Press, 2005); Andrea Tone, "Black Market Birth Control: Contraceptive Entrepreneurship and Criminality in the Gilded Age," *Journal of American History* 87 (Sept. 2000): 435–59.

[39] *One Package.*

[40] Coined by the Irish playwright George Bernard Shaw, "Comstockery" became the word for the Comstock Law's brand of overzealous sexual censorship. See L. W. Connolly, *Bernard Shaw on the American Stage: A Chronicle of Premieres and Notable Revivals* (Switzerland: Springer International, 2022), 118.

[41] Broun and Leech, *Anthony Comstock*, 130.

Robert W. McAfee: The Comstock of Chicago

Magdalene Zier

Stanford University, Stanford, CA, USA
Email: mzier@stanford.edu

doi:10.1017/S1537781424000331

Anthony Comstock is synonymous with the Gilded Age crusade against vice. The 1873 "Act of the Suppression of the Trade in, and Circulation of, Obscene Literature and Articles of Immoral Use" – better known, then and now, as the "Comstock Act" – secured its namesake's enduring notoriety. Most federal laws with an appellation honor a congressional sponsor, or, in more recent years, a victim of the issue that the law aims to address. Only the Comstock Act memorializes a man who was both the chief civilian proponent of its passage and the government bureaucrat tasked with its enforcement.[1]

Comstock the tireless and cantankerous crusader makes for a compelling historical villain, but he alone could not patrol an entire nation's mail. After all, the 1873 act represented an unprecedented federal incursion on personal privacy and state police power that required new enforcement mechanisms. As scholars Jeffrey Escoffier, Whitney Strub, and Jeffrey Patrick Colgan urge, we need to look beyond Comstock's fanaticism to understand the innovations in "statecraft" on which the law's enforcement depended. The "Comstock Apparatus," as they call it, was broader than the federal act alone and required the simultaneous development of several "structural elements," including the proliferation of state-level "little Comstock laws" and of private anti-vice societies that served quasi-public prosecutorial roles.[2] While the federal law's constitutional legitimacy rested on regulation of the national postal service, state laws could criminalize a wider range of behavior and thus represented a large share of obscenity cases. By the end of the nineteenth century, nearly every state had enacted or revised some sort of anti-obscenity statute, and eight of the country's ten largest cities had an anti-vice society.[3] Comstock would not live in such historical infamy without these auxiliary elements.

This essay spotlights one understudied arm of the apparatus: Robert W. McAfee. Dubbed the "Anthony Comstock of Chicago," McAfee, founding secretary of the Western Society for the Suppression of Vice (WSSV), served as agent to the Post Office for more than thirty years. Across the corpus of works written on Comstock, McAfee reliably garners a brief mention but never a dedicated study.[4] Although McAfee never rivaled Comstock's prominence in the press and in public imagination, he was instrumental to the expansion and daily operation of the Comstock regime across stretches of the Midwest, Upper South, and Great Plains. McAfee followed Comstock's lead but was not an exact facsimile: whereas Comstock was notoriously rotund, his face accentuated by fluffy muttonchops, McAfee was "[t]all, thin and angular, with tawny beard and sharp

features."[5] Where Comstock sought the spotlight, McAfee held a "deep desire to keep himself out of the picture."[6] McAfee may not have been as colorful as Comstock, but he was equally as cunning. Lest he be upstaged by McAfee, Comstock kept a close eye on the WSSV and directly involved himself in high-profile midwestern matters.[7] Comstock's cult of personality was an important part of the Comstock Apparatus, but mythologizing Comstock risks masking the machinery behind the man and the constraints on free speech and reproductive choice that persisted long after his death.[8]

Robert W. McAfee was born in 1848 to a Presbyterian family who settled in a tiny town in northeastern Missouri. After graduating from Highland University in Kansas in 1872, he entered Princeton Theological Seminary but dropped out after one semester, apparently due to a debilitating eye condition. Determining that he was not cut out for a bookish life in the ministry, McAfee identified another mission: combatting vice. He returned to Missouri and organized a branch of the American Railway Literary Union, a group dedicated to purifying train travelers' reading choices. He grew interested in Comstock's work and, by 1877, united local groups in Cincinnati, Chicago, and St. Louis to form the WSSV.[9]

