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**'Arrested For Selling Poetry!' or 'You Wouldn't Want Your Children Reading This': The
Historical Significance Of The "Howl" Obscenity Trial**

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in

The Department

of

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ABSTRACT

‘Arrested For Selling Poetry!’ or ‘You Wouldn’t Want Your Children Reading This’: The Historical Significance Of The “Howl” Obscenity Trial

Joel Elan Black

This study looks at the relationship between the obscenity trial over Allen Ginsberg’s poem “Howl” and the conservative Cold War culture of the 1950s that it criticized. “Howl” emerged in a broader context of a cultural transition, involving music, film and literature. Moreover, the poem was tried and freed just months after the Supreme Court rewrote literary obscenity law and made “redeeming social importance” its primary test. Concerns about the deleterious effect of cultural items were manifest in the debates over juvenile delinquency. The media, who initially supported “Howl’s” First Amendment right to speech, was subsequently critical of the counter culture that the poem symbolized and engaged in an extra-judicial public censoring of that culture. Although censorship efforts failed to silence “Howl”, the repressive cultural agenda of the domestic Cold War American media in the 1950s operated to powerful effect.

DEDICATION

I would like to dedicate this paper to the memory of Kefryn, who turned me on to Montreal and Concordia and who, like Ginsberg, introduced me to the possibility that the universe might not be what it seems. Also, to my old dog, Mush, who like Ginsberg, was prone to spontaneous howls of protest. Most importantly, however, Erin, thank you for your love and your support.

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Introduction

*Hold back the edges of your gowns, ladies, we are going through hell**
-William Carlos Williams

Allen Ginsberg's "Howl", published in 1956, is a lengthy poem composed of four sections. Ginsberg described the first part of "Howl" as "a lament for the lamb in America", the second as "the monster of metal consciousness that preys on the lamb" and the third part as "a litany of affirmation of the lamb in its glory". He considered the fourth section, entitled "Footnote to Howl", as "an extra variation on the form of part two."¹

According to Ginsberg the poem was a private exercise.

I thought I wouldn't write a poem but just write what I wanted to without fear, let my imagination go, open secrecy, and scribble magic lines from my real mind—sum up my life—something I wouldn't be able to show anybody, writ (sic) for my own soul's ear and few other golden ears.²

"Howl" is a personal and confessional poem, in which Ginsberg addresses the human cost of the Cold War. He warns that a strict and unforgiving civilization can crush fragile spirits. His critique is political, but only in a general sense. The poem's hortatory tone is directed at the destruction, inhumanity and anxiety produced by Cold War culture, and

* This is the last line of William Carlos Williams' introduction to "Howl".

¹ Allen Ginsberg, "Notes on Finally Recording Howl", *Spoken Word Series*, 7006. 1959. Fantasy Records Inc.

² Ibid.

the harm it inflicted. Humanity is the antidote Ginsberg presents to the strident nationalism and logic of annihilation that he perceives as characteristic of Cold War culture in the 1950s. "Howl" seeks to recover life, now profaned by man.

A cultural expression of dissatisfaction with 1950s America, "Howl" emphasized the primitive and impulsive characteristics of man with a sweeping momentum. In the poem Ginsberg describes society's victims as those:

Who talked continuously seventy hours from park to pad to bar to
Bellevue to museum to the Brooklyn Bridge,
a lost battalion of platonic conversationalists jumping down the stoops off
fire escapes off windowsills off Empire State out of the moon,
yacketayakking screaming vomiting whispering facts and memories and
anecdotes and eyeball kicks³

This "lost battalion" lives an uneasy coexistence with a ubiquitous and unforgiving concrete reality. Ginsberg names this concrete reality "Moloch".

Moloch whose love is endless oil and stone! Moloch whose soul is
electricity and banks! Moloch whose poverty is the specter of
genius! Moloch whose fate is a cloud of sexless hydrogen! Moloch
whose name is the mind!⁴

"Howl" expresses Ginsberg's comprehensive view of the world, where everything is interconnected. This view began to develop in 1948 when he had visions that were triggered by the poetry of William Blake.

Ginsberg's Blake vision was a catalyst to the worldview that he expressed in "Howl". At the time he had graduated from Columbia, was employed part-time and living in Harlem. The future bore heavily on his mind. He was lonely for his friends, Jack Kerouac, William Burroughs and Neal Cassady, with whom he had developed

³ Allen Ginsberg, *Howl and Other Poems* (San Francisco: City Lights, 1956), 11.

