Perversion for Profit: Citizens for Decent Literature and the Arousal of an Antiporn Public in the 1960s

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THE FILM BEGINS. “Outstanding news reporter” George Putnam warns viewers that a “floodtide of filth threatens to pervert an entire generation” and then presents a parade of unsubstantiated information: 75 to 90 percent of the pornography purchased by adults winds up in the hands of children; the porn industry takes in $2 billion every year; the “moral decay” wrought by obscene magazines weakens American resistance to Communism; exposure of even a “normal” adult man to male physique magazines can “pervert” him into becoming a homosexual, while young boys have even less resistance; one of every twenty births is illegitimate; and venereal disease is on the rise, even among the ten-to-eighteen age bracket.¹

Perversion for Profit, released in 1963, crystallized the philosophy and methods of Citizens for Decent Literature (CDL), the preeminent antiblackness group of the 1960s. The film overwhelmed its audience with this barrage of horrors but offered a solution in the law. Because the Supreme Court has placed obscenity outside the protection of the First Amendment, the film declared, citizens possess a “constitutional guarantee of protection from obscenity” that is best realized by forming a local CDL chapter. In the event that George Putnam’s threat of “your daughter, lured into lesbianism” failed to motivate viewers sufficiently, the film also displayed and explained various examples of obscene magazines, with slim red bars covering the “obscene” body parts. A rear shot of a naked woman “appeals

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¹Perversion for Profit (Citizens for Decent Literature, 1963). This film has fallen into the public domain and can be viewed at http://www.archive.org.
to the sodomist,” it was declared, while a picture featuring a naked woman on a farm, with a goat in the distant background, contains “overtones of bestiality.” The bars leave very little to the imagination; a patch of female pubic hair eludes the red bar in one nudist picture, while the naked breasts of a tied woman being whipped receive no bar whatsoever.

Through the methods shown in *Perversion for Profit*—fabricated facts presented as self-evident truths, appeals to legal recourse against obscenity, and an antisex message articulated in oversexed rhetoric and imagery—CDL rose to prominence in the 1960s and reshaped the discourse of antiporn activism. Founder Charles Keating was a man of dubious moral qualities: investigative journalists later described him as a racist and a sexist who leered at the attractive young women he hired in his business career—“all young, mainly blond, often buxom”—and who frequently pressured them into having breast enlargement surgery. When the journalists asked Keating to explain his passion for fighting porn, he grew quiet and inarticulate, “mumbling something about his Catholic education, his moral training.” Despite these uncertain qualifications, Keating was a charismatic leader and brilliant tactician, and CDL provided him with access to power and corporate connections. Under his guidance CDL reached its pinnacle of influence in the late 1960s, and it played a leading role in both the derailing of Abe Fortas’s nomination for chief justiceship of the Supreme Court and the undermining of the Presidential Commission on Obscenity and Pornography appointed in 1967.

While the group faded into relative obscurity in the 1970s as its founder turned his attention to less decent innovations such as junk-bond financing, CDL merits scholarly examination as a significant agent in the coalescence of the New Right. Historians have sought the origins of the New Right in diverse locations, in such developments as white resentment toward the “entitlement” programs of the Great Society and the coded or sometimes blatant racism of opposition to public school busing programs. Similarly, the “law and order” backlash to the campus unrest and urban rioting of the 1960s also helped mobilize the nascent New Right. Alongside these

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issues came a conservative revulsion to the perceived excesses of the sexual revolution and the discovery of the political capital of moralism. For instance, Janice Irvine has shown how battles over sex education beginning in the 1960s ultimately played into the conservative agenda after conservative leaders distorted the terms of the debate.\(^6\) Opposition to pornography, too, followed this pattern, as members of the postwar liberal consensus found themselves pinned down by their vigilant defense of civil liberties even as they generally supported obscenity laws and thus unable to respond adequately to conservative attacks.\(^7\) CDL led the way in showing conservative politicians how to frame pornography as a one-sided issue that demonized any potential opposition and displaced the politics of the New Deal era with polarizing social issues, a tactic numerous New Right politicians eagerly utilized. Though new campaigns against feminism, the Equal Rights Amendment, abortion, and gay rights would supplant the emphasis on porn in the 1970s, CDL helped establish the “family values” framework in which those campaigns later operated.

CDL operated as something of a bridge from the Old to the New Right. As Jerome Himmelstein notes, “the most striking characteristic of the New Right was its continuity” with the Old Right opposition to the New Deal, Communism, and social change.\(^8\) In this sense, CDL proved crucial in reconfiguring the public image of social conservatism to render it more palatable to the so-called silent majority, carrying procensorship activism past its 1950s setbacks. As the Catholic domination of American censorship crumbled in the postwar years, CDL grafted a nominally secular and respectably legalistic rhetoric onto the existing language of sin, damnation, and authoritarianism. In a 1960 pamphlet CDL asked itself the question, “Do you approach this problem on religious grounds?” Its answer was

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\(^8\) Himmelstein, *To the Right*, 85.
a resounding “No. Ours is a civic organization.” While the aims of the group remained very similar to previous Catholic pressure groups, CDL achieved a mainstream success unimaginable to a Catholic group in the 1960s. Early critics would tarnish CDL by highlighting its Catholic connections, not the least of which was the group’s obvious titular invocation of the Catholic National Organization for Decent Literature. But more important to CDL’s self-presentation was the word “Citizen.” Effectively utilizing unspoken cold war assumptions, CDL appealed to Americans not as members of sectarian groups but rather as citizens—citizens determined to defend their nation from threats external or internal. In keeping with developing hegemonic ideas of Americanness, these citizens were framed as middle class, often suburbanite, implicitly white, and, in keeping with the mainstream gender politics of the period, always led by men.

The legal rhetoric of support for the enforcement of obscenity laws gave CDL a moderate image and widespread credibility in a period marked by perceived extremism on both sides of the political spectrum. Equally instrumental to the group’s success was CDL’s emphasis on grassroots organizing. At its 1960 national convention CDL’s president ordered the organization to be kept “as local as possible.” Keating described CDL in 1962 as “a worldwide network of local autonomous units mothering on the Cincinnati parent for the accumulation and dissemination of information,” and the flexibility built into that decentralized structure proved a great asset for CDL. While Keating could present a restrained and legalistic face to the national media and insure CDL’s moderate image, local CDL units were free to indulge in less rigorously conceptualized policing of their towns. The fervor inspired by local crusades kept membership high and donations flowing, while the activities that often ran directly counter to stated CDL policy generally remained outside the scope of national media coverage, thus preserving CDL’s carefully tailored image.

Another facet of CDL critical to understanding the group was its consistent reappropriation of pornography’s sexual charge in the service of its conservative cause. The group often insisted on the “importance of an aroused public” and even supplemented this with calls for the “stimulation of community action.” It is not merely playful to locate significance

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in these word choices or to hear echoes of a lurid dime-store sex novel heroine’s heavy breathing in an early Keating missive imploring supporters to recommend him for a congressional appointment. “Don’t let me down,” Keating begged. “ACT NOW!!!! PLEASE!!!! PLEASE!!!! PLEASE!!!!”

Indeed, the deployment of sexual imagery, such as that found in *Perversion for Profit*, was a cornerstone of CDL’s methods. While several scholars have followed Michel Foucault’s lead in identifying the “perpetual spirals of power and pleasure” inherent in repressive projects, finding “the pleasure of the surveillance of pleasure” in texts ranging from eighteenth- and nineteenth-century antimasturbation tracts to the Reagan era Meese Commission’s report on pornography or the Clinton era Starr Report, rarely have these mechanisms been as critical to the very functioning of a discourse than in the case of CDL. The arousal inspired by CDL presentations was necessary to create impassioned audiences whose responses could then be channeled into enthusiastic adoption of the CDL agenda.

With its secularized legal rhetoric, decentralized structure, and arousing erotic charge CDL rose to great prominence over the course of the 1960s. Yet it remains entirely overlooked by scholars, its importance in bridging the gap between the Catholic censors and Old Right anti-Communists of the mid-twentieth century and the New Right moralizers of the late twentieth century unrecognized. To a large degree this is due to the relative sparsity of national media coverage and the absence of an available central archive. By combining archival research with local press coverage, however, this article proposes to restore Citizens for Decent Literature to its place of centrality in the sexual and political battles of the 1960s, finding in the group an

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15The one exception to this is Joseph Kobylka, *The Politics of Obscenity: Group Litigation in a Time of Legal Change* (Westport, Conn.: Greenwood, 1991), which discusses CDL at some length but from a procedural framework regarding litigation rather than from an historical perspective. Michael Binstead and Charles Bowden discuss Keating’s biography in *Trust Me*, but their account focuses on his financial improprieties and provides relatively sparse information on CDL.
important early manifestation of the New Right and an especially effective precursor to the “family values” campaigns of subsequent decades.

