

An Appeal to the Women of America.

by

C.L. James.

1891.

(about Moses Harman.)



J. A. LABADIE,

74 Buchanan Street,
DETROIT, MICH. **AN APPEAL**

TO THE

WOMEN OF AMERICA

— IN BEHALF OF —

LIBERTY AND JUSTICE

TO AND FOR THE

PROSECUTED AND PERSECUTED

DEFENDERS of the WIVES AND MOTHERS of our LAND.

BY C. L. JAMES.

TOPEKA, KANSAS:
1891,
MOSES HARMAN, PUBLISHER.

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AN APPEAL TO THE WOMEN OF AMERICA.

Of those to whom this appeal is addressed, there is probably no one who has not been offended by the infamous posters which disfigure the walls, the loathsome illustrated newspapers which are sold at the stands, and the grossly indecent advertisements and circulars which no one is exempt from receiving through the mails of our favored country. You have perhaps all wished at some time or other for a stringent law to suppress these great abuses. With that desire I can sympathize. I well remember to have shared it when about twentyfive years ago I first settled in America, where the evil is far more rampant than it is in European countries. And when I first heard some two or three years later that an association existed in New York whose purpose was to secure the enforcement of existing laws against vice and whose officers were of the opinion that not the law but rather the administration was to blame, I was as ready to applaud their work as any of you can be. The first circumstance which raised a doubt in my mind as to the entire goodness of Mr. Comstock's crusade was the extreme eloquence with which he kept it before the public. I could understand that funds were necessary to the prosecution of the good work, and that interest was required to produce funds. But when I learned that his society was already rich enough to pay him a salary of \$4,000 a year, it seemed to me the need could not be very great. It struck me that the virtue of America had responded quite generously to his appeal—more so than the results appeared to warrant, considering that the infamous police journals are published in his own city with impunity and circulated everywhere, except, indeed, where they have been suppressed by local authority. This being so, I could not but doubt the wisdom of advertising his mission (and at the same

time his prey) in religious and family papers designed very largely for the young. I had read that we should think of "whatsoever things are pure, whatsoever things are holy, whatsoever things are of good report, if there be any virtue and if there be any praise." The moral of this new gospel appeared to be that whatsoever things are obscene, whatsoever things are filthy, whatsoever things are of ill-fame, if there be any sin and if there be any shame, Christian people are entreated to think of that. Besides some of the statements appeared to me incredible. For example, a very prominent religious journal published the announcement that at Rochester, N. Y., the Society for the Prevention of Vice had secured at one seizure *thirty million copies* of an obscene circular! When I first read this, I was so wickedly sceptical as to suppose it a lie made out of whole cloth. I thought so because thirty million is a large number. There are no thirty million copies of the Bible in America. The circulation of our most popular weeklies and dailies does not exceed a few hundred thousand. Of the works of the greatest poets and novelists it is very rare that more than 50,000 appear in a single edition. That an unlawful secret publication could reach six hundred times that number, all in one place, too, seemed absurd. But I lived to learn that Mr. Comstock had actually made a seizure at Rochester which undoubtedly was very large. And what do you suppose the "obscene circular" was about? Prepare for bathos. The thirty million copies of wickedness whose arrest was thought worthy such a flourish of trumpets while the *Police Gazette* continues to contaminate the public morals at its own sweet will, was devoted to glorifying—*Hop Bitters*. The Hop Bitters manufacturing company was rich. It advertised very extensively. Its circulars may really have been in the millions. But I cannot believe there was anything worthy to be called obscene in them, though very likely they mentioned diseases not usually selected as subjects for parlor conversation. The prosecution of the publishers was not pushed to conviction. Why not, you must be left to conjecture.

NOT A LIGHT EVIL.

To men themselves interested in in the newspaper and book-selling business it will not appear a light evil that a society professing protection of purity as its object can so bamboozle the public as to receive

encouragement in the transparent hypocrisy of subjecting wealthy manufacturers to such blackmailing operations as this, while the production of vile literature has actually during the career of the same association increased so much that America, which used to import the bulk of her nastiness from France, has now entered the market as a competitor of that licentious country, and has been reproached by the neighboring government of Canada for the flood of obscene publications sent into the British Possessions from the States.

