, but my address today would be much too long if I should reproduce that report now, but will venture to repeat part of my comment on the *Topeka Journal's* report—written from the Shawnee county jail and while the incidents were still fresh to my memory:

“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 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.’ ”

The outlines of this the first and most spectacular of the many trials to which LUCIFER and its senior editor have been subjected are herein related with somewhat tedious detail because, as it seems to me, this trial set the pace, so to speak, and served as model for all that followed during the nearly seventeen years that have intervened between that first sentence and the convening of this mass meeting of protest, in Drill Hall, on the seventeenth floor of the greatest of all the Masonic temples now in existence on earth, so far as I have learned.

During the three years between the first arrest and the trial of the three defendants named, the case against LUCIFER, its editors and publishers, had been well advertised in the Kansas papers, also in many papers the country over, and even in Europe, so that when this phenomenal sentence of five years in state prison and a fine of three hundred dollars was made public it is not strange that a storm of indignant protest was the first result. Not one editor or prominent public writer or speaker, so far as I now recall, sustained or approved the sentence, even of those who favored punishment of some sort. Letters from all over the land, couched in terms by no means complimentary, crowded the mail box of Cassius Gaius Foster, judge of the federal court, district of Kansas. David Overmyer, lately deceased but for many years one of the leading lawyers and politicians of that state, told me, somewhat confidentially, that Foster (deceased some years ago) had shown him a pile of letters about a foot high which he had received, severely criticising his action in the Harman case.

Scarcely had I been sent to the state prison when from nearly every state and territory letters of protest and petitions for my release were sent in great numbers to President Harrison. Armed with petitions signed by more than seven thousand names, Mark M. Pomeroy, editor of *Pomeroy's Democrat*, went from New York to Washington and interviewed the President and attorney general in my behalf. Both these officials listened attentively to the "irrepressible Brick," as he was familiarly called by his many friends and admirers. Harrison was reported as saying that "Harman must have a great many friends in a great many places, from the number of letters that come here in his behalf." The attorney general told Pomeroy that if "Foster really used the language accredited to him when passing sentence upon Harman he should be impeached and deprived of his office"—or words to that effect.

Whether these high officials took any action in my behalf I cer-

tainly do not know, but this I know: that after four months' imprisonment in Lansing penitentiary I was released by order of Judge Caldwell of the United States circuit court, who found what he called a "fatal defect" in the sentence of Judge Foster—namely, that the clause "at hard labor" had been omitted.

David Overmyer had been granted a hearing by Caldwell on "writ of error," or something of that sort, and while I did not understand that he had called the circuit court's attention to this particular error, *this* was the only ground on which the sentence of Judge Foster was declared "invalid," and the case sent back to the district court, "to be dealt with according to law."

Not wishing to weary my friendly and very patient hearers with an exhaustive detail of the nearly ten years' struggle in Kansas for freedom of speech and of press, and for woman's primal right to self-ownership as against man-made marriage laws, I will briefly add that Judge Foster positively refused to have anything more to do with the case, or cases, against LUCIFER and its old editor, and that, after several postponements, in June, 1895, Judge John F. Philips, of Kansas City, Mo., taking up the case where the original trial jury had left it, sentenced me to one year at hard labor in the penitentiary, without fine—the four months already served under the Foster sentence of five years counting for nothing. Without further delay I was then taken to Lansing state prison, and one month later I was transferred to the United States military prison at Fort Leavenworth, Kan., from which place I was discharged April 4, 1896, having served the year, lacking two months for good behavior.

Meantime, however, in 1891 I had been tried on another charge of violating the sanctity of the United States mails, and sentenced by the same Judge Philips to one year in the penitentiary for publishing and mailing the so-called O'Neill letter—written by a New York physician in defense of my action in publishing the Markland letter, the chief cause of my first arrest and imprisonment. After serving eight months of this second term of one year in Lansing I was released in February, 1893, by Judge Caldwell, who decided that Judge Philips had erred in not stating which one of the three counts on which I had been found guilty should be given *precedence* when paying the legal penalty, and that therefore when one count was legally atoned for they were all three satisfied. In other words, that they should run "concurrently," to use a legal phrase.

This hasty and very inadequate review of the ten years' de-

fensive fight in the Kansas courts brings us to the time of removal to Chicago, in the spring of 1896.

Time will not permit even a brief statement of the many attempts of the postal officials to suppress LUCIFER, "Son of the Morning," since its transfer to the great city on the west shore of Lake Michigan, which attempts culminated in the imprisonment of its editor for one year, ending December 26, 1906, only five days ago.

A brief reference to what I believe to be the chief causes of these persistent and long-drawn-out prosecutions must close this address, already too long:

First—The ages-old prejudice against discussion of all subjects relating to sex and reproduction of the race, because of the prevalent belief that sex is inherently vile, impure, degrading and debasing unless sanctified by the blessing of a priest, parson or civil magistrate.

Second—The priest-and-parson trust, claiming exclusive right to authorize or solemnize marriages, and through marriage the right to control the reproduction of the race, also the right to control *woman*, the mother of the race, and her children, the product of marriage.