The WSSV was one of several regional organizations modeled off Comstock's New York Society for the Suppression of Vice (NYSSV). Other influential societies were established in Boston, Baltimore, and San Francisco – all cities with high rates of immigration, where reformers capitalized on xenophobia and concern for the protection of native-born white youth.[10] Each society's success depended upon a zealous secretary with immaculate morals. The model faltered if the secretary did not practice what he preached: San Francisco's society suffered a blow when its leader, C. R. Bennett, was sentenced to San Quentin prison for attempting to murder the father of a young woman he had reportedly seduced and then pushed to obtain an abortion.[11] McAfee, with his reserved personality and spotless reputation, was much better suited to the job. In 1884, he was appointed as a Post Office inspector, in the same unique – and unpaid – role as Comstock.[12] The Post Office employed a fleet of inspectors, who policed obscenity alongside other mail offenses and were generally paid a salary well over $1,000. Comstock and McAfee, however, specialized in a particular class of crimes and received only a nominal annuity that they routinely declined, relying instead on the financial support of their private vice societies.[13] Forgoing a government salary was a savvy strategy that signaled their dedication to the cause and afforded them some political autonomy.[14]

McAfee's dual role took him far and wide. By 1896, the WSSV boasted new branches in Omaha, Lincoln, Minneapolis, and Des Moines.[15] Although McAfee was most active in Chicago, his name appeared in obscenity cases everywhere from Atlanta to Salt Lake City.[16] Like Comstock, McAfee targeted a wide range of "obscene" materials: he did go after abortifacients and contraceptives but more often pursued erotic literature and images, publications promoting free love, threatening or defamatory letters, and lotteries.[17] Whether acting on a citizen complaint or merely following a hunch, McAfee traversed more than 1.5 million miles investigating the purveyors of allegedly obscene content.[18] McAfee was, Comstock praised, "a whole regiment in himself."[19] Yet he worked closely with prosecutors and Post Office leadership, and he likely sent regular updates to Cincinnati's William J. Breed, the long-serving president of the WSSV and a wealthy manufacturer of funeral supplies.[20] Over the span of McAfee's career, the WSSV claimed credit for 978 arrests, 818 convictions or guilty pleas, nearly $170,000 in fines, and millions of confiscated items, including books, pamphlets, photographs, pills, powders, and rubber goods.[21]

Prohibited from opening first-class sealed mail without a warrant, postal inspectors developed other strategies for policing private correspondence.[22] One particularly controversial strategy was the use of decoy letters, where inspectors would pose as interested

customers to try and solicit incriminating replies from suspected purveyors of obscenity. Although many writers and some judges denounced the practice of "us[ing] the post office machinery to make the criminal," the U.S. Supreme Court in *Grimm v. United States* (1895) rejected the argument that the use of decoy letters was unjust entrapment.[23] McAfee, whose adoption of the pen name "Herman Huntress" spurred the dispute in *Grimm*, had a prolific stock of pseudonyms. As one critic charged, "if you do not care to call him McAfee you can address him by any of the following *aliases* and hit the same meddler every time, Nellie B. Clark, R.W. Williams, Nettie G. Harlan, Nellie Stratton and Charles Stratton."[24] Although providers of abortifacients and contraceptives were not McAfee's primary targets, he often utilized decoy letters in such cases. With the help of an assumed name and a roving Post Office box, McAfee and his associates preyed upon doctors' sympathies by impersonating women pleading for information about how to access contraception or end a pregnancy.[25]

