



The Comstock Catastrophe

Anthony Comstock was the quintessential religious fanatic. For more than 40 years, during the late 19th and early 20th centuries, he fought a full-time crusade for moral purity — as defined by himself — enforcing his personal rules against obscenity in literature, painting, photography, and other forms of expression. He also worked to suppress sex education and the distribution of contraceptive information. He was so effective, that the epithet “comstockery” soon came to be synonymous with puritanical censorship.

A Union Army veteran of the American Civil War, Comstock began about 1872 to work with the Young Men's Christian Association (YMCA) in New York City, which, five years previously, had authored an anti-obscenity bill that had become state law.

Comstock's first infamous effort was getting Victoria Woodhull (the first woman to run for president of the United States) and her sister arrested and prosecuted for an article in *Woodhull and Claflin's Weekly*. The supposed crime was “indecently” accusing a prominent man of practicing “free love.”

Bail was set at the outrageous amount of \$10,000 [roughly \$225,000 in today's dollars] each and the defendants languished in jail for months while the prosecutors prepared their case. The two were eventually acquitted on a technicality. Comstock continued to harass Woodhull until she eventually fled to England, where she lived the rest of her life.

Within barely a year, Comstock had formed a new and more virulent group dedicated to supervising the morality of the public: the New York Society for the Suppression of Vice. Its membership included Samuel Colgate, owner of the enormous Colgate Company, and numerous influential Republicans who supported his efforts in trying to get

anti-obscenity legislation passed through the U. S. Congress.

In December 1872, Comstock traveled by train to Washington, DC, carrying suitcases filled with examples of obscenity. The following month, he began to display these examples around the Capitol building, eliciting shocked responses from Senators and members of the House of Representatives.

Following his exhibitions, an anti-obscenity bill moved out of committee and through the Senate at a rapid pace. What soon became known as the “Comstock Act” was adopted — apparently without regard for the First Amendment — and sent to the House, where it was voted on without being referred to committee or floor debate. On March 3rd, President Ulysses S. Grant signed the Comstock Act, making it a federal crime to transport, by mail or other means, any “obscene, lewd, or lascivious” material as well as prohibiting any methods of production or publication of information pertaining to the procurement of abortion, the prevention of conception, or the prevention of venereal disease.

Individuals convicted of violating the Comstock Act could receive up to five years of imprisonment with hard labor and a fine of up to \$2,000. [about \$44,000 today]. The act also banned import of materials from abroad, with provisions for even stronger penalties and fines.

From 1873 until his death Comstock served as a special agent of the U.S. Post Office Department with unlimited authority to enforce the Comstock Act, by arresting individuals that he deemed were in violation, and referring them for prosecution.

Comstock's ideas of what might be “obscene, lewd, or lascivious” were quite broad. During his time of greatest power, even some anatomy textbooks were prohibited from being sent to medical

students by the United States Postal Service. Any information related to contraception was likewise banned. When asked why he classified contraception with pornography, Comstock answered, "If you open the door to anything, the filth will pour in."

Comstock attacked both commercial pornography and serious writing. He sometimes took action against established modern works and the classics on the principle of "morals, not art or literature." Personally vindictive toward "libertines," he is said to have boasted of the number of persons he had driven to suicide. He aroused intense loathing from early civil-liberty groups and strong support from church-based groups worried about public morals.

Through his various campaigns during his long career, Comstock destroyed 15 tons of books, 284,000 pounds of plates for printing 'objectionable' books, and nearly 4,000,000 pictures. He claimed that, "books are feeders for brothels." He boasted that he was responsible for 4,000 arrests and claimed he drove fifteen persons to suicide in his "fight for the young."

"Accomplishments"

The following specific acts that will live in infamy may give the reader some idea of the depth of Comstock's perversions and the breadth of his influence.

Early after the passage of the Comstock Act, the self-styled "weeder in God's garden" arrested D. M. Bennett for blasphemy when that writer published "An Open Letter to Jesus Christ" in the *Truth Seeker*. In this article, Bennett asked Jesus and his father (God) about their relationship to the devil and why they permitted atrocities by biblical characters as well as several popes. Later the editor was charged for mailing a free-love pamphlet. Bennett was prosecuted, subjected to a widely publicized trial, fined \$300 and sentenced to 13 months of hard labor at the Albany Penitentiary.

Ida C. Craddock was a late 19th century advocate of free speech and women's rights. She wrote

extensively on sexuality, leading to her conviction and imprisonment for obscenity under the Comstock law. Facing further legal proceedings after her release from prison in 1902, she committed suicide as an alternative to being imprisoned again.

Prominent abortionist Madame Restell was also arrested. In 1878, Comstock posed as a customer seeking birth control for his wife. Restell provided him with pills and he returned the next day with the police and arrested her. She committed suicide the next morning.

In 1915, Comstock took on Margaret Sanger, the century's most high-profile advocate for birth control. Sanger was indicted for sending her publication, *The Woman Rebel*, through the mail. She fled to England to escape arrest, leaving her husband William Sanger behind. Comstock decided to arrest William to try to force her return. He sent an agent to Sanger's apartment who asked if he had any copies of "Family Limitation." When William produced the publication, he was taken into custody. When convicted and given the choice of paying a \$150 fine or spending 30 days in jail, he chose jail stating, "The law is on trial here ... I would rather be in jail with my convictions than free at the sacrifice of my manhood and self-respect, and under Comstock rule." Margaret came home while he was still imprisoned. In 1916 Margaret Sanger challenged New York State's laws by opening the nation's first family planning clinic in Brooklyn, which was closed ten days later, but she went on to help found Planned Parenthood later that year.

