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Whitney Strub's essay on the Roth obscenity case is remarkable in many ways, first and foremost for turning what was, in his own words, a poorly executed Supreme Court attempt to define obscenity into a superb survey of obscenity law. In short, Strub succeeds where Justice William Brennan and his brethren failed. But that is only part of this book's achievement.

Today Samuel Roth lives in the shadows of First Amendment law, his publications no longer read and his case rarely studied. As Strub reminds us, Roth "never became a household name. Without his shady, half-underworld publishing career and the legal case it engendered, however, the erotic media landscape might look very different." In part this is because Roth was not a literary giant like D. H. Lawrence, a First Amendment warrior like Daniel Ellsberg, or a media figure like Larry Flynt. But Roth's case demonstrated how the most good-faith effort to avoid government censorship of prurient materials could end up so inchoate that even its author, years later, would concede his failure.

In *Roth*, the Court tried to strike a balance between material that contained explicit sex but had redeeming literary or social merit and material that was simply pornographic. The problem was that the eye of the beholder was not tutored by the distinction, leaving the Court to face case after case in which the postal service or local authorities prosecuted alleged offenders. As Strub writes, "people could be—and still are—imprisoned for publishing or distributing obscene material."

Using Roth's own private papers along with the records of the various prosecutions and the memos of the justices, Strub brings the case to life. While Roth's ultimate motives may remain a mystery, Strub has gotten closer to them than anyone else has or is likely to do. To this he has added a richly depicted and thoroughly researched essay on obscenity itself: how it came to be a crime, how it came into the High Court, and how subsequent cases and commentaries have handled it. For the story does not stop with Roth's case. Everyone from radical feminists to conservative moral commentators to First Amendment formalists has something to say about the subject, and Strub,

who does not hide his own well-formed opinions, gives ample space to theirs.

If, as he writes, "this book, then, tells the history of a failure," the book itself is a great success. It will become the standard citation on the case and will inform every discussion of the subject. Insofar as that subject was a centerpiece of moral tub-thumping during more than one twenty-first-century presidential campaign, this book should have a wide audience.

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Since I always enjoy a glimpse at how books were written, here's mine: the largest portion was composed at Grindcore House, South Philadelphia's only vegan coffee shop with a blast beat. Even when I more or less camped out there for days on end with nothing but a bottomless cup of coffee, the friendly staff never gave me the boot, and they seemed to intuitively know how to shift from the morning Elliott Smith and Nico playlist to the harder stuff each day around noon, right as my fading stamina needed it, so my thanks to everyone there.

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Obscenity Rules

Introduction

Before there was Jenna Jameson, before there was Larry Flynt, before there was Hugh Hefner, there was Samuel Roth. Unlike those luminaries of smut, he never became a household name. Without his shady, half-underworld publishing career and the legal case it engendered, however, the erotic media landscape might look very different. The 1957 Supreme Court case bearing his name, *Roth v. United States*, established the relationship between obscene materials and the First Amendment, laying down a doctrine that continues to structure the legal meaning of obscenity over a half century later.

In *Roth*, Justice William Brennan kept obscenity outside the protections of the First Amendment. Because of this, people could be—and still are—imprisoned for publishing or distributing obscene material. Yet Brennan wanted no part of censorship and strove to clarify that not every book, movie, magazine, or image dealing with sex could be considered obscene. Only those completely lacking in socially redeeming value, material whose dominant theme, when taken as a whole, appealed to what Brennan called "prurient interests," could be legally defined as obscene. To remove such items from the public sphere, Brennan thought, detracted nothing from freedom of speech, the exchange of ideas, or the power of the First Amendment.

Brennan was wrong. No less an authority than William Brennan himself would make this case, fifteen years later, once he saw the effects of *Roth*. Scholars agree. The eminent legal historian Lucas Powe pulls no punches, calling *Roth* a "sloppy, unpersuasive effort." Others take a softer tone, but search the scholarly archive far and wide, and you will find opinions generally ranging from lukewarm to dismissive. Celebrations of *Roth* are rare.

This book, then, tells the history of a failure. The failure cannot simply be pinned on Brennan's written opinion. The justice strained

in good faith to reconcile competing tendencies in American legal and cultural history, but few have ever been able to effectively bridge the gaps between individual liberties and the enforcement of dominant social values. Obscenity law has satisfied no one, be it the conservatives distressed by the pornographic saturation that the law has seemingly done little to stop, or liberals aghast that in the twenty-first century people can still be incarcerated for selling images of actions that are perfectly legal between consenting adults. *Roth* did not singlehandedly create this situation in a vacuum, but it is the case that bears the weight of this history, that somehow *both* opened the cultural gates to a "floodtide of filth" *and* deserves credit or blame each time another citizen stands behind bars for publishing pornography. If *Roth* is a paradox, as it surely is, its flaws go beyond Brennan's efforts to craft a viable obscenity doctrine and speak to a larger ambivalence in the history of American sexuality.

My goal here is not to condemn *Roth*, since its shortcomings are so self-evident they hardly require further haranguing. Neither is my goal to rescue its reputation, an unnecessary act of contrarianism for an opinion that deserves its ill regard. Instead, this book seeks to *understand Roth*, situating it in its historical context to flush out the unspoken tensions, anxieties, and ideologies hiding between its lines, finding tortured expression in Brennan's contradictions and convolutions. It is my central contention that the history of obscenity doctrine can be understood only by taking into account the history of sexuality and gender, as they played out through politics, culture, and law. In this, I am in the good company of the scholars whose work on sexuality and legal history I frequently draw on to tell the story. *Roth* says much more about American sexual values than Brennan's written words necessarily acknowledge.

In the history of obscenity, what we really witness is the history of social boundaries being firmed, tested, and shifted over time. Not just smut, but contraception, homosexuality, and questions over the meaning and significance of pleasure play out through obscenity doctrine. As it moves, so too do the borders of what scholars call sexual citizenship, or the sense of social belonging afforded to various forms of sexuality at any given point. Perhaps the major transition captured by (and in) obscenity doctrine is the advance of sexual liberalism, discussed further in the following chapters but basically amounting to a

recognition and validation of sexual pleasure for its own good, as an end in itself, unbound by confinement to its strictly procreative, marital form. These battles frequently recur over time—as any observer of the stunning Republican assault on contraceptive access witnessed, not in the 1960s (when it was more likely to come from Democrats), but in the second decade of the twenty-first century. Well into the twentieth century, as we shall see, contraception itself was legally obscene.