Third—The legislative trust, including the judge-and-lawyer trust, which combine regard the *untying* of marital bonds their own exclusive right, province or perquisite.

Fourth—The employer-of-labor trust—the "captain-of-industry" trust—the economic-boss trust.

It is easily shown that the selfish interests of all the trusts herein named demand and compel the enslavement of women, as mothers, to the conventional marriage code, the traditional marriage creed, which makes the conjugal tie *indissoluble*. "Whom God hath joined, let no man put asunder." "For better or for worse, so long as you both shall live." "Wives, submit yourselves to your own husbands." "Man is the head of woman as Christ is the head of the church," etc., etc. The various trusts just enumerated know full well that if women should become self-owning sexually there would soon be a failure of the supply of *material* for the perpetuation of their own power and emolument. Full well they know that a debased and enslaved motherhood means a perennial supply of children who will not have strength of will or power of intellect sufficient to be self-reliant, or to demand their equal right to nature's opportunities, but will ask and expect nothing better than a good

and kind master—in economics, in politics, in religion, in judicial matters, in *all* the relations of life.

Full well they know that President Roosevelt is championing the interests of all these trusts when he urges the women of America to become mothers of large broods of children. *Quantity*, not *quality*, is what the politician wants, is what the priest and parson want, is what the capitalistic boss wants, is what all men and women want who do not believe in the doctrine of equal rights for all and special privileges for none.

When Judge Foster gave me the five-year sentence he said, as stated by the *Topeka Journal*, that the effect of my "teachings was bad," and took particular pains to specify what he meant by these words. He said the effect of my teaching was to undermine and destroy the institution of marriage—the foundation and chief support of all morality. I wanted much to reply, but could not, that our marriage morality was and is the chief cause of dividing mankind into two classes, the rulers and the ruled, the exploiters and the exploited, and that it is chiefly owing to this popular marriage morality that he and such as he now have it in their power to send to prison men who have opinions of their own and who dare to give utterance to those opinions; that the destruction of the popular marriage code, which makes woman the sex slave of man, means that the occupation of the judge and of the criminal lawyer would soon be gone.

One more trust should not be overlooked in this enumeration of trusts, and that is the censorship-of-morals trust, which trust gives employment to a certain class of men with the instincts of the vulture and hyena, enabling them to prey upon their fellow human beings under the plausible but utterly false pretext that their work of suppression is in the interest of purity and of public as well as private morality. That the American people, with all their boasted love of freedom on all lines, and especially love of freedom of speech and of press, should submit to this moral censorship, is one of the amazing anomalies of our time and is explainable only on the ground that all the other trusts are in conspiracy to prevent free discussion of sex and reproduction, for fear that such free discussion would in the long run result in the birth of a race so well born that their own hereditary and law-protected privileges would be endangered.

Much more I should like to say, but must not further tax the patience of my kindly sympathetic hearers. Most sincerely do I

thank you for this expression of interest in what I conceive to be the most tremendously important, most vitally important, of all possible reforms, the reform which demands for woman as mother the right to own and control her person, her maternal powers and functions, including and enforcing the right of children to be well born—born of freedom and love—if born at all.

I must not forget to thank the speakers who have given voice to the protest against the imprisonment of those whose only crime is a desire to aid in the enlightenment of young and old upon subjects that lie nearest the welfare, the happiness and progress of the race to which we belong; also to thank those who, not being able to respond in person to the invitation to be with us today, have sent words of greeting and encouragement to the committee of arrangements, and through the committee to this long-to-be-remembered mass meeting.

WHO AND WHAT ARE NOW ON TRIAL?

From *Lucifer*, Jan. 17, 1907.

In June, 1905, the editor of *LUCIFER* was put on trial in one of the federal courts of this city, charged with sending obscene literature through the public mails. Acting under instructions of the presiding officer, Kenesaw Mountain Landis, the trial jury found the defendant "guilty as charged in the indictment."

Thereupon "the court" sentenced the "prisoner at the bar" to one year at hard labor in the Illinois state prison at Joliet.

At considerable expense for court fees, "transcripts of record," attorney fees, etc., an appeal was taken to the "United States Circuit Court of Appeals," presided over by three men, whose names are not now recalled.

Some time in January last the case came up for hearing before said Court of Appeals and was argued by Seymour Stedman for the appellant and by District Attorney Marston for the lower court. Without giving any reasons for their action the appellate court *affirmed* the finding of the trial jury and the sentence as pronounced by the lower court, denying the motion for a word of defense by the prisoner himself, as the district court had already done.

These preliminary facts are already known to most of the readers of *LUCIFER*, as is also the subsequent history of the case, namely, that the said editor was taken to the Joliet state prison on the 26th of February, 1906, and there confined at hard labor until the 28th

of June following, when by order of the attorney general at Washington, D. C., he was transferred to the United States penitentiary at Leavenworth, Kansas, and there put into the prison hospital, from which hospital and prison he was discharged on the 26th of December, 1906.

