

H.L. MENCKEN AND THE WATCH AND WARD SOCIETY OF BOSTON

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The polarization of American society in the 1920's was symbolized by such well-known events or phenomena as the Red Scare, the Scopes Trial, the Sacco-Vanzetti trial, prohibition, immigration restriction, and the re-emergence of the Ku Klux Klan. Another "event", as symbolic as any other of the 1920's, but never noted in the general accounts of American history, was the 1926 confrontation between the anti-vice Watch and Ward Society of Boston and H.L. Mencken of Baltimore.

In the United States in 1925, "Puritanism" was alive and well, but on the defensive against a variety of liberating forces. In Boston, "Puritanism" was alive and well, period, and the repressive institution that appeared most secure there was censorship (as practiced by the Watch and Ward Society). The most constant opponent of "Puritanism" during these years was the irrepressible H.L. Mencken essayist, journalist, social critic, literary critic, philologist, and editor of the intellectually abrasive American Mercury magazine.¹ Mencken considered all inhibitions Puritanical and evil. He opposed any group or person that attempted to regulate the private behavior of others or attempted to suppress the non-violent self-expression of anyone. He expressed his opposition, verbally and in his magazine, with a satiric, bitter, often insulting, and always incisive, wit. In a letter to a friend, Mencken wrote that he believed in only one thing: liberty. But he would not have even liberty forced upon anyone.² With such a libertarian attitude, Mencken would certainly oppose any efforts to restrain or suppress his own right of self-expression. In April of 1926, the Watch and Ward Society took action that threatened the free distribution and continued publication of the American Mercury. This action was challenged by Mencken and the up-shot was a highly publicized obscenity trial - a landmark in the history of censorship in the United States.

The Watch and Ward Society, which, by the 1920's, had enjoyed fifty years of public acceptance and strategic success in censoring "obscene" books, was not simply a watch-dog organization that might pressure the state government into enforcing or strengthening

existing obscenity statutes. It was an extra-legal, unofficial organization whose activities were unchallenged by any other group or person in Massachusetts. The Watch and Ward was directly responsible for the suppression of books by Walt Whitman, Aldous Huxley, Sinclair Lewis, Theodore Dreiser, Ernest Hemingway, Upton Sinclair, H.G. Wells, John Dos Passos, and Sherwood Anderson. From 1915 to 1926 as many as sixty books a year, sold elsewhere, were unavailable in Massachusetts' bookstores because of Watch and Ward pressure. This situation earned Boston the reputation as the greatest center of literary suppression in the United States.³

The Society's director, J. Franklin Chase,⁴ described his function as "preventive criticism." This involved the reading and the evaluation of new novels and magazines. If an item was determined acceptable, it could be sold without fear of prosecution. If not, all Massachusetts bookstores and newsdealers were so notified and anyone selling the condemned book or magazine after forty-eight hours had elapsed was liable to prosecution initiated by the Watch and Ward Society.

In March of 1926 Chase declared that the April issue of the American Mercury was "objectionable." Chase had been waiting for an excuse to attack the Mercury and chose an article by Herbert Asbury, "Hatrack," an account of a prostitute's sorry life in a small town in rural Missouri, as the pretext for his action. The Mercury had already printed three articles that were directly offensive, if not insulting, to the Methodist religion, to the Watch and Ward Society, to Chase himself, and to the entire Boston community. The first, "Arsenals of Hatred," accused religious fundamentalism in general and Methodism in particular, of encouraging anti-social attitudes among their followers. A few months later the magazine printed an earlier Asbury article, "Up from Methodism," a memoir of a Methodist childhood, that had left him "full of contempt for the church, and disgust for the forms of religion."⁶ These were followed by A.L.S. Wood's "Keeping the Puritans Pure," an expose of the Watch and Ward's censorship methods.⁷ The final insult was Charles Angoff's vicious essay, "Boston Twilight." Angoff described Boston as once the Athens of America, now overrun by "louts, fakes, and rogues," with a populace too illiterate to understand or appreciate the literature of a Theodore Dreiser or a James Branch Cabell (authors of books banned in Boston), and with "an

organization of smut hounds...who see to it that Boston is kept in the gutter." Angoff further affronted the city by calling it the "garbage can of American journalism," and describing its religious atmosphere as "foul with the bawling of Fundamentalists, theosophists, metaphysical healers and other such quacks." He then ripped into the Irish. "Many reasons have been given for the collapse of Boston culture," and, continued Angoff, "an obvious reason is the invasion of the town by such immigrant morons." The Irish elected Hugh O'Brien mayor in 1884 - "Boston died that day," wrote Angoff, and "the Renaissance of Boston will not take place until these barbarians are exterminated."⁸

The general scorn that Mencken and his magazine continuously directed at the values that most Americans still cherished, made him a primary target for the "Puritans" of the 1920's, and especially for the insulted, but very self-assured "Puritans" of Boston. They thought of Mencken as an anti-Christ. Someone like J. Franklin Chase could believe with complete certainty that a battle between himself and Mencken was a battle between Good and Evil.