Eventually, life on the road – and a chronic kidney condition – caught up with McAfee. With little fanfare, newspapers announced that the "Anthony Comstock of Chicago" had "dropped dead" in the middle of Chicago's State Street on March 23, 1909.[26] McAfee's sudden death spared him an uncertain future. Historians have charted how Comstock's reign was in jeopardy by the first decade of the twentieth century, as many of Comstock's original supporters passed away and his attacks on fine art earned him new, even fiercer critics.[27] Less well-known are the simultaneous revisions to postal policy that threatened both Comstock and McAfee's distinctive mix of government power and private pay. For decades, the duo had somehow been spared the scrutiny of civil service reform and the push for salarization.[28] When Congress in 1905 strengthened restrictions on voluntary service by government officers, Post Office leadership took a hard look at Comstock and McAfee's positions.[29] In a memorandum to the Postmaster General, the Chief Inspector concluded, "I am clearly of opinion that there is no authority of law for appointing them as post-office inspectors either at a nominal salary or without salary."[30] Reform was swift: by 1907, Comstock and McAfee were each salaried at $1200.[31] This change – both a raise and a demotion – signaled their waning power. Although the WSSV did not disband after McAfee's death, its presence faded and its ties to the Post Office weakened.[32] On September 21, 1915, amid rumors that the Post Office intended to terminate his inspectorship, Comstock passed away, concluding a career that spanned forty-two years and ten presidents.[33] John Saxton Sumner led the NYSSV until 1950, but he shifted the Society's priorities and never received a postal appointment.[34]

In some ways, the deaths of Comstock and McAfee marked the end of an era – one in which federal anti-obscenity law rested on delegation and deference to a strange breed of privately funded public official. Comstock's outsized reputation inflated perception of his geographic reach and the threat of enforcement, contributing to the "chill" that persisted after his death.[35] Comstock was, many may hope, an inimitable figure. Yet, associating the Gilded Age anti-obscenity campaign with any one person – whether that be Comstock or McAfee – obscures the vast network of bureaucrats and citizens that its administration required and the array of individuals that resisted its spread. Moreover, focus on a figurehead does not explain the subsequent salience of the federal and state Comstock laws through much of the twentieth century. Even as courts in the 1930s constrained the reach of the federal law's prohibitions on contraception, stigma surrounding reproductive healthcare lingered and access remained difficult, dangerous, and inequitable.[36] Meanwhile, states and cities vigorously policed other forms of "vice," such as gay bars and queer social spaces, and many government operations continued to rely on private-public partnerships.[37] Thus Comstock's cult of personality, while an important part of his

power, past and present, cannot alone explain the reasons why his namesake regime took hold and the ways in which it endured.

Notes

[1] Gilded Age and Progressive Era statutes with congressional namesakes include the Sherman Antitrust Act (1890), Mann Act (1910), and Volstead Act (1919).

[2] Jeffrey Escoffier, Whitney Strub, and Jeffrey Patrick Colgan, "The Comstock Apparatus," in *Intimate States: Gender, Sexuality and Governance in Modern U.S. History*, ed. Margot Canaday, Nancy F. Cott, and Robert O. Self (Chicago: University of Chicago Press, 2021), 41–55.

[3] Escoffier, Strub, and Colgan, "Comstock Apparatus," 48–52. On the variety of state obscenity laws and the lack of historical record surrounding their passage, see Martha Bailey, "'Momma's Got the Pill': How Anthony Comstock and *Griswold v. Connecticut* Shaped U.S. Childbearing," *American Economic Review* 100 (Mar. 2010): 104–06; Janet Farrell Brodie, *Contraception and Abortion in Nineteenth-Century America* (Ithaca, NY: Cornell University Press, 1994), 257, 266, 349 n.37.

[4] Discussions of McAfee include, for example, Daniel P. Carpenter, *The Forging of Bureaucratic Autonomy: Reputations, Networks, and Policy Innovation in Executive Agencies, 1862–1928* (Princeton, NJ: Princeton University Press, 2001), 85; Escoffier, Strub, and Colgan, "The Comstock Apparatus," 54; Elizabeth Bainum Hovey, "Stamping out Smut: The Enforcement of Obscenity Laws, 1872–1915" (PhD diss., Columbia University, 1998), 15–16, 174, 257–58; Amy Werbel, *Lust on Trial: Censorship and the Rise of American Obscenity in the Age of Anthony Comstock* (New York: Columbia University Press, 2018), 75, 220–21.