This brief historical statement covers the main features of a case that attracted considerable attention in its earlier stages, and now that the official record thereof has been closed, now that the penalty has been paid and the prisoner restored to liberty once more, it is reasonable to suppose that the original movers in the case, the censors of press and mails, the prosecutors, the judge and jury, and the general public who seemed by their silence to approve the sentence and its execution—it is presumable that all these actors and factors in the prosecution think there is nothing more to be said thereon; that the last word has been uttered; the last act performed and the curtain rung down on this little drama of human life, of human transgression and of legal and *just* punishment therefor (as the postal inquisitors, the federal court and their friends no doubt would term it), and that *no appeal*, no rehearing of the case, is now possible.

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And such, without reasonable question, would be the true status of the case if the Postal Inquisition, the courts that do its bidding and the popular sentiment that upholds the said inquisition could have their way. That this is the aim and purpose of what is sometimes called the American *bureaucracy*—including in that term not only the postoffice arm of the executive branch of the Washington government, but the entire executive branch itself; also the entire judiciary branch of the general government; also including that part of the legislative branch known as the senate, or *upper house* of congress—since the judiciary branch of the federal government is simply the *creature* of this upper house of congress and of the chief executive—the aim that *none* of the acts of the American bureaucracy should be amenable to review, to examination or to criticism by its victims or by the general public, seems too evident to need additional proof.

Fortunately—as some of us think—we are living in the twentieth instead of the fifteenth century of the Christian era.

Thanks to the spirit of revolt against dogmatic authority and paternalistic despotism that followed the “revival of learning” in the sixteenth century—after the long night of priestly rule in

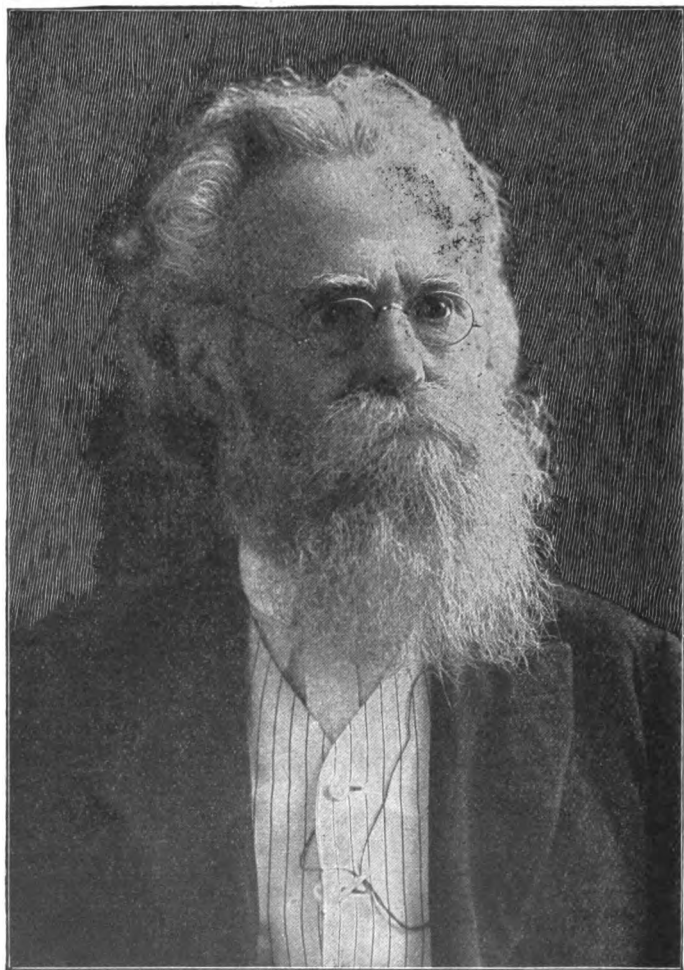


Photo by Gehrig, January, 1906.

MOSES HARMAN.

church and state—it is now impossible to completely tie the tongues and stop the pens of the political, the religious and the social heretics, as was done by the elder inquisitions of which our postal censorship of press and mails is the logical and legitimate successor.

One of the evidences that we are not living in the fifteenth or fourteenth century of the Christian chronology is or was the mass meeting at Drill Hall, one of the larger halls of the monster Masonic Temple of this city, on New Year's day. The fact that the acts of the aforesaid censorship, and of the federal courts that do the bidding of that censorship, could be publicly criticised and condemned in speeches and in letters, spoken and read at that meeting, by the leaders of opinion—including Christian ministers and editors of national reputation—this fact may be mentioned as one of the indications that the unholy alliance of church and state no longer wields the power over the souls and bodies of the people as it did four or five hundred years ago.

Another sign of the times, pointing in the same direction, is found in such articles as the following, clipped from the *Sunday Record-Herald*, Jan. 6, 1907, headed, "Turn Light on Judges—Congress Likely to Resent Annulment of Laws as Unconstitutional":

"Before the winter is over considerable is likely to be heard about federal judges who overturn laws on constitutional grounds, after the ablest lawyers among the nation's statesmen have spent weeks and months in perfecting the same. Recent decisions with respect to the employers' liability act have already started the discussion.

"In his last annual message to congress the president referred to the almost *nonchalant ease* with which federal judges declare unconstitutional measures which have been 'solemnly' considered by congress.