But this appeal is addressed to women ; and having stated the above facts by way of counteracting prejudice, I come to the matter in which they, if any one, ought to be interested.

NO REDRESS IN LAW.

Among the most numerous victims of the Vice Society have been editors who in the interest of humanity and virtue have directed attention to one of the most serious abuses of existing laws. It is well known to all who know anything about such matters (and who ought to if not women ?) that *there is no redress for any abuse of the maternal functions which a married woman may suffer from her husband.* The State of Connecticut has frequently been reproached for the liberality of its divorce laws. But the very point was made an issue in the notorious Connecticut case of *Shaw vs. Shaw*, the particulars of which may be found in Bishop's "Marriage and Divorce" in the chapter on *Cruelty*. The learned author says, "A husband has a right to require that his wife shall share his bed." He proceeds to justify this dictum by citations from the case just mentioned. The evidence, we are told, showed that the defendant frequently "required his wife to have sexual intercourse with him at times when it was unsafe, improper and actually injurious to her health." There is no necessity for pursuing the subject into those revolting details which are given in this celebrated work. The decision was that the action could not be sustained because sexual intercourse between married persons *was not in itself unlawful*, and because the intention of doing injury was not made out.

THE CASE OF "CHRISTIAN LIFE."

For protesting against this infamous legislation several persons have recently been imprisoned by the

Vice Society. It is to the last case of the kind that your attention is particularly invited. *The Christian Life* is a small paper published weekly at 104 Franklin street, Chicago, by Rev. J. B. Caldwell. I have no interest in it at all, but have no scruple about advertising it because I find it a very improving publication. It is devoted to advocating continence in the marital relation and pointing out the terrible evils to the present generation and posterity which come of sexual intemperance, particularly in forms "not in themselves unlawful." I cannot imagine a more needed work of mercy. On the 15th of October, 1890, the editor was arrested on a charge of violating the United States law against mailing obscene publications. The arrest was procured by a person named McAfee, who is the agent for the Vice Society in the West. His bail was fixed at \$500. He was to have been tried in November, but as usually happens in these infamous blackmailing cases, the hearing has been deferred. The specification was mailing on November 2d a copy containing an article entitled "Marital Purity," by Rev. C. E. Walker (not to be confounded with one E. C. Walker, who is also among the objects of persecution). The drift of this article may be inferred from its title. But the animus of the the prosecution cannot quite so easily.

AN ISSUE SQUARELY MADE.

An issue is now squarely made. In all previous actions of this sort, the Vice Society has been able to make out that the defendant was arrested for something else than advocating the right of women to be protected against abuse in the marital relation. This time they cannot. D. M. Bennett and E. H. Heywood have been imprisoned for selling a pamphlet by the latter devoted to this very cause. But Mr. Bennett had lost the sympathy of too many Christian people by being a skeptic; and Mr. Heywood was accused of using coarse and vulgar language. Mr. Caldwell is orthodox, and the phraseology of his publications is unexceptionable. Moses Harman and E. C. Walker were indicted as publishers of *LUCIFER* on account of an article solely designed to expose the enormities sanctioned by the law as defined in the case of *Shaw vs. Shaw*. But it was craftily alleged that their paper contained other questionable matter, and that its general drift was to apologize for laxity of morals. In this case no such extraneous considerations appear. Mr. Caldwell does not advocate the right of women to

be unchaste. He advocates their right to be chaste. Shall he be punished for it? Will you see the defender of your persons, your property, your children, stricken down? Do you approve of legislation that allows a married woman no redress against

“—the inexpressible wrong, the unutterable shame, which turns the coward’s heart to steel, the sluggard’s blood to flame”?

NOT A MAN WITH GALL ENOUGH.