⁴ *Ibid*, 22.

relationships while studying at Columbia University in New York. Kerouac had isolated himself on Long Island to write his first novel, *The Town and The City*⁵ and Burroughs was in Mexico. Moreover, Cassady had ended their tumultuous, but one-sided, affair. While relaxing in bed one day and reading William Blake's poem "Ah! Sun-Flower" Ginsberg experienced a vision. He was shaken out of his stupor by a "deep, grave voice", which he took to be Blake's. Out the window he saw a "sweet golden climate". "I suddenly realized", Ginsberg recalled, "that *this* existence was *it*". He was captivated by a vision of an omnipresent and connected universal benevolence. "My first thought", Ginsberg told *Paris Review* interviewer Tom Clark in 1965, "was that this was what I was born for". The "second thought", he continued, was "never forget, never renege...don't get lost mentally wandering in other spirit worlds or American or job worlds or advertising worlds or war worlds... The spirit of the universe was what I was born to realize. I began to notice in every corner where I looked evidence of a living hand." Ginsberg was both deeply moved and concerned about his bizarre, supernatural experience. His dilemma, he recalled, was that he was either "going mad" or that he was a "spirit angel in a great cosmic universe". He considered it a "terrible fucking dilemma to be confronted with".

Over the following week the vision and the voice continued until he "began to see poetry as the communication of the particular experience—not just any experience but *this* experience." Ginsberg's vision helped him develop a faith in the existence of an authentic human essence that underlined the social roles people play and the social experience individuals have. Poetry, he thought, might be a way to get behind the

⁵ *Harcourt Brace* published *The Town and The City* in 1950. The novel earned Kerouac some recognition, but it did not make him famous as *On the Road* would seven years later.

“habitual conduct and forms to prescribe, forms to fulfill, roles to play”. This led Ginsberg to target the forces that separate individuals from their authentic selves. Among these forces were the material effects of the Cold War, which he considered “an imposition of a vast mental barrier on everybody, [of] a vast anti natural psyche.”⁶ Ginsberg’s Blake Dream set a parameter for his engagement with the world; he would not face it literally—he would face it poetically. He wrote in the *San Francisco Chronicle* in the summer of 1959 that “because all individuals are one in the eyes of their creator, into the soul of the world. The world has a soul.”⁷ His poetry sought to negotiate that soul.

In the mid-1950s three events altered Ginsberg’s life: he accepted his homosexuality, his mother died after years of failed treatments in a mental institution, and he began a long-term relationship with Peter Orlovski.⁸ Ginsberg’s search for psychological help began while he was an undergraduate at Columbia University in the mid-1940s. John Tytell notes that his “most pressing anxiety was due to his sexual confusion and his mother’s malady.”⁹ Naomi Ginsberg, institutionalized frequently throughout Ginsberg’s life, died in 1956. Ginsberg needed years, Tytell argues, “to understand his own identity and to define himself as poet.”¹⁰

He eventually encountered an empathetic psychiatrist in San Francisco. “I was very unsure of myself” Ginsberg told Jane Kramer. The psychiatrist, Dr. Phillip Hicks,

⁶ Thomas Clark “Interview with Allen Ginsberg”, *Paris Review* (Spring 1966), 15-53.

⁷ Allen Ginsberg, “Poetry, Violence and the Trembling Lambs,” This World Section, *San Francisco Chronicle*, 26 July 1959.

⁸ For more extensive discussions of this aspect of Ginsberg’s life see Jane Kramer, *Allen Ginsberg In America* (NY: Random House, 1968). John Tytell, *Naked Angels: The Lives and Literature of the Beat Generation* (NY: McGraw-Hill, 1976). Michael Schumacher, *Dharma Lion: A Critical Biography of Allen Ginsberg* (NY: St. Martin’s Press, 1984), 190, 191.

⁹ John Tytell, *Naked Angels: The Lives and Literature of the Beat Generation* (NY: McGraw-Hill, 1976), 83.

¹⁰ *Ibid*, 77.

asked him, “What do you want to do? What *is* your desire, really?” “I want to stop working forever,” Ginsberg responded, “and do nothing but write poetry and have time for leisure... And I’d like to keep living with someone—maybe even a man—and explore relationships that way. And cultivate my perceptions and cultivate the visionary things in me.” “Well” Dr. Hicks responded, “why don’t you.” “There’s no party line, no red book on how people are supposed to live.”¹¹ Ginsberg was liberated. After years of being encouraged by psychoanalysts to settle down and marry, he found a therapist who gave him permission to be himself and accept his circumstances.

