Keeping Bostonians Proper

Park Street Station: Where Mencken confronted the censors

By John Sedgwick

Time was when a nod from the bluenosed Watch and Ward Society could land a bookseller in jail and land a book on the Boston trash heap.

The Reverend J. Franklin Chase, Harvard man, Methodist minister, and Boston's tireless antivice crusader, plied his lips into what his enemies called his "superficial smile." On page 479 of the April 1926 *American Mercury*—a highbrow magazine edited by the rambunctious H. L. Mencken—the secretary of the smut-fighting Watch and Ward Society and four-time delegate to the International Purity Conference found a vulgar, salacious, revolting story called "Hatrack." It was about—the Reverend could hardly bring himself to think these words—a prostitute who conducted her business in a cemetery. He pronounced the story "unfit to read." The Reverend, of course, had read "Hatrack" from beginning to end.

Chase's thick jowls below his walrus mustache tightened as he remembered the *Mercury*'s previous attacks on him, calling him a fanatic and a boor. He'd get that Mencken. When the burly minister uncovered brothels or gambling joints around the city, he loved to break them up in person. "I've got plenty of red blood," he once boasted, "and I like to fight." How he ached to give Mencken a good thrashing! But, alas, the situation called for restraint. He'd make Mencken suffer, quietly.

As the guiding force behind the Watch and Ward, Chase had an "agreement" with news dealers around the commonwealth. Chase told them which magazines he found objectionable; the dealers withdrew them without a fuss. The same went for booksellers. They both knew that the Watch and Ward carried a lot of weight with the courts. If a case went to trial, the sellers would surely lose. And by law, it was the sellers, not the publishers, who suffered. They could be fined or imprisoned, or both. As George Goodspeed, current owner of Goodspeed's Book Shop, recalls: "Nobody wanted to go to court every week. It wasn't worth the notoriety. We weren't heroes. We just wanted to sell books." Chase sent word to the New England News Company, local distributor of the *Mercury*, and that was that. Overnight, the April issue disappeared from every magazine rack from Cape Cod to the Berkshires.

This time, however, Chase had underestimated his opposition. H. L. Mencken was not about to sit still and take it on the chin. He hated the Watch and Ward. "Wowsers" he called them. He hated all they stood for. And he hated Chase. When the minister recommended publicly that the U.S. Bureau of Standards establish a subdivision of literary standards to measure smut, Mencken went him several better by suggesting a "National Censorship Committee" composed of the Supreme Exalted Ruler of the Elks, the Imperial Hell Cat of the Ku Klux Klan, the president of the Macon,

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Georgia, Chamber of Commerce, and other similarly high-placed Americans. Mencken was not going to let Chase get away with such paralegal censorship. He couldn't resist the opportunity for a little free publicity either. He'd force a court case. He wrote Chase that he was coming to Boston to sell copies of the *Mercury*, and he dared Chase to stop him. Chase wrote back to accept the challenge.

Having procured a peddler's license, Mencken stuck a handful of *Mercurys* under his arm and took up a position at the foot of the Common by the Park Street subway station, a place called Brimstone Corner. There, centuries before, Puritan ministers used to cow the populace with descriptions of hell. The Watch and Ward was founded just across the street, in the Park Street Church.

Several thousand people were already milling around when Mencken arrived, many of them Harvard undergraduates. They were planning a reception for Mencken at the Freshman Union—a farewell party, it was assumed, for few believed that Mencken would escape jail for his efforts. Finally the crowd buzzed with "Here he is! Here he is!" and Chase appeared.

"Are you Chase?" asked the journalist.

"I am," replied the Reverend. He pressed a half-dollar into Mencken's palm to make his purchase. Conscious that five thousand pairs of eyes were upon him, Mencken sank his teeth into the fifty-cent piece to be sure it was silver. Chase snatched a copy of the *Mercury* out from under Mencken's arm and shouted, "I order this man's arrest!"

Mencken was hauled before the doddering Judge James Parmenter the next morning. Because of what the judge considered to be the indelicacy of the subject matter, he insisted that the whole trial be conducted in low whispers at his bench. Even before the Watch and Ward lawyers got out their well-thumbed briefs charging the defendant with trafficking in obscenity, the verdict seemed a foregone conclusion. As the *Boston Post* proclaimed, "For sheer prurient vulgarity . . . ['Hatrack'] is quite the limit." Glumly, Harvard students prepared their farewell party. The forces of repression in Boston were riding high.

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What had happened to the Athens of America, the literary mecca of the New World? Well, actually, the city had always been noted for its prudery—even in its intellectual heyday. In their reverence for things English, which included Queen Victoria's moral squeamishness, nineteenth-century proper Bostonians carefully separated the works of male and female authors on their bookshelves (lest, one supposes, they should produce children's books). The obscenity issue had heated up in Massachusetts following the Civil War, some 150 years after Massachusetts's Supreme Judicial Court imposed the first obscenity law in the English-speaking world. Prostitutes, trailing the Union soldiers home, were flooding into the cities, and a small-scale pornography industry was stirring. Suddenly, the Northeast had to confront vice.