"Almost everybody has forgotten that Judges Evans and McCall were once members of the lower house of congress. Neither of them made a mark as a constitutional lawyer. The fact is being pointed out that many occupants of the federal bench in the lower courts today are men who, if their terms were to expire this spring, would be known as 'lame ducks.' Most of them have been appointed simply to take care of them when they got out of a job. Judge Quarles of Wisconsin, McComas of Maryland and Pritchard of North Carolina were all senators who had *lost out* when elevated to life positions on the bench.

"Aside from Judges Evans and McCall, there is Judge Dayton of West Virginia, who was a member of the house.

"Few, if any, of these judges when in congress ever cut any figure in constitutional debates.

"Inasmuch as President Roosevelt has freely criticised judicial decisions in the recent past, it is probable that the policy of rewarding so-called 'lame ducks' may also come in for criticism from other sources of public life."

For many years the federal judges have ruled this country much as the absolute monarchs in feudal times ruled their subjects in Europe. By overruling laws passed by congress in the interest of the people—because of their alleged *unconstitutionality*; by means of "injunctions," and by what some one has called the "American crime," namely, "contempt of court"—the federal judges have imitated the French king who, when reminded that there was such a thing as the state, replied:

"The State? Why, that is me!"

The clipping from the *Record-Herald* would seem to show that the federal judiciary is now on trial before the court of public opinion; also that the manner in which these federal judges are appointed to their life-positions by the president and senators is now on trial in the court of last resort—the American people in their capacity as citizens of the republic.

That the federal judges are appointed to their high positions as supreme rulers of the nation *not* because of real fitness simply, but because of political or *dynastic* reasons, has long been known to many, but it would seem that few have had the courage to speak their minds in regard to this crime against the doctrine of Jefferson and other real Democrats, namely, that the judges, as well as all other officers of the government, are the agents, the servants, and not the rulers, of the people.

M. HARMAN.

CHICAGO DAILIES ON TRIAL.

From Lucifer, Jan. 17, 1907.

The chief business of the daily paper is that of a news-gatherer and news-publisher. That the daily papers of Chicago do not always gather and faithfully report the news of all the unusual happenings in their own city was apparent at the beginning of the current year, when nearly all of them failed to make mention of a mass meeting of some seven or eight hundred people in Drill Hall, Masonic

Temple, a meeting called to protest against imprisonment of the editor of LUCIFER and to welcome him back to Chicago. The only daily that made any mention of that gathering of earnest women and men was the *Chicago Chronicle*, and the manner and matter of that notice was certainly not above criticism.

Buried under a picture of "Captain Bill McDonald, the Texas Ranger," appeared a half-column report with a heading that had no reference whatever to the object or purpose of the meeting. In many respects the report was sadly deficient and in others decidedly incorrect. That our readers may compare this report with that of one of the committee of arrangements, herewith published, the entire statement of the *Chronicle* is reproduced, under the head, "Spirit of the Opposition"; also the comment of the editor of the same journal in its issue of Jan. 3.

Next day after the appearance of the editorial referred to, I addressed to the editor a letter of which the following is an exact copy:

Editor Chicago Chronicle.

Dear Sir: In the interest of truth and of fairness, I ask a little space in your widely circulated and influential journal to correct what I maintain is a very erroneous impression conveyed by your report of a reception given on the occasion of my home-coming from Leavenworth federal prison, at Drill Hall, Masonic Temple, on New Year's day, in your issue of Jan. 2, and by an editorial thereon in your issue of Jan. 3.

First, let me say to your readers that I am not publishing a paper devoted to the spread of obscene, salacious, indecent, or erotic literature, but am engaged in much the same line of work as that of the official organ of the National Purity Federation, published at La Crosse, Wis. If you will kindly read the January, 1907, issue of *The Light*, and also the copies of LUCIFER THE LIGHT-BEARER I now send you, you cannot fail to be struck with the similarity of objects to which these journals are devoted, as also the similarity of name. Lucifer, as you well know, is the Latin for "light-bringing"—derived from *Lux*, *Lucis*, "light," and *ferre*, "to bring." Especially would I ask you to read the entire article of Rev. Dr. Sylvanus Stall, second vice-president of the National Purity Federation.

In this article, entitled "Growth of the Purity Movement," he takes substantially the same ground in reference to the federal "obscenity" law that I have taken for the last twenty-five years—

namely, that, whatever may have been the object of the man who formulated that law, and of the men who caused it to be entered on the federal statute book, the practical working of that law has been to retard and defeat the work of the Purity Federation. On page 29 of *The Light* Dr. Stall says:

"The law as it now stands, if logically enforced, would brand the Bible as an obscene book; scarcely a single person in this convention could escape the penitentiary, and Jesus himself, if he came to Chicago or New York, could be arrested and successfully imprisoned. * * * No wonder that the statue of Justice holding the scales in one hand is represented as totally blinded by a bandage which covers both eyes."