It was around this time that Ginsberg met Peter Orlovski, who would become his emotional and romantic partner and companion for the next several decades.¹² In his previous homosexual relationships Ginsberg had felt “that he was forcing his sexuality on his partners”. However, he found tenderness with Orlovski, “both giving and receiving.”¹³ Within one year the two men exchanged vows, “an exchange of souls and bodies—but a serious exchange of talents and purposes.”¹⁴ This relationship with Orlovski provided Ginsberg with the secure, sincere and reciprocal relationship that he desired. And, similar to his previous relationships, Ginsberg provided Orlovski with the stimulation and cultural cachet of his literary talents. “Howl” was written at a time when Ginsberg was settling a number of personal issues in his life. Moreover, Ginsberg’s vision of an interconnected and benevolent humanity stayed with him through his life.

¹¹ Jane Kramer, *Allen Ginsberg in America* (NY: Random House, 1968), 42. Italics in original.

¹² Ginsberg met Orlovski in December 1954. At the time Orlovsky was living with painter Robert Lavigne. Lavigne, whose relationship with Orlovski was deteriorating, withdrew himself from the potential triangle and moved to San Diego to work. He asked Ginsberg to keep an eye on him.

¹³ With Jack Kerouac and Neal Cassady Ginsberg felt that he was forcing his sexuality. The reverse was the case with William Burroughs. See Michael Schumacher, *Dharma Lion: A Critical Biography of Allen Ginsberg* (NY: St. Martin’s Press, 1984), 190.

¹⁴ *Ibid*, 191.

Howl and Other Poems was published by San Francisco's City Lights in 1956 and was the fourth title in its pocket poet series.¹⁵ The publication of "Howl" and its subsequent obscenity trial in the summer of 1957, which was instigated by the San Francisco Police Department (SFPD), marked the beginning of Allen Ginsberg's life as a public figure. By the 1960s he had become a well-recognized cultural figure in the United States. Over the next three decades he published prodigiously, from individual poems in magazines to entire anthologies. A large body of literature has since emerged on his poetry and life, his correspondence and his activism. But while the "Howl" obscenity trial has often been viewed as the main catalyst to Ginsberg's career as a poet, the historical significance of the event has not been fully explored. The trial and subsequent debate over the poem reflected the changing legal interpretation of obscenity in post war America. The nature of Ginsberg's challenge to establishment values surfaced immediately as the debate over "Howl", begun during the trial, triggered a broader cultural furor that extended beyond the contents of the poem to its reviews and discussion of the San Francisco cultural scene and the Beat generation.

This thesis argues that the "Howl" obscenity trial was a significant cultural and legal event that brought together various literary and censorship issues reflecting the distinctive historical context of 1950s America. Although the outcome of the trial affirmed a legal trend toward freer expression in the United States the response of the popular media was far more negative and often hostile. Many commentators were

¹⁵ *Howl and Other Poems* was the fourth publication in City Lights Bookstore's Pocket Poet Series. The first issue was *Pictures of the Gone World*, by Lawrence Ferlinghetti, the second was *Thirty Spanish Poems of Love and Exile*, by Kenneth Rexroth and the third is *Poems of Humor and Protest* by Kenneth Patchen.

disturbed and offended by the perceived message of the poem and its graphic descriptions of drug use, homosexual encounters and madness.

The central legal and social precepts in the literature on obscenity law in the decades preceding the trial pitted the right to expression against the protection of the public sphere from immoral and harmful ideas. The “Howl” trial began in a San Francisco courtroom in June 1957, two months after the Supreme Court’s Roth Decision, which expanded first amendment protection to literature with “redeeming social importance”. The trial concluded a few months later in early October, with the legal vindication of “Howl”. The Roth Decision, named after publisher Samuel Roth, represented a movement toward greater protection of speech. Although censorship laws became gradually liberalized after the 1920s publishers like Samuel Roth were still imprisoned in the 1950s for distributing material with a strong sexual element. In addition, Henry Miller’s *The Tropic of Cancer* (1934), Edmund Wilson’s *Fanny Hill* (1750) and D. H. Lawrence’s *Lady Chatterley’s Lover* (1928) remained banned throughout the 1950s. At the time of the “Howl” trial, in other words, the forces of censorship were still powerful.

Politics and morality interacted regularly in the 1950s and triggered a number of moral panics over fears that popular culture items were leading America’s youth to violent or immoral acts. As a result, authorities moved to censor expression it deemed harmful. “Howl” was linked to these popular censorship efforts, which Elizabeth Childs argues were the result of a process of cultural transformation:

It is often when an artist seems most at odds with his or her world, most subject to critical debate, that we glimpse the dominant values of a society, the meaning and function of art, the dynamics of reception and

interception, and the often painful process of cultural debate and transformation.¹⁶

The media's extensive coverage of "Howl" passed through two distinct phases. The first phase focused on the mechanics of the obscenity charges against the poem. However, early reviews of the poem also appeared in literary journals, some of which were very critical of the poem. The second phase of the controversy began in the months after the trial and stemmed partially from the reviews and the increasing cultural impact of the Beats, as they began to publish their material. In this second phase of the controversy the aesthetic qualities of the literature were linked to a wider cultural and moral deviance associated with the Beat generation. Ironically, while the court exonerated the poem this second phase of the media coverage was primarily censorial. Both the trial and the media's extra-judicial efforts to censor "Howl" provide an important lens on the relationship between a poem and the society it called into question.