**Creating a New Antiporn Framework**

By the time of CDL’s formation in the mid-1950s censorship was on the wane in the United States. Earlier movements to suppress indecent literature, often organized along religious lines, had scored intermittent successes since the late nineteenth century. Protestants had once spearheaded what Gaines Foster calls America’s “moral reconstruction” between 1865 and 1920, but by the 1930s the public face of censorship had taken a distinctly Catholic image.\(^{16}\) Along with the Hollywood Production Code—itself heavily influenced by behind-the-scenes Catholic leaders—the Legion of Decency had emerged in 1934 to monitor cinematic righteousness, and its sister group, the National Organization for Decent Literature (NODL), was founded in 1938 to inspect magazines, books, and comics. These groups exercised great influence for many years, as filmmakers sought to avoid the legion’s dreaded “C” rating, which would prevent dutiful Catholics from attending a film, and newsstands often dropped publications on the NODL’s blacklist for fear of suffering a boycott.\(^{17}\)

After World War II, though, this Catholic power met serious resistance. The Supreme Court granted First Amendment protection to motion pictures in 1952, and as the Production Code gradually relaxed its provisions, in part to allow American films to compete with sexier foreign imports and with the growing appeal of television, the Legion of Decency remained

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intransient in its repressive policies, bringing it into frequent conflict with Hollywood. The two major monographs on the legion concur on the diminishment of the group’s power in the 1950s. Increasingly emboldened theater owners ran films without the Production Code seal or legion approval, and the legion grew increasingly irrelevant in the process.

Of equal importance, the social and political context of the 1950s provided a framework in which censorship was seen as something the Russians did. President Eisenhower delivered a well-publicized speech in opposition to “book burners” in 1953, and a backlash against the Catholic groups followed. Cardinal Spellman, the “American pope” and a devoted supporter of the Legion of Decency, brought little credit to the Catholic cause with his continuing allegiance to Senator Joseph McCarthy even after McCarthy’s senatorial censure and public disgrace, and though the legion and NODL sought out Protestant and Jewish support, popular response to these groups sometimes harked back to the American tradition of anti-Catholic suspicions of papal conspiracies. Blaming “a little band of Catholics” for conducting “a shocking attack on the rights of their fellow citizens,” for example, John Fischer accused the NODL of “literary lynching” and compared it to Communists in a 1956 *Harper’s* essay. The American Civil Liberties Union used less inflammatory rhetoric to make a similar point in a 1956 statement criticizing the NODL as presuming to be the “conscience of the whole country” for its role in limiting non-Catholic access to proscribed material through its threats of boycotts.

In Cincinnati in that year thirty-four-year-old corporate lawyer Charles Keating watched and learned. A Catholic man in a heavily Catholic town, Keating possessed a brilliant mind for organization, a deeply held loathing for smut, and a keen awareness of the significance of public image. As a young man Keating had served as a navy pilot during the final months of World War II, returned home to attend college and excel in competitive swimming, and then moved on to law school. Marriage and procreation quickly followed. His ambitious nature brought him success and comfort at a relatively young age, and in the mid-1950s he began to turn his attention toward the problem

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of pornography. Certain facts were apparent. The Legion of Decency and NODL had fallen in stature for two reasons: their obvious Catholicism and their endorsement of censorship and pressure tactics, neither of which found favor with the American public.

Intending to avoid these pitfalls, Keating established Citizens for Decent Literature in 1955 or 1956—the group’s origins remain somewhat vague because Keating insisted on building an informal base of friends from the professional world before reaching for public recognition. Indeed, as CDL began to achieve national prominence, variations in its founding narrative appeared. Testifying before Congress in 1958, Keating explained how “the nucleus of a small group of businessmen” had gathered together in the fall of 1955 intending to network with civic, religious, and fraternal organizations in order to create “an aroused public opinion” and insure the enforcement of obscenity laws.  

Another account appeared in the Catholic Digest in 1963, describing CDL’s formation as taking place “during a Jesuit retreat in 1956.” Since Keating himself was the article’s main source, this account seems equally probable, but more important than the actual point of origin for CDL is the self-awareness Keating displayed in marketing the group differently to different constituencies.

The management of its public image would also prove crucial in CDL’s emergence. Eager to divert attention from his Catholicism and its attendant implications, Keating repeatedly accentuated his all-American features. A 1960 CDL pamphlet described him as “tall, athletic, . . . married, . . . no humorless puritan or hot-eyed reformer.”  

His 1946 national swimming championship and service as a navy fighter pilot also became motifs in promotional literature. The combined effect of these descriptions was to create an image of a sexually healthy Americanism and thus distance CDL from its “humorless puritan” forebears. As another CDL leader would insist, “I don’t think I am a prude. I spent over 8 years in the Navy as a Chief Boatswain’s Mate and I think sex is great!”

For Keating, simply distinguishing CDL from earlier anti-obscenity groups was not enough. He could insist that “Censorship, Blue Stockingism, Prudism, Holier-Than-Thouism—none of these have any place in

23The War against Smut,” Catholic Digest, January 1963, 14–22.
24CDL, Printed Poison pamphlet, 1960, box 60, folder CDL, Underground, Alternative and Extremist Literature Collection, University of California, Los Angeles (hereafter UAE Collection).
CDL,” and still remain defined by the groups that preceded him.27 What CDL needed was an entirely new analytical framework through which to approach the issue of pornography, articulated by means of a new lexicon that would remove it from the tradition of censorship and recapture public favor. Keating located this framework in the newfound social capital of the “expert” and the emerging legal definition of obscenity.

By the mid-1950s social scientists had attained new heights of respect and authority. Economists formulated the Keynesian principles by which the government regulated the economy, and sociologists explained the patterns of group behavior according to which society organized itself during postwar renormalization. Sexuality also succumbed to the experts, from the psychiatric medicalization of homosexuality during the war to the new protocols for dating and motherhood that emerged shortly thereafter.28 An entire roster of experts existed for Keating to cite. Fredric Wertham and Benjamin Karpman lent the authority of psychology to a theory that violent comics and porn could cause deviation in normal children. Law enforcers from J. Edgar Hoover of the FBI to Detroit’s vociferous police investigator Herbert Case also supported the link between pornography, violence, and sexual deviance. Pitirim Sorokin, a sociologist on the Harvard faculty and future CDL member, wrote of the “moral decay” engendered by the saturation of society with sex and the resulting “enfeebled society.”29 Keating frequently cited all of these figures while also finding experts closer to home. Cincinnati judge Benjamin Schwartz blamed juvenile delinquency on porn, while CDL founding member Arthur Bills, who headed the University of Cincinnati psychology department, told a local newspaper in 1958 that the lack of “systematic studies” did not preclude a conclusion that the “guilt of pornography” in sex crimes could be inferred from “a consideration of the psychological processes and principles involved.”30 None of these experts offered any empirical, quantitative evidence for a causal connection between

27“Pornography’s Poison,” Advocate (California CDL magazine), October 1963, 1, box 60, folder CDL, UAE Collection.


porn and sex crimes, delinquency, or deviancy, but the substantive effect of their testimony was to confer a legitimacy on unproven theories and shift the terms of debate by concealing moralism in a veneer of social science.

Even more effective than the CDL canon of experts, though, was Keating’s recourse to law. “Censorship” had acquired distasteful connotations to most Americans by midcentury. In June 1957 the U.S. Supreme Court addressed obscenity for the first time in the twentieth century. In its *Roth* decision the Court placed obscenity outside the protection of the First Amendment, thus differentiating its suppression from censorship; obscene material could be legally prosecuted and suppressed. The *Roth* decision, as Justice William Douglas noted in his dissent, “gives the censor free range over a vast domain.” In Cincinnati Charles Keating eagerly contemplated that domain. *Roth* quickly became the centerpiece of CDL’s policy articulations. When asked during a 1959 interview whether CDL engaged in censorship, Keating thundered “a vehement ‘No’” and explained the Court ruling that allowed the proscription of obscenity. Keating also used a legalistic vocabulary: “I don’t know what smut means, and I don’t think anyone else does either,” he explained in a 1960 CDL pamphlet. Instead, he used “obscenity and pornography,” terms that “occur in the law.” Though he failed to indicate what semantic differences distinguished the apparent synonyms, his implication was obvious: “smut” was opposed by the old breed of censorious reformers in their crusade through the imposition of prudish standards and through group pressure; “obscenity” was defined according to expert analysis of porn’s ill effects and due process of law. Keating even posited CDL as the crucial barrier against a potential revival of Victorianism in America. Testifying before Congress in 1960, he explained that unchecked expansion of the porn industry might so “agitate the populace of America” that the masses, “enraged in their frustration,” might “overstep the bounds within which we like to keep our processes of law in this country.” The result could be “Victorian prudishness or fanaticism”; with CDL carefully and judiciously mobilizing for the legal prosecution of obscenity, though, such a fate could be averted.