The early chapters here trace the advent of obscenity as a legal concept, following its migration from England into the American common law, and finally into its culminating early moment when the United States adopted a strong federal obscenity law in 1873. Set against this legal story are the evolving sexual mores and notions of free speech that quickly began to chafe against the censorial power invested in national figures such as the late-nineteenth-century anti-smut zealot Anthony Comstock. *Obscenity*, it is important to note at the outset, is a technical legal term, whose evolving meaning will be fleshed out throughout the book. *Pornography*, on the other hand, is a cultural term that enters the vocabulary in the mid-nineteenth century and also changes over time; while it always refers to sexually explicit representations, it more specifically describes whichever of them are socially unacceptable at a given moment. It is therefore not a stable label; a book such as D. H. Lawrence's *Lady Chatterley's Lover* might be deemed pornographic (and obscene) in 1930; four decades later it would be considered a classic, available in most good bookstores.

Beginning in chapter 3, we zoom in from the wide-angle shot of a nation tenuously modernizing to a close-up of a young man whose combination of artistic ambition, classic immigrant quest for upward mobility, and, let it not be disputed, salacious interest in all things sexual generated both a torrent of smutty literature and, ultimately, a Supreme Court case. He never sought to become a First Amendment warrior, but he became one nonetheless through his lifelong defiance of what the government deemed acceptable. It took decades for Samuel Roth to get from crowded New York City courtrooms to the magisterial Supreme Court building. This book is not a biography of Roth, but it is in some sense a biography of his era, for which his life provides a fascinating and useful window. It would be wrong, for rea-

sons that will become all too painfully clear in at least one chapter, to label him the hero of this story. He is, however, the avatar.

In the middle chapters of the book, Roth's three-decade battle with postal inspectors, prosecutors, and smut-chasers serves as a shadow history of obscenity. We cut back to the big picture, of pivotal moments and cases, but we also see how the sexual politics of obscenity played out on a smaller scale for one unscrupulously sleazy smut merchant. Large-scale social changes sometimes rescued him, and they sometimes didn't; Roth spent nearly a decade of his life imprisoned, on several occasions, for the things he sent through the mails. Ironically, the very case that sent him to his longest sentence is the one that ensured that every single thing he had ever sold, no matter how covertly under the table, would be openly available across the nation within years.

If Samuel Roth leads us through the landscape of obscenity, William Brennan steps into its quicksand. His *Roth v. United States* opinion is in some ways the climax of this book, where the contradictions of a society both prurient and repressive, both righteous and sinning, commingle uncomfortably. The late chapters reflect the fallout: a new doctrine that helps usher in the sexual revolution, and also works to contain it. Critics range from conservatives with affronted morals to feminists who locate in obscenity law gender politics William Brennan never recognized, even as he promoted them. From the Nixon years of the late 1960s to the time of George W. Bush's presidency in the early 2000s, we see a society supporting presidents who fight against smut, even as that same society consumes pornography so voraciously that more old-fashioned capitalists who laboriously exploit sex to sell such other products as cars, hamburgers, and perfume can but wish their merchandise so effortlessly sold itself.

Given the tensions of such a society, perhaps obscenity law could never succeed; the inconsistencies run too deep. What's more certain is that, in the actual historical record, it did *not* succeed. In examining the long history leading to *Roth*, and its subsequent impact, we should remember that the failures are not strictly those of a legal doctrine, but rather of the deep-seated, still-operative social values it embodies.

CHAPTER 1

Toward Obscenity

Legal Evolution from Colonies to Comstock

When Justice William Brennan, writing for the majority in *Roth v. United States*, excluded obscenity from the protections afforded by the First Amendment, he strove to ground that outcome in the broader currents of American history. Brennan argued that the Court in 1957 was simply making manifest a status already implicit in the legal record, not carving out a new exception to free expression. Much of Brennan's argument hinged on his assertion that "the unconditional phrasing of the First Amendment was not intended to protect every utterance" and that obscenity had never been understood as a part of the "unfettered interchange of ideas" undergirding freedoms of speech or press.

This historical trajectory played a central role in Brennan's analysis. Yet Brennan's exposition proved remarkably thin. Other justices sometimes delivered major opinions on matters ranging from labor law to interstate commerce regulation in the form of miniature monographs, dense and extensive in their attention to detail. Brennan's survey of history in *Roth* occupied a mere few paragraphs.

Leaping from a 1712 Massachusetts law to the Continental Congress and from there to the 1860s, Brennan's opinion lacked any sense of historical context or social change over time. Its blunt, broad brushstrokes did not, however, err on the core idea: nowhere in the mainstream currents of American legal, political, or cultural thought had free speech ever been absolute, or obscenity ever acceptable. From the preconstitutional social regulation of blasphemy, to the early republic's effortless absorption of obscenity into the common law, and on into the gradual state-level passage of obscenity statutes in the mid-nineteenth century, obscenity had never joined other forms of expression in the imagined marketplace of ideas.

The 1873 Comstock Act began to craft a piecemeal legal regime

into something moving toward cohesion. Its passage, though, marked not the beginning but simply the clarification and expansion of obscenity regulation in the United States. Much would change by the time Brennan and the Court upheld its legal structure, but the continuity he saw running from the colonies to the Eisenhower years was not a complete fabrication.

Blasphemous Origins

The evolution of the colonies into states had witnessed very little concern over possible tension between protecting freedom of speech while prohibiting profanity or blasphemy (understood, broadly, as a defamation of religion). Of the fourteen states to ratify the Constitution by 1792, ten guaranteed freedom of speech, with the 1776 Virginia Declaration of Rights leading the way. In strong language, it called freedom of the press "one of the great bulwarks of liberty," which could "never be restrained but by despotick governments." Phrasing among the other states varied, but the theme remained consistent. Yet these broad declarations of liberty coexisted with restrictions. Most participants in these discussions understood the celebrated freedoms to pertain primarily to political speech—and assumed that category as self-evident rather than carefully defining it. Civil actions against slander (purely verbal expression) or libel (written), for instance, were nowhere regarded as infringing on free speech. As Brennan later observed, thirteen of those first fourteen states also made blasphemy or profanity statutory crimes. He linked this to obscenity, showing that a 1712 Massachusetts law had criminalized the publishing of "any filthy, obscene, or profane song, pamphlet, libel, or mock sermon."