In addition to its historical significance, the furor over "Howl" speaks to a wider debate about the culture of the 1950s in American historiography. On the one hand, there is a long tradition of representing the period as an era of conservative consensus and a high point in the story of American success. But another strand of the literature increasingly sees the period as a time of cultural innovation and diversity that challenged the established order.

Much of the literature that deals with the cultural history of the 1950s focuses on the idea of consensus as a positive force in American culture. This is not surprising for in some respects the 1950s itself was a high-water mark in a production of consensus

¹⁶ Elizabeth Childs, ed, *Suspended License: Censorship and the Visual Arts* (Seattle: University of Washington Press, 1997), 3.

historiography. According to John Higham, “the insecurity of the postwar period engendered... an urge to define America—to define its distinct character.”¹⁷ For example, in his classic trilogy, *The Americans*, begun in 1958, Daniel Boorstin’s celebrated the know-how and practicality of American colonists in an attempt to create a usable past appropriate to the affluence and self-confidence of postwar society. Apart from distinctiveness, professional historians also encouraged a consensus view by minimizing the reality of cultural difference and emphasizing a progressive, classless and liberal society that was allergic to ideology.

In 1955, Harvard political scientist Louis Hartz wrote *The Liberal Tradition in America: An Interpretation of American Political Thought Since The Revolution*, in which he argued that the American past was shaped by a single liberal tradition. Because America skipped the feudal period, he claimed that it never experienced the class divisions that afflicted European countries. Similarly, in *The American Political Tradition* (1948) Richard Hofstadter broke with the conflict driven historiography of the Progressive school by emphasizing the “common climate of American opinion,” which had been obscured by a tendency “to place political conflict in the foreground.”¹⁸

The power of the consensus approach continues to be manifest in contemporary historiography. In *The Proud Decades: 1941-1960* (1989) John Diggins surveys the period between the bombing of Pearl Harbor and John F. Kennedy’s inauguration and argues that “the sixties were the aberration and the forties and the fifties are decades that

¹⁷ John Higham, *History* (New Jersey: Princeton UP, 1965), 223.

¹⁸ Christopher Lasch quoted in Richard Hofstadter, *The American Political Tradition and the Men Who Made It* (NY: Vintage, 1973), xxxvi. Although Hofstadter came to resent the limitations of consensus history, writing in *The Progressive Historians* in 1968, “it no longer seems as satisfactory to me as it did ten or twenty years ago.”¹⁸ his efforts helped pave the way for consensus history. Richard Hofstadter, *The Progressive Historians: Turned, Beard, Parrington* (Chicago: Chicago UP, 1968), 444n.

tell Americans more about themselves.”¹⁹ Although Diggins does not completely shy away from evidence of conflict during the period and addresses the status of women and the emerging civil rights movement, he primarily celebrates American affluence as well as achievements in science and international relations. He argues that “the fifties represented neither reform, nor reaction, neither liberal activism in the name of social justice, nor conservative consolidation and a return to the old order”.²⁰

In *American High: The Years of Confidence, 1945-1960* (1986), William O’Neill argues that the post war period was “an age of reconstruction”²¹ characterized by optimism, prosperity and the “faith that, given enough effort, anything could be accomplished.”²² Advances in birth control, the spread of television, the eradication of polio and the development of the Hydrogen bomb fed the high and reflected an “environment of incredible health and vigor.”²³ Even the Korean War is interpreted positively as an event in which “communism was taught a lesson and free men everywhere [were] heartened.”²⁴ In a burst of patriotism he argues that “containment saved Western Europe and Japan and possibly freedom itself.”²⁵ Moreover, *American High* is partially a response to the historiography that arose out of the protests over the Vietnam War, much of which blamed America for the Cold War. Although O’Neill accepts that McCarthyism and the Hollywood blacklistings were excessive, he claims that their impact was short term and he blames victims for playing a role in their own demise.

¹⁹ Diggins, *The Proud Decades: 1941-1960* (NY: Norton, 1988), introduction.

²⁰ *Ibid*, introduction.

²¹ William O’Neill, *American High: The Years of Confidence: 1945-1960*, (NY: The Free Press, 1986), preface.