Another component integral to Keating’s construction of CDL was its membership. As he distanced CDL from Catholic pressure groups by repeatedly proclaiming that “CDL does not employ boycott or pressure mechanisms” such as censorship lists, Keating also emphasized the group’s inclusion of a wide swath of society. Because “pornography is a problem

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33 CDL, *Printed Poison* pamphlet, UAE Collection.
for all citizens” CDL contained “a broad representation of civic, business, religious, labor, and medical leaders.”36 A 1959 magazine profile described CDL’s founding cohort as “young business and professional men (average age 36),” with careers in law, banking, credit management, and medicine; while the article hinted at the group’s shared Catholicism in coded terms (most “are married and have large families”), it refrained from identifying CDL with Catholicism.37 The letterhead on CDL stationery reveals the effectiveness of this approach; a mailing from 1962 lists among its honorary members the president of the Boy Scouts of America, a member of the AFL-CIO Labor Council, and the mayor of Cincinnati.38 By 1969 the list of honorary members was comprised entirely of members of Congress.39 Nothing in the group’s appearance or rhetoric gave any indication of Catholic affiliations.

If CDL singled out one demographic group upon which to stake its appeal, that group was the white suburban middle class, whose insecurities were often woven into CDL rhetoric. Historians have shown how cold war fears were often refracted into familial anxieties and also how the racial fault lines of nascent suburbanization wrought further tensions. As middle-class white parents fled cities for suburbs they also hoped to leave behind the urban culture thought responsible for spawning a supposed wave of juvenile delinquency in the 1950s.40 CDL played into these fears, showing just how precariously the cradle of the middle class rocked. A 1960 mailing by the St. Louis CDL emphasized that obscenity “has largely abandoned its former clandestine character” in recent years and was moving “into respectable locations.”41 The examples of obscene books and magazines displayed in Perversion for Profit were bought not “on skid row,” the narrator intoned, but in ordinary drugstores. California CDL spokesman Raymond Gauer maintained that such items were being sold in “good communities,” not just those “across the tracks,” and he described porn as “a more serious threat to our community


38 CDL mailing, 8 September 1962, box 2, folder CDL, ACLU of Cincinnati Papers, University of Cincinnati.


than dope,” since adolescent drug users “are already down the road to crime,” while obscenity “corrupts and demoralizes good children and sends them down that road.” The lack of interest in the underprivileged that would come to characterize New Right social policy in the wake of the anti–Great Society backlash is noteworthy, but more important to CDL’s mobilization was the notion of “our community” as clearly consisting of privileged citizens whose neighborhoods and families were under siege.

Alongside this specific appeal to class, the gendering of antiobscenity labor was a consistent staple of CDL ideology. Numerically, CDL membership had been heavily female from the start; a Pittsburgh unit acquired when the National Better Magazines Council converted into a CDL branch consisted entirely of women. Yet CDL leadership remained almost exclusively male. A 1959 article included advice on how to start a CDL; its first step was to “start with three or four men, attorneys preferably,” before expanding to “a dozen or more men” representing a variety of fields and backgrounds. Only when it reached the fourth step did it subtly expand its inclusion: “Have many people write letters of thanks and commendations to the police.” The unseen labor of letter writing could be handled by women once men had established an organizational infrastructure.

The gendered leadership of CDL was reflected in its letterhead, which in the early 1960s carried the names of only three women among the forty-six eminent members listed. One was “Youth Directress” Carol Trauth, and another was “Women’s Committee” director “Mrs. Daniel McKinney.” Both were typographically set off from the rest of the list, leaving only “Mrs. James Gunning” in a relatively nonmarginalized position (albeit still stripped of her name) among the CDL leadership. As CDL expanded and picked up the support of numerous judges and politicians, the youth and women’s committees dropped off entirely. A pamphlet sent to interested parties in the mid-1960s continued to suggest finding “six to ten persons (preferably men) besides yourself” in forming a CDL.

The logic of this gendering was obvious: in the traditional, conservative social attitudes of the CDL demographic, men carried greater weight in the legal, political, and scientific spheres in which CDL sought to ingratiate itself.

Men were thus seen as leadership material, while women served as the faceless moral infantry units of CDL. Given menial tasks such as letter writing, female CDL members were often called upon simply to use their

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42“Public Rallies to Fight Pornography,” Burbank Herald Tribune and Valley Advertiser, 2 September 1962.
45CDL mailing, n.d. (ca. 1962), box 7, folder CDL, FOIC.
physical presence as a form of moral suasion. The CDL Women’s Committee received almost no press or description, but its function was apparent in a 1961 Cincinnati newspaper article on a city council obscenity debate; a picture of the council chambers showed the room entirely filled with high school girls and women mobilized by CDL. With their presence a constant reminder of feminine “purity,” as one young woman phrased it before the council, it came as no surprise when the council passed a new antiobscenity ordinance.\(^\text{47}\) Packing courtrooms with women during obscenity trials was another official CDL tactic. As CDL legal counsel James Clancy wrote in 1963, their presence would serve to “impress on the jury panel that this is a serious matter.” If the courtroom were empty, Clancy explained, jurors might “break the monotony by wisecracks and inject into the proceedings humor which is better kept outside.”\(^\text{48}\) The stern faces of observers would prevent this lapse. It went unwritten but was clearly implied that these faces would be overwhelmingly female—trials, after all, occurred during weekdays, when most middle-class men would be working. A 1968 photo caption in CDL’s official publication symbolized the group’s gender politics, calling Keating and two other men standing behind a seated female secretary the “brains of CDL” and naming the attractive young woman the “beauty.”\(^\text{49}\)

This basic framework—the disavowal of censorship and a pseudoscientific rather than moralistic condemnation of obscenity, predicated on a nonsectarian membership led by middle-class men—would stay remarkably static over the course of CDL’s existence, and its widespread success gave Keating no reason to modify it. Indeed, CDL’s rapid expansion from a behind-the-scenes Cincinnati advocacy group to the premier national organization dedicated to the eradication of obscenity transpired at a breathtaking pace. By the dawn of the 1960s CDL had attained national prominence, and it spent the entire decade as the nation’s foremost organization in its field.

**Building a Base**

Cincinnati proved fertile ground on which to build a moral empire. Dominated by social and political conservatives (it was, for example, the birthplace of Robert Taft, the senator who represented the conservative wing of the Republican Party in the 1940s until his death in 1953), Cincinnati was hostile terrain for smut and had seen several local clean-up campaigns


\(^{49}\) Photo with caption, *NDR*, March–April 1968, 15.
in the 1940s.\textsuperscript{50} CDL promptly drew national attention, and local CDL units began proliferating around the country even before the group had formally organized itself.\textsuperscript{51} As Keating institutionalized CDL he cultivated the favor of the political right wing while carefully avoiding public association of CDL with the “extremism” that worried many political observers of the early 1960s.

Keating, the undisputed spokesman of CDL, was well aware of the delicate negotiations necessary to navigate the choppy political waters of the early 1960s. Groups such as the John Birch Society, though scorned by the mainstream media, made for natural allies with CDL. In addition to finding veiled Communist propaganda behind many media fronts, local Birch Society chapters also often enforced conservative sexual agendas: the Amarillo, Texas, branch fought against “obscene” works such as Henry Miller’s \textit{Tropic of Cancer} and the sleazy B-movie \textit{Poor White Trash} in the early 1960s, while later in the same decade Louisiana Birchers forced a sex education ban through the state legislature.\textsuperscript{52} Winning the favor of such groups could expand CDL’s resources and influences by tapping into the right-wing network, but at the same time overt gestures toward such groups could frighten off more moderate citizens. Charles Keating thus faced the same dilemma experienced by Richard Nixon, Barry Goldwater, and Ronald Reagan: offering overtures to what academics of the time called “the radical right” without alienating mainstream conservatives.\textsuperscript{53}


\textsuperscript{53}For the perspective of contemporary academics see Daniel Bell, ed., \textit{The Radical Right} (Garden City, N.Y.: Anchor/Doubleday, 1963).
Keating showed a great facility for walking this ideological tightrope, focusing his efforts on exposing a connection between porn and Communism as twin plots to destabilize America through moral decay, an allegation often made by the anti-Communist Right of the period. He sought to placate both believers and skeptics. Mentioning an uprising in Kerala, India, while addressing Congress in 1960, Keating claimed that correspondents in India had informed him that Communists there “were using obscenity to indoctrinate people in the schools.” But quickly hedging, he added, “I had better say parenthetically that I am not blaming obscenity in America on the Communists.” The next year in Fort Worth, Texas, Keating explained that 90 percent of smut was produced for profit and not by Communists, though the same lawyers tended to defend both, he noted. By rejecting the too easily ridiculed paranoia of the extremists he insulated himself from a mainstream backlash, but by mentioning the lawyers he insinuated the possibility of a Communist-porn association. The implication that 10 percent of porn was produced for purposes other than profit was left open to interpretation. Keating also solicited the support of extremists by reprinting in a CDL publication allegations by Chicago journalist Jack Mabley that Russian agents were smuggling porn into Alabama to corrupt American youth, which allowed CDL to disseminate the argument without directly espousing it. Testifying before Congress in 1963, Keating offhandedly mentioned that a professor opposed to CDL’s mission “recently issued a document accusing us of being rightwingers and Birchites.” This piqued the interest of some congressmen; “Are you a member of the John Birch Society,” one asked Keating. When the CDL leader answered in the negative, a roused Rep. Joel Broyhill of Virginia immediately challenged him: “Do you consider being called a Birchite or rightwinger a denunciation or dirty name or something?” Suddenly cautious, Keating calmly explained, “I believe I made very clear in my comments that I spoke neither with approbation nor disapproval,” which effectively defused the tension and restored CDL to its intentionally vague position.