But Massachusetts was the only colony to specifically criminalize obscenity. In part, this reflected the simple fact that social concern over obscenity remained minimal among the colonies. Between the virtual nonexistence of the domestic press and the scarcity of foreign texts, the circulation of obscene materials posed little social threat. Even the Massachusetts law mentioned obscenity only in passing, positioning it as merely one corollary form of blaspheming the church through sexualized means. The colonies had imported a hodgepodge assemblage of English common law (law based on the judicial prece-

dents of court decisions, as opposed to the statutory law passed by legislatures), which only in 1727 formally articulated obscenity as a criminal offense, in the case of *Regina v. Curll*.

Technically, obscenity constituted a libel. As a civil offense, libel consisted of defamatory statements about an individual. When such defamation targeted monarch or deity, however, it became criminal—seditious libel or blasphemous libel, respectively. Obscene libel presented a third variant, and *Curll* defined the damage inflicted more broadly, as against civil society or the public at large (though the book in question, *Venus in Her Cloister, or, the Nun in Her Smock*, was directed specifically against Catholicism). Since obscenity was presumed to undermine the public sphere by short-circuiting its dialogue with lowest-common-denominator discourse, obscene libel could easily be understood in secular terms.

The ripples of *Curll* crossed the Atlantic rather faintly. As the colonies developed increasing resistance to their subordinate status, free expression took on new importance. Escalating resentment of a corrupt colonial governor led a New York jury to nullify seditious libel charges against printer John Peter Zenger in 1735, striking a bold precedent for freedom of the press and weakening the value of seditious libel charges as a means of suppressing dissent. Blasphemy remained actionable, but secularization and the general decline of moral policing in the eighteenth century gave it less salience than it once had. Massachusetts began punishing the technically capital crime with mere floggings, and the more lax Virginia pursued not one prosecution in the entire century.

In this context, the American common law quietly absorbed obscene libel without much immediate use for it. When sexual regulation took place, it was more likely against *actions* than texts, in the form of charges such as lascivious conduct. Sexually themed literature, including sordid anti-Catholic tales and the folk knowledge of *Aristotle's Masterpiece*, which provided the closest thing to sex education available to many eighteenth-century Americans, circulated freely. Most of it was imported from Europe, as the American press remained in its infancy.

As resistance to British rule ushered in revolution and independence, the new nation celebrated freedom of speech and the press as core values, enshrined in the First Amendment to the Constitution.

"Congress shall make no law," it declared, "abridging the freedom of speech, or of the press." Yet this rhetorical embrace never amounted to absolute freedom, and in the fraught political situation of the 1790s, even seditious libel was reinstated by an Adams administration eager to quash dissenting voices. Nearly twenty indictments, and almost a dozen convictions, resulted from the 1798 Sedition Act, all against opponents of Adams's Federalist administration, including even a Vermont congressman, who was reelected while imprisoned.

Reconciling the Sedition Act with the First Amendment required careful—some, such as Thomas Jefferson, would have said twisted—parsing of the constitutional language to read abridgment of the press as merely a prior restraint on publication. That is, Congress could not *prevent* publications, but, supporters of the Sedition Act claimed, it could *punish* publishers for what they had printed if the expressions were deemed actionable. The matter never reached the Supreme Court for clarification, with the Sedition Act expiring in 1801. Meanwhile, even Jefferson himself, once elected president in 1800, allowed seditious libel charges (now against Federalists), as long as they happened through *state* laws, which posed no First Amendment issues since they were not enacted by the national Congress. In the years of the new nation, it remained unclear whether the First Amendment granted an affirmative right to expression, or simply freedom from prior restraint.

While the Sedition Act reflected the precarious nature of free speech in the early republic, the federal government showed little interest in moral regulation of the cultural or sexual variety, which it left to states and towns. Even in the face of a vociferous Sabbatarian movement in the 1820s demanding the closing of post offices on Sunday, the federal government refused to act, and without any comparable movement against obscenity, no national legislation regarding it emerged during the first half century of the United States. Indeed, while moral regulation was taken for granted at the state and local levels, no conception of a federal police power that might serve that purpose existed. Blasphemy, while rarely punished, remained on the books and would continue to play a structuring role as obscenity formally entered the legal sphere in the 1810s and '20s.

Two of the more prominent blasphemy cases of the period reflect the influence it would carry. In 1811, when John Ruggles declared,

"Jesus Christ was a bastard, and his mother must be a whore," he inspired a trial that clarified New York's blasphemy law. Chancellor James Kent, as the highest judge of the state was known, did not hesitate to call the United States a Christian nation in his opinion, but carefully grounded his affirmation of Ruggles's conviction in secular logic, calling his statement a form of "licentiousness" that "tends to corrupt the morals of the people, and to destroy good order." Distinguishing such prosecutions from "any religious establishment or the rights of the church," Kent emphasized instead the "essential interests of civil society." In comparing Ruggles's words to other "things which corrupt moral sentiment, as obscene actions, prints and writings, and even gross instances of seduction," Kent concluded that such expressions were legitimately criminalized "because they strike at the root of moral obligation, and weaken the security of the social ties." The Pennsylvania Supreme Court agreed in another 1824 blasphemy case, finding in a public debate over the truth of the Bible "a nursery of vice, a school of preparation to qualify young men for the gallows, and young women for the brothel."

This leap in logic from debate club to brothel collapsed religious transgression into political and sexual transgression. The slippage was perfectly legible in the early republic, where belief in liberty balanced precariously against anxiety over licentiousness. As capitalism, demographic change, and technological development in transportation accelerated urbanization and what historians call the "market revolution," the resulting social transformations highlighted the symbolic meaning assigned to gender and sexuality. The American experiment in democracy and equality had always hinged on a populace possessed of moral rectitude. Only by trusting the judgment of the people could democracy properly function. Ideas of "Republican motherhood," for instance, placed critical importance on women's roles in bearing and raising decent citizens. Cities, with their breakdown of conventional forms of personal regulation and community surveillance, came to symbolize the dangers of licentiousness. "Confidence men" and "painted women" threatened to replace the orderly citizenry with unchecked passions that undermined democratic order.

In this context, sexual propriety played a crucial role in assuring the reproduction of the social order that nurtured democracy. Obscenity slowly entered the legal arena during this historical moment, build-

ing off the language of blasphemy while also reflecting the anxieties of the age. Philadelphia, for instance, had hosted what historian Clare Lyons calls a vibrant "pleasure culture" before the revolution, with public expressions of sexuality viewed nonchalantly. Ribald verses and arousing literature, much of it imported from England, had circulated freely in the mid-eighteenth century. Even John Cleland's notorious 1748 novel *Memoirs of a Woman of Pleasure*, better known as *Fanny Hill*—ultimately to inspire centuries of American obscenity cases—was obliquely advertised in newspapers and catalogues by the 1760s.