²² *Ibid*, 291.

²³ *Ibid*, 7.

²⁴ *Ibid*, 126.

²⁵ *Ibid*, 76.

While O'Neill, and to a lesser extent Diggins, is protective of American achievements in the 1950s, an extensive body of literature has developed in the past decade that challenges the consensus paradigm. Tom Engelhardt's *The End of Victory Culture: Cold War America and the Disillusioning of a Generation* (1995) is an example of this trend. According to Engelhardt the "American war story was especially effective as a builder of national consciousness because it seemed so natural, so innocent."²⁶ Yet throughout the fifties, Americans were menaced by "fantastic versions" of various threats posed to their security by internal and external enemies. Although "Americans experienced glorified versions of their new gatekeepers (CIA, defense industry, Federal Government) protecting them"²⁷, Engelhardt claims that the optimism of victory culture was undermined by public anxiety, the destructiveness of HUAC investigations and other "ceremonies of guilt,"²⁸ where the enemy was "teased from the population."²⁹

Significantly, in the context of this thesis, some of the recent literature on the 1950s focuses on the expression of cultural dissent. Three collections of essays stand out in this regard: Lary May's *Culture and Politics in the Age of the Cold War*; Joel Foreman's *The Other Fifties: Interrogating Mid-Century Icons*; and Nathan Abrams' *Containing America: Cultural Production and Consumption in Fifties America*. These collections seek to problematize the consensus view of American history by highlighting the "mutual interaction between art and society, history and ideology."³⁰

²⁶ Tom Engelhardt, *The End of Victory Culture: Cold War America and the Disillusioning of a Generation* (NY: Basic Books, 1995), 4.

²⁷ *Ibid.*, 118.

²⁸ *Ibid.*, 125.

²⁹ *Ibid.*, 126.

³⁰ Lary May, *Recasting America: Culture and Politics in the Age of the Cold War* (Chicago: University of Chicago Press, 1989), 9.

Lary May's *Recasting America* is a multidisciplinary collection that includes essays by historians and social scientists and is inspired by the contention that the postwar period "is in need of a vigorous infusion of new ideas and approaches."³¹ It casts a wide net and examines different forms of marginalized expression in the fifties. May and his colleagues argue that for "alienated artists and subcultures, such as blacks, Chicanos, bop musicians, abstract expressionists and participants in the new youth culture, the conflict stimulated utopian artistic form and political possibilities."³²

Similarly, Foreman's *The Other Fifties* opens with three discussions of "Changing Minds" and moves on to sections on television, film and literature. This collection illustrates the interactive relationship between culture and consumers and claims that "by specifying, amplifying and further complicating the view of the fifties" it will be possible to challenge the "dominant narrative of bland homogeneity and successful repression."³³ Covering topics from Broadway to the film *Pillow Talk*, Foreman argues that the marketplace of culture was an "accelerator for change and progressive transformation"³⁴ and the "production and dissemination of subversive ideology."³⁵

Likewise, the essays in Nathan Abrams' *Containing America* deal with literary and cinematic aspects of Cold War culture, and look beyond these areas to items like food and clothing, asserting that the fifties were an "extremely fertile context for vigorous cultural production". According to Abrams, because the Truman Doctrine was "the defining cultural moment... through which the world was subsequently to be defined and

³¹ May, *Recasting America*, 9.

³² Ibid, 10.

³³ Joel Foreman, *The Other Fifties: Interrogating Mid-Century Icons* (Chicago: University of Illinois Press, 1997), 3.

³⁴ Ibid, 12.

³⁵ Ibid, 7.

understood,”³⁶ the idea of containment operated domestically to shape public responses to cultural difference. This was reflected in a myriad of ways from attacks on zootsuits and new hairstyles to assertions of sexual containment in everything from television comedies to domestic magazines and science fiction pulps.³⁷

In *The Post Utopian Imagination: American Culture in the Long 1950s* (2000), Keith Booker sets out to locate the origins of post-modernism in the late 1940s—which was the beginning of what he calls “the long 1950s”—and thereby challenge scholars who locate it in the late 1960s.³⁸ He demonstrates, through the study of select cultural products that “the decline of the American Utopian imagination” was begun in “the years after World War II.”³⁹ According to Booker “the rapid proliferation of the film industry, advertising (and) print material underlined America’s culture of consumption.”⁴⁰ But because affluence proved empty for Americans who had “achieved everything they dreamed of only to find the dream empty,”⁴¹ they were spurred into a search for meaning, for a vision and a new narrative.

