

2017

## Vice Capades

Mark Stein

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# VICE CAPADES

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# VICE

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# CAPADES

Sex, Drugs, and Bowling from  
the Pilgrims to the Present

*Mark Stein*

Potomac Books

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Library of Congress Cataloging-in-Publication Data

Names: Stein, Mark, 1951-, author.

Title: Vice capades: sex, drugs, and bowling from the pilgrims to the present / Mark Stein.

Description: Lincoln: Potomac Books, 2017. | Includes bibliographical references and index.

Identifiers: LCCN 2016049880

ISBN 9781612348940 (hardback: alk. paper)

ISBN 9781612349275 (epub)

ISBN 9781612349282 (mobi)

ISBN 9781612349299 (pdf)

Subjects: LCSH: Vice—United States. | BISAC: HISTORY / United States / General. | PHILOSOPHY / Ethics & Moral Philosophy. | POLITICAL SCIENCE / Public Policy / Cultural Policy.

Classification: LCC BJ1534 .S74 2017 | DDC

379/.80973—dc23

LC record available at [https://lccn.loc](https://lccn.loc.gov/2016049880)

[.gov/2016049880](https://lccn.loc.gov/2016049880)

Set in Lyon Text by John Klopping.

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## Acknowledgments

For providing information and insights into aspects of vice, I am indebted to and wish to thank Daniel Aherne; Eglence Atasever-Arda, MD; Debra Bruno; Christopher Ehrman; Marian Fox; Daniel L. Goldberg; Tom Jabine; Nancy Lisagore; Prof. Marianne Noble; Roberta Redfern; Amy Ujiji Swift; and Debby Vivari.

Any viewpoint or image in this book does not necessarily reflect the views of the Department of Health and Human Services (HHS) and/or the Centers for Disease Control (CDC), nor imply an endorsement by HHS and/or the CDC of any particular organization or product. If that sounds like I'm reciting something I was told to say, it's because I am—but am happily doing so, as data and publications provided to the public by the CDC were of invaluable help in writing this book.

I particularly want to thank my editor, Tom Swanson (assisted by Emily Wendell); my wonderfully sharp-eyed copyeditor Mary M. Hill; and the entire team at the University of Nebraska Press for all their work and for, each of them, truly being a joy to work with.

In the category of Above and Beyond, my agent, Alec Shane, performed exceptional obstetrical service in bringing this book into the world. Emerging from his comments, questions, and thought-provoking wisecracks in our talks and emails, the view in this book took shape regarding why views of vice vary among people and why they often change over time.

Also in the realm of Above and Beyond, I am indebted to Arlene Balkansky at the Library of Congress Serial and Government Publications Division for helping me obtain the public domain illustrations in this book from the extraordinary collections of the Library of Congress and from its Chronicling America database. I am also

grateful to her for information, in the form of stern warnings, regarding copyright intricacies of digitized images and something called posthumous rights of noncopyright holders. And I am grateful to her for marrying me thirty-nine years ago.

# VICE CAPADES

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## Introduction

Americans have a love-hate relationship with vice. We indulge in it while combating it, often by enacting laws that, just as often, we later unenact—or double down by increasing their penalties. Plus, over the span of American history, that which we view as punishable vice has changed—sometimes slowly, sometimes rapidly (as seen recently with views of those who are lesbian, gay, bisexual, transgender, or what is sometimes referred to as queer or questioning). Indeed, a number of views of vice have changed not only in the span of history but also sometimes within our individual lives.

But what caused these views to change?

Also, of course, our views differ. But there, too, what's behind those differences? Be it sex, drugs, violence, gambling, dancing, shuffleboard, juggling . . . Yes, once upon a time in America, shuffleboard and juggling were punishable vices. What's the deal with what we view as punishable vice?

Let's take some quick peeks at what, over the past two thousand years or so, people considered to be vice, keeping an eye out for a common denominator that can and (no surprise to say) will be explored more closely in this book regarding punishable vices in American history.

Aristotle said vice consisted of those acts that lead to infamy. For instance, we view the Marlboro Man as infamous, that cigarette-smoking modern cowboy who, for over twenty years, was the television and print advertising symbol for Marlboro cigarettes. Except he was not viewed as infamous during those years—quite the contrary: many people smoked cigarettes in emulation of his allure. Aristotle also said vice included that which appears to be “base.” In the nineteenth century, many Americans considered Mormon leader

Brigham Young base for having fifty-five wives—but his wives did not consider him base. Or did they? We know of one who expressed her reverence for him in her private writings and another who thought him so depraved she fled and expressed her disgust.<sup>1</sup>

Clearly, vice is in the eye of the beholder. The underlying question is: What's it doing there? Why, for instance, do many people view certain vices as punishable when engaged in on Sunday but not on the other days of the week? Selling alcohol tops this list. Why, however, did the list formerly include many more businesses prohibited from being open on Sundays? Why, at one time, were the federal penalties for marijuana equivalent to those of heroin, while lesser penalties were stipulated for cocaine? Why is whistling at women now something that might get you fired when previously it was widely acceptable? Clearly, these views were then, as now, serving the powers-that-be, which, though sinister sounding, are not necessarily nefarious. Just as clearly, those included among those sources of power have shifted.