On page 31 the doctor says:

"Today a man may deliberately murder his wife by a series of exactions and wrongs; he may bring to his own home disease as the result of his own impure life, and deliberately infect his own wife with a disease which is now annually sending many thousands of women to the dissecting table for surgical treatment of the most serious nature, and which is causing the death of thousands of pure, innocent and unsuspecting wives; and yet the law makes it a crime for the physician who treats the husband to warn the wife by a single suggestion, and judges the husband as acting within his marital rights, and even here in Chicago sends a man to the penitentiary for a series of years who dares to call public attention in printed form to such a fact."

Very evidently the closing lines of the above paragraph have reference to the manner in which I have been treated by the federal courts in Chicago and in Kansas.

My attitude towards this federal statute is that of *ignoring*, rather than of "defiance." I distinctly stated in my little speech at Drill Hall that I had not enough respect for the obscenity law to defy it. If I had lived in the days of religious persecution I should not have defied the heresy laws, but would simply have ignored them, believing it better to "obey God (my religious conscience) rather than to obey man." So now I think it better to obey the voice of conscience in the matter of giving instruction on the vitally important questions of sex and reproduction than to obey a man-made law that forbids such instruction.

In conclusion let me say: Judging you by what I know of myself, I am not willing to believe that you would willfully and knowingly wrong any man by misrepresenting his motives or his

work. I have not been "disseminating filth," but the contrary. I have tried to live a pure, a clean life, and to help others, young and old, to live clean, pure and noble lives. Neither do I think you would willfully slander the six or seven hundred women and men who met at Drill Hall to welcome me back to Chicago, by speaking of them as people who want "everybody to join them in a roll on the muck heap."

You would not call such men as Rev. MacPherson, pastor of the People's Church, Chicago, or Rev. J. M. A. Spence, of the People's Church, Aurora, or Rev. Dr. J. E. Roberts, of the Church of This World, Kansas City, Mo., or Rev. Paul Tyner, of Denver, Colo., all of whom either spoke at the meeting or sent letters of regret that they could not be present—you would not knowingly call such men as these "propagators of moral pestilence."

Among those who sent letters of sympathy and appreciation are B. O. Flower, editor of the *Arena*, Boston; Rev. Jenkin Lloyd Jones, Chicago; Leonard D. Abbott, former editor of the *Literary Digest* (New York); Judge Warner Mills, Denver, Colo.; Horace Traubel, editor of the *Conservator*, Philadelphia, and others whose lives are devoted to the uplifting and not the degradation of humanity.

Very sincerely yours for truth, liberty, justice and purity,

MOSES HARMAN.

Four days later I sent to the publisher, who as I had understood is also editor in chief of the *Chronicle*, another letter, as follows:

Horatio Seymour, Editor Chicago Chronicle.

Dear Sir: This morning I called you up over the 'phone and asked if you had received a letter from me in reply to an editorial in the *Chronicle* of Thursday last. You answered that the letter was received; that it had not been published, and that you did not intend to publish it.

I asked if you would kindly tell me why.

You answered, but in words I could not understand, on account of poor hearing. I then asked you to hold the wire till my daughter could come to the 'phone. You repeated part of your answer to me, but gave her no reason for not publishing the letter.

Now, as an honest man to an honest man, I respectfully repeat the question—

Why do you refuse to publish my letter?

Hoping for a prompt and clearly worded answer—though brief—I beg to remain very sincerely yours,

MOSES HARMAN.

Under date of Jan. 10 came the following answer:

Mr. Moses Harman, 500 Fulton Street, Chicago, Ill.

Dear Sir: In reply to your letter of Jan. 9, I would say that the communication recently forwarded by you to the *Chronicle* was not published and will not be published for the reason that I do not care to discuss in the columns of the *Chronicle* the subjects treated of therein. Yours truly,

H. W. SEYMOUR, Publisher.

A distinguished editor at a banquet given to the members of the press gave utterance to the following:

"There is no such thing in America as the independent press, unless it is in the country towns. We are all slaves! There is not one of you who dares to express an honest opinion. I am paid one hundred and fifty dollars per week for keeping honest opinions out of the paper I am connected with. The man who would be foolish enough to write an honest opinion would be on the streets looking for a job. The business of a New York journalist is to distort the truth, to pervert and vilify, to fawn at the feet of Mammon, and to sell his country and his race for his daily bread. We are the tools and vassals of the rich men behind the scenes; they pull the string and we dance. We are intellectual prostitutes."

How well this caustic description fits this man Horatio Seymour and the other editors and publishers of the Chicago dailies, I leave others to say. From appearances, however, the postal inquisition, the Chicago federal courts and their friends were not pleased at a mass meeting of protest against their action in sending a man more than 75 years old to the stone pile at Joliet for a year, for no other offense than admitting to his paper a serious discussion of the questions of sex and reproduction; that to counteract the impression of this protest upon the public mind the inquisition and its friends influenced the Chicago press so that no mention should be made of this mass meeting by that press except by the *Chronicle*, and that its report and its editorial notice should give the impression to the public that the meeting of protest was a very *small* affair—only a "few scores" of people, and that these few were men and women of no character or standing in the community—mere "propagators of moral filth," men and women whose chief desire is to "roll themselves on a muck heap."