You have abundant power to prevent the threatened martyrdom of Mr. Caldwell, and, turning the weapons of the enemy against himself, to procure the reform which Mr. Caldwell seeks. There is not a man in America with gall enough to stand before an audience of women and say he approves of the practices which Mr. Caldwell, Mr. Heywood, Mr. Bennett, Mr. Harman and Mr. Walker have been persecuted for characterizing justly. There is not a member of congress or of any legislature whom you can not consign to private life if he should dare to vote against your wishes in such a matter. The strongholds of the Lust Power are secret. They are in the private chambers whose horrors a false delicacy conceals; in the jury box from which you are excluded, in the United States tribunals, where, as Senator Matt. Carpenter said, there is practically no trial by jury in laws whose real drift and purpose has been systematically misrepresented to you*, in irresponsible societies for the suppression of this and that, which ought to be called Societies for the Promotion of Common Barratry, Perjury and Blackmail. Its strength is in your fears and apathy. The polluters and destroyers of your sex have counted, not in vain, upon your shrinking from public discussion of a tender topic. It is your own fault if such discussion has hitherto been left to men and women who can with some show of reason be accused of lacking delicacy. But the

*The history of the statute popularly known as the Comstock Law is by no means creditable. It was one of 200 acts passed as pendants to the Omnibus Bill after the corrupt Congress notorious for the Credit Mobilier and Back Pay legislation under the suspension of the rules during the last minutes before 12 o'clock p. m., March 3, 1873, and signed with the same indecorous haste by the President, who was sick in bed and did not read them. If any proof be needed that the Congressmen who adopted them knew as much about them as himself, it may be found in the disgraceful fact that the bare quorum present called the negro Rainey, of South Carolina, to the Speaker's chair, for the undisguised reason that he was the only sober man among them. In the Senate, where whisky had not flowed quite so freely, there were members who objected to passing bills of such importance without consideration. I am proud to say that the two Wisconsin Senators, Howe and Carpenter, voted, and the former spoke against the bill.

Vice Society has surely over-shot its mark in attacking one against whom that charge is too absurd for consideration. I do not ask you even now to do anything rashly. Inform yourselves by all means before you act. Do you doubt that Mr. Caldwell advocates high and pure morality in proper language? Then get his publications, whose address I have given you, and read them. Do you doubt that the statute under which he is being persecuted makes his conviction seriously possible? Then send to Mrs. Angela Heywood, at Princeton, Mass., for a marked copy of "Cupid's Yokes," the pamphlet which her husband was prosecuted for selling. Attorney General Devons, at the time declared that there was no harm in this publication. But Judge Clarke thought otherwise. Mr. Heywood was sentenced to two years' imprisonment. President Hayes refused to pardon him till he had served seven months, on the very characteristic ground that it would be disrespectful to Judge Clarke! Mr. Heywood continued to sell his pamphlet with the passages pronounced obscene by Judge Clarke all marked in pencil that the public might see what they were. Read them, and you will perceive at once that anything may be called obscene. Do you doubt that the real purpose of the Vice Society is what I have said it is? Then send 25 cents to the *Truth Seeker* Publishing Company, No. 28 Lafayette Place, New York City, for a pamphlet entitled "Anthony Comstock's Career of Cruelty and Crime." If every word in this pamphlet is not true, there can be no doubt about its being libelous. But though the publisher is an enemy whom Comstock has given abundant proof of not despising*, St. Anthony has in vain been defied again and again for years to proceed against him on account of this. Or finally, do you doubt that the abuses which these heroes of virtue are suffering† to abate are as serious as I would have you think? Then send to Moses Harman, the publisher of this pamphlet, for the articles on account of which Judge Foster sentenced him to imprisonment for five years. They will

*The vindictive character of Comstock is fully shown in his prosecution of Bennett, the editor of the "Truth Seeker;" of Heywood, and of Mr. Caldwell. All three immediately followed a criticism on his methods by these publishers. All three were ostensibly on account of matter such as the same publishers had been bringing out for years with impunity.

†There is a recent publication by a missionary society entitled "Our Suffering Sisters." It is a description of the evils which the women of Pagan and Mohametan countries suffer in consequence of foolish prejudices involved in their religion and the prevailing ignorance of sexual physiology in their countries. If you will compare them with the horrors described in Bishop's Chapter on Cruelty, or Mr. Harman's Indicted Articles, you will see little reason to prefer the Christian countries so far. Among the writers of the tract above mentioned is a lady, who belongs to the Society

open your eyes. It is most true that they are horrible. It is very certain that there are people who think it much better that crimes which cry to Heaven for vengeance, crimes which fill the graves of lust and taint the blood of posterity, should be perpetrated in decorous silence and congenial darkness than that they should be called by their right names.*

UNDER SENTENCE OF FIVE YEARS.