[5] "Jackson Bound Over," *Daily Democrat* (Clinton, Missouri), Feb. 19, 1897. For what seems to be the only published photograph of McAfee, see "Chicago Loses Its Anthony Comstock," *Chicago Daily Tribune*, Mar. 24, 1909.

[6] Ruth W. McAfee to Ralph Ginzburg, Mar. 18, 1960, folder 5, box 15, Ralph Ginzburg Papers, Wisconsin Historical Society, Madison, Wisconsin.

[7] Comstock's notorious attack on the *danse du ventre* at the Chicago World's Columbian Exposition is one such example. See Werbel, *Lust on Trial*, 233–41; Shirley J. Burton, "Obscene, Lewd, and Lascivious: Ida Craddock and the Criminally Obscene Women of Chicago, 1873–1913," *Michigan Historical Review* 19 (Spring 1993): 1–7.

[8] On Comstock's strategic use of publicity, see Escoffier, Strub, and Colgan, "Comstock Apparatus," 45, 55–56.

[9] Biographical summary drawn from *Necrological Reports and Annual Proceedings of the Alumni Association of the Princeton Theological Seminary* (Princeton, NJ: Princeton Theological Seminary, 1919), 4:105; "From Woods-McAfee Memorial," appended to McAfee to Ginzburg, Mar. 18, 1960.

[10] Escoffier, Strub, and Colgan, "The Comstock Apparatus," 53; Paul Charles Kemeny, *The New England Watch and Ward Society* (New York: Oxford University Press, 2018). On immigration, see Nicola Kay Beisel, *Imperiled Innocents: Anthony Comstock and Family Reproduction in Victorian America* (Princeton, NJ: Princeton University Press, 1997), 104–27.

[11] "Guilty!" *Oakland (California) Morning Times*, May 8, 1892; "Bennett in Stripes," *San Francisco Call*, Nov. 14, 1897.

[12] Robert W. McAfee to J. H. Dulles, Nov. 9, 1908, Alumni File of Robert W. McAfee no. 1875, Special Collections, Wright Library, Princeton Theological Seminary, Princeton, New Jersey.

[13] See *Report of the Post-Master General of the United States* (Washington, DC: Government Printing Office, 1886), 138; Heywood Broun and Margaret Leech, *Anthony Comstock, Roundsman of the Lord* (New York: Albert & Charles Boni, 1927); 136–37; 220, 255–56; Carpenter, *Forging of Bureaucratic Autonomy*, 84–88; Wayne E. Fuller, *Morality and the Mail in Nineteenth-Century America* (Urbana: University of Illinois Press, 2003), 231; Werbel, *Lust on Trial*, 75–76. Based on a survey of government documents, three other names appear fleetingly as unsalaried inspectors, including Bennett (prior to his fall from grace), but Comstock and McAfee are the only mainstays. See the *Official Register of the United States* (published biennially by the Government Printing Office, 1873–1909); and the annual Post Office Rosters (1898–1909), entry 234, Records of the Post Office Department, Record Group 28, National Archives, Washington, D.C. Although Comstock and McAfee were eligible to earn witness fees, we know that Comstock turned his over to the NYSSV. See Broun and Leech, *Anthony Comstock*, 255–56.

[14] Although Comstock and McAfee held a unique position in the Post Office, many government operations depended upon private-public partnerships in this period. See, for example, Elizabeth Garner Masarik, *The*

Sentimental State: How Women-Led Reform Built the American Welfare State (Athens: University of Georgia Press, 2024); Susan J. Pearson, *The Rights of the Defenseless: Protecting Animals and Children in Gilded Age America* (Chicago: University of Chicago Press, 2011); Laura Savarese, "Witnesses for the State: Children and the Making of Modern Evidence Law," *Law and History Review*, May 13, 2024: https://doi.org/10.1017/S0738248024000099 (accessed June 12, 2024).

[15] Western Society for the Suppression of Vice, Nineteenth Annual Report (Cincinnati, 1896), inside back cover, SCP 23911, Special Collections, Wright Library, Princeton Theological Seminary, Princeton, New Jersey.