I do not know who it was that started the phrase, "the Satanic press," but if the reader will look up the word Satan in Webster he will find that it means "an adversary;" that it is derived from a

Hebrew verb which means "to be adverse, to persecute." "Detest the slander which, with *Satanic smile*, exults over the character it has ruined," is an illustrative quotation.

Again I say, let others judge whether this phrase, "the Satanic press," correctly applies to the Chicago dailies.

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To show that the *Chronicle's* editorial and report of the meeting are but echoes of the utterances of the prosecution against myself and Dr. Stockham, I appeal to those who heard the talk of R. M. McAfee in the prosecuting attorney's office, when he compared LUCIFER to a "peck of manure"; also to the arguments of District Attorney Marston before the lower court and before the Court of Appeals. Also to the talk of Judge Bethea to Dr. Stockham when he sentenced her and her business manager to pay a fine of seven hundred and fifty dollars for publishing and circulating "The Wedding Night."

For additional proof I quote the words of Judge Landis in his instructions to the jury in my case:

"There are authorities that seem to indicate—very reputable authorities that seem to indicate—that the court should tell you whether or not these publications are lewd, lascivious, or obscene, and the court is inclined to the opinion that if the court should say to the jury that these publications are lewd, lascivious or obscene as a matter of law, the court would be within the court's right and duty."

These are very guarded utterances, but the *suggestion*, or *intent*, is evident enough.

Much more might be quoted to show that the Chicago press is "in the deal"—is in the conspiracy to crush out discussions of sexology, discussions that would lead to a better understanding of the most momentous of all questions that can engage the attention of human beings, namely, the right of the unborn to better conditions of maternity and of paternity than those under which the present very imperfect generation of women and men were brought into the world.

Once more only for this time. The impression is constantly sought to be made by the opposition press that I am the leader of a cult, an organization of "cranks" that are seeking to overthrow the marriage institution. I am in no sense a *leader*. I did not address a meeting of 200 followers at the Social Science Club, on the

evening of Dec. 30, as reported by the *Chronicle* and *Inter Ocean*. I am only a pupil in life's great school; only an investigator and observer of social and biologic phenomena. There is no organized cult or propaganda for the abolition of established forms of marriage, so far as I know. Myself and those who agree with me are seeking *reform*, natural and peaceful *evolution* of marriage, rather than its violent destruction. I do not speak "bitterly," by pen or tongue, as reported by the press, when speaking of the opposition, but try to put myself in the place of the "other fellow," and to practicalize the saying—

"With charity for all and malice toward none."

M. HARMAN.

SPIRIT OF THE OPPOSITION.

From Lucifer, Jan. 17, 1907.

That LUCIFER may not come under the censure of *garbling*, or otherwise misrepresenting our opponents, the editorial in the *Chronicle*—referred to in the article entitled "The Chicago Press on Trial"—is herewith reprinted entire. It was headed "Obscene Advanced Thought," and reads thus:

"There is no possible objection to a man's rolling himself in a muck heap. That is his privilege. But there is every objection when the man insists that other people shall join him in the proceeding. He then trenches upon other people's rights and becomes a nuisance.

"Some scores of people gathered in a hall the other day and welcomed back to Chicago a man who has been spending some time in the penitentiary for sending obscene matter through the mails. These people loudly applauded the returned prisoner when he declared that he meant to repeat his offense. They talked loudly about the right of free speech and a free press. What they really meant was that everybody must join them in a roll on the muck heap.

"That is the effect of promulgating printed filth. It besmears and contaminates people who detest it and it forces foulness upon the young. The right of free speech and a free press does not mean and never did mean that the people are free to scatter a contagion more deadly than smallpox. That is not freedom, but criminal license.

"Why should these children of freedom insist upon spreading their nastiness broadcast? Why should they seek to roll everybody

in their muck heap, to force everybody to partake of carrion with them? Have other people no rights as against the propagators of moral pestilence? Is all the freedom to be on one side of the matter?

"If these people really enjoy wallowing why should not they do their wallowing in private or at least why should not they keep themselves to themselves in their convocations? Why not let the general public alone—quit assailing the noses of people? There is no tyranny involved in such a policy. It is simply a matter of personal liberty and independence which ought to be enjoyed by those who have no sympathy with people who get into the penitentiary for circulating obscene literature.

"The amount of it is that the community has a right to be protected against the nastiness of a clique of people who teach obscenity in the guise of 'advanced thought.' If these people desire to befoul themselves let them do so, but when they insist upon befouling others they will and they should find themselves in jail.

"Any person who sends obscenity through the mails ought to be imprisoned."

Though LUCIFER'S space is very small when compared to that of the *Daily Chronicle*, we here reproduce entire the report of the reception meeting which appeared in the *Chronicle* of Jan. 2, upon which report the above editorial was based. It was headed "Women at the Charity Ball Compared to Exhibits at Live Stock Show." Not having the paper at hand, am not sure that the head is quite correctly stated, but this was the purport. No reference whatever was made by the heading to the object of the meeting:

"The women who attended the charity ball were compared to the exhibits at the live stock show, and defiance was hurled at the laws that prohibit the sending of obscene literature through the mails, when friends of Moses Harman gathered in the Masonic Temple yesterday afternoon to greet him upon his return from prison.