Not all CDL leaders were so circumspect. William Riley, a physician who headed the New York state CDL, told a congressional committee in 1961 that obscenity “is part and parcel of the Communist movement to destroy the United States.” Noting that media critics often derided antiporn activism as “a new McCarthyism,” Riley added, “I am all for the late Senator

55 Keating Outlines Obscenity War, Texas Catholic, 15 April 1961.
McCarthy. I don’t care what anybody says about that.”58 On the other coast, the chairman of the Southern California CDL issued a statement reminding the public, “we cannot overlook the communist international conspiracy. . . . There is little question that communist party activity is involved in publication, distribution, and defense of pornography.”59 Rather than damaging it, these outbursts actually contributed to CDL’s cause. Because they were spoken by minor figures of no national importance, these claims received no significant media coverage. But extremists heard the claims, which helped foment CDL support on the Far Right. In Southern California, for example, the Hollywood Citizen-News editorialized: “Such suggestions as these are always ridiculed by the leftists among us but we do not ridicule them.”60 The claims also attracted the attention of W. Cleon Skousen, the Salt Lake City chief of police whose book, The Naked Communist, linked porn to covert Communist psychological warfare against America and was a veritable textbook for the radical Right. In a 1961 column in his law enforcement magazine Law & Order Skousen recommended CDL as the best organizational resource for local police forces.61 In 1964 the president of the New York CDL denounced the group’s foes as “homegrown leftist individuals.”62 Keating himself refrained from such commentary, at least in the company of mainstream reporters, and CDL remained generally untarnished by charges of extremism. Under the media radar, however, it successfully cultivated a following among the birchite crowd. When a speaker at the 1969 CDL convention claimed obscenity was a Communist plot she received a round of applause.63 That same year a leftist watchdog newsletter described CDL as a “right-wing group which cooperates closely with the John Birch Society” and detailed several instances of CDL leaders—though not Keating—appearing at Birch-related events. No major media outlet picked up the story.64

These techniques succeeded in drawing an extensive membership in the 1960s. Though few membership records exist, CDL’s numerical power can

59“Statement of Dr. Donald Cortum,” n.d. (1961), City Council File 93734, Los Angeles City Archives.
be gleaned anecdotally. While testifying before Congress in 1963 Keating claimed that there existed five hundred local CDL groups, and that same year a CDL rally in Dayton, Ohio, drew the largest crowd ever assembled in the city, some nine hundred people.\(^65\) By 1966 the California state chapter estimated its membership at ten thousand.\(^66\) Membership flourished in all regions of the nation, and evidence suggests CDL had achieved its goal of building a middle-class base. A sociologist who attended the CDL 1969 convention described the crowd as “quite attractive middle-class, white, middle-aged men and women” who “appeared to be obsessed with and anxious about sex.”\(^67\)

Through deft political maneuvering Keating had managed to build strong national CDL support based on both a middle class concerned for its children and its communities and a radical Right motivated by conspiratorial beliefs in the “red menace” posed by obscenity. In the process, however, he unleashed a deluge of grassroots activism that often took action in the name of CDL far beyond the parameters of law and social science so carefully calibrated by Keating. This success would eventually inspire an organizational centralization that would buoy the group to its ultimate height of national power before sinking it to a profitable invisibility.

### Moral Wildcat Strikes

CDL’s decentralized structure invited local idiosyncrasies to flourish, and flourish they did. By the end of the 1950s local CDL units had already begun to proliferate, and not always according to the flagship group’s mandates. Local CDL activities frequently involved blacklists, group pressure and boycott tactics, and slight regard for due process of law—exactly the behavior against which Keating had initially framed CDL. At times CDL units belied the ostensibly nonsectarian nature of the organization by revealing overtly Catholic agendas. The net effect of these events—more a consistent pattern than isolated anomalies—was to push CDL toward a centralization that would standardize behavior and maintain the public image of moderation Keating had so carefully crafted.

For instance, in San Mateo, California, the local CDL succeeded in having the November 1959 issue of *Playboy* removed from city newsstands, and its leaders told the police chief that they had a list of another 175


magazines and 250 books they would also have liked to see removed. Not sophisticated enough to adhere to Keating’s reliance on legal definitions as a governing principle in targeting obscenity, the San Mateo CDL justified its list on the grounds that the titles “minimize patriotism, flout law and authority, exploit sensational sex, ridicule marriage and the family,” and thus “destroy in youth the ideals that will keep America strong.” As an outraged editorial in the nearby San Francisco Chronicle noted, none of these transgressions constituted legal obscenity, and the group was accused of vigilantism.

Similar CDL activity was widespread. In Indianapolis a 1959 list included seventy-one magazines, including Playboy and even the satirical Mad magazine, and when local police arrested nineteen newsstand operators the local ACLU branch called it “a Gestapo maneuver that puts us to shame.” The next year in the small town of Winona, Minnesota, the local CDL leader told the city council, “I’d swear by the censor list we have.” In 1961 the Maricopa County CDL in Arizona printed a “list of objectionable magazines.” This pattern came to mark the divide between CDL policy and implementation; if the former emanated from Keating in tones of legalistic moderation, the latter often leapt forward like moral wildcat strikes.

Even more serious than such transgressions were incidents that revealed the substantive links between CDL and the National Organization for Decent Literature. Such connections were precisely the reason Keating had introduced the CDL framework, as a means of distancing his group from the oft-disparaged Catholic organization, but local groups operating outside the purview of the national media sometimes showed less concern for the distinction. In 1961 the Augusta, Georgia, CDL told a local magazine distributor that “we employ every legal means to put to an end” the distribution of “those magazines listed by the NODL as objectionable.” The next year the local CDL head of Middlesex County, New Jersey, was quoted as saying that his plan was “to implement the purpose and goal” of the NODL in order to “standardize” the fight against pornography. Around the same time the Dayton, Ohio, CDL was “marshalling forces”

70 Sheriff’s ‘Smut’ Raid Draws Protests,” Indianapolis Times, 18 June 1959.
73 Louis O’Connell to Richard Kinsella, 5 August 1960, box 1, folder Augusta, Georgia State Literature Commission Records, Georgia State Archives, Atlanta.
with the Council of Catholic Men. An ACLU observer in Illinois even claimed to have identified the group Americans for Moral Decency as an unofficial clearinghouse for facilitating the transformation of NODL branches into CDL units. Americans for Moral Decency, he wrote, was “avowedly an arm of the NODL in an organizational sense,” and when a unit succeeded in attracting an interfaith membership, “the group then becomes a unit of [CDL] and forgets its NODL designation.”

Regional concerns sometimes shone through in these local efforts, as in 1963, when the New Orleans unit reflected southern racial ideology in calling for obscenity charges against James Baldwin’s Another Country, which depicted interracial sex. Meanwhile, the Southern California CDL displayed its own regional priorities when, in connecting venereal diseases and illegitimate births to porn, it wrote, “THINK OF THE TAXES TO TAKE CARE OF THESE TWO ITEMS—not to mention the human misery and suffering.” In Georgia the Savannah CDL employed extralegal methods not sanctioned by Keating to have Catcher in the Rye removed from all county schools.

In a sense, CDL headquarters predisposed local units toward such actions. One 1963 mailing suggested among “musts for any local CDL unit” an admonition to “choos[e] people who have the interest (even though not the full share of talent)” when forming a unit. Still, at times local activity went sufficiently beyond the boundaries of CDL behavior to bother Keating. When Milwaukee CDL members began “requesting” store owners to remove publications in 1965, Keating told the Milwaukee Journal that he did not support the chapter’s actions. “He concedes, however,” the paper reported, “that headquarters has little control over the activity of local chapters.” Only when a suburban Maryland CDL unit began using NODL lists to pressure merchants into removing magazines did the national CDL step in; Indiana CDL cochair Ralph Blume urged the Maryland unit to stay within the law, calling the use of lists “illegal as well as impractical.” He also advised against boycotts or picketing, suggesting letter writing and speaking before civic groups as more viable alternatives.

These frequent incidents took their toll on Keating’s patience. By mid-decade he had undergone a shift in thinking, deciding, “We don’t need an aroused public that’s going to wipe out all the sin that’s evident to them.”

