

arrival at the court. The defendants had been taught when young, to have, and had always retained, a sort of reverential awe, amounting nearly to worship, for a United States Court. Their conception of it conveyed the idea that it was the *sanctum sanctorum*—the holy of holies, into which, if a person enter, once a year, sanctification for their sins would surely follow. There it was, they imagined, the blinded goddess of justice stood, with her nicely balanced scales, at all times ready to weigh and decide so evenly between the two opposing sides, that a hair's weight added to either, should incline the scales.

Imagine the disgust of the defendants, when, instead of being ushered into the presence of their poetic ideal of the great hall of justice, they found themselves before a set of officials as nearly like most other men as two peas are nearly alike. But their reverence for the ideal was transported into admiration for the wisdom displayed by the Court and the zeal of the representative of the people, which, though perhaps sometimes outrunning discretion, was of that peculiar order that reminded the defendants of a justly celebrated case, where, there being no defense, the attorney showed his ability by substituting for a defense a blackguarding of his opponent. This, reversed as to prosecution and defense, and, on the part of the prosecution, a substitution of a single "revered citizen" for the great people whom it was alleged the defendants had outraged, and the cases are almost identical. But this will appear as the case develops.

After the case had been called, and an adjournment till Monday, at one o'clock, decided upon, the zealous representative before alluded to delivered himself of the following oratorical peroration and presentation of the case, in both of which senses it is commended to all future students of the profession, as unapproachable in its beauty of diction and strictness of application:

"I shall ask," said the learned representative, "that the precedent followed in other similar cases be upheld; that is, ten thousand dollars bail in each case, with two sureties to justify in that amount. This is a grave and serious offense." (Think of it for a moment; it is not only a grave offense, but it is also a serious one. A wise distinction of difference, truly a wise distinction.) He continued: "It is an offense that has in the past done the greatest harm and injury to the community." (Mark you, he said, harm and injury. The grave offense against the people was not only also serious, but it piled on the agony by heaping injury upon harm on the community. Oh! most wise representative.) "The circumstances of this case," he went on to say, "were circumstances of the most aggravated character. Not only have the defendants circulated an obscene publication through the mails, but they have been guilty of a most abominable and unjust charge against one of the purest and best citizens in this State, or in the United States; and they have, as far as possible, aggravated the offense by a malicious and gross libel upon the character of this gentleman, whose character it is well worth the Government of the United States to vindicate. I therefore ask, under the circumstances, that bail be fixed in each case at ten thousand dollars."

The defendants, not being made to exactly understand, by the logic of the representative, how he proposed to vindicate the character of a private individual by prosecuting them for obscenity, ventured to suggest to the court, through their

of women in jail for publishing this vile paper. They are to have an examination on Monday, at one o'clock. They must not have that examination. If they do the case will fall through, and they will get out of jail, and then what will become of our revered citizens. For God's sake and for their sake come to my rescue, and grind out an indictment with which to smother this examination. Do not stand upon the order of doing it, but do it at once. It is enough to say he got it. The defendants were again committed to jail, to wait a trial which may be put off and off one, two, or more years, if it so please the Court. The defendants think it safe to say that this is the first instance in the history of this Government where moral cowardice and modern hypocrisy have entered a United States court and controlled its action. Well may the people ask, Who may be the next victim?

The defendants do not wish to be understood as objecting to any regularly instituted legal proceedings, based upon a real cause and conducted in the interests of justice upon the facts; but when courts of justice, under the influence, either of private malice, pecuniary corruption, or of a public opinion, vitiated by the exhalations and influence of modern hypocrisy, become the instruments of individual persecution, then, as American citizens, possessing the inalienable right to liberty and the pursuit of happiness, they do object, and from such courts they claim the right of appeal.

Thus far, the impleaded have retained the character of defendants, into which, in a small way, they have been thrust by the courts. But now the bail which they were prepared to offer when arrested, but which was then refused, to wit: eight thousand dollars, with one surety justifying in double the amount, having been accepted by the United States and they discharged thereupon, with the hope that somebody has had some satisfaction in keeping them four weeks in Ludlow-street Jail, they propose to assume the character of plaintiffs and to proceed with their work against modern hypocrisy and moral cowardice.