[16] *Chattanooga Daily Times*, Jan. 7, 1898; "Shepard Placed on Trial," *Salt Lake Herald*, May 1, 1906. McAfee's appointment caused – or at least coincided with – a major increase in obscenity arrests and indictments in Chicago and Illinois. Burton, "Obscene, Lewd, and Lascivious," 15; Carpenter, *Forging of Bureaucratic Autonomy*, 87.

[17] For examples of this breadth, see, respectively, Shepard v. United States, 160 F. 584 (8th Cir. 1908); Grimm v. United States, 156 U.S. 604 (1895); Andrea Weingartner, "Sex Radicals in America's Heartland: Redefining Gender and Sexuality, 1880–1910" (PhD diss., University of Missouri, 2013), 177–91; Shirley J. Burton, "Obscenity in Victorian America: Struggles over Definition and Concomitant Prosecutions in Chicago's Federal Court, 1873–1913" (PhD diss., University of Illinois Chicago, 1991), 196; United States v. Moore, 19 F. 39 (N.D. Ill. 1883).

[18] McAfee to Dulles, Nov. 9, 1908.

[19] Western Society for the Suppression of Vice, 19th Annual Report (Cincinnati, 1896), supplemental insert, SCP 23910, Special Collections, Wright Library, Princeton Theological Seminary, Princeton, New Jersey.

[20] On Breed, see Paul S. Boyer, *Purity in Print: The Vice-Society Movement and Book Censorship in America* (New York: Scribner, 1968), 7.

[21] Western Society for the Suppression of Vice, 31st Annual Report (Cincinnati, 1908), 11, SCP 23913, Special Collections, Wright Library, Princeton Theological Seminary, Princeton, New Jersey.

[22] Ex parte Jackson, 96 U.S. 727, 733, 735-36 (1878); Burton, "Obscenity in Victorian America," 80, 195–96.

[23] R. Frankenstein, *Victim of Comstockism* (Chicago: Wilson, 1894), 12; Grimm v. United States, 156 U.S. 604, 609-11 (1895). For judicial criticism of decoy letters, see United States v. Whittier, 28 F. Cas. 591 (C.C.E.D. Mo. 1878).

[24] *Fair Play* (Valley Falls, Kansas), July 14, 1888.

[25] Burton, "Obscenity in Victorian America," 184–85; Burton, "Obscene, Lewd, and Lascivious," 8. The prosecution of Ida Lincoln exemplifies this process. See United States v. Dr. Ida Lincoln alias Ladies' Medical Home (May 8, 1899), box 168, entry 231, Record Group 28, NA-DC; United States v. Ida Lincoln (1899), Case #3050, box 83, U.S. District Court, Northern District of Illinois, Criminal Case Files, National Archives, Chicago, Illinois.

[26] "Gave Salary to Government," *Daily Review* (Decatur, Illinois), Mar. 25, 1909; *Necrological Reports*, 4:105.

[27] See Werbel, *Lust on Trial*, 268–78, 290–96.

[28] On the movement for salarization, see Nicholas Parrillo, *Against the Profit Motive: The Salary Revolution in American Government, 1780–1940* (New Haven, CT: Yale University Press, 2013).

[29] 33 Stat. 1257 (Mar. 3, 1905), ch. 1484, § 3679.

[30] *Official Opinions of the Assistant Attorneys General for the Post Office Department* (Washington, DC: Government Printing Office, 1909), 4:243–47 (Opinion No. 1432, Nov. 8, 1906).

[31] *Official Register of the United States* (Washington, DC: Government Printing Office, 1907), 2:14, 18.

[32] Dana F. Angiers, secretary of the WSSV's Chicago branch, stepped in to fill McAfee's shoes as a salaried postal inspector, but his ambit seems to have evolved into general mail fraud, rather than obscenity in particular, as the WSSV "dropped from view" by the 1920s. Western Society for the Suppression of Vice, 31st Annual Report, inside front cover; "Promoted to Inspectors," *Evening Star* (Washington, DC), July 10, 1911; "Unearthing Mail Frauds," *Brown County Democrat* (Ainsworth, Nebraska), Aug. 30, 1929; Boyer, *Purity in Print*, 138.