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76Roland Burke to Sidney Kramer, 16 June 1960, box 342, folder 2, ACLU Papers.
78Southern California CDL information sheet, n.d., City Council File 93734, Los Angeles City Archives.
80CDL mailing, n.d. (1963), box 2, folder CDL, ACLU of Cincinnati Papers.
As he candidly added to an interviewer, “The masses just aren’t competent to determine what should be on the racks.” Fortunately for Keating, by the time he had reached this conclusion CDL had already established three mechanisms intended to wean CDL away from dependence on grassroots activism and to standardize the organization’s discourse: first, a national magazine, the National Decency Reporter; second, a series of films conveying the CDL framework; and third, a series of amicus curiae briefs in the Supreme Court, the last of which put CDL squarely in the legal sphere its rhetoric had claimed all along. These devices eased CDL’s centralization into place during the mid-1960s, helping it to reclaim any authority that had been eroded by local vigilante units, to maintain its prominence in the obscenity field by taking its battle to the highest court in the nation, and to replace the speeches of local leaders with celluloid speakers. CDL headquarters thus took the reins from local units and facilitated their transformation from active grassroots firebrands to passive emulators of standardized models of discourse and behavior, harmonizing the discordant chorus of local voices into a more unified voice—indeed, an undeviating monologue that offered no opportunity for real debate.

The Erotic Monologue of Decency

From its inception CDL had drawn detractors who saw it as perpetuating a censorious trend that ran unbroken from Anthony Comstock in the late nineteenth century through the NODL in the early twentieth and finally to CDL. The ACLU called attention to CDL in its 1960 annual report, as did the American Book Publishers Council in its Censorship Bulletin that same year. A 1961 article in the Californian called CDL “only a front group” for the NODL, and in 1963 Hugh Hefner reiterated the charge in Playboy, also describing Charles Keating as a neurotic suffering from “porнophilia,” defined as “the obsessive and excessive interest in pornographic materials.”

The CDL response to these charges was telling; in essence, it responded by refusing to acknowledge them, preferring to dismiss the sources as being in cahoots with pornographers, as when Keating called the ACLU “fellow travelers” of “filth merchants” in a 1962 mailing. Sometimes this technique

83Roberts, The Smut Rakers, 102, 103.
84The films included the aforementioned Pages of Death (1962), about a boy driven to rape and murder by reading dirty magazines; the aforementioned Perversion for Profit (1963); and Printed Poison (1965), which showed the importance of legal prosecutions of obscenity.
87CDL mailing, 8 September 1962, box 2, folder CDL, ACLU of Cincinnati Papers.
failed, and CDL was forced into debate; in these situations the group and its representatives tended to fare poorly. But more often than not CDL was able to insulate itself by avoiding such confrontations and preaching an uninterrupted monologue to its constituency. A major component of this monologue, seen in everything from the group’s films to its mailings, was a vivid depiction of sexuality, often in its “deviant” forms. An early CDL flier declared it “a well known fact” that “it is very difficult to arouse public opinion” regarding obscenity, and the burdens of explaining the Roth decision and the differences between felonies and misdemeanors clearly made for less-than-enthralling rhetoric. By reappropriating pornography’s sexual charge, though, CDL was able to arouse its constituency by appealing to their prurient interests and offering the tacit compensation of smut in the name of morality.

One example of CDL’s evasive methods can be seen in St. Louis, where an official county Decent Literature Commission was established in the early 1960s. ACLU member William Landau joined so as to prevent a complete CDL capture of the commission. When Landau called Perversion for Profit “improper, inane and inaccurate . . . a good example of Big Lie propaganda” at a 1964 commission meeting, the CDL member serving as the commission’s acting secretary simply omitted Landau’s comments from the minutes of the meeting. Landau also invited psychologist James McClure to address the commission and explain the absence of evidence for a causal relationship between porn and sex crimes. On this occasion local CDL leader Joseph Badaracco responded with a letter to a local newspaper. “Are his views relevant?” Badaracco asked of McClure, and then, “Assuming they are relevant, are they accurate?” Finally, in a display of CDL’s remarkable capacity to shift from logical argument to emotional appeal, he asked, “Assuming that Dr. McClure’s views are relevant and also accurate, should pornography be held acceptable and encouraged in St. Louis County—or anywhere?” In true monologue form Badaracco’s letter could be persuasive only to someone already converted to the cause.

Perhaps the best example of CDL’s monologue foundering on the rocky shores of debate comes from the group’s 1969 national conference. Free-speech lawyers Stanley Fleishman and Irl Baris debated Keating and James Clancy and responded sharply to each CDL point. When Keating mentioned the corrosive moral effects of smut on the American Judeo-Christian heritage, Fleishman reminded him that the Bible, “for better or worse, is not a part of our constitution.” Fleishman also turned Keating’s rhetoric on

88CDL flier, n.d., box 60, folder CDL, UAE Collection.
90Joseph Badaracco, letter to editor, St. Louis Globe-Democrat, 19 November 1964.
itself when the CDL founder linked recent liberal Supreme Court obscenity decisions to “moral anarchy” by noting, “We should respect and abide by the decisions of the Court . . . unless we want anarchy.” Baris leveled the sharpest blow against Clancy’s claim that porn wrecked individual morality. “Have you been corrupted, or are you a superman,” Baris challenged Clancy. After a clumsy attempt to evade the question, Clancy admitted, “I’m steeled against this stuff, but yes, it has . . . lowered my morals.” In a snappy follow-up Baris wondered, “Then why don’t you stop collecting it?” Clancy offered no response, but the crowd sided with him regardless; “you make me want to puke,” one member shouted at Fleishman, while another attendee drew laughter by referring to Baris as “Mr. Bare Ass.” In its coverage of the conference’s “huge success” the National Decency Reporter mentioned the “smugness of Fleishman and Baris” but refrained from discussing the specifics of the debate.

Meanwhile, the unbridled sexuality of CDL discourse did not go unnoticed by critics. In 1965 the Nation quoted one publisher complaining of Perversion for Profit that “hundreds of little old ladies in gym shoes have gotten their first sexual kicks in years from this film.” The article also noted that when Henry Miller’s Tropic of Cancer was on trial in 1962 CDL had distributed a pamphlet featuring “the nineteen dirtiest passages from the book”; thus, “CDL had actually created a piece of pornography.” CDL’s third film, Printed Poison, showed selections from adult magazines even more explicit than the thinly barred pictures in Perversion for Profit. When author Edwin Roberts asked Keating about this facet of the film, Keating “sheepishly” admitted that “I think this is a little pornographic itself.” Keating’s disingenuousness aside, the admission acknowledged prurience as a significant facet of CDL material.

The explicit imagery was far from an isolated incident. Even a brochure advertising Perversion for Profit embedded salaciousness in its very format. “Take a close look . . . ” the cover instructed, its ellipses heightening the thrill of discovery by deferring resolution until the unfolding of the brochure, where its interior roared, “at the rack!” Pictured was a book rack with titles such as Man Alive, Bikini, Stud, and Hotel Girl. The inside text went on to describe this “flood of filth” as “detailed courses in sex perversion” and promised further enlightenment at the film. In every detail the brochure matched the advertising techniques of the midcentury exploitation films

95 Roberts, Smut Rakers, 104.
that traveled small-town America promising illicit thrills under the radars of censors.  

Further supporting the analogy, CDL speakers often seemed to take their cues from the professional-looking lecturers who opened exploitation films like *Mom and Dad* or *Because of Eve*. For instance, the former film was introduced by a live actor posing as “eminent hygiene commentator Elliot Forbes,” who gave a brief presentation explaining that the film about to be shown was not made for sleazy purposes but rather for education. In the exact same manner Keating explained in a typical CDL speech after showing several pornographic pictures, “Again, I repeat, Ladies and Gentlemen, that the purpose of showing these pictures and quoting from this material is not to shock you—it is to inform you of what is available on your newsstands, and what, very possibly, your children are reading.” Similarly, CDL speaker Raymond Gauer told his audience, “I don’t do this just to make this talk sensational or to try to shock some of you people,” citing a “very serious ignorance of the serious nature of this material” as “the only reason” for his various displays and quoted passages. Such comments performed an important legitimizing function, framing the audience’s curiosity in the obscene material as “decent” rather than prurient and making CDL speakers educators instead of showmen, although after reading from *Sex Jungle* Gauer promised, “We will get public opinion aroused as we never have before.”

CDL presentations did differ from exploitation films in that they delivered the goods. Whereas lurid exploitation posters often promised explicit content the films failed to supply, CDL reliably provided graphic depictions of sexuality. At its 1965 national conference in New York City’s Waldorf-Astoria Hotel a display behind an “Adults Only” door included examples of the latest magazines dealing with traditional nudism as well as “flagellation, bestiality, incest, lesbianism, fetishism and other perversions.” As one reporter noted with laconic humor, “The display had many visitors yesterday.” Indeed, the display brought national attention to the CDL conference, as the *Washington Post* covered its contents, while the *Louisville Courier-Journal* marveled in detail at the SM magazine *Dominate*. In 1966, with the caption “Pictured above are front and back views of the...”