According to Booker the atomic bombing of Hiroshima and Nagasaki, along with America’s history of slavery, compounded the precariousness of “the American National Utopian Narrative”.⁴² He draws on Vladimir Nabokov’s *Lolita* (1955), Joseph Heller’s *Catch-22* (1961), and Ralph Ellison’s *The Invisible Man* (1947)—studies in perverse attraction, alienation and racism—to support his case, inasmuch as “the inability to

³⁶ Nathan Abrams, *Containing America: Cultural Production and Consumption in Fifties America* (Birmingham: University of Birmingham Press, 2000), 4.

³⁷ See Elaine Tyler May’s essay in *Recasting America* that deals explicitly with the containment theme in a gendered context.

³⁸ *Ibid*, 191.

³⁹ Keith Booker, *The Post Utopian Imagination: American Culture in the Long 1950s* (Westport: Greenwood Press, 2002), 3. Booker does not discuss Beat literature or music.

⁴⁰ *Ibid*, 23.

⁴¹ *Ibid*, 9.

sustain a coherent narrative and accompanying fragmentation... in the psyche of the characters.”⁴³

Outside literature Booker examines the similarities between two fifties cultural icons, Hitchcock films and Disneyland, in order to demonstrate how the Cold War paradigms were disturbing fifties utopia. Both cultural forms, he argues, were “built on the basic Cold War premise that American domestic bliss was threatened by a number of sinister outside forces.”⁴⁴ But like other cultural products consumed during the 1950s, they offered little in the way of vision. Booker’s argument that the 1950s were a cultural watershed and a period marked by cultural transition resonates with other historical literature.

W.T. Lhamon’s *Deliberate Speed: The Origin of a Cultural Style in the American 1950s* (1990) takes its title from the Warren Court’s 1954 Brown Decision, which officially ended racial segregation in the United States.⁴⁵ Lhamon describes a general cultural transition assisted by the breakdown in racial barriers and demonstrates the emergence of postmodern culture in the mid-1950s. New forms of music and literature entered the mainstream. New consumer electronic gadgets and the specialized media—television, radio, LP’s—opened the way to new forms of expression and “caught and crested the welling American mood.”⁴⁶ “The consumer electronic revolution”, according

⁴² Ibid, 12.

⁴³ Ibid, 29.

⁴⁴ Ibid, 148.

⁴⁵ The case was *Brown vs. The Topeka Board Of Education*. Supreme Court Chief Justice Earl Warren ordered the end of “Separate but Equal” facilities (this precedent was set in the 1896 case, *Plessy vs. Ferguson*) with “all deliberate speed”.

⁴⁶ W.T. Lhamon, *Deliberate Speed: The Origins of a Cultural Style in the 1950s*, (Washington: Smithsonian Institution Press, 1990), 33.

to Lhamon, “caused the most significant changes in the way culture felt during the post-war years.”⁴⁷

New lore (folklore, poplore, and jazzlore) cycles, fuelled by social, cultural and political thought, expedited this transition, which Lhamon likens to Kuhn’s cycle of scientific revolutions. Jazz was moving into the mainstream, while rhythm and blues merged with white forms and voices to produce rock’n’roll.⁴⁸ Lhamon describes fifties culture as lively and fluid:

The fifties were alive with vital art, new codes of behavior...films and novels and paintings had to stand on their own... the consequence was a period with an uncommonly high proportion of embattled and daring works.⁴⁹

Challenging the literature that characterizes the fifties as a “hole in history,”⁵⁰ a dormant precursor to sixties radicalism, Lhamon cites the examples of Jackson Pollock, Little Richard, Miles Davis, Jack Kerouac and Allen Ginsberg to argue that the decade was a period of cultural experimentation and convergence. According to Lhamon, “the best minds’ of Ginsberg’s generation depended on black culture to fix their needs.”⁵¹ and began “cooking” with new cultural ingredients, constructing a new aesthetic of Deliberate Speed.

The publication of “Howl” and the subsequent trial and media campaign of censorship provides an important lens on the relationship between the poem and the broader culture of the Cold War. “Howl” was a deliberate rebuttal of the social and cultural burdens of the Cold War that demanded conformity to social values and norms.

⁴⁷ Ibid, 12.

⁴⁸ Ibid, See Jazz, p. 39, See Rock’n’roll, 44.

⁴⁹ Ibid, 5.

⁵⁰ Ibid, introduction.

The trial was a watershed that prefigured a broader cultural transformation in the 1950s. Although the poem tested and then extended the legal and cultural limits of the regulated Cold War culture of the 1950s, the broader repression of the period operated to powerful effect, irrespective of the law.

⁵¹ Ibid, 69-70.