"Seymour Stedman, attorney and socialistic orator, asserted there was no difference between the social event and the live stock show. Then, to show their defiance of the law, more than 700 men and women arose and declared they would accompany Mr. Harman to prison should the authorities again indict and convict him upon the charge of printing obscene matter in LUCIFER, his publication.

"That they may be called upon to make good their threat was proved when Mr. Harman arose to speak, for he declared his im-

prisonment had not changed his views and he would continue to write and print as in the past.

"Drill Hall in the Masonic Temple was crowded at the reception accorded him. Not all the hundreds of men and women could find seats, and if the building ordinances regulating the crowding of buildings applies to halls it was violated, for scores of men and women stood about the entrances and exits and crowded the aisles.

"'There could be nothing more degrading than the charity ball,' declared Mr. Stedman, and he was cheered. 'The women were on parade and the men stood about in groups and discussed them. 'Isn't she looking fine tonight?'" one man would query. "'See the diamonds she is wearing. I bought those for her. She cost me \$100,000 as she stands,'" he would continue. Then another would point to a woman. "'I bought \$60 worth of silk for her,'" he would say. "'And see the lace! She cost me a fortune.'" The women were there for show alone. I can see no difference between that event and the live stock show.'

"Then came Mr. Harman. He was greeted with cheers and he began by excoriating Judge Landis, the jurist who found him guilty.

"'I would sit in judgment of no man,' said the speaker, 'but Judge Landis sat in judgment of me and attempted to make it a death sentence. He would not fine me, for he was afraid I would pay or show I did not have the money. His instructions convicted me and the members of the jury were mere jumping jacks, there to serve him.

"'I will never obey the obscenity law!' he shouted, and his words were cheered.

"Among the other speakers were Parker H. Sercombe, who struck at the laws that made it possible to imprison a man or woman. He said free speech and a free press were just as remote as in the days of George III. He justified his statement by claiming it was impossible for a man to discuss a question that did not meet with the approval of the majority of his fellow men. He also said he would organize twelve classes and would teach the freedom of the sexes. He said he would charge 50 cents a lesson and would contribute the proceeds to LUCIFER.

"Paul Tyner declared the greatest of all crimes was that permitting the incarceration of a man or woman, and Gertrude B. Hunt declared she would 'rather be damned with Harman than sent to heaven with Anthony Comstock.'"

This report is a caricature rather than a correct recital of what

occurred at the reception meeting. It is impossible to point out all the inaccuracies, but I wish to say here that I did not "shout" defiance to the obscenity law. I raised my voice because of distance from the hearers in the rear of the large hall, but there was no *shouting* in any part of my brief remarks. I compared the obscenity law with the "fugitive slave" law, and said the latter was the less hurtful of the two, and that if called on to help arrest a fugitive slave I would absolutely refuse, and would freely accept imprisonment rather than obey.

Although my words are very incorrectly reported, it is quite true that I charged Judge Landis with instructing the jury to convict me. In proof of this statement I clip the following paragraph from his charge to the jury:

"You have a right to consider the fact that this man has heretofore been convicted of the same offense, that is to say, of violating the same statute, in determining the question of intent; that is to say, in determining the question of whether or not this defendant has or has not a contempt for this law, and that is material in this inquiry because a man who has contempt for a law may not feel a high concern for its enforcement. The defendant has testified in this case and with frankness he has said to you—although claiming that in his judgment and opinion these articles are not lewd, lascivious or obscene, and insisting that his construction of these questions and his interest in this subject is due entirely to his interest scientifically—with frankness he has stated to you that, believing the law should be repealed, in his judgment the best way to bring about such repeal is to ignore the law."

While it may be said that the judge *suggested* conviction rather than directly ordering it, our readers will agree that to the average jurymen a suggestion from the judge is quite as effective as a direct command.

Other paragraphs of like character can easily be found in the instructions to the jury that convicted me of the law-made crime called obscenity, but our space forbids further quotations at this time.

M. HARMAN.

LETTER OF VINDICATION IN KANSAS PAPER.

The imprisoned editor will bid adieu to Warden McClaughry this morning [Wednesday, Dec. 26, 1906] at 11 o'clock and be escorted to my residence at 415 Osage street, where from 12:30 to 2:30 he will be pleased to receive such friends of truth, progress and human liberty as desire to see him.

Mr. Harman is not in prison for mailing obscene matter, for he is one of the most pure-minded men it was ever my good fortune to meet, but for mailing two communications in his paper from earnest, thoughtful women, one a grandmother and the other a mother, alleged to be "obscene" by officials possessed with perverted, depraved, unclean and obscene minds.

In early Valley Falls days, where I merchandised for ten years, I became acquainted with Moses Harman and learned to not only respect and admire him, but to love him as a brother. He was much like our lamented Rev. Higgins; like him had been a preacher, and like him had evolved above creeds, forms and superstition.