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98 Ibid., 133.
100 Gauer, “A Typical CDL Talk,” box 2, folder Published Material, Youth Protection Committee Papers, Utah Historical Society.
nudist magazines and paperback books found obscene by the jury in Sioux City, Iowa,” the National Decency Reporter ran a half-page spread that included at least ten pairs of visible female breasts as well as several naked backsides.  

At times CDL discourse practically amounted to a sort of sexual safari, exposing various exotic sexual kinks to its audience. Homosexuality provided CDL’s greatest shocker, appearing ubiquitously in the group’s warnings. Perversion for Profit displayed numerous physique magazines of nude men and claimed “today’s conquest is tomorrow’s competition” was a gay “slogan” that “betrays the evil of the breed.” The film also gave a lengthy close-up to the homophile magazine ONE as it profiled gay obscenity—an odd choice for such a legalistic group, since the Supreme Court had overturned obscenity charges against ONE in 1958. When the Court subsequently ruled in 1962 that gay male nudist magazines could not be held to a more stringent standard of obscenity than those depicting women, Keating rationalized the decision away by misleadingly calling it “a widely split affair where it was impossible to tell whether or not a majority really existed” and continued parading gay porn as evidence of obscenity’s apocalyptic impact.  

In 1965 a Georgia newspaper pictured Keating holding up an issue of Manimal magazine with a naked man on its cover.  

His stock speech, meanwhile, warned of “the lesbian, the cunalinguist [sic], the homosexual” in tones so ominous that even listeners oblivious to the meaning of cunnilingus could discern its perverse nature. While these excursions could simply reinforce preexisting homophobia, they were so lavish in their descriptions and representations of homosexuality that they could also offer a walk on the wild side for citizens too timid to pursue their curiosity about “perversion.” Other perversions abounded in CDL discourse, all described in exquisite detail. In a 1965 speech one member discussed a book in which the main character “is famed for her specialty of spending night after night performing fellatio—drawing the seed of life from men, who wait in long lines for their turn.”  

Seeking to raise the bar of perversion a notch in the early 1970s, a widely distributed CDL mailing asked, “Did you know that in [whichever city was targeted by the mailing] there are theaters that show movies of men and women hav—


106 Manual Enterprises v. Day, 370 U.S. 478 (1962); CDL mailing, “Perversion for Profit,” n.d. (1964), Vertical Files, Kinsey Institute. Though the Manual Enterprises case had resulted in multiple opinions, Keating flatly misrepresented it; there was in fact a very clear majority, as the case was decided 6–1, with two justices sitting out and only Tom Clark dissenting. 


ing sexual intercourse?” In case that failed to arouse the recipient, the letter went on to describe depictions of “women having sexual intercourse with animals and other sexual activities too unbelievable to mention.”

CDL material could so easily serve as de facto smut that the group suggested caution in allowing membership. Not only did the presence of so much porn in the CDL coffers reinforce the already rigid gender lines of the organization, keeping women “safe” from the heavy exposure meted out to group leaders, but instructions on forming CDL units hinted at the need for a sanctioned sexual outlet among members with its first, bold-faced criterion for recruiting members: “Married, with children.” Even dedicated single men could be considered suspect in the face of the erotic monologue’s power.

CLIMAX

President Lyndon Johnson’s nomination of Abe Fortas to the chief justiceship of the Supreme Court in 1968 provided CDL with an opportunity to seek revenge for the Court’s many recent obscenity decisions; after Roth in 1957 the Court had established a consistently liberal trajectory, overturning a decade-long series of obscenity convictions. When Johnson sought to replace the retiring Earl Warren with the equally liberal Fortas (already on the bench as an associate justice), South Carolina Senator Strom Thurmond led the charge against Fortas. Thurmond issued a statement in June claiming that “there was collusion between President Johnson and Chief Justice Warren to prevent the next president from appointing the next chief justice.” When widespread public outrage failed to follow, Thurmond and other conservatives adopted various other tropes, from emphasizing Fortas’s sympathy for criminals to his support for open housing laws. The far right Liberty Lobby even distributed an “emergency letter” calling Fortas a “convinced revolutionary” in cahoots with the Communist Party, but to little effect; Johnson’s aides confidently predicted a successful Senate confirmation for Fortas.

110 CDL mailing, 6 May 1972, box 60, folder CDL, UAE Collection.
113 News Release, 28 June 1968, box 100-11A-2689, Strom Thurmond Papers, Clemson University, Clemson, S.C.
With opposition to Fortas making little headway, CDL legal counsel James Clancy entered the debate in late July, introducing a new angle of attack: Fortas had consistently voted to overturn lower-court obscenity convictions. Appearing alongside Keating before the Senate’s hearings, Clancy linked obscenity decisions to previous Fortas criticisms by calling the many recent summary reversals of obscenity convictions the “common denominators” that explained “what is happening in the U.S. Supreme Court in other areas of the law.” Clancy framed the per curiam nature of the decisions as a substitution of personal philosophy for constitutional principles. This analysis won immediate favor. Thurmond expressed gratitude to CDL and helped Clancy articulate his attack. “Other than being ashamed of the decisions, and ashamed to write in detail their reasoning,” he asked Clancy, could there be any reason for the per curiam nature of the reversals? Naturally, Clancy answered in the negative.\[115\] Clancy delivered his coup de grâce by bringing along a film whose California obscenity conviction Fortas had concurred in overturning, an untitled short marked as O-7. He screened it for interested senators and press in late July, with explosive results. The film reel showed “a girl in a bra, garter belt, and sheer transparent panties gradually stripping herself naked, mostly while writhing on a couch,” as one journalist wrote, and Fortas opponents quickly mobilized around it.\[116\] Citing the film, Thurmond reported that “the effect of the Fortas decisions has been to unleash a floodtide of pornography across the country,” obscuring the fact that Supreme Court decisions require a five-person majority by labeling Fortas the crucial “swing vote.”\[117\] The new line of opposition quickly took hold. Conservative columnists circulated news of Fortas’s alleged porn sympathies, as both William Buckley and James Kilpatrick demanded the justice be evaluated by his obscenity positions in Washington Evening-Star editorials.\[118\] The new approach proved effective, as reflected in letters to Johnson. “Until two days ago I was with you,” a California man wrote to the president, explaining that his perspective had been changed by hearing about Fortas’s obscenity stands.\[119\] From Illinois came a letter opposing “a man of his character who would stoop so low as


\[117\] “Fortas on Filth,” Strom Thurmond Reports to the People, 5 August 1968.


\[119\] I. A. Wozny to LBJ, 29 July 1968, box 6, folder AF—NF 8/1–8/7, Fortas File.
to defend the peddler of smut literature,” and a Connecticut couple found
themselves “very troubled” by the obscenity issue; “his liberal stand on
pornography is obvious,” they wrote, “and our nation is wracked enough
by libertinism.”

The Johnson administration fought back, attempting in a memorandum
to position Fortas as a moderate in the obscenity debate. But it was to no
avail; “Thurmond tastes blood now,” a Johnson aide wrote in a memo, and
the constant reiteration of “floodtide of filth” rhetoric led public opinion
on Fortas to plummet. The justice withdrew himself from consideration
in early October 1968. Historians often emphasize the role of late-breaking
revelations regarding financial improprieties in Fortas’s payment for a series
of lectures at American University in the story of his defeat; while these
allegations may have nailed the coffin shut on Fortas’s nomination, it was
a coffin built by CDL. A jubilant CDL published a self-congratulatory
but not inaccurate article in the National Decency Reporter, proudly pro-
claiming “the greatest victory for the forces for decency that this country
has ever seen” and emphasizing that “CDL played a key role in shaping the
future direction of this nation.” “There is no question but that the Fortas
involvement in obscenity decisions,” the article continued, “was the key
issue that turned the tide against his confirmation as Chief Justice.” CDL
participation had reconfigured the attack on Fortas, changing its language
from narrow charges that appealed to a small cadre of right-wing extremists
into terms more palatable to a mainstream constituency, and, in doing so,
it finally exercised the influence over the Court its amicus briefs in favor of
obscenity convictions had consistently lacked.

