

**FREEDOM OF THE
PRESS AND "OBSCENE"
LITERATURE**

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Freedom of the Press and "Obscene" Literature by Theodore Schroeder

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THEODORE SCHROEDER

**FREEDOM OF THE
PRESS AND "OBSCENE"
LITERATURE**

FREEDOM OF THE PRESS

—AND—

“OBSCENE” LITERATURE.

THREE ESSAYS

BY

THEODORE SCHROEDER,

63 EAST FIFTY-NINTH STREET, NEW YORK CITY.

OF THE NEW YORK BAR.

“There is tonic in the things that men do not wish to hear.”—
HENRY WARD BEECHER.

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NEW YORK CITY.

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ANNOUNCEMENT.

The late Dr. Edward Bliss Foote deposited, with his last will and testament, a letter which contained the following paragraph:

"To my sons, or, in case of their demise, to their successors, I would say that my wishes would be that they give generously from the proceeds of my estate to all good movements for the maintenance of free press, free speech and free mails, the cause of heredity (i. e., stirpiculture, eugenics), liberalism, etc., which movements have as yet no sufficient legal organization to permit them to receive legacies. All projects that have for their object the improvement of the human family have ever enlisted my sympathies and my support, and my successors cannot better carry out my wishes than to give liberally to them."

Because of that request, and of his own devotion to the cause of freedom of speech, Dr. E. B. Foote, Jr., has furnished the money to print this pamphlet and gratuitously to circulate a large number of them in official circles. It is intended also to incorporate the Free Speech League, so that hereafter bequests may be made to further the ends of all friends of free inquiry.

Mr. Schroeder is preparing other arguments attacking the validity of various laws which now abridge the freedom of speech and press. which other essays we also desire to publish. A Free Press Anthology is also in preparation, and should be given a wide circulation.

To that end, as well as the wider dissemination of these essays we invite contributions from all lovers of intellectual hospitality. Remittances should be sent to Dr. E. B. Foote, Jr., Treasurer, 120 Lexington Avenue, New York City,

Ever for Truth, Justice and Liberty,

THE FREE SPEECH LEAGUE,

E. W. CHAMBERLAIN, *Pres.*

10 W. 61st Street, N. Y. City.

THE FOLLOWING REPORT OF
COMMITTEE ON LAWS OF OBSCENITY,
WAS UNANIMOUSLY ADOPTED BY THE
NATIONAL PURITY FEDERATION,
October 11, 1906.

Your committee appointed to secure for Purity workers that liberty of press and speech essential to the Purity Propaganda would report as follows:—

We desire to express our hearty and unqualified endorsement of the purpose for which the laws for the suppression of vice and the punishment of those who send obscene literature through the United States mails, were originally framed; we wish also to express our earnest desire for even a larger exercise of these laws in the accomplishment of the original purpose, which must have been in the minds of those who framed and enacted these laws.

In view, however, of the fact that Purity workers are constantly placed in jeopardy because of the uncertainty of the judicial test of obscenity and because these laws have in some instances been made the means of injustice and cruel wrong; and in view of the fact also that the indefinite character of the law renders it impossible for anyone to know whether he is acting within the law or is violating the law, and because the law has been made a menace and a hindrance to many earnest workers whose efficient help is most seriously needed, your Committee would therefore make the following recommendations:

Resolved, That the President be empowered to appoint a permanent committee of seven of whom he shall be one, who shall seek to secure such changes in the judicial tests of obscenity as will make the law so certain that by reading it anyone may know what constitutes its violation and to secure such an interpretation of the law as will make impossible the suppression of any scientific and educational Purity literature.

We would also recommend that this Committee be authorized to co-operate with organizations, individuals and courts, in affording any help in their power to apprehend, convict and punish the disseminators of literature truly obscene and of perverters of youth; it shall, however, at the same time be the duty of this Committee to seek to afford the defense and protection so much needed by earnest and sincere Purity workers who are now constantly exposed to the dangers of prosecution by the uncertainty of the very laws which they desire to cherish and obey.

We would therefore recommend that this Committee be authorized to afford to any real Purity worker who is unjustly arrested such sympathy and assistance, legal, financial and moral, as may be within their power.

We would also recommend that this Committee should seek to enlist the co-operation of other organizations in furthering these same ends.

This Committee shall also be empowered to make any propaganda necessary through the public press or otherwise in securing such punishment of the guilty and such protection for the innocent as in their judgment may be most wise and discreet.

SYLVANUS STALL, D.D. Mr. J. B. CALDWELL,
THEODORE SCHROEDER, Mrs. ROSE WOOD-ALLEN CHAPMAN,
Mrs. SARAH F. BOND, Dr. HATTIE A. SCHWENDNER,
Dr. DELOS F. WILCOX.

Republished from THE LIGHT.