Chapter One: **Obscenity Law and Literature**

*Where we are great writers on the same dreadful typewriter**
-Allen Ginsberg, "Howl"

Aesthetically *Howl and Other Poems* must have appeared quite innocuous sitting on the shelf at City Lights bookstore in the fall of 1956 and the spring of 1957. The paperback booklet was small enough to fit into a pocket, and affordably priced at 75 cents. The poem's title and the author's name were printed in bold black letters on a white backing. However, it was the dramatic lines inside the booklet that caused a great stir in San Francisco among residents who occasioned jazz clubs and poetry readings or filled the cramped streets of its North Beach district. It also triggered a response from censorship agents who sought to maintain prescribed forms of public decency in San Francisco.

The issues that emerged in the "Howl" obscenity trial have a lengthy history in the United States. Because obscenity law is an abstract concept and changes with society, the courts have employed numerous tests in order to judge what is, or is not, obscene. Essentially, the history of obscenity law is a struggle between the forces of reticence and exposure, between the supremacy of the first amendment to the Constitution and the virtue of public morality, as expressed in various codes and norms of behavior. The history of obscenity prior to "Howl" illustrates the forces behind the book's suppression

and ultimate vindication and a review of the literature on obscenity law reveals the precepts of the obscenity debate.

The story of literary censorship in America began in the 1860s with the English case of *Regina v. Hicklin*. Benjamin Hicklin was charged with distributing obscene material after dispensing an anti-Catholic pamphlet. Judge Alexander Cockburn acquitted Hicklin and proceeded to define obscenity:

I think the test of obscenity is this, whether the tendency of the material charged as obscene is to deprave and corrupt those whose minds are open to such immoral influences and into whose hands a publication of this sort may fall.⁵²

This circular test became a “settled and accepted legal fact” in America obscenity jurisprudence.⁵³ In the 1870s censorship law in America consolidated under the aggressive crusades of Anthony Comstock and his New York Society for the Prevention of Vice (NYSPV). Comstock pushed the first federal censorship law through Congress “in the closing hours of a hectic session”⁵⁴ in 1873. It created the position of Special Agent of the Post Office and came with police powers to seize and destroy material deemed obscene. Although a coalition of reformers and wealthy philanthropists

⁵² Quoted in Morris Ernst and Alan Schwartz, *Censorship: The Search for the Obscene* (NY: McMillan, 1964), 35.

⁵³ *Ibid*, 35.

⁵⁴ *Ibid*, 31.

The Comstock Postal Act was named after Special Prosecutor Anthony Comstock and banned five types of material from the mails: (1) “An obscene, lewd, lascivious book, pamphlet, paper, print or other publications of indecent character”; (2) information and devices relating to birth control (both contraception and abortion); (3) things “intended or adapted for immoral use or nature”; (4) any information regarding how to make or obtain the materials mentioned above; (5) envelopes and postcards with “indecent or scurrilous epithets.” Comstock Act of March 3 1873, 17 Stat. At L., 598. Quoted in Rochelle Gurstein, *Repeal of Reticence: A History of America’s Cultural and Legal Struggles over Free Speech, Obscenity, Sexual Liberation, and Modern Art* (NY: Hill and Wang, 1996), 54.

supported Comstock, the greatest of these supporters was Morris Jessup, benefactor of the YMCA, who gave the crusade encouragement and funding.⁵⁵

Comstock's crusade was public. He liked to boast of his achievements, which included publicly discussing the number of suicides his efforts caused.⁵⁶ Although he was labeled a bully and criticized for his deceitful methods in the pursuit of obscenity violations, Comstock's actions were generally considered a service to society, and on the whole his reformist efforts were appreciated.⁵⁷ During Comstock's time nearly all sexually related material was suppressed. His highly effective campaigns were geared at public morality and were fought in the public sphere.

John Sumner replaced Anthony Comstock in 1915. However, his tenure as vice crusader was less successful. Sumner did not have Comstock's puritanical drive to rid society of "smut" at any cost. More importantly, the times were changing. The First World War did a great deal to unseat some of the Victorian and puritan attitudes concerning sex.⁵⁸ New literature emerged after 1919 that confronted traditional values and new publishing houses, eager to get established, flirted with publications that would have been too risky a decade previous. Most importantly, the censorship issues began to move away from the political realm and into the courts, where debates over "narrow points of the law" were making legal history, "pecking away, little by little, adding a new

⁵⁵ David M. Rabban, "Free Speech League, The ACLU and Changing Conceptions of Free Speech in American Society" *Stanford Law Review* 45 1 (1992): 56.

⁵⁶ Rabban, "Free Speech League", 57. Within a year Comstock seized and destroyed 130,000 lbs. of books, 194,000 pictures and photos and 60,300 rubber articles.