Indeed, the so-called prosecution in which they have been made to appear as defendants, is in reality—in the larger and truer sense—the attempted defense of those two monstrous iniquities, against the increasing tide of moral courage and independent lives which threaten their opponents with certain destruction.

If the suits that have been instituted, both in the United States and State Courts are merely to obtain justice, whence, let it be asked, comes the necessity for the prosecuting witness in one case to feel obliged to spend a hundred thousand dollars to secure the conviction of the defendants? and in the other to be backed up by a quarter of a million, and the determination of individuals to pursue them to the death? Is not the machinery of the courts in the pay of the people ample to secure the demands of justice? Upon whom is all this money and influence to be spent? Are there judges, prosecuting attorneys, jurors and a public press to be bought? If this be the meaning of justice as administered by courts, the plaintiffs submit that it were better to abolish the courts, do away with pretensions and come down to the real point at once—to that, as to which party can command the more money.

This is not a matter confined to the plaintiffs. It is they who are the victims to-day; but it may be some of you to-morrow



it may be the whole people the next day. Not only is the freedom of the press threatened by the present prosecution, but so also is the freedom of speech and of the discussion of all reformatory subjects. Five thousand newspapers stand or fall with them; nevertheless the plaintiffs are left to fight the battle almost alone, their contemporaries, heedless of their own endangered rights, even hounding on the persecution. Moreover, the plaintiffs have good reason for believing that this act of Congress of June 8th, 1872, regarding the transmission of obscene literature through the mails, was obtained for the express purpose of being used against the WOODHULL & CLAFFLIN'S WEEKLY, on account of the freedom with which the social question is discussed; and having special reference to the bombshell of November 2d, which was not wholly unexpected by the parties involved. There are now within the United States seven hundred clergymen who have been dismissed the church for lecherous conduct among the lambs of the flocks over which they presided as shepherds. Every one of these cases has been the rounds of the papers; but who has ever heard of one of them being suppressed for the publication of obscene literature, or for sending it through the mails? Ah! but the District Attorney informs the public that this instance is a "very aggravated case," the object of it being "one of the purest citizens of this country." Is it to be understood from this, that the protecting shield of the Government is to be thrown around the magnates of the churches—the great shepherds—while the lesser lights are to be considered beyond its pale, as not "worth the while of the Government to vindicate," being, vulgarly speaking, too small potatoes to save? The plaintiffs venture to suggest, that it looks very much as if this is the meaning of the course taken by the Government in this case.

Do the people remember a certain convention, held at Cincinnati, not long since, for the express purpose of devising ways and means to secure the injection of God into the Constitution, and who were the promoters of the scheme? and that the plaintiffs, upon the other extreme, have labored to secure the injection of the whole people into the Constitution? Do they remember the persecutions of the Mormons, instigated by that portion of the Protestant church to which the President belongs? Do they remember the untiring efforts of the churches to secure the reelection of Gen. Grant, and that since his reelection, how quietly his friends are broaching, not only the idea of a third term, but even of a life-tenure? Put this and that together, and then put them all with the fact that the Government secured the passage of an act, under which any recalcitrant public journal may be suppressed, and the people may begin to catch glimpses of what all these things mean. They mean the dictatorship, if not, indeed, the empire, built upon God in the Constitution and General Grant as His earthly vicergerent. The plaintiffs may

such passages from the WEEKLY as it seems, that charge must be based upon, and to compare them with similar passages selected from the Holy Bible. Certainly the Agent of the Young Men's Christian Association for the Suppression of Obscene Literature cannot consistently prosecute the editors of the WEEKLY for the use of language which, when compared with some that is contained in the Bible, would be considered chasteness itself! Without descending to the really indecent portions of the Holy Book, such selections will be made as seem to bear a parallel to the language contained in the suppressed WEEKLY that, standing by itself, approaches to obscenity.

The quotation from the affidavit of Mr. L. C. Challis, upon which orders of arrest were issued, and which constitute a part of the proceedings of the examination of Colonel Blood before Justice Fowler, and which was previously published at length in the New York Herald, and which Challis alleges was published in the WEEKLY, is, it has been stated, one of the special passages upon which the theory of obscenity is based. Turning to Deuteronomy, xxii. chap., the following record is found: '15. Then shall the father of the damsel and her mother take and bring forth the token of the damsel's virginity unto the elders of the city in the gate;

'16. And the damsel's father shall say unto the elders, I gave my daughter unto this man and he hatheth her;

'17. And yet these are the tokens of my daughter's virginity. And they shall spread the cloth before the elders."

