

**FREEDOM OF THE PRESS
AND
"OBSCENE" LITERATURE:
THREE ESSAYS**

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Freedom of the Press and "Obscene" Literature: Three Essays by Theodore Schroeder

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THEODORE SCHROEDER

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"OBSCENE" LITERATURE:
THREE ESSAYS**

FREEDOM OF THE PRESS ⁹⁴

—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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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.

THEODORE SCHROEDER,

Mrs. SARAH F. BOND,

Mr. J. B. CALDWELL,

Mrs. ROSE WOOD-ALLEN CHAPMAN,

Dr. HATTIE A. SCHWENDENER,

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, 1908, 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?