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House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mrs. VUCANOVICH].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 24, 1996.

I hereby designate the Honorable BARBARA F. VUCANOVICH to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1044. An act to amend title III of the Public Health Service Act to consolidate and reauthorize provisions relating to health centers, and for other purposes.

S. 2101. An act to provide educational assistance to the dependents of Federal law enforcement officials who are killed or disabled in the performance of their duties.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1507) "An Act to provide for the extension of the Parole Commission to oversee cases of prisoners sentenced under prior law, to reduce the size of the Parole Commission, and for other purposes."

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the par-

ties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER] for 5 minutes.

COMSTOCK ACT STILL ON THE BOOKS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Madam Speaker, I take this 5 minutes to talk about something I hoped we would have been able to correct on corrections day, but we have not quite gotten to it yet. Maybe there is still time.

There was in the past century a man named Mr. Comstock, and Mr. Comstock was one of these people who decided only he knew what was virtuous and right, and somehow he managed to convince all sorts of people that this was correct. He even in 1873 was able to get on the floor of this House, if you can imagine such a thing, and he stayed here all day long while the Congress was in session. He ran around with a satchel full of books and pictures, and he buttonholed every Member he could find saying, "Look at this, look at this." He wanted a bill passed, which the Congress then passed unanimously, and they named it the Comstock Act after him because he had pushed so very hard for it.

Madam Speaker, what this bill did was allow almost him, himself, to define what would be lewd, what would be filthy, or what would be things that should be banned. He was particularly upset about anything dealing with family planning and also any kind of abortion or contraceptive information.

So, with virtually the entire Congress intimidated, they let this act go

through, and, as a consequence, this man went on to really terrorize America, because shortly thereafter, it was not bad enough that the Congress passed this bill, but they then commissioned him as a special agent of the Post Office and vested him with the powers of arrest and the privilege of free transportation so that he could go around and enforce this law unilaterally. He went on to brag later on that he had been responsible for enough criminal convictions of people to fill a 61-coach passenger train. That is really fairly amazing.

And some of the people that he went after were particularly women. He went after Victoria Woodhull, who had tried to run for President even though women could not vote in the 19th century. He went after her on counts of obscenity and every other such thing. He was absolutely obsessed with Margaret Sanger and her husband. He arraigned Margaret Sanger on eight counts of obscenity, and then he went after Margaret Sanger's husband for the same thing.

This is really all very serious because Americans were living with censorship of their mail, druggists lived in constant fear of being prosecuted by this man or people enforcing this law, having anything that looked like a contraceptive, publishers were terrified and had to change an awful lot of the text book and scientific information because, again, this could happen, and George Bernard Shaw said from across the ocean, as he looked at this: "Comstockery is the world's standing joke at the expense of the United States. It confirms the deep-seated conviction of the Old World that America really is a provincial place, and second-rate civilization after all." So, even George Bernard Shaw was watching all of this.

These were serious fines, too. They are now up to \$5,000 to \$250,000 for a first offense.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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Now all of this is historic, and you say, "Why am I taking the time?" The problem is, this body just allowed the Comstock Act to be enforced on the Internet vis-a-vis anything doing with abortion. Previously, the Congress did away the Comstock Act dealing with family planning, thank goodness. But the Comstock Act has never been repealed; it is still on the books. And so, as a consequence, this has been thrown up on the Internet and could be used to bring people into a criminal conviction or arraignment if they decided to discuss anything about the big A word on the Internet.

Now I think when you look at this thing that I am sure more people started out thinking was a real anachronism from the 19th century, the fact that it is still on the books in the 20th century, and then to think that this Congress put it up on the Internet for the 21st century is really, really sad, and I would hope some time before this year is over we could go back and amend the Telecommunications Act, because at the time we are deregulating everything else, to think we are regulating speech about women and making it criminal I think is going the wrong way.

Madam Speaker, I want to take a moment today to recall a shameful chapter in the history of our country and this Congress. I want to talk about Anthony Comstock and the events historians now refer to as "Comstockery," because I think we have to acknowledge that elements of Comstockery are all too present today.

Anthony Comstock was a religious fanatic who spent his life in a personal crusade for moral purity—as defined, of course, by himself. This crusade resulted in the arrest and imprisonment of a multitude of Americans whose only crime was to exercise their constitutional right of free speech in ways that offended Anthony Comstock. Women seemed to particularly offend Anthony Comstock, most particularly women who believed in the right to plan their families through the use of contraceptives, or in the right of women to engage in discussions and debate about matters involving sexuality, including contraception and abortion.

For example, on November 3, 1872, Mr. Comstock brought about the arrest, on charges of obscenity, of two feminists, Victoria Woodhull and Tennessee Claflin, because they published a story in their newspaper about the alleged infidelity of Henry Ward Beecher, a clergyman. Comstock went after Margaret Sanger in 1914, causing her arraignment on eight counts of obscenity for publishing newspaper articles on birth control. He obtained a conviction against Margaret Sanger's husband, William Sanger, in 1915 for selling a single copy of a pamphlet on birth control entitled "Family Limitation."