Now is there any essential difference between the two cases—the one from the WEEKLY and the other from the Bible? And if the last is not obscene, indecent and vulgar, how can Comstock, Government & Co. make it appear that the WEEKLY is so? Comment is superfluous.

But if they assign the obscenity to the article in the WEEKLY, which, as General Davies charged, "outrageously and falsely accused a person whom the Government must protect, it is believed a parallel case, even to this, can be found. Of course you have all read the WEEKLY on this case, which makes it unnecessary to spend your time in quoting from it. But its parallel from the Bible will be found in 2d Samuel, at xi. chap., and from the 2d to 25th verses:

'And it came to pass in an evening-tide, that David arose from off his bed, and walked upon the roof of the king's house; and from the roof he saw a woman washing herself; and the woman was very beautiful to look upon.

'3. And David sent and inquired after the woman. And one said, Is not this Bathsheba, the daughter of Eliam, the wife of Uriah the Hittite?

'4. And David sent messengers and took her, and she came in unto him, and he lay with her; (for she was purified from her uncleanness;) and she returned unto her house.



be called insane, as it is gently hinted in some quarters that they are; they may be consigned to an asylum, for which plots are now being concocted; but for all that they will continue to exercise the right of free speech, to publish a free journal, and to attack hypocrisy, even when enthroned on the high seats of the synagogue; and if the people will permit them to be crushed out for doing these things, then are they, indeed, unworthy of liberty; then, indeed, do they deserve to have the iron heel of religious despotism again placed upon their necks.

But even these tendencies to despotism on the part of the authorities are not so ominous as the lethargy, the stupor of the people. The blight of moral cowardice seem to have settled over them and mildewed all their noble impulses. They stand quietly by and witness the most outrageous abuses of power, and dare not venture to suggest that they are American citizens. In the presence of a supposed public opinion, which they know to be a libel upon freedom and manhood, they dare not have the courage of their opinions. The plaintiffs know thousands of people in the city of New York, who hold precisely similar opinions to themselves upon the political, industrial and social questions; but in the recent *copy* they did not dare to show themselves at the front. They leave the few to fight their battles, but when the victory shall be gained, they will shout at the tops of their voices, "Didn't I tell you so! I knew we should win! Haven't we achieved a glorious victory!" This crowd of poltroons and cowards permitted the plaintiffs to be four weeks in Ludlow-street Jail, when they knew they were there for fighting in the cause of popular freedom. Some of them even had the effrontery, the impudence, to send them word: to be faithful sisters. We know what you are doing for the cause, but please don't mention my name. I wouldn't, for the world, have it known that I sympathize with you. I should be ostracized, my business injured—aye, I might even be charged with having been in league with you."

The defendants confess surprise at the abject moral cowardice that has been developed, and that they almost despair for humanity. Can it be possible, that after all, this people is a race of dogs, who, when Madam Rumor, Mrs. Grundy or public opinion speaks, sneak away like whipped curs, not daring to show their heads or to claim their souls as their own until the special danger is passed. Alas! alas! that it should be necessary to summon the spirit of Riensl to repeat to this people his famous address to the Romans; or that of Patrick Henry to rouse them into a sense of their condition.

But, to come to the merits of the case. It is charged that the *WEEKLY* of November 2d is an obscene, indecent and vulgar paper. Commissioner Osborn says the Government holds it to be so. He, however, carefully avoided indicating the specific parts upon which that position was predicated, but hinted that the paper, as a whole, was obscene. It is now proposed to select

"5. And the woman conceived, and sent and told David, and said, I am with child.

"14. And David wrote a letter to Joab,

"15. Saying, Set ye Uriah in the forefront of the hottest battle, and retire ye from him, that he may be smitten, and die.

"26. And when the wife of Uriah heard that Uriah, her husband, was dead, she mourned for her husband.

"27. And when the mourning was past, David sent and fetched her to his house, and she became his wife, and bore him a son."