Comstock died during the Sanger trial on September 21, 1915. Yet the Comstock Act remained the law of the land and continued to negatively impact art, free speech, sex education, and family planning for many years. Its chilling effect caused people to self-censure regarding the promotion of sex-education and birth-control material. The prohibition of devices advertised for the explicit purpose of birth control was not overturned for another 18 years after the Sanger trial. During World War I, U.S. servicemen were the only members of

the Allied forces sent to foreign lands without condoms.

In 1932, Margaret Sanger arranged for a shipment of diaphragms to be mailed from Japan to a sympathetic doctor in New York City. When U.S. customs confiscated the package as illegal contraceptive devices, Sanger helped file a lawsuit. In 1936, a federal appeals court ruled in *United States v. One Package of Japanese Pessaries* that the federal government could not interfere with doctors providing contraception to their patients.

Mary Coffin Ware Dennett was an American women's rights activist, pacifist, homeopathic advocate, and pioneer in the areas of birth control, sex education, and women's suffrage. In 1928, Dennett was fined \$300 for distributing a pamphlet containing sex education material. The ACLU, led by Morris Ernst, appealed her conviction, and won a reversal in which judge Learned Hand ruled that the pamphlet's main purpose was to "promote understanding."

In 1957, Samuel Roth, who ran a literary business in New York City, was charged with distributing "obscene, lewd, lascivious or filthy" materials through the mail, advertising and selling a publication called *American Aphrodite*. The publication contained literary erotica and nude photography. The Supreme Court case, *Roth v. United States* (1957) resulted in a ruling on freedom of sexual expression and whose minority opinion, regarding redeeming social value as a criterion in obscenity prosecutions, became a template for the liberalizing First-Amendment decisions in the 1960s.

The Comstock Act continued to restrict and repress free speech and art well into the 20th century. Ralph Ginzburg, a renowned American author, editor, publisher, and photojournalist notably conducted a unique interview of 18-year-old chess master Bobby Fischer for *Harper's Magazine*. He also self-published a book, *100 Years of Lynching*, a collection of newspaper accounts that directly exposed the history and the status quo of American racism. His most famous publication, *Eros*, a high-priced magazine of classy erotica, was launched in

1962, but only four issues were published before he was indicted on charges of violating federal obscenity laws (Comstock Laws) and had to stop publishing the quarterly. Eventually, he was found guilty by the U.S. Supreme Court and sentenced to 5 years in prison.

In November 1968, Alvin "Al" Goldstein and Jim Buckley founded *Screw*, a weekly tabloid. It featured reviews of porn movies, peep shows, erotic massage parlors, brothels, escorts, and other offerings of the adult entertainment industry. Arrested 19 times on obscenity charges, Goldstein spent millions of dollars on First-Amendment lawsuits, ultimately scoring a major victory when a federal judge dismissed an obscenity case in 1974. Goldstein believed that the case began as a result of *Screw's* article, "Is J. Edgar Hoover a Fag?", the first published comment on Hoover's sexuality.

After trying unsuccessfully to get an abortion, a Texas woman, Norma McCorvey was referred to Texas attorneys Linda Coffee and Sarah Weddington, who were interested in challenging anti-abortion laws. In 1970, they filed a lawsuit, on behalf of McCorvey and all the other women "who were or might become pregnant and want to consider all options," against Henry Wade, the district attorney of Dallas County, where McCorvey lived. In court documents, McCorvey became known as "Jane Roe." In June 1970, a Texas district court ruled that the state's abortion ban was illegal because it violated a constitutional right to privacy. Despite that ruling, Wade declared afterwards that he would continue to prosecute doctors who performed abortions.

The case eventually was appealed to the U.S. Supreme Court and on January 22, 1973, the Supreme Court, in a 7-2 decision, struck down the Texas law banning abortion, effectively legalizing the procedure nationwide. In a majority opinion written by Justice Harry Blackmun, the court declared that a woman's right to an abortion was implicit in the right to privacy protected by the Fourteenth Amendment.

In the interim between the Texas district court ruling and Supreme Court ruling, Congress removed the language from the Comstock Act concerning contraception.

After *Roe v Wade*, laws criminalizing transportation of information about abortion remained on the books, and although they have not been enforced, they have been expanded to ban distribution of abortion-related information on the Internet.

Comstockery continues to plague the United States to this very day. On September 24, 1996, U.S. Representative Patricia Schroeder from Colorado rose on the floor of the U. S. House of Representatives to speak and point out that the Comstock Law

was still on the books and was being used to limit communications and discussions on the Internet providing information related to the location or availability of legal abortions. That, she stated, was “going the wrong way.”

Today, the effects of comstockery can still be felt as numerous states attempt to regulate legal abortion procedures and religious fundamentalists still seek to ban contraceptives and repress sex education. Anthony Comstock — who surely deserves his place in the House of Infamy — remains a destructive influence on our society.



Copyright 2019 L. Patrick Gaffney