Anthony Comstock, of course, could not conduct his fanatic crusade singlehandedly. His crusade was empowered by the Congress of the United States, which allowed him onto the floor of the House in January 1873, where he remained nearly all day. Carrying a satchel full of books and pictures he claimed were pornographic, he showed them to every Member of Congress he could buttonhole, and lob-

bied for a bill that would give him the legal authority to carry on his campaign of persecution and censorship in the name of fighting obscenity. One biographer notes that tears flowed from his eyes as he addressed Congress, begging for a law to stop the "hydra-headed monster" of vice.

The Congress, unfortunately, soon obliged Mr. Comstock, passing what is known as the Comstock Act. This act makes it a crime to advertise or mail not only "every lewd, lascivious, or filthy book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character," but also any information "for preventing contraception or producing abortion." Congress passed this law with virtually no discussion, acting by unanimous consent in the Senate and under suspension of the rules in the House.

The Committee on Appropriations then set aside several thousand dollars for a special agent to carry out the Comstock Act, and on March 6, 1873, 1 day before his 29th birthday, Anthony Comstock was commissioned as a special agent of the post office, vested with powers of arrest and the privilege of free transportation on all mail lines so that he could roam the country arresting and prosecuting those who dared to send through the mails any information about contraception or abortion, or anything that Comstock deemed to be lewd or indecent.

As a result of Comstock's crusade, publishers were forced to censor their scientific and physiological works, druggists were punished for giving out information about contraception, and average Americans had to live with censorship of their mail, and without access to reliable information about contraception. Two years before this death in 1915, Comstock bragged that he had been responsible for the criminal conviction of enough people to fill a 61-coach passenger train.

George Bernard Shaw assessed this terrible series of events in 1905, saying, Comstockery is the world's standing joke at the expense of the United States. It confirms the deep-seated conviction of the Old World that America is a provincial place, a second-rate civilization after all.

Although its reach has been somewhat curtailed by the courts based upon first amendment principles, the Comstock Act remains on our books today. In 1971, Congress deleted the prohibition on birth control; but the prohibition on information about abortion remains, and the maximum fine was increased in 1994 from \$5,000 to \$250,000 for a first offense.

Comstockery, unfortunately, is not just a shameful part of our past. Comstockery has been given a new lease on life by this Congress.

The Telecommunications Act passed this year extended the Comstock Act's prohibitions to anyone who uses an interactive computer service. This Congress, therefore, revived Comstockery by making it a crime to use the Internet to provide or receive information which directly or indirectly tells where, how, of whom, or by what means an abortion may be obtained. A broader gag rule is hard to imagine. It could criminalize:

An Internet posting of the referral directory of your local medical society, or the yellow pages of the telephone directory;

A telemedicine consultation between two doctors who are conferring about a patient who may need an abortion to save her life; or

Uploading or downloading medical journal articles about RU-486, or about safe abortion techniques.

I have introduced legislation to repeal the abortion-related speech provisions of the Comstock Act, but unfortunately, the leadership of the Judiciary Committee and of the Congress has refused to move this bill. So Comstockery remains alive and well, and until the Congress is motivated to renounce Comstockery once and for all, I fear that women will pay a disproportionate share of the price, with the dark shadow of Anthony Comstock hanging over our health-related speech on critical topics such as abortion.

And Comstockery seems to be enjoying a revival in other ways, as well. Efforts to impose gag rules on doctors, punitive measures designed to make it harder for women to get access to information and services relating to contraception and abortion, laws that would allow the Anthony Comstocks of today to arrest and jail doctors who perform an abortion procedure that in their medical judgment is the safest to preserve the health and future fertility of their patients—all this is the Comstockery of today.

It is only President Clinton's veto of H.R. 1833 that stops us from seeing, on the evening news, the chilling image of medical doctors going in handcuffs to criminal trial for exercising their best medical judgment for women who wanted pregnancies have gone terribly wrong.

Republican control of the Congress has brought us more than 50 votes on abortion. Every imaginable form of Comstockery is represented in this array of antichoice measures.

Anthony Comstock's crusade against free speech and reproductive choice represents one of the worst chapters of our history. The last thing this country needs or wants is a bridge to the past represented by Comstockery. Suppression of free speech, suppression of reproductive choice, is an aberration from genuine American values.

As the Anthony Comstocks of today patrol the Halls of this Congress seeking to suppress free speech and reproductive choice in the name of morality, or family values, or whatever high-sounding purpose they may invoke, it is incumbent upon the Congress to ensure that no form of the Comstock Act is ever again enacted, and that no special agent is ever again commissioned to roam the land, persecuting Americans in the name of morality or family values.

FAMILY QUALITY OF LIFE ADVISORY COMMITTEE—ASSESSMENT OF EFFORTS IN THE 104TH CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Virginia [Mr. WOLF] is recognized during morning business for 5 minutes.

Mr. WOLF. Mr. Speaker, I come to the House floor this morning in my capacity as the chairman of the Family Quality of Life Advisory Committee to submit for the RECORD my assessment of the efforts during the 104th Congress to make the House more family friendly which I request be inserted in the RECORD.

While some progress toward the goal of making the Congress more family