Again, is there any essential difference between the account in the *WEEKLY* and that from the Bible? Moreover, it should also be remembered that David, so the same Bible says, was a man "after God's own heart." And yet if God ever condemned him for this deed it is not so set down in the Bible.

It will also be remembered that the wisest man, Solomon, to whom God showed especial favors, was also given, not a little, to women. We learn from the holy writ, at 1st Kings, xi. chap., 5th verse, that:

"1. King Solomon loved many strange women."

And it continues:

"3. And he had seven hundred wives and three hundred concubines."

It must not be thought that these are exceptional passages from the Bible. There are hundreds, aye thousands, of others. In a word, the Old Testament, much of which, it is claimed in the book itself, is the direct and infallible Word of God, is full of parallel and even much more indelicate not to say obscene, indecent and vulgar passages. Everybody must be familiar with the story of Abraham, Sarai, and Hagar, recorded in the xvi. chap. of Genesis; and of that of Lot and his daughters, which, by the way, especially if connected with that of Ammon and Thamar, the first recorded in the xix. chap. of Genesis, and the last in the xiii. chap. of 2d Samuel, is a much better vindication of Mrs. Harriet Beecher Stowe's exposure of the Byron incest case than any that has ever been given by her. Then there is the story of the Sodomites, xix. chap. of Genesis, in which Lot was also mixed up; and that of Judah, Onan, and Thamar, in the xxxviii. chap. of the same book; and of Joseph and Potipher in the same, xxxix. chap. Then, again, there is that part of xx. chap. of Leviticus, beginning at 15th verse; the whole of xvi. chap. of Ezekiel, and the xv. chap. of Leviticus. Moreover, there is a very bad confession made by David in the xxxviii. Psalm, which, if not obscene, it will be exceedingly difficult to find anything anywhere that is obscene.

These references to the Bible are made out of no disrespect to that venerable book. When the council of Nice voted it to be the veritable, the infallible and only Word of God to man, they undoubtedly excluded, among the great mass of sacred writings, a great deal that, even to Protestantism, would have proved unpalatable. But they are made to show that these



latter-day Christians are nothing but the most consummate hypocrites, condemning in their own day and generation the very things which they affect to believe were taught by God through His Word to man in ancient days. They affect to be Christians; and yet their lives are a flat contradiction to it—are a living lie to the doctrines taught by the lovely Nazarene, than whom, if he lived, as claimed by the Bible, there was never a more beautiful character. Gladly do the plaintiffs sit at His feet to learn wisdom. Christ commanded, didn't advise. He commanded, His followers, Not to lay up treasures on earth, where moth and rust do corrupt and where thieves break through and steal; but to lay up for themselves treasures in heaven. For," he added, "where the treasure is there will the heart be also." Is there any doubt where the hearts of most professing Christians are to-day? And yet they make a most terrific noise because somebody is about to show them up, not as Christians, but as what they really are—Shams who have stolen the livery of Christ in which to serve the Devil of their own natures. Here is a wager for these frauds. The plaintiffs will take the several volumes of the WOODHILL & CLAFFIN WEEKLY and show more of the teachings of Christ therein advocated, and prove it by their own Bible, than can be found in all the sermons of Mr. Beecher or any other during his whole ministerial career. And what is more, they know it, and dare not accept the gauntlet here thrown down. The whole so-called Christian civilization is a base fraud, an imposition upon the intelligence of any man, woman, or even child, who dares to think and has the courage to maintain that thought. The simple, yet sublime, doctrines attributed to Christ, but which everybody who has investigated, knows were borrowed from earlier teachers, will live forever; but the sham, the mock Christianity of to-day—the infernal system of modern Hypocrisy—will not survive the present decade.

It was stated, not long since, in the London papers, that the Christians of that godly city were terribly exercised over a number of heathens who had there taken up their abode. They were fearful of the influence of these heathen upon their religion, since in every respect, except that they did not believe in the Christian God and Christ, for, as they said, they had both a better God and a better Christ than the Christians had, they were more honest, more truthful and better practical Christians than were the Christians themselves. And yet millions of dollars are annually spent to convert such people to modern hypocrisy. The churches of New York have a great yearning for the children of the heathen, and make constant demands upon their supporters for money to spend in