But what about Rock Hudson? This movie star from the 1950s and 1960s—who was gay, albeit secretly—stated in 1962 that the Motion Picture Production Code should never have been changed in regard to homosexuality. “It’s all right to let the bars down for a man like [director] William Wyler,” he told Hollywood columnist Hedda Hopper. “When he does a touchy subject, you know it will be done with great taste. But it leaves the way open for the boys who want to make a quick buck by turning out dirty pictures.”<sup>2</sup> Did Rock Hudson consider his own sexuality a vice? Or might he have been expressing such views to hide it? Suppose we ask it this way: What power was he seeking to maintain through this view of vice? The power that accompanies stardom, I suspect. And if so, suppose we ask: What group(s) in 1962 had the power to bestow stardom?

Groups and power also figure into the director Hudson mentioned. William Wyler’s much-lauded films included *Mrs. Miniver* (1942), *The Best Years of Our Lives* (1946), *Ben-Hur* (1959), and, the year before Hudson’s remark, *The Children’s Hour*, based on Lillian Hellman’s play by the same name, which depicted the shattering impact of a

rumor that two teachers were lesbians. In fact, Wyler directed *two* films based on this 1934 Broadway play. The first, released in 1936, changed the title to *These Three* and changed the rumor to being one of the teachers having slept with the other's fiancé. In the 1930s, references to a long-term, monogamous, same-sex relationship were evidently viewed as acceptable to the groups that predominated in a Broadway audience but not to the groups that predominated in a movie audience. Yet those very same references were acceptable in movies by the 1960s, which Hollywood recognized (to Rock's consternation) by altering that aspect of its Motion Picture Production Code.

Which brings us back to Aristotle, who addressed vice in entertainment. He emphasized that, in comedy, vice is depicted for laughs, and, he noted, that's a good use of vice in entertainment, since it ridicules vice. In tragedy, he pointed out, vice is not presented for laughs but as the cause of our concern, and we witness the damage it does. Also a good thing to do, said he. And said the Motion Picture Production Code for many years by prohibiting films in which crime or vice was not punished.

But not everyone is sure of all that today. Regarding both unpunished violence in entertainment and cartoon violence, one of its most outspoken opponents is herself a cartoon, Marge Simpson, from the longest-running television series, *The Simpsons*. In one episode, Marge crusaded against the graphic violence in *The Itchy and Scratchy Show*, a cat-and-mouse cartoon show her children, Bart and Lisa, frequently watch. Stepping out of Marge's TV world and into our own, we find that many Americans agree with Marge that cartoon violence is a vice. In 1991 a fourteen-year-old viewer wrote a letter to the editor of the *New York Times* complaining about an episode of *The Simpsons* in which "Maggie, the baby, seeing a mouse hit a cat over the head with a mallet . . . then hit Homer Simpson, the father, over the head with a mallet."<sup>3</sup>

Setting aside for the moment this idea of views of vice serving the interests of those who hold power, let's ask (as this book will continue to ask) a very important question: Does vice lead to crime? Or to put it more specifically for this instance: Do depictions of violence,

even cartoon violence, engender violence? The same year that the fourteen-year-old girl wrote her letter to the *New York Times*, syndicated columnist Ray Richmond told readers,

You probably haven't heard the story of a certain vile individual in New York City who actually put a lit firecracker inside the mouth of a kitten and blew up the poor animal. We bring this up on the TV page because at least one woman is convinced that this horrendous, unfathomable act was perpetrated by someone imitating the actions of Itchy and Scratchy, the cat and mouse cartoon characters on "The Simpsons." . . . Their actions inspired the viewer to charge in her letter to WNYW-TV . . . that Itchy and Scratchy send a dangerous message of violence.<sup>4</sup>

Maybe that viewer was overreacting to an isolated psycho. On the other hand, Chicago's highly respected reviewer Richard Christiansen wrote in 1993, "Sociological and psychological studies are demonstrating with regularity that youngsters are indeed influenced by the violence they see in so-called television programming, a disturbing condition that is treated satirically in 'The Simpsons,' where cartoon kiddies, Bart and Lisa Simpson, sit entranced in front of the TV set while they watch the bloody cartoons of 'The Itchy and Scratchy Show.' What to do? What to do? The issue has perplexed many a lawmaker, including Sen. Paul Simon (D-IL), a man of conscience, who has suggested setting up an industry monitoring panel."<sup>5</sup>