On March 8, 1926, Chase notified the New England News Company that because of the "Hatrack" article, the sale of the April issue of the American Mercury would constitute grounds for legal action. Apparently, Mencken was initially content to dismiss Chase's action with a verbal blast, but after some reflection he consulted with his publisher, Alfred Knopf, and with his business manager, Samuel Knopf (Alfred's father), and together they sought legal counsel from Arthur Garfield Hays. Mencken had been impressed by Hays' performance as a defense lawyer at the Scopes trial a few months earlier. Hays urged a direct confrontation with the Watch and Ward Society which would involve the deliberate sale, by Mencken, of a copy of the outlawed magazine directly to Chase. Mencken, free of family responsibility since the recent death of his mother, was willing to risk the jail sentence he could receive if found guilty. He wanted publicity, so he invited Chase to make the purchase on the Boston Common, at the Brimstone Corner, April 5, 1926, at two p.m. Mencken expected immediate arrest. Hays planned to appeal the arrest, anticipated losing in Boston, but hoped to win an appeal to a Federal court. Hays decided to argue that Chase's action against the Mercury was not based on existing obscenity statutes, but was a non-legal attempt to gain personal revenge. Mencken had expressed

this point several days before the trial: "Obviously," he wrote to A.L.S. Wood, "Chase is seeking revenge for your operation on him... Confidentially we hope to show malice in his action." Mencken also intended to make it clear that he wanted to test the law, not defy it.⁹

The press had been informed of the Mencken-Chase meeting and were waiting at the Common along with a crowd of over one thousand curious on-lookers. It took Chase over fifteen minutes to make his way through the expectant mob and give Mencken a silver half dollar for the April issue of the American Mercury. Mencken accepted the coin and with his marvelous sense of humor and of the ridiculous, placed it between his teeth and bit down hard. Chase then ordered Mencken arrested for violating Chapter 272, section 28, of the Public General Laws; "possessing and selling obscene literature."¹⁰ The trial was set for the next morning. The presiding judge would decide if "Hatrack" violated Massachusetts obscenity statutes; specifically, if it contained matter (even one word) calculated to "corrupt the morals of the young."¹¹ Mencken and Hays expected to lose the case. Never had a Municipal Court Judge found a Watch and Ward defendant not guilty. The district attorney, Thomas O'Brien, "was rabid on the censorship question" and had actually threatened to pack the jury against Mencken. Finally, the judge scheduled to preside was considered a warm friend of the Watch and Ward Society.¹²

But, on the morning of the trial, luck stepped into history. The case had been moved to the calendar of the Honorable James Parmenter, one of the few Boston magistrates with a "liberal" reputation. The shift occurred, apparently, because Mencken's lawyers were late reaching the courtroom.

During the trial Mencken argued that he never published obscene material. His purpose in coming to Boston was not to defend the moral standard of his magazine, but to defend his reputation and property against the illegal actions of J. Franklin Chase. Hays presented a plea for freedom of the press and then asked Judge Parmenter to read the article "Hatrack." The judge announced that he would read it that evening and pronounce his decision the next morning, based on whether or not the article tended to corrupt the morals of the youth of Massachusetts.

The Society and Chase had never expected such a trial. For

American Mercury and to obtain \$50,000 in damages. The injunction was sustained on April 14th. The acquittal and the injunction constituted the first setback the Watch and Ward Society had ever received and marked the beginning of its gradual decline. The Boston Brahmins, the Watch and Ward's traditional source of financial support and social respectability,¹⁵ were especially irritated by the outcome of the "Hetreck" case. They considered Chase the perpetrator of a vulgar sideshow and blamed him for the entire fiasco. As Chase became a humiliated figure, Mencken became an international symbol of free speech.¹⁶ To challenge, expose, and defeat the Boston censors, required only H.L. Mencken's courage (or perversity); and, a bit of unforeseen luck - the switch to Judge Parmenter's calendar.]

FOOTNOTES

1. To understand the use of the term "Puritanism" within the context of the 1920's, see Frederick J. Hoffman, "Philistine and Puritan in the 1920's," The American Quarterly, 1 (Fall, 1949), pp. 247-263. For a general account of Mencken and his magazine, see Douglas C. Stennerson, H.L. Mencken: Iconoclast from Baltimore (Chicago, University of Chicago Press, 1971), pp. 3-33, a chapter entitled "Mencken and The American Mercury, 1924-1926," that does not discuss the "Hatrack" episode.

2. H.L. Mencken to Ernest Boyd, August 30, 1925, in Letters of H.L. Mencken, selected and annotated by Guy J. Forgue, (New York, Knopf, 1961), p. 281.