With independence, however, came a new sexual conservatism that challenged such openness. By the time city officials learned of Jesse Sharpless and a group of friends charging admission to see a graphic painting of a "man in an obscene, impudent and indecent posture with a woman" in 1815, criminal charges ensued. To the local grand inquest, Sharpless and associates were guilty of "being evil-disposed persons, and designing, contriving and intending the morals, as well of youth as of divers other citizens of this commonwealth, to debauch and corrupt, and to raise and create in their minds inordinate and lustful desires," all of which potentially destabilized the social order.

Sharpless's attorney argued that the painting was shown only in private, and no actual statutory crime of obscenity lay on the books. Unconvinced, the Pennsylvania Supreme Court upheld the convictions. Agreeing with the attorney general that "crimes are public offences, not because they are *perpetrated publicly*, but because their effect is to injure the public," the court cited *Curll* to locate obscenity in the common law, thus punishable even in the absence of a specific statute. Employing similar reasoning, the high court of Massachusetts likewise affirmed an obscenity conviction stemming from domestic distribution of John Cleland's *Fanny Hill*. In both cases, the courts agreed that graphic description of the allegedly obscene material need not be entered into the public record, so as to avoid reproducing and disseminating the material. While neither obscenity case contained the religious components of the blasphemy cases, they followed the same logic of justifying the suppression of obscenity in the name of protecting a fragile body-politic easily upset by moral transgression, both rife with such phrases as "debauch," "corrupt," "scandalous," "lustful desires," "lewd," and "wicked."

By the 1820s, states had begun to write obscenity laws, transform-

ing it from a common-law offense to a statutory one, with Connecticut, Vermont, and Massachusetts leading the way. New York, meanwhile, lacked a state law until the late 1860s, despite its urban center of gravity in New York City being responsible for approximately 40 percent of the domestic smut market. A certain permissiveness marked the city, with prostitution tacitly allowed as long as it was kept off the streets and thus only semivisible. Though a female-led moral reform movement against prostitution would develop by the 1830s, sordid literature circulated with relative impunity, with *Fanny Hill* available by the 1820s.

It was only with the emergence of the so-called flash press in the early 1840s that New York City authorities began to move against obscenity, still a common-law offense and a libel. New printing technology had lowered the costs of entrance to publishers, and such spectacles as the 1836 murder of the prostitute Helen Jewett had helped spawn a sensationalized penny press. The flash press consisted of a group of newspapers with names like the *Whip*, the *Rake*, and the *Libertine*, which employed penny-press tactics and directed them toward single young men in the city. Occupying a tenuous class position between the emerging industrial working class and the bourgeois white-collar professionals, many of these readers worked as clerks, secretaries, legal assistants, and other aspirational but not-yet-established positions. The flash press catered to their interests in gambling, boxing, cockfights, and the pursuit of sexual pleasure. Of particular irritation to the authorities were the underhanded activities of several editors in using their bully pulpits to threaten and even blackmail prominent citizens with the publications of exposés (which could be true or false). When ordinary libel charges failed to effectively stop the flash press, the district attorney turned to obscenity.

The advantage of obscenity charges, from a prosecutorial perspective, was the irrelevance of truth as a defense. The elite was hardly seen as sinless by an increasingly class-conscious public, which made it tougher to indict flash-press publishers for character assassination—which juries might find accurate. More effective were indictments based on the moral debasement of the public sphere. Obscenity charges worked: by 1843 the flash press had been largely destroyed, with many of the editors either in jail, in exile from the city, or moving on to other pursuits. Notably, while fighting the charges, the edi-

tors had used fiery rhetoric bemoaning everything from prosecutorial hypocrisy to their property rights as publishers, but freedom of speech was not a significant part of their arguments. Such freedom was simply not taken for granted in the 1840s. The First Amendment applied strictly to federal action, certainly not to actions of local authorities, and the New York state constitution's own free-speech clause made clear that "abuse" of that liberty was not to be understood as protected.

Also reflecting the relative insignificance of the First Amendment was its absence from discussion of the first federal obscenity law, passed without debate by Congress in 1842 and directed against the importation of "all indecent and obscene prints, paintings, lithographs, engravings, and transparencies." Included in a larger tariff law, it carried little immediate impact. No meaningful federal mechanisms policed obscene materials once they were inside the country (or were published by the growing domestic smut trade), and since much of the existing obscenity-law enforcement remained strictly local, astute entrepreneurs shifted their distribution from visible newsstands or dealers to mail order.

In this way, as the historian Donna Dennis has shown, the slowly coalescing law of obscenity did not so much stop the smut trade as shape it; the legal gaps of antebellum federalism played a key role in facilitating the rise of mail-order merchants such as William Haines and George Akarman, each responsible for vast proliferations of erotic publications sent through the mail between the 1840s and 1870s. Their wares ranged from racy pamphlets working-class readers could purchase for a quarter to "fancy books" for more upscale readers, costing two dollars and more and bearing cloth binding and even color plates—a differentiated set of product lines for a nation increasingly consuming print media.

Dime novelist George Thompson, for instance, churned out lurid pulp spectacle at a machinelike rate, filling page after page with descriptions of women's "swelling bosoms" and "undulating outlines." Thompson's books wallowed in male sexual privilege that extended sporting-culture attitudes. When protagonist Frank Sydney meets a teenage girl on a nighttime stroll in "the great city of New York" in the 1849 *City Crimes*, he considers rescuing her from the dangers of the city but winds up instead embodying them after succumbing to

"those feelings and desires that are inherent in human nature." Overcome with lust, "his heart palpitated violently, his breath grew hurried and irregular, and he could scarcely restrain himself from clasping her to his breast with licentious violence."

What restraint he does show is, of course, short-lived, and Thompson addresses Frank directly as "thy hand plays with those ivory globes" and "thy amorous soul bathes in a sea of rapturous delight!" Like the flash press, Thompson and other dime novelists painted what one scholar calls an "urban porno-gothic" that titillated even as it pretended to warn. Thompson's prose style buzzed with awareness of obscenity law, frequently invoking it to allude to even *more* depraved pleasures whose precise nature could not be elaborated for fear of prosecution. In this way, obscenity law inadvertently contributed to an erotic process of fetishistic concealment.