[33] "Anthony Comstock Dies in His Crusade," *New York Times*, Sept. 22, 1915.

[34] "John S. Sumner, Foe of Vice, Dies," *New York Times*, June 2, 1971. See Andrea Friedman, *Prurient Interests: Gender, Democracy, and Obscenity in New York City, 1909–1945* (New York: Columbia University Press, 2000), 131–34.

[35] Reva B. Siegel and Mary Ziegler, "Comstockery: How Government Censorship Gave Birth to the Law of Sexual and Reproductive Freedom, and Again May Threaten It," *Yale Law Journal* 134 (forthcoming 2024), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4761751 (accessed June 11, 2024), 37–38, 58–67 (June 7, 2024 revision).

[36] On 1930s cases and their impact, see Siegel and Ziegler, "Comstockery," 53–60. On continued barriers and biases in reproductive healthcare, and on the emergence of the reproductive justice movement, see, for example, Zakiya Luna, *Reproductive Rights as Human Rights: Women of Color and the Fight for Reproductive Justice* (New York: New York University Press, 2020); Jennifer Nelson, *Women of Color and the Reproductive Rights Movement* (New York: New York University Press, 2003); Leslie J. Reagan, *When Abortion Was a Crime: Women, Medicine, and Law in the United States, 1867–1973*, rev. ed. (1996; Berkeley: University of California Press, 2022); Dorothy Roberts, *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty*, 2nd ed. (New York: Vintage, 2017); Johanna Schoen, *Abortion after* Roe (Chapel Hill: University of North Carolina Press, 2015).

[37] For one example of how vice policing developed at the municipal level, see Anna Lvovsky, *Vice Patrol: Cops, Courts, and the Struggle over Urban Gay Life Before Stonewall* (Chicago: University of Chicago Press, 2021). On the endurance of private-public partnerships, see, for example, Brian Balogh, *The Associational State: American Governance in the Twentieth Century* (Philadelphia: University of Pennsylvania Press, 2015).

Targeting Victoria Woodhull: The Visual Debates that Drove Anthony Comstock's Pursuit of the First Woman to Run for United States President

Allison K. Lange

Wentworth Institute of Technology, Boston, MA, USA
Email: allisonklange@gmail.com

doi:10.1017/S1537781424000318

Victoria Woodhull was Mrs. Satan. Or at least that is what *Harper's Weekly* wanted its readers to see. The popular New York City-based paper published a full-page engraving, by its most famous artist, of Woodhull as the biblical devil in February 1872 (Figure 2). Horns curl away from her skull and spiked wings stand almost as tall as she does. Anthony Comstock, an evangelical Christian who made it his mission to protect public morals, almost certainly imagined the woman who promoted free love as the personification of evil. He needed public support for his crusade, and this cartoon by Thomas Nast helped him win it. Comstock arrested Woodhull on November 2, 1872, for distributing her supposedly obscene newspaper.

By the time of her arrest, Woodhull was among the nation's most famous and visible women. She was born in Ohio and performed as a child preacher and spiritualist before moving to New York City with her sister, Tennessee Claflin. By 1872, the pair had become the first female stockbrokers on Wall Street, the first female editors of a weekly newspaper, and Woodhull had announced her first presidential run. Woodhull cut her hair short and wore masculine clothes. She wanted women to vote *and* become elected officials in an era when most female activists focused on just casting a ballot.[1] Even more controversial, she advocated for free love. Comstock targeted Woodhull because of her ambitious and revolutionary perspectives on gender, sexuality, and politics and her growing power. To Comstock, she was dangerous.

Public images defined and reflected contemporary debates about Woodhull, Comstock, and the freedom of the press. Woodhull visually represented herself when she posed for the photographic portraits she sold to the public. Artists, editors, and publishers for illustrated newspapers had a far wider reach. They offered their own perspectives on Woodhull through engravings. Like many Americans, they might have disagreed with her