3. Paul S. Boyer, Purity in Print: The Vice-Society Movement and Book Censorship in America (New York, Scribners, 1968), p. 171; and A.L.S. Wood, "Keeping the Puritan Pure," The American Mercury, 6 (September, 1925), p. 25, from an interview with the Director of the Watch and Ward Society in the latter's Boston office.

4. Jason Franklin Chase (1872-1926). Born in Boston, educated at Wesleyan and Boston University. A practicing minister from 1900-1907, then, a full-time executive member of the Watch and Ward Society. Appointed as delegate to the International Purity Federation by Woodrow Wilson in 1913. Active against "dope traffic" and "white slavery movement." Author of The Dope Evil (1912) and The First Corps of Moral Engineers (1917). Who's Who in America: 1926-1927 (Marquis & Co., 1926), p. 444.

5. Duncan Aiken, "Arsenals of Hatred," The American Mercury, 3 (October, 1924), pp. 129-136.

6. Herbert Asbury, "Up from Methodism," The American Mercury, 4 (February, 1925), pp. 129-135.

7. A. L. S. Wood, op. cit., 74-78.

8. Charles Angoff, "Boston Twilight," The American Mercury, 6 (December, 1925), pp. 439-444. Angoff was a close friend and business associate of Mencken's. This article reflects the elitist philosophy culled by Mencken from the writings of Friedrich Nietzsche.

9. H. L. Mencken to A. L. S. Wood, April 2, 1926, in Letters of H. L. Mencken, op. cit., p. 290; and Arthur Garfield Hays, Let Freedom Ring (New York, Liveright, 1937), p. 168.

10. William Manchester, H. L. Mencken: Disturber of the Peace (New York, Collier, 1950), p. 223; New York Times, April 6, 1926, p. 31; Hartford Courant, April 6, 1926, p. 1; and other major newspapers.

11. Boston Evening-Transcript, April 5, 1926, p. 1; Daily Hampshire Gazette (Northampton, Mass.), April 6, 1926, p. 1; New York Times, April 7, 1926, p. 25; and Hays, Let Freedom Ring, op. cit., p. 169.

12. Boyer, Purity in Print: The Vice-Society Movement and Book Censorship in America, op. cit., p. 175; Hays, Let Freedom Ring, op. cit., p. 169; and Edgar Kemler, The Irreverent Mr. Mencken (Boston, Little, Brown and Company, 1950), p. 194.

13. Carl Bode, Mencken (Carbondale, Ill., Southern Illinois University Press, 1969), p. 274; and Manchester, H. L. Mencken: Disturber of the Peace, op. cit., pp. 235-236.

14. Until the 1933 Ulysses decision rejected it, United States courts continued to use the Hicklin rule in obscenity cases - "whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such influences, and into whose hands a publication of this sort may fall." (Lord Chief Justice Sir Alexander James Edmund Cockburn in The Queen vs. Hicklin, L.R. 3 Q.B. 360, 1868). Reprinted in Censorship Landmarks, edited by Edward De Grazia, (New York, Bowker Company, 1969), pp. 5-11. Judge Parmenter would have presented his decision with this rule in mind.

15. The Watch and Ward had always had at least tacit support from two important elements of the Boston community: the upper-class Brahmins (the Society's letter-head listed the names of such worthies as Charles W. Eliot, the former president of Harvard; the Reverend Endicott Peabody, headmaster of the Groton School; Godfrey Lowell Cabot, millionaire manufacturer and philanthropist; and others such as Ames, Bowditch, Lowell, Quincy, Wigglesworth, Longfellow, and Coolidge of the Boston Coolidges) and the lower-class Irish who were organized for moral support by the pre-dominantly Irish, Boston clergy. See A. L. S. Wood, "Keeping the Puritans Pure," op. cit., p. 76; and Bode, Mencken, op. cit., p. 270.

16. In November of the same year, Chase died from pneumonia and pulmonary complications. Earlier in the same year another representative of the old order, William Jennings Bryan, had died after a similar symbolic confrontation with another representative of the liberating forces, Clarence Darrow (with Mencken most prominent in the jeering gallery). When Mencken was asked about Chase's death, he replied "We killed him." In retrospect Mencken wrote "His death did not greatly surprise me....one of my superstitions is to the effect that men who set out to do me evil not infrequently die suddenly." (Quoted in Kemler, The Irreverent Mr. Mencken, op. cit., p. 214).

17. The Boston Evening-Transcript, April 6, 1926, p. 1, reported that the switch to Judge Parmenter's calendar occurred "because of an especially long list of drunks on the calendar of the scheduled judge." No other source gives this reason for the change. If the Boston paper is correct, it is most proper that the demon rum, which never had a better friend during prohibition than H. L. Mencken, should have come to the editor's rescue.