I don't ask you to hurt the feelings of these sensitive persons—only to inform yourselves. Read what Mr. Harman, though free by grace of the United States Court, is still under a sentence of five years' imprisonment for publishing, and you will learn that the king who married a new wife each night and cut off her head in the morning, or the dragon which required a beautiful virgin for breakfast every day, were not monsters more worthy prompt destruction than institutions which exist unchallenged and unquestioned here and prove their own consciousness of iniquity by their extreme sensitiveness to criticism and their strong dislike to agitation. But perhaps this is unnecessary. It may be that most women are aware of that already. None of the publications I have mentioned cost much. Except Anthony Comstock's biography I do not doubt they can all be had free on application. And now suppose that you have done all this; that you have proved Mr. Caldwell an apostle of purity, the statute under which he is prosecuted so ambiguous that it could be made to punish the publisher of any book in the English language not excepting the Bible, the Vice Society a black-mailing organization, and the wrong which Mr. Caldwell has dared to raise his voice against the sin of a modern Sodom, I appeal to you for your irresistible influence in a holy cause. You may dread to appear strong-minded, bold, unfeminine, or forward, but do you dread anything more than dishonor? Do you love anything more than your children? If not, you have no excuse for being silent at such a time. I do not think you will be silent.

A MERE RELIC OF BARBARISM.

The law of Moses forbade the crimes which Mr. Caldwell is being prosecuted by the Vice Society for decrying. The Roman Catholic church condemns them. They are for the Suppression of Vice. No comment is needed upon the wisdom of pleading for our sisters at Borioboola Gha and sending people to prison for denouncing in exactly the same strain, the entirely similar wrongs of our sisters in Kansas and Connecticut.

* Except, of course, at Borioboola Gha. There is money in denouncing sin at the antipodes, Imprisonment is the reward for characterizing it justly in America.

held in execration by physicians. They are reputed infamous by enlightened public opinion wherever that exists. The law which allows them to be perpetrated without remedy is a mere relic of the same Gothic barbarism which allows a man to sell his wife, to will his children away from their mother before or after birth, to harness his wife to the plow, or to give her "reasonable correction." Of all these abuses it is the foulest, the most cruel, the most destructive. There is no male creature impudent enough to defend it openly. Its only safeguard is secrecy. The Vice Society in making itself the champion of that secrecy has branded itself as the enemy of chastity, the enemy of womanhood, the enemy of childhood, the enemy of God! Do not be deceived by its fine name and high pretensions. It is not new for Satan to be transformed into an angel of light. You have much more than your personal influence to use at this momentous crisis. You have your organizations, your Women's Rights societies, your White Cross League, your W. C. T. U. These associations all as I believe consist principally of women. They are devoted either to her rights as a citizen or her virtue as a female. The latter is the more vital. It includes the other. Glance over the columns of the "Crimes Against Women" and ask if there be a fundamental cause of all? Do not mince matters. The cause is *lust*. And "the strength of sin is the law." Mend that, and you will indeed have done something. There is the accursed root of the destroying Upas. *Now* is your opportunity to eradicate it.

A KING IN DISGUISE.

Does this seem sensational? Ah, that is how the urging of a present duty always seems. It is easy to see that 1860 or 1776 was a crisis in the history of the world. But 1891! Well, in 1860 those who saw the imperative need of the moment were as few as they are now. "To-day is a King in disguise." "To-day is the great judgment day." "Inasmuch as ye did it unto one of the least of these—" If you permit a *masculine* organization to strangle discussion of what concerns you more than anything else, your societies are sowing the wind and will reap only what they sow. If they take the wrong side or no side, fie upon them all.

YOUR DUTY IS PLAIN.