The gesture did not go unrewarded. In June 1969 President Richard
Nixon appointed Keating to the Presidential Commission on Obscenity
and Pornography, a group established in 1967 and originally staffed by
Johnson. Most of the commission consisted of social scientists interested in
facts rather than morality, and its head was William Lockhart, a law professor
and ACLU member. Keating’s approach clearly conflicted with the general

120 Louis McMahon to LBJ, 26 July 1968, Fortas File; Mr. and Mrs. Armand Albertoli to
LBJ, 6 September 1968, box 6, folder AF—NF 8/8–8/31, Fortas File.
121 “Memorandum Re the Views of Justice Fortas on Obscenity,” attached to memo, Larry
Temple to Barefoot Sanders, 29 July 1968, box 2, folder CF 7/14–7/31, Fortas File; Mike
Manatos to LBJ, 16 September 1968, box 2, folder CF 9/16–9/30, Fortas File.
122 John Massaro, “LBJ and the Fortas Nomination for Chief Justice,” Political Science
Quarterly 97 (1983): 603–21; Donald Tannenbaum, “Explaining Controversial Nomina-
tions: The Fortas Case Revisited,” Presidential Studies Quarterly 17 (1987): 573–86; Artemus
Ward, “An Extraconstitutional Arrangement: Lyndon Johnson and the Fall of the Warren
Court,” White House Studies 2 (2002): 171–85. Fortas biographers acknowledge CDL but
treat its presence in the hearings as a deus ex machina. Bruce Allen Murphy covers the group’s
involvement best in Fortas: The Rise and Ruin of a Supreme Court Justice (New York: Wil-
liam Morrow, 1988), 441–62; see also Laura Kalman, Abe Fortas: A Biography (New Haven,
Conn.: Yale University Press, 1990), 342–45.
approach of the commission; “I shall serve on the commission with the objective of seeing these criminals jailed,” Keating said of pornographers upon his appointment. Keating quickly took an obstructionist stance, defying commission policies, demanding special privileges, and launching a series of CDL letters warning members of Congress of the free-speech “direction in which the Presidential Commission appears to be moving.” In October he proposed a study of the relationship between pornography and sex crimes to be based on criminal case histories provided by law enforcement officials.

The social scientists, already alienated by Keating’s attempts to undermine the commission, minced no words in unanimously rejecting Keating’s proposal, noting its “leading questions” and lack of “scientific objectivity.” An angry Keating got his revenge later that month when the commission met to discuss confidentiality regarding the progress of the ongoing research. A motion to preserve confidentiality passed 15–1, with Keating the lone dissenter. After the vote Keating “stated that he does not feel himself bound by this action of the Commission.”

Keating then turned to the press, leaking stories that the commission’s forthcoming report would call for the repeal of all obscenity laws. Reporters published letters from Keating to the president calling on him to fire most commission members. White House Press Secretary Ron Ziegler distanced the administration from the commission, explaining, “This is not a Nixon commission,” though the president took no action against any commissioners. When the commission’s seven hundred–page report arrived in September 1970 it seemingly confirmed Keating’s claim. It argued that pornography was a large industry fueled by massive public demand; that the most effective positive response to pornography was sex education; that—as promised by the news leaks—all laws regarding obscenity for adults should be immediately repealed; and that pornography had no causal relation to juvenile delinquency, sex crimes, or sexual deviancy. The commission’s un-CDL-like philosophy found reflection in the report: “The Commission believes that interest in sex is normal, healthy, good.”

The report concluded with Keating’s dissent. Saturated with exclamation marks (“Such presumption! Such moral anarchy! . . . Such a bold advocacy

125CDL to Jackson Betts, 25 September 1969, attached to W. Cody Wilson to Betts, 8 October 1969, box 37, folder 1, PCOP Records.
126Otto Larsen to Keating, 15 October 1969, box 25, folder Lockhart, PCOP Records.
of a libertine philosophy!"), Keating’s minority report described a “runaway commission” slavishly devoted to an extremist ACLU perspective and called for a congressional investigation into the commission’s misuse of power and government money. Keating rejected the report’s conclusions, offering anecdotes such as the story of migrant Puerto Ricans working on a fur farm who “changed from rather manly, decent people to rapists being obsessed with sex, including many deviations,” when they were suddenly exposed to porn. His outrage had no limits; recalling the commission’s rejection of his request to allow the press into panel deliberations, Keating could but marvel, “Amazing! Incredible! Beyond belief!”

Keating’s leaks had created a collective preemptive rejection of the commission report; even before its release the Nashville Banner carried an editorial arguing, “Aside from the fact that pornography DOES encourage antisocial conduct among many people,” the amount of smut in America “is an accurate barometer of the nation’s moral health.” Immediately after publication the report was condemned by both houses of Congress, and President Nixon sanctimoniously rejected its “morally bankrupt conclusions,” linking porn to the only political system he reviled more than Communism: anarchy. The report emerged already engulfed in controversy and never received a fair public hearing. Its conclusions received no congressional discussion whatsoever, and its legislative proposals inspired no serious efforts to repeal obscenity laws. When the report was even cited at all, it was often by conservatives approving of the dissenters; new Chief Justice Warren Burger, for instance, cited the dissenting report’s “indicat[ion] that there is at least an arguable correlation between obscene material and crime” as conservative retrenchment in the Court reversed the liberal trajectory of the Warren Court. While Keating was not solely responsible for this reception, he played a major role in shaping public perception of the commission’s report before it arrived, helping perceptions solidify before any objective analysis of the report could be had. He also shaped public memory in the aftermath, writing an article entitled “The Report That Shocked the Nation” for the Reader’s Digest in 1971 that distorted the commission report by reframing it as “the panel majority’s bizarre proposal for handling the pornography problem.” Commission leaders remained active in attempting to draw attention to their analysis, but for naught; it is telling to note that while Keating wrote for the mass-circulation Digest, a

130 Ibid., 456, 581, 610, 595.
typical defense by W. Cody Wilson appeared in the *Annals of the American Academy of Political and Social Science.*

**DECLINE AND FALL OF THE DECENT EMPIRE**

After playing major roles in derailing a Supreme Court nomination and dismantling a two-million-dollar government commission, CDL entered the dawning 1970s at the peak of its power and poised for further success, especially after Nixon replaced Warren with archconservative Burger at the head of the Supreme Court. Attaching itself to the New Right, CDL described its experts in Nixonian terms as proof that “the ‘silent majority’ has a most articulate voice!” And yet, faster than the group rose to prominence, it fell from it, needing only a few years to transform from political juggernaut to hollow organizational shell. This rapid descent was in many ways the culmination of the centralizing tendencies begun in the 1960s, as direct-mail fundraising replaced grassroots activism as CDL’s lifeblood, but it also reflected the expansion of the New Right agenda to social issues even more volatile than porn (and thus more likely to rouse an awakening evangelical Christian constituency from its political slumbers).

Emboldened by power, Keating sought to expand CDL. In early 1971 CDL signed a contract with direct-mail pioneer Richard Viguerie that would lead to a massive membership drive but that would also sound the death knell of the group’s public prominence. CDL agreed to pay Viguerie two and a half cents for each letter of solicitation he sent, and he rapidly sent millions. These mailings adhered to CDL’s history of attracting attention with sexual provocation, and they also followed the Keating tradition of fabricated facts and logically absurd corollaries, claiming the “number of smut peddlers” had risen 800 percent in the past two years and asking, “How long can your town and America survive if hard core pornography continues to increase at the rate of 800% every two years?” At its conclusion the letter asked for “$10, $25, $50 or as much as you feel you can afford” to combat this smut sprawl and also offered a small postcard to send government leaders, pressing them to confront obscenity.

Because he profited on the basis of quantity, Viguerie was unrelenting in his mailing. Former Arkansas Governor Orval Faubus, for instance, contributed $50 in 1971, and a letter in January 1972 asked him to “send $60 today or even $120.” Another arrived in May, this time more humbly

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137“Agreement by and between Richard A. Viguerie Company, Inc. and Citizens for Decent Literature, Inc.,” 22 February 1971 (Exhibit D in *State of New York v. CDL*), box 393, folder AFAA-CDL, Stanley Fleishman Papers; CDL mailing, 6 May 1972, box 60, folder CDL, UAE Collection.
asking for “an additional $50 today.” Faubus apparently acquiesced, and he received yet another letter in January 1973 suggesting “$50 or $100 or some other amount.” “Do you recall receiving a letter from me in early January,” asked the next CDL solicitation—on February 6. The faceless bureaucracy of the Viguerie machine is evident in the CDL response to ACLU member Austin Griggs’s 1972 letter to Keating, which had been labeled “personal and private” and had ended with the summation, “I hope I have made it clear that I regard you to be a liar, a fanatic, a pervert, a cheat, a subversive, and a psychotic burdened with sin and guilt.” “Dear Supporter,” read CDL’s form-letter response, “We have unanimously decided to send you a 1972 CDL membership card for the enthusiastic support.” It then asked for money.