The federal government revisited obscenity during the Civil War, as concern over the dirty books and pictures bought and shared by soldiers mounted. One of the historical obstacles to federal moral regulation had been southern fear that any governmental powers based on moral foundations would inevitably turn toward slavery, condemned by abolitionists as immoral (for that matter, abolitionist literature often mirrored the graphic language and feverish tenor of dime novels in its condemnations of the South as a giant brothel, based on the sexual exploitation of slaves). With the southern states detached from Congress during the war, no such barrier to federal power stood in the way, and new precedents in federal moral regulation resulted. Among other provisions, the 1862 Morrill Act outlawed polygamy, and an 1865 obscenity bill finally targeted the domestic mails, outlawing the mailing of obscene materials. As in 1842, debate was minimal. Even within the context of a limited federal government, Congress had specific authority over the postal service, making it the natural focus of such legislation. The only substantive objection to the bill involved the postmaster's right to open and inspect first-class mail, which threatened personal privacy in correspondence. With that section struck, the bill passed with little further discussion.

With the Union at war, neither the Morrill Act nor the 1865 obscenity law carried major immediate impact. Both anticipated the reconfiguration of federalism wrought by the war, though, with power shifting from the states to the national government, as reflected most

strikingly in the Thirteenth, Fourteenth, and Fifteenth Amendments, which in ending slavery, granting citizenship to freedmen and -women, and ostensibly protecting voting rights also clearly asserted the new centrality of the federal government. These legal and political shifts formed the structural backdrop for the emergence of a strengthened obscenity regime, but the direct catalyst would be an upwardly mobile young man whose forceful personality, lobbying skills, and personal obsessions ultimately left the next four decades of moral policing stamped with his own name as marker of an era.

The Comstock Era

In many ways, the early life of Anthony Comstock mirrored those of the young sporting men who preceded him. Born to humble circumstances in Connecticut, he served in the Union army during the war before joining the ongoing mass urban migration that had seen America's cities exploding in population by 700 percent in the three decades leading up to the Civil War. Working as a dry goods clerk in Brooklyn, he harbored ambitions of establishing himself socially and financially in the middle class.

Whatever demographic affinities he shared with flash-press readers were easily overshadowed by Comstock's radically different disposition. While his army peers enjoyed smutty pictures and texts, as well as the company of prostitutes, young Comstock instead attended religious services with an intense fervor. At a time when the military distributed daily rations of liquor, he poured his out rather than drink or share. Once in New York, he rejected the various pleasures of bachelor life for marriage and family. And while other young men pinned their dreams on the rapidly bureaucratizing corporate world, Comstock saw opportunity in a different economy, with its own emerging bureaucracy: the moral economy.

It was an opportune moment to strike out as a moral entrepreneur. Concerns over urban danger went back decades, but with the social upheavals of the war, increasing immigration, continued urbanization, and the ever-present moral pollutants of prostitution and immoral literature and images finding little opposition from such growing political machines as New York's Tammany Hall, the 1860s *seemed* to those

living through them an entirely new crisis, at least in scale and scope. Such moral reform organizations as the Children's Aid Society, established in 1853 by Charles Loring Brace, and the Young Men's Christian Association, imported from England around the same time, had established infrastructures aimed at reforming and protecting, respectively, "street urchin" children and single young men in the city. Opportunity awaited entrepreneurs who might advance these agendas in the midst of postwar confusion.

No reformer in American history would exploit those opportunities as effectively as Comstock. His dedication appeared sincere, even obsessive. After the death of a close friend in the late 1860s, attributed by Comstock to a downhill slide into sexual dissipation that began with the lust generated by reading dirty books, the young clerk began investigating local smut merchants until he had enough evidence to prod authorities into arrests. During this same period, the YMCA was active in New York state politics pushing for an obscenity law, which it finally achieved in 1868, moving obscenity from common to statutory law at last. The clear resonance of Comstock's activities with the YMCA's reform agenda brought him to the attention of its wealthy patrons, and Comstock quickly won YMCA sponsorship, increasing his resources and social prominence.

In late 1872, Comstock made a tactical decision to go after well-known feminist Victoria Woodhull, who with her sister Tennie Claflin published a weekly newspaper that had exposed the adulterous affairs of the Reverend Henry Ward Beecher. While historian Helen Lefkowitz Horowitz has noted several continuities between the flash press and *Woodhull & Claflin's Weekly* in terms of prose and topical focus, the case certainly drew more publicity than activities against the less famous local purveyors Comstock had been targeting—something the enterprising reformer certainly well understood and expected. Woodhull and Claflin faced obscenity charges for their reporting on Beecher, but escaped conviction on a technicality. They had been tried under the federal obscenity law, which did not apply because its provisions did not explicitly include newspapers.

In losing, though, Comstock obtained even greater prominence, catapulting to Washington, D.C., to lobby for a stronger obscenity law, one that expanded postmaster power and included newspapers. His efforts proved successful. With the Credit Mobilier scandal expos-

ing the rampant bribery and corruption of the Reconstruction-era Congress, a convenient assertion of morality found easy favor, and like earlier federal obscenity action, the bill passed with minimal discussion (coming before the House on a Sunday morning at the end of the session). The resulting federal act for "Suppression of Trade in, and Circulation of, Obscene Literature and Articles of Immoral Use," better known as the Comstock Act, finally strengthened the federal obscenity law.

Casting a broad net, the Comstock Act covered every "obscene, lewd, lascivious, or filthy book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character," as well as "any article or thing designed or intended for the prevention of conception or procuring of abortion" and "any article or thing intended or adapted for any indecent or immoral use." The term "pornography" had only recently entered the language and was primarily used in the literal sense of its ancient Greek etymology, as descriptions (*graphe*) of prostitutes (*porne*), so remained absent from the law. Penalties were severe. A first offense could result in a $5,000 fine and five years' imprisonment, with each subsequent offense carrying double penalties. Flash-press editors had measured their prison stints in weeks; publishing *Fanny Hill* in 1820s Massachusetts had been a misdemeanor. Suddenly, obscenity law had teeth.

For Comstock, the personal benefits of this legal codification were immense. The YMCA in 1873 gave its moral reform committee institutional autonomy as the Society for the Suppression of Vice and named Comstock its secretary and chief agent, with a salary that doubled his income as a clerk and allowed him to devote himself full-time to smut suppression. Further, appointed by Congress as special agent to the Post Office, he gained the power to make arrests, no longer needing to build cases that convinced other authorities to act. Comstock held both positions until his death in 1915, and the changes were pronounced and immediate. From seven obscenity prosecutions initiated by the Post Office between 1865 and 1872, cases in the next seven years included 100 commenced by Comstock alone.