In any case your individual duty is plain. The woman who will let Mr. Caldwell be punished without protest after knowing how the matter stands, or neglects to inform her-

self how it stands after her attention has been called to it, is not fit to be free. She has not the heart, and the brains, and the conscience to be free. To make her so in law would only be to expose her unfitness. The magician in the fable could give the mouse the body of the tiger, but it was to no purpose so long as he had only the soul of a mouse. I do not think, I repeat, that you will be silent. But do enough. You have plenty of precedents to encourage you. The Contagious Diseases Acts and the matter of the age of consent, were quite as disagreeable subjects to handle as this is. The women were not derelict then in the service of their suffering sisters. But I fear it must be added that there was something rather explosive and soon over in their zeal, and accordingly the effects were less than might have been expected.* If you arouse yourselves this time, resolve to make a clean sweep. Do not stop at taking order that Mr. Caldwell is not punished. The Vice Society is cunning.† It will drop the prosecution directly it finds that to be odious among respectable conservative people. But even Mr. Caldwell will be little better off, if meanwhile he is ruined by the costs. And you will not be any better off at all. This attack on a position impregnable if you choose to hold it should be the signal for the complete rout of the enemy. Do not be satisfied without having the laws of your States changed so as to protect women against wrongs far more serious than any affecting property. Do not

* Notwithstanding the repeal of the Contagious Diseases Acts, similar measures are in general use. A few years ago this State was easily induced to raise the age of consent. At the next session the statute was quietly repealed.

† Mr. Caldwell informs us that he sent copies of his paper accompanied with a letter explaining its purpose to Anthony Comstock. This gentleman's office is at 105 Nassau street, New York. Mr. Comstock, on the 7th of May, 1890, made a civil reply to the first communication, which Mr. Caldwell has published. After receiving the paper he wrote another letter to the editor which Mr. Caldwell says has been mislaid, but was to the effect that while he considered the statements needed he would not want his little daughter to read them and considered their indiscriminate circulation unwise. In June, 1890, Mr. Caldwell printed an article on the Harman case. A proof of this article was furnished the Superintendent of the Mails, whoever he is. After considerable delay this person received word from the department at Washington "stating that the department could not decide upon proofs submitted, but that they had instructed the Chicago office, if said article was presented for mailing to place the matter in the hands of the District Attorney." Mr. Caldwell wrote to the District Attorney and to Mr. McAfee. The latter was invited to call at the office of the "Christian Life" and inspect all publications. He replied that he was not a censor of the press, and it was not his province to decide upon the mailability of matter. Mr. Caldwell half obeys the gospel. He is as innocent as a sucking dove. It is to be feared that much experience will be necessary to render him as wise as a well regulated serpent.

be satisfied with having the United States law against the mailing of obscene literature so changed that it will no longer be used for the purpose of personal revenge, blackmail, religious persecution, or the defense of gross abuses. That is easy enough.

THE ROOT OF THE EVIL.

The especially objectionable feature of the law is the clause creating the office of inspector. As these officers serve without compensation the meaning is that the persons paid by the Vice Society are constituted censors. This is the root of the evil. It is a principle recognized by every lawyer that criminal statutes should be enforced *propriis viribus*, that is by proper magistrates elected and paid by the community which employs them, and not by irresponsible volunteers getting their compensation as they can. We have such magistrates. It is the business of the United States District Attorney to prosecute offenses against the postal laws. They need no interlopers. Left to the discharge of their legitimate functions they will not usurp the un-republican office of censors of the press; and if it be said (which would be presumptuous) that they will not enforce the laws in cases of real abuse, we need but name the *Police Gazette* in order to prove that they will do quite as well as the infamous blackmailing gang which now arrogates powers belonging only to them. It is entirely in your power both to reform the law and clean out the gang. If you cannot be roused to do it by circumstances like the present, your demand for "rights" is nugatory. None can get their rights but those who have spirit enough to assert them, and discrimination enough to understand what they really need and what they do not. But if you improve this golden opportunity, the present moment shall by Heaven's blessing be an era in the history of civilization, made illustrious to the remotest ages by the real emancipation of your sex.

C. L. JAMES.

EAU CLAIRE, Wis., January 16, '91.

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