In the 1870s, however, a handlebar-mustachioed monster of a man named Anthony Comstock showed clean-minded citizens everywhere how much they could do to eliminate filth and depravity if only they put their minds to it. In his forty-year campaign in New York City, Comstock destroyed fifty tons of books, thirty thousand pounds of printing plates, four million pictures, and seventeen thousand negatives; made four thousand arrests; and secured twenty-five hundred convictions.

Boston was impressed. Here, out-and-out porn was not so much the problem as what citizens viewed as the increasing seediness of supposedly serious literature. In other words, novelists were starting to write about sex. Egad! Offended Puritans and immigrant Irish Catholics alike saw Comstock as the man who could shore up collapsing traditional values. Together, they founded New England's Society for the Suppression of Vice, modeled after Comstock's New York society of the same name. Later it was renamed the Watch and Ward.

The society got to work immediately, bagging the 1882 edition of Whitman's *Leaves of Grass*, then moving on to such morally bankrupt authors as Hardy, Ibsen, and H. G. Wells at a clip of nearly sixty volumes a year. At that point the use of obscene language was enough to make a book obscene. But what was obscene language? That was a sticky one. In a 1907 test case of the torrid (for the time) romance *Three Weeks*, a judge took a shot at it, declaring that language is obscene when it "manifestly tends to incite in the minds of people susceptible to such influences, obscene thoughts, impure thoughts, indecent thoughts." As several critics pointed out, by that definition the Sears catalogue could be ruled obscene. Still, higher courts affirmed it.

Gradually, as fictional vice began to decline, the society branched out to purge various psychological, sociological, and anatomical studies of sex, including a scholarly text, *The Sexual Life, Including Anatomical Illustrations and Obstetric Observations*, which was headed quietly toward its ninth edition. In one eight-year period around the turn of the century, 323 titles were outlawed, and countless others voluntarily removed by the booksellers who feared the books would get them into trouble. One Harvard professor who had arranged to import a priceless Latin manuscript of Apuleius's *Golden Ass* was horrified to discover that the work had been seized by Boston customs officials. Only speedy intervention from the State Department kept them from burning the parchment as smut.

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Later the Watch and Ward turned, in its eagerness for dirt and vulgarity, to advertising slogans and photographs, stereoscopes, plays, and motion pictures. And, of course, to magazines and to H. L. Mencken.

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As it turned out, Mencken drew about the only judge in the county who was even mildly sympathetic to the free-press cause. After taking time to read the offending issue of the *American Mercury* from cover to cover, the sixty-seven-year-old judge noted that the magazine was pretty expensive and, as he put it, "high toned." He added that he had read the article on jazz several times and he still couldn't figure it out. As to the "Hatrack" story, he couldn't find anything objectionable in it at all. "I find no offense has been committed," he concluded, "and therefore dismiss the complaint." The Harvard party would take place that day, and it would be a celebration after all.

Mencken sobered up quickly the next morning, however, when he discovered that during the festivities, Chase had prevailed upon postal authorities to ban the April issue from the U.S. Mail. Although the issue had long since reached subscribers, the ban could have serious repercussions: by federal law, if two consecutive issues of a magazine were banned, the periodical was banned for good. Frantically, Mencken had to tear up the plates for the May issue in order to remove a humorous essay on sex and the co-ed. After all that, Mencken had lost.

But Chase had lost too. Judge Parmenter had ordered the society to stop harassing the *Mercury* or risk a $50,000 fine, and Chase took such a beating in the press that the Watch and Ward renounced its connection with him. He died soon after the trial.

It wasn't long, however, before other groups entered what had been the Watch and Ward's exclusive domain. The first indication of the new order came in 1927 when a Dorchester woman discovered her teen-age son reading *The Plastic Age*, an F. Scott Fitzgerald–like novel of high life on campus. She called her priest, who called the police, who threw the booksellers, two Dorchester drugstore clerks, in jail for distributing obscenity. Now the complaint of a single person was enough to get the police to take action.

Upton Sinclair's *Oil* was nabbed in 1927. No one was sure why or by whom. Sinclair came to Boston to protest (and to call attention to the ban, which was always good for sales elsewhere). He donned a sandwich board advertising a special "fig-leaf edition" of the book, with offending portions concealed under fig leaves he'd inserted himself, and hawked them on the Common. A vice-squad leader was finally talked into buying one. Or into thinking he was buying one. He hauled Sinclair into court, where

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the judge discovered that the wily radical had actually slipped the man a Bible wrapped in an *Oil* cover. When the mess was finally straightened out, Sinclair was fined $2,000 and sent home. But he netted more than twice that in increased sales elsewhere in the country.