By the time of his ascent, Comstock had already begun altering the sexual landscape of New York City. When smut merchant William Haines died in 1872, for instance, Comstock arranged for the YMCA to purchase the plates of his publications from his widow, thus fore-

closing their reprinting. Neither Comstock nor anyone else could completely eliminate smut, but he did succeed at making it significantly less visible in the public sphere and harder to obtain. Historians have read Comstock's efforts through three primary lenses, all fleshed out below: social control of the "lower" classes; bourgeois self-disciplining; and the policing of gender norms. Because sexual politics are so frequently inconsistent and paradoxical, all three analyses work together collectively to capture the convoluted nature of Gilded Age urban anxieties. Comstock himself had a much simpler explanation: as the "boon companion to all other crimes," lust lay at the heart of all social problems.

"There is no evil so extensive, none doing more to destroy the institutions of free America," he intoned, and he meant it literally. Comstock wrote, lectured, and harangued constantly, but his message remained unwavering for nearly a half century. "Lust has but to whistle, and red-handed murder quickly responds," with smut clearly inspiring the inhalation behind the whistle. Comstock's 1883 manifesto *Traps for the Young* crystallized his worldview. While everything from gambling to quack science wins scorn for its detrimental effect on the young, the central, obsessive focus remains on the "death-traps" of immoral literature. Comstock's prose style utilizes the same sensational tactics as his opponents' and frequently slips into even purpler hues. "This moral vulture steals upon our youth in their homes," he writes, before quickly shifting metaphors. "Like a cancer, it fastens itself upon the imagination," until it succeeds at "poisoning the nature, enervating the system, destroying self-respect, fettering the will-power, defiling the mind, corrupting the thoughts, leading to secret practices of most foul and revolting character, until the victim tires of life, and existence is scarcely endurable."

Shorn of its overheated rhetoric, Comstock's basic argument was that obscenity dealers deliberately targeted children, as easy marks ripe for addiction. The idea of childhood innocence was a recent cultural invention, one that had accompanied the emergence of a large middle class in the mid-nineteenth-century United States. This idea served Comstock well, as it tapped into relatively new social concerns, forging a link between smut and the corruption of children that would reverberate for the next hundred and fifty years. Reading smut, Comstock explained, led to the "secret vice" of masturbation, and from

there life might deteriorate immediately, with "pale cheeks, lusterless and sunken eyes" preceding a full collapse into physical turpitude. If that could be avoided, the turpitude would be moral: seeking ever-greater sensual pleasures, boys and young men would pursue sex through manipulation, purchase, or force, leaving young women ruined by sexual defilements running the gamut from seduction to rape to abortion, all of which Comstock considered approximately equal in moral harm. These socially destabilizing outcomes justified whatever drastic action need be taken to quell the immoral merchants of smut and death.

None of Comstock's ideas were radically at odds with mainstream beliefs of the day. Medical science was only on the brink of full-scale professionalization, and notions of a "spermatic economy" through which men could be depleted into sallow frailty remained pervasive. Self-control was a central virtue of the Gilded Age, and obscenity actively undermined it. The middle class, most rapidly adapting to the bureaucratic strictures of corporate capitalism, imagined itself the paragon of self-control. Likewise (and deeply intertwined with class status), white Protestants saw themselves as most fastidiously upholding these tenets. The poor and working class, increasingly composed of Catholic and Jewish eastern European immigrants (such as young Samuel Roth and his parents), represented to the dominant culture the absence of self-control. Social science of the time facilitated this, tending to read lower-class pathology and "immorality" of various sorts as causing poverty, rather than reflecting it.

With classist ideas of working-class/immigrant/non-Protestant immorality circulating so openly at the time, historians have persuasively read Comstock and the larger antivice movement as "a response to deep-seated fears about the drift of urban life in the post–Civil War years," as Paul Boyer wrote in his influential 1968 book *Purity in Print*. Boyer and other social historians emphasize the ways moral reform functioned as a mechanism of social control, policing and regulating unruly desires and actions to coercively fold the lower classes into social and economic structures that supported existing hierarchies. Controlled, predictable behavior was simply more suited for the new-found emphasis on efficiency that undergirded industrial labor, and eliminating or curtailing smut, prostitution, gambling, drinking, and other forms of profligacy forwarded that end.

Indeed, class bias in its most transparent form was evident in Comstock's activities. While busting sellers of contraception, he was most likely to investigate immigrants, women, and Jews—while leaving untouched the elite men who ran such corporations as Goodyear and Sears, Roebuck, each of which openly sold contraceptive devices in the late nineteenth century. In a startling incongruity that best reflects how "vice" was always viewed through various class and social lenses, millionaire Samuel Colgate was at the same time the president (and a primary funder) of the New York Society for the Suppression of Vice that paid Comstock, *and* heir to Colgate and Company, the New Jersey firm whose products included Vaseline, explicitly marketed for its spermicidal qualities.

If compelling reasons support an analysis of Comstockery highlighting social control of the lower classes, bourgeois self-regulation formed another important component of its logic. In her book *Imperiled Innocents*, Nicola Beisel argues that while class anxieties assuredly formed the backdrop to Comstock's ascent, the real fears of his elite sponsors had less to do with controlling immigrant behavior per se than ensuring that their own children avoided downward mobility into the increasingly dire living conditions of the poor. Obscene materials, as a gateway into more generalized dissipation, threatened to undermine the family reproduction that perpetuated elite standing, by diverting sexuality into vice-ridden pursuits.

Certainly both historical analyses rightly highlight the class anxieties behind Gilded Age moral reform, and the two leading approaches are hardly irreconcilable, differing more in emphasis than substance. What neither disputes is that the ultimate governing logic of Comstockism hinged on sexual politics—if always mixed with other concerns over class, immigration, religion, and other factors, nonetheless still possible to distill into some basic underlying principles. At its core, Comstockism served as a rearguard action to halt the already underway separation of sex from procreation that would flourish in twentieth-century modern sexuality.

The human pursuit of sexual pleasure reaches across epochs, but in the United States, only in the modern era would pleasure for pleasure's sake slowly be afforded social recognition and validation. Arising out of a complex confluence of forces, including urbanization, demographic patterns that resulted in more young, unmarried, unsuper-

vised people sharing close proximity, and the development of a consumer culture that promoted pleasure in order to commodify and capitalize on it, this shift aroused fear over its potential impact on the sanctity of the family, seen as the fundamental unit of the existing social order. That the Comstock Act was written to reassert the procreative nature of sexuality is clear from its otherwise seemingly tangential inclusion of contraceptive and abortion-related devices and information, deemed obscene at the behest of Comstock himself.