secret pools of sexual filth vitiate, and poison, as concealed pools of material filth vitiate and poison the physical atmosphere. The people do not wonder that they who live in the neighborhood of stagnant pools of water and decaying vegetable matter, have fever and ague. But they wonder that so many have moral fever and ague, and would wonder still more if it were known how many have dumb moral ague. A running stream distils no contagion from its ripples, but stagnation, secrecy and covertness, let it be where it may, poisons everything within reach, of its influence. Nor should this be construed into justification of public prostitution, for it is not that by any means. But it does mean that, whatever a person really is, it is best for himself and society to be known as that and not as something else, which he is not. So long as an opposite theory holds and is practiced by the people, so long will they do, behind the scenes, what they would not do if compelled to appear with it before the world. It will be remembered that Christ said, "There is nothing secret that shall not be made known; nothing hidden that shall not be revealed." Do Christians—does Plymouth Church believe that? The plaintiffs affirm it to be their belief, grounded by a long and earnest inquiry into the subject, that, if parents and conservators of social morals would have the growing generation better than the present, they should make use of every means to inform it of the existence of all forms of moral and social vice, so that they shall be warned regarding them. To attempt to hide them, as is now the custom, is to leave children in constant danger of either walking blindly or of being entrapped into them.

Is it for a moment to be supposed that so many could live and grow fat on prostitution? Every time your ignorant daughters go into the streets of New York alone they are in danger of being enticed by some richly-dressed lady into her den, where chloroform or some other drug prepares her for ruin; the "respectable citizen" pays the fiend in woman's form the agreed five hundred dollars, and the work is completed. The gentleman returns to respectable society; is the honored guest at receptions, dinners and soirees; flirts with his lady friends; but boasts of his deed to his intimate male acquaintances, whom he introduces to his victim. She, however, returns no more to her accustomed place. She learns too late, what she should have been taught before, that she has been entrapped, impressed into a road leading to damnation from which there is neither returning backward or escaping forward. Maddened at her situation, she plunges recklessly into all forms of dissipation to drown her sorrow and to escape insanity. Down, down, down she goes, step by step, through all the grades of social ruin, and finally brings up in the lowest degradation in the Baxter streets of our cities, from whence it is either to jail, the madhouse or the Potter's field.

One hundred thousand beautiful, young, trusting girls, just budding into womanly strength and loveliness, the pride of mothers, the joy of



their behalf; but they utterly forget the fifty thousand poor children of their own city, who are only half fed, clothed, or sheltered, and never schooled; and who grow up in vice and crime, born, reared and educated to be criminals by the present social system; and then by it are thrust into prison to pay the penalties of its own stupidity. No wonder Christ cried out, "Oh Jerusalem, Jerusalem, thou that stonest and killest the prophets! How often would I have gathered thee together, as a hen pheseth her chickens, and ye would not!" No one can doubt that, should a Christ appear in New York, going about with publicans, sinners and harlots, as Jesus did, and teaching just as He taught, the authorities would have him arrested for a common vagrant and sent to Blackwell's Island. And yet, drop into any of the Christian temples of a Sunday, and by the word of mouth the ancient Christ is deified. Really, "distance lends enchantment to the view" in this case as well as in other cases.

The question is often asked: But why make expositions of what society pretends to condemn? Why uncover it to the gaze of the world? The answer to this is, that the general good of society demands a continuous improvement in its mental, moral and physical condition. The plaintiffs are engaged in a revolution to promote a better, higher and purer social condition, as antecedent and necessary to any permanent improvement in intellect and morals. They claim that, to improve society, it is necessary, as a foundation for all reform, to beget and rear better children; that, to accomplish this, the present social system must be entirely remodeled; child-bearing to be made a choice instead of, not as it now too frequently is, compulsory on the part of the mother; and that one of the first steps of the revolution must be to make women free and independent first, just as the first step for the colored slave was to make him free, and afterward came their independence, as a matter of necessity. The same system of warfare that was used against that slavery, is also legitimate as used against this more subtle slavery of the sex. Its abuses, its hypocrisies and its horrors, must be attacked, and the earnest reformer will not hesitate to drive his lance into every social carbuncle that comes under his observation.