What to do indeed. Combating vice has long proven to be akin to playing Whac-A-Mole, the arcade game in which one tries to bop unsightly fuzzy-wuzzies that keep popping up. Often adding to the difficulty has been getting others to agree on what should be bopped. Supreme Court Justice Potter Stewart spoke directly to this Whac-A-Mole element when he wrote in a 1964 ruling, "Recently this Court put its hand to the task of defining 'obscenity' in *Roth v. United States* . . . . Yet obscenity cases continue to come to this Court." Bottom line, Justice Stewart stated, he would not try to define the vice of obscenity. He simply concluded, "I know it when I see it."<sup>6</sup>

The same can be said in regard to all vice. We all sense it, we all know it when we see it—but what is it that we see? And why doesn't everyone see it the same way? Think about power and think about this: In 1929 a jury convicted Mary Ware Dennett of sending obscene material through the mail. The dirty book, titled *Sex Side of Life, or Advice to the Young*, contained information and illustrations on the human reproductive system.<sup>7</sup> Mary Ware Dennett was a prominent women's rights advocate and did not view her book as vice.

Or think about power and think about this: In 1775 lawyer William Kendrick lamented, "The licentiousness of married women of the present day . . . [threatens] dreadful consequences to society." What particularly bugged him was female adultery, which, he declared, "distinguishes the present from any former era."<sup>8</sup> Hard to believe there were more moms on the make in the late 1700s than ever before, but equally intriguing is what Kendrick didn't say. Adultery by men went unmentioned, let alone condemned. Perhaps it wasn't even on their radar in 1775—or maybe just not on the printed page. After all, would you want to explain condemning married men diddling around to nobles and kings whose mistresses were legion? As we shall see, moral reformers have often opted to zip their lips rather than someone else's pants. The key question is: Whose pants get zipped by law?

Regarding the power of what's behind those zippers, until the late twentieth century, spanking one's wife was not viewed as punishable vice—if, indeed, as vice at all. As authoritative (arguably, perhaps) as Supreme Court Justice Stewart, this nation's preeminent television attorney, Perry Mason, stood by silently in one 1961 episode in which a beautiful young wife complained of her husband, "When the steak fell in the fire [at a barbecue they were hosting], he spanked me in front of everyone!" Unclear is whether her anger was more at being spanked (did she mean he actually plopped down in a lawn chair and threw her over his knee?) or at this happening in front of their guests. No one in the scene or at any point in the episode voiced criticism of this act by her husband. In fact, after the wife's exit, Mason, the hero of this popular, long-running show, referred to himself as the husband's "old friend." Stepping outside the TV screen again, inscriptions

inside women's wedding rings from the eighteenth and nineteenth centuries often read, "I kiss the rod from thee and God."<sup>9</sup>

While these examples all suggest we've made progress, many Americans today would view as retrogressive a 2003 news report that former senator and presidential aspirant Rick Santorum "believes the state has the right to determine whether a husband and wife can use contraceptive devices."<sup>10</sup> Quoting Santorum, it continued, "All of those things are antithetical to a healthy, stable, traditional family, and that's sort of where we are in today's world, unfortunately. It all comes from, I would argue, this right to privacy that doesn't exist, in my opinion, in the United States Constitution."

Rick Santorum and social conservatives are not alone in present-day efforts to combat what they consider vice. One contemporary website has voiced a concern shared by many Americans across the political spectrum: violence in video games. Distinguishing this form of violence in entertainment from that in movies and TV, the website notes, "In order to play and win, the player has to be the aggressor. Rather than watching violence, as he might do on television, he's committing the violent acts. . . . [T]his kind of active participation affects a person's thought patterns."<sup>11</sup>

This book does not seek to dismiss concern over vice. I confess to being influenced by the (not necessarily nefarious) powers-that-be in my life when I say I believe stable families are preferable to unstable families; violence is not good, even when necessary; and health is better than illness. This book does not seek to mock moral reformers. (Well, it may not *seek* to, but it does take quite a few swats at them.) It will also explore the fact that, despite the continued prevalence of substance abuse, hanky-panky, and violence in entertainment, there have been successes in combating vice. In 1965, for example (and we will see others), 42 percent of Americans smoked cigarettes; in 2011 the figure was 17 percent.

By stepping back far enough to survey America's war on vice from the beginnings of British settlement to the present, all those years and all those vices join to provide us with a view unlike any other. Not only does it bring into focus who held power when, but it also

enables us to see shifts in power taking place by witnessing the widening and narrowing of gaps between laws against the various vices and adherence to those laws.

It also turns out that the focus achieved by viewing all those vices over all that time provides a view into each of us today.