

**“An Unqualified and Malicious Falsehood”:
Statement to the Press
(January 24, 1913)**

I promise the people if this case ever comes to trial I'll touch something off. Before it is over, instead of it being the Federal court against the *Appeal to Reason*, it will be the *Appeal* against the Federal court, for we'll put them on trial.

Stripped naked, this issue is the Federal court backed by the Federal administration and the plundering powers of Wall Street vs. the *Appeal to Reason*. They have for six years been trying to silence this organ of rising democracy and this is their latest move. We court the fight. We are eager for the battle to begin. Unlike Elbert Hubbard,¹ we shall not crawl into court and throw ourselves on the mercy of the judge.

We shall fight from the tap of the gong. We shall not apologize nor extract a word; what we have said and done we stand by, and when the people know the truth as they shall know it, they will be with us in the fight we are waging against Federal court despotism and the criminal misrule of capitalism.

I was indicted two months ago. Why the papers were not served upon me until now I am unable to say. This is an outgrowth of an action brought against the *Appeal to Reason* for publishing an exposé of certain conditions existing in the Federal prison at Leavenworth, Kansas, by certain aggrieved persons closely connected with the prison management, who charged the *Appeal to Reason* with having circulated obscene matter through the mails, in violation of postal regulations.

The matter in question consisted of sworn affidavits which undoubtedly described obscene conditions, but no one has yet ventured to deny the truth of the charges. On the contrary, the publication of these charges against a public institution by the *Appeal to Reason* has been justified in the fact that the government was compelled by an overwhelming public sentiment to remove the offending officials and reform the foul prison conditions.

Strange as it may seem for thus discharging a public duty for which every decent citizen should thank them, the editors of the *Appeal* were indicted and are threatened with prison sentences.

With three things, however, I had absolutely nothing to do. My indictment grows out of the fact that I responded to a plea for aid from an

ex-convict who was evidently hired for that purpose by the Federal prosecutor. With tears streaming down his cheeks, the ex-convict begged of me to help him to raise money enough to go to parts where he was unknown that he might start life all over again. I gave him \$10 from my pocket and got the Appeal to Reason to give him \$200 more to pay his fare to the Pacific coast, where he was to begin life anew. He returned directly with the money to the prosecutor who went before the grand jury secretly and procured an indictment against me on the alleged charge of having attempted to induce a witness against the *Appeal to Reason* to leave the jurisdiction of the court.

The charge is an unqualified and malicious falsehood and the prosecutor, knowing it to be such, has proved himself to be a base and corrupt official in secretly procuring an indictment based upon such a baseless charge.

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¹ Elbert Hubbard (1856=1915) was a prominent writer, publisher, and public lecturer and leader of the arts and crafts artistic movement. A philosophical anarchist, Hubbard ran afoul of postal authorities for bawdy jokes published in his magazine, *The Philistine*. He pled guilty to the charge and was fined \$100 by Judge Hazel of the US district court in Buffalo on January 11, 1913. Hubbard would later perish aboard the RMS *Lusitania*.