"Banned in Boston" was now a national joke, and a local nightmare. When you are reading about Boston censorship, the magazine *Outlook* advised, "turn over the page and forget it, merely reflecting that poor, dear, old Boston is making itself ridiculous again." Horrified by what had happened to their city, various high-minded organizations, including the *Atlantic Monthly*, the Women's City Club, and several library associations banded together to revise the obscenity law. Their revision, known as the Shattuck Bill, after its sponsor in the legislature, eliminated the clause by which a single word could bring an entire book down. The work had to be considered as a whole.

Defeated once, the Shattuck Bill came up for reconsideration in the spring of 1929, just as an appeal on the ban of Dreiser's *American Tragedy* was before the courts. In hopes of stirring popular sentiment in favor of liberalization, seven hundred people jammed ancient Ford Hall for a rally. Several national figures spoke, including Clarence Darrow, defending lawyer at the Scopes trial. Historian Arthur Schlesinger presided. The mood was festive. Radicals in the audience wore buttons declaring themselves "Red but not dictated." Students came dressed up as characters in various banned books—as Fanny Hill and Elmer Gantry. Margaret Sanger, forbidden to speak publicly in Boston because of her advocacy of birth control, was present on the platform, with tape over her mouth.

But, in their glee, the liberals overstepped themselves, only provoking the censorship forces to press on harder than ever. The Shattuck Bill was rejected again. Two days later, the *American Tragedy* ban was upheld. In June of 1929, Boston's Italian community prevailed upon police to seize all copies of *Scribner's Magazine*, because it contained an installment of Hemingway's *A Farewell to Arms*, which was deemed critical of Italians. In September, Mayor Malcolm Nichols refused to allow O'Neill's *Strange Interlude* to be performed in Boston, because the play contained references to birth control. Finally, when in its dying throes, the Watch and Ward wheedled one of a Harvard bookstore's five copies of *Lady Chatterley's Lover* from a reluctant clerk in order to get the book banned, thereby turning an obscure novel into a *cause célèbre*, the tide turned. The Shattuck Bill was passed.

But change came slowly. *Lady Chatterley*, ironically, was still banned under the new law. In following years, the city sacked Faulkner's *Sanctuary*, Nathanael West's *Miss Lonelyhearts*, and even an

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issue of *Life* containing a rather chaste photo essay on the birth of a baby. But the law did return to the shelves the trashy novel about English royalty, *Forever Amber*.

Finally, in 1945, the law was again amended so that the bookseller was no longer personally liable; only the book went on trial. The sole penalty was that the book had to be withdrawn. This brought Massachusetts law in line with the more progressive states, and the great days of book banning passed into history. In 1962, Boston actually became famous for its liberality when the state's Supreme Judicial Court cleared *Tropic of Cancer* for sale in the commonwealth.

Boston still has a city censor, actually, although the position is now called the head of the city licensing board. The present incumbent is named, appropriately, Sinnott, Richard Sinnott. Among other things, he decides what plays can be shown in Boston. The last one he banned outright was *Lock Up Your Daughters* back in 1959. "A raunchy romp" he called it. Since then he's only deleted a few lines here and there, sometimes a scene or two. As he says, "A play's like a handkerchief. If a speck gets on it, you don't throw it out, you just clean it off."

Among the plays Sinnott has cleaned off is *Hair*. He banned the scene where the American flag is used as a dust mop. The famous nude scene didn't bother him a bit. He also cleansed *Who's Afraid of Virginia Woolf?*, much to Edward Albee's distress. The play had begun, "Jesus Christ, what are you trying to do, hump the hostess?" Such is Catholic Boston that Sinnott changed it to "Mary Magdalene, what are you trying to do . . ." In Boston, sex is no longer the issue. Sinnott loved *Oh, Calcutta!* He still chuckles over the scene where, as he vividly recalls, "one guy sticks his hand up through another guy's legs and grabs his plumbing."

And as far as the censorship of books goes, Boston has seen little action since September of 1977, when the Chelsea School Committee tried to keep an anthology containing a risqué poem by a Chelsea teen-ager out of the public-school system. The vice squad still goes after dirty magazines and blue movies hot and heavy, but it leaves the books alone. "It's just too time-consuming to go through them all," Detective Bernard Hurley says wearily. But Boston's official tolerance doesn't mean that there aren't any good, old-fashioned bluenoses left. One elderly dowager was recently overheard at the Boston Athenaeum to say that she had been following the Kenneth Clark series on Channel 2. She wished to borrow his book.

"Now which one is that, madam?" asked a clerk.

"*The Nude*," responded the woman with obvious distaste. She looked away, and added to no one in particular, "*Ghastly* title." □