Doctors bestowing reproductive insight and pornographers lavishly describing bodies and sex acts might occupy disparate literary terrain, but that map collapsed into a single point for Comstock. Several of his early high-profile cases had nothing to do with pornography, but instead involved practitioners of various forms of birth control. Dr. E. B. Foote, for example, had long promoted contraception, selling informational books and pamphlets, and also devices like the "womb veil," precursor to the modern diaphragm. Attuned to politics and law, Foote testified as the sole dissenter against New York's updated state obscenity law, one of a rash of so-called little Comstock laws that proliferated in the 1870s. He failed to carry the day and, recognizing the turning legal tides, removed the contraceptive information from his publications, including it only in a pamphlet, *Words in Pearl for the Married*, sold only when signed for by two marital partners. Even that restriction failed to satisfy Comstock, who may have held a grudge from the hearings. Arrested in 1875, Foote was convicted for violating the Comstock Act.

Fined $3,500, Foote avoided prison. Not every Comstock target was so lucky. Ann Lohman had spent decades as New York's most prominent abortionist, known as Madame Restell. Always located in a legal gray area, she became an obvious target in the new legal landscape. Using a fake identity to draw her into violating the law through the mail (the same technique he used on Foote and numerous others), the publicity-conscious Comstock brought the press along for a high-profile arrest in 1878. Facing serious prison time, Lohman slit her own throat in the bathtub. Comstock gave no quarter even in death, reportedly declaring, "a bloody end to a bloody life" when told of her suicide.

Punitive prison sentences frequently awaited those who did find themselves convicted. Of particular outrage to Comstock were the

freethinkers and free lovers whose scathing attacks on Christianity and marriage fostered a thriving radical culture in the 1870s. Ezra Heywood best personified the free-love movement; along with his wife, Angela, he argued in several newspapers and pamphlets for male and female sexual freedom, understood as the right to both enter into and refrain from sexual relations as an individual saw fit, without legal interference from the government. Heywood's most notorious pamphlet, the 1876 *Cupid's Yokes*, offered itself as a treatise on "sexual self-government," arguing that "vice does not consist in the judicious gratification of sexual desire, but in *repression* and disordered *excess*." While clearly not advocating orgiastic revelry, Heywood's position still hit at the center of Comstock's worldview. Though the Heywoods had married for convenience, to avoid fornication or cohabitation laws, they rejected the coercive power of the institution, described as "legalized prostitution." Not only was marriage unjustly the only avenue to licit sex, they contended, but also it served to conceal the sexual subjugation of wives to their husbands' demands.

For publishing *Cupid's Yokes*, Ezra Heywood received two years of hard labor. Though pardoned by President Rutherford Hayes, Heywood dedicated himself to serving as gadfly, fighting the Comstock Act for his remaining decades. Repeatedly arrested for publishing Walt Whitman's poem "To a Common Prostitute," for selling a contraceptive douche helpfully named the Comstock Syringe, and finally for distributing fellow Comstock-target Moses Harman's radical newspaper *Lucifer, or the Light-Bearer*, Heywood was sentenced in 1890 to two years of hard labor at age sixty-one. Surviving his sentence, he emerged from prison a bitter man, devastated physically and psychologically, and died shortly thereafter.

Comstock's arrest ledgers in these years included ample sex radicals, educators, and pornographers, but no case exemplified the state of American obscenity law as well as that of D. M. Bennett, arrested repeatedly in the late 1870s and ultimately convicted for selling Heywood's *Cupid's Yokes*. A prominent freethinker, whose paper the *Truth Seeker* offered strong polemics against Christianity and organized religion more broadly, Bennett roused Comstock's ire with a particularly inflammatory 1875 "Open Letter to Jesus Christ," which posed a long list of questions to the Christian savior. With obvious mockery, Bennett positioned Christ's wine-making ways against temperance

reformers of the day. Strongly insinuating that as the "youngest mythology," Christianity was a "plagiarism," Bennett's letter had little in the way of sexual content beyond a bold questioning of Jesus's conception, asking whether love had been involved in the "transaction," and most controversially, whether it had been "an example of 'free-love.'" Reflecting obscenity's link to blasphemy, Comstock had Bennett arrested for the open letter and a tract on marsupial reproduction.

These charges failed, but when Bennett sold a copy of *Cupid's Yokes*, fully aware the sale served as provocation, new charges came and stuck. A month before his trial, Bennett published an open letter to Samuel Colgate, calling his obscenity charges a "pretext" and calling himself "no more a violator of the law than yourself," quoting Vaseline ads to the antivice funder. Defending *Cupid's Yokes* as a "dry, argumentative production" that avoided titillation in making its case, Bennett compared Comstock to "a vicious dog." Powerfully written, the letter little mattered; in 1879, the sixty-year-old intellectual was convicted, sentenced to thirteen months of hard labor. He appealed, and the resulting federal circuit court opinion set the course of obscenity law for decades to come.

Reviewing the case for the federal circuit court, Judge Samuel Blatchford (soon to go on the Supreme Court) saw few problems with how the trial had run. The district attorney read portions of *Cupid's Yokes* to the jury, and when the defense wanted to read the pamphlet in its entirety, the judge refused. The obscenity charge stood or fell on the particulars, and based on the statute, "the necessity of reading the whole book is not apparent," the trial judge explained. Bennett's defense had also requested several jury instructions, mostly pertaining to the context and intent of the pamphlet. The key instruction asserted that "where words which might otherwise be obscene or indecent, are used in good faith, in social polemics, philosophical writings, serious arguments, or for any scientific purpose, and are not thrust forward wantonly, or for the purpose of exciting lust or disgust, they are justified by the object of their use." The judge refused to so instruct the jury.