In 1972 San Francisco columnist Charles McCabe wrote, “Worrying about smut is one of the least profitable occupations I can think of,” and in at least one sense he was dead wrong. Direct mail initially proved a windfall, as CDL’s income accelerated from an arithmetic crawl to a geometric sprint, ballooning from $140,000 in 1970 to $1.2 million the next year and nearly doubling to over $2 million in 1972. But it came at a cost, especially in the alienation of the grassroots activists who had once provided CDL’s sustenance but now played only a small role in the organization as it centralized power. A 1972 mailing indicated CDL’s new trajectory. Listing CDL’s activities, it included seminars for law enforcers, assistance to prosecutors, amicus briefs, and the development of “innovative and ingenious techniques” for fighting porn and alerting citizens to the dangers of porn. Nowhere in this scheme was there a place for vibrant local units; instead of the frequently histrionic local campaigns of the 1960s, CDL headquarters by the 1970s preferred its supporters in the form of atomized individuals and families who voiced their support through donations rather than activism.

Reflecting this shift, local CDL units began to disband in the early 1970s, and in 1974 Keating revealed just how empty the organizational shell of CDL had become, counting only thirty-two local CDL units in the nation—over a 90 percent decrease from its mid-1960s count of five hundred. CDL’s direct-mail beggary, which sent 67 percent of its donations straight to Viguerie, also caught the attention of state officials, who began to recognize

138 CDL to Orval Faubus, 10 January 1972; CDL to Faubus, 8 May 1972; CDL to Faubus, 5 January 1973; CDL to Faubus, 6 February 1973, box 39, folder 9, Orval Faubus Papers Addendum, University of Arkansas, Fayetteville.
139 Austin Griggs to Keating, n.d. (1972), box 13, folder CDL, ACLU of Cincinnati Papers.
140 CDL to Griggs, 8 May 1972, box 13, folder CDL, ACLU of Cincinnati Papers.
142 CDL tax return Form 990, 3 May 1974, box 393, folder AFAA-CDL, Fleishman Papers.
143 CDL mailing, 6 May 1972, box 60, folder CDL, UAE Collection.
financial improprieties in CDL techniques. Pennsylvania, for instance, capped fundraising at 35 percent of income for charitable groups, and that state, North Carolina, and Florida all denied CDL permission to raise money near the end of 1973. In New York the attorney general filed suit against CDL for misrepresenting itself, calling the group’s fundraising activities “a fraud upon the public” for its misleading claims that donations would go toward actual antiobscenity activity rather than self-perpetuating revenue building.  

There was more. In 1974 an investigative reporter in Cincinnati revealed that CDL had invested over $230,000 in American Financial Corporation, whose executive vice president was Keating himself. CDL’s influence in its original home state of Ohio helped soften the blow of the revelations. Keating claimed that the AFC investment was not a conflict of interest, and the Ohio attorney general agreed to allow CDL fundraising activities in the state as long as it submitted periodic financial statements.  

The net result of these various developments, however, was to render CDL essentially invisible in terms of national political power. The suggestions of corruption crippled its access to political figures, especially in the sensitive post-Watergate era, and the overreliance on direct mail at the expense of grassroots activism made CDL a “paper tiger,” as historian Matthew Moen calls later groups such as the Moral Majority and Christian Voice, both of which faced the same problem of organizational hollowness after early years of political prominence. The group pressed on, though by 1984 its only media exposure came through Christian outlets such as the 700 Club and the Eternal Word Television Network.  

Keating, of course, went on to take full advantage of Reagan era deregulation in the 1980s, joining Michael Milken in pioneering junk bond marketing. By selling unsecured bonds to thousands of retirees and funneling the money back into an elaborate network of phony corporate fronts, Keating essentially embezzled upward of a billion dollars from the federal government. Ironically, he was tried under RICO, the federal racketeering statute that CDL had once called an “important new tool” in fighting porn. Keating was convicted on seventy-three counts of racketeering, fraud, and conspiracy in early 1993. He served less than five years of his twelve-year

sentence before engineering a new deal in 1999 that saw him plead guilty to four counts of fraud and receive a reduced sentence of the time he had already served.\footnote{Christian Berthelsen, “Keating Pleads Guilty to 4 Counts of Fraud,” \textit{New York Times}, 7 April 1999.} CDL went through a dizzying series of name changes to distance itself from Keating, and its remnants live on in organizations like the Alliance Defense Fund, an organization dedicated primarily to an antigay agenda.\footnote{To chart some of the post-CDL name changes see Community Defense Counsel, \textit{Protecting Communities from Sexually Oriented Business} (1996), preface to 2nd ed., available online at \url{www.communitydefense.org/lawlibrary/legalmanual.html}. The Alliance Defense Fund’s agenda can be explored at \url{www.alliancedefensefund.org}.}

Perhaps the most important factor in CDL’s decline, however, was the emergence of other issues in the New Right’s social agenda. Though abortion had historically been identified as a Catholic issue, after the 1973 \textit{Roe v. Wade} Supreme Court decision it became a focal point in the politicization of evangelical Protestants, and by the 1980s opposition to abortion rights resided at the center of conservative politics.\footnote{The literature on abortion is voluminous, but important works that address it in the context of the New Right include Rosalind Pollack Petchesky, \textit{Abortion and Woman’s Choice: The State, Sexuality, and Reproductive Freedom} (Boston: Northeastern University Press, 1984); Kristin Luker, \textit{Abortion and the Politics of Motherhood} (Berkeley: University of California Press, 1984); William Saletan, \textit{Bearing Right: How Conservatives Won the Abortion War} (Berkeley: University of California Press, 2003).} Simultaneously, the demonization of feminism and the Equal Rights Amendment became a major component of conservative gender politics, as Phyllis Schlafly’s Stop-ERA campaign of the mid-1970s warned the world of unisex toilets and women forced into masculinity.\footnote{Jane Mansbridge, \textit{Why We Lost the ERA} (Chicago: University of Chicago Press, 1986); Donald Mathews and Jane Sherron De Hart, \textit{Sex, Gender, and the Politics of ERA: A State and the Nation} (New York: Oxford University Press, 1990); Donald Critchlow, \textit{Phyllis Schlafly and Grassroots Conservatism: A Woman’s Crusade} (Princeton, N.J.: Princeton University Press, 2005).} Finally, homophobia developed as a permanent staple of the New Right in the late 1970s, as several gay rights ordinances were recalled in cities across the nation; Anita Bryant’s Save Our Children crusade, which began in 1977, issued baseless threats that young boys could be “turned” gay through “deviant” influences, while conservatives in 1978 attempted to pass a state law preventing homosexuals from teaching in California.\footnote{Anita Bryant, \textit{The Anita Bryant Story: The Survival of Our Nation’s Families and the Threat of Militant Homosexuality} (Old Tappan, N.J.: Fleming H. Revell, 1977); on subsequent New Right homophobia see Chris Bull and John Gallagher, \textit{Perfect Enemies: The Battle between the Religious Right and the Gay Movement} (New York: Crown, 1996); Stephanie L. Witt and Suzanne McCorkle, eds., \textit{Anti-Gay Rights: Assessing Voter Initiatives} (Westport, Conn.: Praeger, 1997); Didi Herman, \textit{The Antigay Agenda: Orthodox Vision and the Christian Right} (Chicago: University of Chicago Press, 1997).} These themes continued to reverberate through
New Right discourse for decades and could still be witnessed in the 2004 election, as President George W. Bush spoke in coded language during the presidential debates to appease antichoice activists, while conservatives sponsored a national moral panic over gay marriage that resulted in several states passing restrictive constitutional amendments.

Pornography remained central to the New Right’s moral outrage, albeit in a distinctly secondary role. Richard Viguerie’s “moral policy,” outlined in his 1980 manifesto The New Right: We’re Ready to Lead, instructed conservatives to “wage an all-out war against pornography,” and Jerry Falwell listed porn alongside homosexuality as issues to fight in the Moral Majority’s 1979 founding statement. When the New Right took the White House the Reagan administration created a new pornography commission, predisposed to take the condemnatory stance the Johnson commission rejected. As late as 2004 the George W. Bush administration considered porn sufficiently important to divert resources from seemingly more pressing national security concerns and launch an expensive “effort to jump-start obscenity prosecutions.” The Bush Justice Department also showed the lasting impact of CDL by hiring its onetime legal counsel Bruce Taylor, to the applause of many conservative groups.

The undeniable corruption of Charles Keating no doubt gave great pleasure to his longtime opponents. (Playboy, for instance, enjoyed the S&L fiasco immensely, ridiculing Keating’s “inordinate lust for money” and calling his story “Profit without Honor.”) Yet to dismiss Citizens for Decent Literature on the basis of an ad hominem attack does a great disservice to the historical significance of the group, which appealed to a large portion of American citizens in the 1960s and 1970s and acted as a bridge between the sectarian Catholic groups and anti-Communists of the Old Right and the much broader moralism of the New Right. CDL taught modern conservatives how to profit from perversion by playing off public ignorance and fear and how to harness that fear for political gain. In so doing, CDL helped foster a transformative shift from which American politics has yet to recover.

157 Concerned Women for America, for instance, was “especially pleased” to see Taylor appointed; “CWA Calls DOJ’s New Obscenity Prosecution Task Force a Warning Signal to Pornographers,” 6 May 2004, www.earnedmedia.org/cwa05061.htm.