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MORE LIBERTY OF PRESS ESSENTIAL
TO MORAL PROGRESS.

BY THEODORE SCHROEDER,

(This Address was prepared for a conference of the National Purity Federation held in Chicago, October 9-12, 1903, now somewhat enlarged and revised.)

Only a few decades ago, the mighty governed the many, through cunning, strategy, and compulsory ignorance. A lay citizen was punished by law, if he presumed critically to discuss politics, officials, slave emancipation, astronomy, geology, or religion. To teach our African slaves to read, or to circulate abolitionist literature, was in some States a crime, because such intelligence conduced to an "immoral tendency" toward insurrection. To have the Bible in one's possession has also been prohibited by law, because of the "immoral tendency" toward private judgments, which general reading of it might induce.

One by one the advocates of mystery and blind force have surrendered to the angels of enlightenment, and every enlargement of opportunity for knowledge has been followed by the moral elevation of humanity. Only in one field of thought do we still habitually assume that ignorance is a virtue, and enlightenment a crime. Only upon the subject of sex do we by statute declare that artificial fear is a safer guide than intelligent self-reliance, that purity can thrive only in concealment and ignorance, and that to know all of oneself is dangerous and immoral. Here only are we afraid to allow truth to be contrasted with error. The issue is, shall we continue thus to fear full and free discussion of sex facts and sex problems?

WHY NOT IGNORE SEX?

The first question to be answered is, why discuss the subject of sex at all? There are those who advise us to ignore it entirely, upon the theory that the natural impulse is a sufficient guide. To this it may be answered that all our sex activities cannot be subjected to the constant and immediate control of the will. We cannot ignore sex by merely willing to do so. Our attention is unavoidably forced upon the subject, both by conditions within and without ourselves. That we may deceive ourselves in this particular is possible; that we all can and many do lie about it is certain.

Without sexual education, we cannot know whether we are acting under a healthy or a diseased impulse. It is known to the psychologist that many are guilty of vicious and injurious sexual practices, without being in the least conscious of the significance of what they are doing. Everywhere we see human wrecks because of a failure to understand their impulses, or to impose intelligent restraints upon them. Many become sexually impotent, hyperaesthetic, or perverted by gradual processes the meaning of which they do not understand, and whose baneful consequences intelligence would enable them to foresee, and easily avoid. Since individuals will not go to a physician until the injury is accomplished and apparent, it follows that there is no possible preventive except general intelligence upon the subject. At present the spread of that knowledge is impeded by laws and by a prurient prudery, which together are responsible for the sentimental taboo which attaches to the whole subject. The educated man of to-day measures our different degrees of human progress by the quantity of intelligence which is used in regulating our bodily functioning. No reason exists for making sex an exception.

THE PHYSICAL FOUNDATION FOR MORAL HEALTH.

To those who accept a scientific ethics, moral health is measured by the relative degree to which their conduct achieves physical and mental health for the race. To the religious moralist, who has other ends in view, pathologic sexuality is probably the greatest impediment to the practical realization of his ideal of sexual morality. Everywhere we see that disease is the greatest obstacle to moral health. From either point of view, it follows that one of the most important considerations in all purity propaganda must be the diffusion

of such knowledge as will best conduce to the highest physical and mental perfection.

I will ask your indulgence for a few general observations, after which I will proceed to a more detailed discussion of our legislative preventives to sexual intelligence and moral health.

ON THE RIGHT TO KNOW.

All life is an adjustment of constitution to environment. The seed dies, or has a stunted or thrifty growth, according to the degree of harmonious relationship it effects with soil, moisture and sunlight. So it is with man: He lives a long, happy and useful life, just to the degree that his own organism functions in accord with natural law operating under the best conditions. It follows that a growing perfection in the knowledge of those laws is essential to a progressive harmony in the individual's conscious adjustment to his physical and social environment, and every one of us has the same right as every other to know all that is to be known upon the subject of sex, even though that other is a physician.

Since a comparative fullness of life depends upon the relative perfection of the individual's adjustment to the natural order, and since the greatest knowledge of nature's rule of life is essential to the most perfect conscious adjustment (which is the most perfect life), it follows that our equality of right to life, liberty, and the pursuit of happiness entitles every sane adult person to know for himself, to the limit of his desire and understanding, all that can be known of nature's processes, not excluding sex.

Every sane adult person, if he or she desires it, is equally entitled to a judgment of his or her own as to what is the natural law of sex as applied to self, and to that end is personally entitled to all the evidence that any might be willing to submit if permitted. It is only when all shall have access to all the evidence and each shall have thus acquired intelligent reasoned opinions about the physiology, psychology, hygiene, and ethics of sex, that we can hope for a wise social judgment upon the problems which these present. The greatest freedom of discussion is therefore essential as a condition for the improvement of our knowledge of what is nature's moral law of sex, and is indispensable to the preservation of our right to know.