In place of Bennett's suggested framing of obscenity, the court adopted standards imported from the 1868 British case *Regina v. Hicklin*. The proper test of obscenity established in this case was "whether

the tendency of the matter is to deprave and corrupt the morals of those whose minds are open to such influences, and into whose hands a publication of this sort may fall." As the court made explicitly clear, texts were to be assessed on the basis of their obscene *parts*, rather than how those parts fit into works as organic wholes; susceptible minds, meanwhile, included "the young and the inexperienced," thus setting the bar for depraving and corrupting distinctly low. In affirming these so-called *Hicklin* standards, circuit judge Blatchford formalized a precedent that would define American obscenity law for nearly eight decades. While President Hayes had pardoned Ezra Heywood for selling the same pamphlet, not even a 200,000-name petition for Bennett's freedom, the largest such campaign of the century, helped him win the same release. Comstock himself personally met with the president to argue for imprisonment, though historian Roderick Bradford contends that the first lady, a devout Methodist known as "Lemonade Lucy" for her teetotaling mandate for White House events, played the most influential role. In any case, to hard labor Bennett went.

As Bennett, Heywood, and others contested Comstock's legitimacy, the Supreme Court signaled its approval of the national obscenity law without yet taking on any obscenity cases directly. Two late-1870s cases reflected its stance, with *Ex parte Jackson* (1877) upholding Congress's right to ban lotteries from the mail. In passing, the Court also alluded to a "matter deemed injurious to the public morals" as falling within the congressional purview. Hearing D. M. Bennett's appeal soon after, Judge Blatchford suggested that *Jackson* had "definitively settled" the Comstock Act's constitutionality. Meanwhile, in *Reynolds v. U.S.* (1878), the Court upheld Congress's ban on polygamy, suggesting expansive federal power over morality. Both cases hinted at previously undeclared federal police powers, reflecting the readjusted Reconstruction-era federalism of rising national power.

When the Court finally turned directly to Comstock in the 1890s, it was a series of nearly unqualified victories for the vice crusader. One of Comstock's most controversial tactics involved his use of pseudonyms to order material in building cases against his opponents. Defendants complained bitterly, likening it to entrapment in the ways it commissioned the committing of crimes. In the 1895 case *Grimm v. U.S.*, emanating out of a western vice agent's use of a fake name to inquire about "fancy photographs" from a St. Louis merchant, the Court

unambiguously upheld the tactic as constitutionally sound. The next year, the Court heard its first obscenity case, involving a paper, *Broadway*, with "pictures of females" in "different attitudes of indecency," including pictures coated in black lamp that could be wiped off to expose more revealing sights. Affirming publisher Lew Rosen's conviction, the Court cited the *Bennett* case and quoted its obscenity criteria in full, promoting the *Hicklin* standard to law of the land. The Court also cited several state-level cases from earlier in the century to agree that allegedly obscene material was "not proper to be spread upon the records of this court" and so need not be reprinted in indictments or court documents as long as it was clearly identified, for fear of courts themselves becoming unwitting smut publishers. Juries would still bear the burden (or, perhaps, thrill) of examining the material.

A few months after *Rosen*, the Court reversed an obscenity conviction, this one involving the Kansas publisher of the *Burlington Courier*, a paper guilty of using "coarse and vulgar" language, the Court averred, but not obscene (editor Dan Swearingen had written a fierce invective against an anti-Populist enemy as a "redheaded mental and physical bastard" who would "pimp and fatten on a sister's shame," among other vivid denunciations). Attempting to clarify the law, the Court explained that *obscene* and its synonyms *lewd* and *lascivious* "signify that form of immorality which has relation to sexual impurity." The Court distanced obscenity from its roots in blasphemy, but left intact the shared moralistic origins. With that, the Court determined it had clarified the parameters of obscenity; not until *Roth* in 1957 would it again directly and substantively confront them.

"Sexual impurity," of course, remained a broad category, and Anthony Comstock pushed hard to even further expand its boundaries. Women who violated gender norms inspired his particular wrath. Not only did Victoria Woodhull undermine marriage through her endorsement of free love, for instance, but her very visibility in the public sphere (as Spiritualist, first female presidential candidate, and first female stockbroker on Wall Street, among other signature achievements) constituted a challenge to the reigning Victorian beliefs in women's proper domestic place. As historian Jesse Battan suggests, one of the reasons Anthony Comstock found the free-love press so noxious was that its print culture placed a literal, physical manifestation of women's expressions of desire into the public sphere.

Anti-obscenity activism was never a strictly male affair, with the Women's Christian Temperance Union most prominently mobilizing around women's supposed moral purity to rally against smut in the 1870s and beyond. But the institutional enforcement of obscenity law remained male territory, from Comstock himself through the various judges, juries, and prosecutors who comprised the legal system of the era. Most importantly, the *logic* of obscenity stemmed from patriarchal sexual values that hinged on male control over women, which is why women who resisted their designated places aroused such antagonism in Comstock.

One final example shows the dangers to women who resisted these strictures. Ida Craddock, a Chicago-based mystic and sex reformer, repeatedly fell afoul of obscenity laws in the 1890s for her pamphlets *Right Marital Living* (1897) and *The Wedding Night* (1899), which took bold feminist stances calling for men to attend to women's pleasure. Even though Craddock always situated sexuality within the confines of marriage, her clinical description of semen and vaginas, as well as the suggestion that "a woman's orgasm is as important for her health as a man's is for his," butted against the prevailing Victorian ideology of women's "passionlessness." Politicized by her legal troubles, Craddock moved to New York to more directly contest Comstockism at its heart. Having avoided prison to that point, she found herself quickly sentenced to three months for *The Wedding Night*. The trial judge called the pamphlet "blasphemous," once more invoking the history of obscenity as an outgrowth of blasphemous libel—despite the Supreme Court's apparent severing of that link. It was not the last time a lower court would either disregard or misunderstand the Supreme Court's doctrine.

Devastated by her prison experience, Craddock returned to freedom only to face immediate rearrest on new charges by Comstock. Again convicted, she this time faced an unthinkable five-year sentence. In 1902, she committed suicide rather than serve her term. Her public suicide note acted as final condemnation of Comstock. Blaming him directly for her death, Craddock called him a "sex pervert" and a sadist, "unctuous with hypocrisy," and accused him of deriving pleasure from his own lurid prose about the dangers of smut.

The twentieth century thus began with the Comstock Act adding one more casualty to its body count. In death, though, Craddock

called for a future more imminent than she may have realized. "I earnestly hope," she wrote in her final missive, "that the American public will awaken to a sense of the danger which threatens it from Comstockism." Massive social and cultural shifts, already under way but rapidly accelerating in the self-consciously new century, helped facilitate a mass sentiment of modernism eager to dissociate itself from a Victorian past. Comstock entered the century with tremendous, barely accountable legal power, but increasingly found his cultural position relegated to one of relic from a repressed, and repressive, past.