But it can be justified by an entirely different argument. The universal practice in all things outside of social disorders, is to point out danger; to warn the ignorant and the unwary; to hang lamps at the pitfalls; to label poison as poison, and to run out the small-pox flag. Now, apply this practice to social diseases, and the unmasking of every hypocrite, the exposure of every one who makes it his business to start girls on the downward road to shame and destruction, is justified; aye, not merely justified, but demanded as a duty. It is of no use for people to longer attempt to fool themselves or to fool each other. They all know that the society which, externally, makes pretensions to spotlessness, inwardly, full of all manner of uncleanness. Hypocrisy is the safeguard of this condition; when it is attacked, they who most need it as a screen, make the most frantic appeals for its protection.

Imagine, for a moment, what would be the result were the inside—the behind the scenes—life of every man and woman exposed to public view. One of two things would necessarily have to be: either society would strive to justify the conditions, or the people would have to change their lives. Do the plaintiffs require a more complete justification than either of these answers give them? They hold that it is more honorable, and that they who profess it are less dangerous to society, as habits of Greene street, than stealing into houses of assignation, double-veiled, under cover of the night, and at the same time long-faced, prying Christians, and loud-mouthed denouncers of prostitution. The first being known cannot endanger anybody, while the secret villains of the last, may poison a whole neighborhood of unsuspecting persons; for it must be known there is a moral as well as a physical atmosphere, which these

fathers and the blessing of society, are every year snatched from their homes and, by these respectable and reputable gentlemen, sent upon their mission of misery. Is it not time that something should be done to stop this sorrowful thing? How can they who have daughters quietly shrug their shoulders and say it is no business of mine? The ignorance or indifference of parents upon this question is enough to make the very stones to cry out in anguish against them. It is their business. It is the business of humanity, if the terrific basins of cowardice and hypocrisy which are sweeping over the land have left that sentiment in the human breast. In the name of that humanity, here and now resolve, either that this scourge upon woman shall stop, or that continuing, the daughter shall not be the victim, but stand in society beside the man, and, like him, be respected and honored.

But who are they that are in danger from the plaintiffs' advocacy of social reform, as it is loftily paraded in the columns of the daily city press they are? Is it the young women to whom reference has been made? or is it any other honorable class of women? No! both you and they know better. Is it the honest, moral, laboring masses of men? No! They, when appealed to, gladly hear the honest and earnest discussion of all subjects, and accord the right of free discussion.

Who is it, then, that tremble when it is proposed to drag these things to the light of God's sunshine so that they may become purified? It is the old hoary-headed sensualist, who by his ten years of prostitution has become thoroughly demoralized, and who requires the active stimulus of youth, beauty and purity to rouse his passions. It is your high-salaried officials, who, suddenly raised from comparative poverty, rush into all the *fais* practices that money, easily got, can purchase. It is your legislators, to beat the life out of women, and who support handsome mistresses in splendid style at "*fashionable boarding-houses*." It is your police officials, whose mistresses are the keepers of houses of prostitution, and who share the profits arising from woman's degradation. It is your editors of powerful journals, who, nightly returning from their "rounds of exercise," write pattern articles on morality, and denounce "woman agitators as they would uproot the foundations of society. It is these classes, whom the people have intrusted with the functions of government and who wield the powerful machinery of public opinion, who stand in danger from the agitation of the social question. And is it to be wondered at that, as a single man, all these should combine to crush out a journal which proposes to wage war upon the infamies of the social system and to resort to all legitimate war measures to force consideration of them?

But they, and their agents, the agent of the Young Men's Christian Association for the suppression of obscene literature, Plymouth Church, Government & Co., through them, are here and now notified that this discussion, this warfare, will be continued; that the old, worn-out, rotten social system will be torn down, plank by plank, timber after timber, until place is given to a new, true and beautiful structure, based upon freedom, equality and justice to all—to women as well as men; the results of which can be nothing else than physical health, intellectual honesty and moral purity.

This shall be done in the columns of the *WEEKLY* if the liberty of the press is not crushed beneath the heel of despotism that is raised to destroy it; but if this be accomplished, then will the plaintiffs go from city to city, and from town to town, the whole country over—from the pine forests of Maine to the gold mountains of California; and from the wheat fields of the sources of the Mississippi to the rice plantations of Florida—and sow the seed of social revolution, which, springing up, shall sweep the despots like chaff before the fan from their thrones built upon the liberties of the people. Stop their press they may; but their tongues, never!