Becoming convicted of a sense of duty to employ his talents in laboring to alleviate the woes and dispel the ignorance of mankind, he started his LUCIFER THE LIGHT-BEARER. His soul was wrapped up in the dream of a heaven on earth, where coöperation, peace, love and happiness should take the place of cut-throat competition, greed, want, crime and misery. He would wipe away every tear from sorrowing eyes and have naught on earth but joy and gladness. Of himself he never thought. His was a nature to not only divide his last morsel with a hungry fellow creature, but to give him all and go hungry himself. He would exalt woman to the highest place of honor in his ideal kingdom of heaven. He believed her to be morally and spiritually superior to man and best qualified to preach and teach, and in addition he would endow her with legal, social, financial and political equality with man. With woman equal in government he believed war, boodling, wrong and injustice would be banished from the earth.

His first conviction, with five years' sentence, was based on an article by Dr. O'Neill, of New York, showing the need for a law protecting the wife from assault by the husband, who, if he killed her with a pistol, dagger or fist, would be punished, but if he murdered her with — (using a Latin word) there was no law to even fine him \$5 for the fiendish crime—the use of the Latin word con-

stituting the offense. The crime alluded to is much more common than is generally supposed. Five months ago a wife was thus brutally murdered in an apartment house at Fifth and Osage. After an accouchment Dr. Smith fixed the young and vitally weak wife as comfortable as possible and left her to sleep. Her beastly husband assaulted her, and her agonizing screams brought the people of the building to the scene. Dr. Smith was called, but in spite of all he could do to stop the spasms her death soon followed. All that the exasperated women present could do was to tongue-lash him, blister him with execration, and tell him his crime was worse than that of Alexander and he ought to be burnt at the stake, since there was no law to punish him. The perpetrator of the awful crime goes free, to murder more, but the humanitarian who advocates a law to punish him is himself put in prison. O, Christian civilization, where is thy shame!

In his agitation for reform, for more good laws and less bad ones, for more common sense and liberty and less criminal prudery and cruel persecution, for more light and less ignorance, Mr. Harman has the support and encouragement of hundreds of the best men and women of our land. Among the distinguished women who have written him letters of sympathy and encouragement is Mrs. ex-Governor Charles Robinson, of Lawrence. In a late issue of the *Woman's National Daily*, with its two millions of readers, were articles by Hulda L. Potter Loomis and Mary E. Walker, M. D., upholding the right to discuss all questions for the betterment of society, chief of which is marriage or the relation of men and women, and vehemently reprobating the persecution of Moses Harman.

The friends of Moses Harman in this city indignantly deny that he ever advocated "free love" as generally understood, or ever wrote a word in his paper that postal officials objected to; that the epithet "free-lover" was maliciously or ignorantly hurled at him years ago because he held that loveless marriage was prostitution, a curse to the couple, their offspring and society, and that earnest and unprejudiced discussion was needed to find a way to elevate marriage to its true, high and divine estate, and secure such sensible regulation as did not seek to reverse nature and repeal infinite law, but help to make the marriage relation what it ought to be—a perpetual courtship and the golden gate to a heaven of earthly happiness.

Mr. Harman's paper has never contained a word or suggestion of obscenity or lust. It is as far removed from the vile class of literature which the congressmen were told the Comstock bill was

aimed at as heaven is from hell. The most estimable Socrates was condemned to death for "corrupting the youth of Athens," though he taught them the practice of the most exalted and beneficent virtues. Viper-like, the bigoted and ignorant part of humanity has ever seemed ready to sting the hand that sought in love and kindness to bless it and lift it up.

Its Barabbases, its selfish bad men, are lauded and carried on the shoulders of men; its saviors, its moral teachers and reformers, are crucified, burned at the stake, cast into prison, jeered, maligned and cruelly persecuted.—*S. R. Shepherd, in Leavenworth (Kan.) Times, Dec. 26, 1906.*

IMPRISONMENT "NOTHING LESS THAN A CRIME."

About a year ago Mr. Moses Harman was convicted in the federal court of mailing an obscene article in his periodical, *LUCIFER*. He was convicted, not because the jury considered the article obscene, but because the presiding judge instructed the jury that the question of obscenity was not within their province, that the only question for them to pass upon was the fact of the mailing of the paper. In fact the article was not obscene, and Mr. Harman's conviction and imprisonment were, as the Rev. Jenkin Lloyd Jones describes them, "nothing less than a crime." It is a subject for congratulation that Mr. Harman's imprisonment has under these circumstances been treated by some of the good men and women of the community as an honor instead of a disgrace, and that they should therefore have greeted him with an honorable reception upon his return. It was no misplaced praise, that of the late Ernest Howard Crosby, when in responding to an invitation to this reception he said: "No one can know Mr. Harman personally or through his writings without becoming impressed by the purity and honesty of his purpose and by the fact that his main impulse is what seems to him a high ideal." These words we repeat and endorse, not in advocacy of Mr. Harman's views, for we dissent from them, but in the same spirit in which Mr. Crosby added to his personal praise the words: "That such men should be met by the arguments of iron bars and dungeon cells shows that the spirit of Torquemada is not entirely exorcised."—*The Public (Chicago).*

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