⁵⁷ Craig LaMay, "America's Censor: Anthony Comstock and Free Speech", *Communications and the Law* (1997): 19.

⁵⁸ The First World War opened up writing about sex and sexual behavior. See Ernst and Schwartz, *Censorship, The Search for the Obscene*, 56.

concept here, weakening an established precedent there.”⁵⁹ Judges grew increasingly interested in the meaning of obscenity and the methods by which to gauge it.

Comstock charged Mitchell Kennerley with publishing obscene material and took him to trial in 1913 over Daniel Goodman’s *Hagar Revelly*. In this important decision Judge Learned Hand introduced the test of community standards, which he proclaimed as “that present critical point in the compromise between candor and shame at which the community may have arrived here and now.”⁶⁰ In 1917 the NYSPV took Raymond Halsey to trial on obscenity charges for publishing Theophile Gauthier’s *Mademoiselle de Maupin*. The case did not conclude until 1922, by which time new tests for obscenity had been introduced. Increasingly, the reputation of the author and the opinions of critics and experts were taken into account. A three judge appellate court overturned the conviction of *The Wells of Loneliness*, a book with a strong lesbian theme, in 1929. In 1930 Mary Ware Dennett, who wrote and distributed a popular sex education pamphlet titled “The Sex Side Of Life—An Explanation For Young People” was acquitted of obscenity charges after legal battles lasting over a decade. Although only the Supreme Court established precedents, these efforts helped shape obscenity law.

The trial of James Joyce’s *Ulysses* is a landmark case in the history of obscenity law. The importation of *Ulysses* into the United States was prohibited for years until 1934 when it was acquitted of obscenity charges in Judge John Woolsey’s landmark decision that set a precedent for the “whole book concept” by declaring that a book must be

⁵⁹ Ernst and Schwartz, *Censorship: The Search for the Obscene*, 56.

⁶⁰ Boyer, *Purity in Print: The Vice Society Movement and Book Censorship in America* (NY: Scribner, 1968), 47. The quotation continues, “To put thought in leash to the average conscience of the time is perhaps tolerable, but to fetter it by necessity to the lowest and least capable seems a fatal policy.” Also Henry Clor argues that this statement by Judge Learned Hand “is probably the most influential paragraph in the story of the subject between Kennerly and Roth”, because it was the first step in the process of refuting

judged in its entirety and not by selected passages seen in isolation. As a result, profanity acquired some protection.⁶¹ In addition Woolsey, applying Judge Learned Hand's opinion, substituted the concept of *l'homme moyen sensuel*, the average person, for "the most susceptible" person, as jurisprudence continued to chip away at Hicklin. Although obscenity retained its powerful moral dimension, during the early decades of the twentieth century it increasingly came to be understood in legal terms.

The Supreme Court was long overdue for a statement on obscenity law when it heard an obscenity appeal in 1948. The Court had to decide the constitutionality of the New York law that convicted Edmund Wilson's *Memoirs of A Woman Of Pleasure*. However, the Court split four to four on the matter and issued no written decision. Consequently the previous conviction, along with the law that enforced it, was upheld.⁶² There was no single, clear definition of obscene, outline by the Supreme Court, until 1957, a year after "Howl" was published.

In 1955 Samuel Roth was convicted on federal charges for mailing his literary magazine *American Aphrodite*, which was found to contain obscene literature and photographs. Roth was a renegade of sorts and had spent time in prison in the 1920s for similar violations.⁶³ Indeed, his tendency to pirate literature, as he did with *Ulysses*, had

of Hicklin. See Henry M. Clor, *Obscenity and Public Morality: Censorship in a Liberal Society* (Chicago: University of Chicago Press, 1969), 19.

⁶¹ The stream of consciousness method, which was also employed by Ginsberg in "Howl", solicited a favorable response from the judges in *Ulysses*. In the government's appeal to the Circuit Court, Judges Augustus and Learned Hand addressed this method. "It attempts to depict the thoughts and lay bare the souls of a number of people... with a literalism that leaves nothing unsaid. Certain passages are of beauty and undoubted distinction, while others are of a vulgarity that is extreme and the book as a whole has a realism characteristic of the present age." See Ernst and Schwartz, *Censorship: The Search for the Obscene*, 101.

⁶² Felice Flanery Lewis, *Literature Obscenity and the Law* (Carbondale: Southern Illinois University Press, 1976), 162-163.

⁶³ Charles Rembar recalls a conversation he had with Roth on his philosophy of literature. "His own view is that reading is itself a great good, that any kind of reading was better than no reading and that some people

cost him the support of many intellectuals who would normally have opposed censorship of any kind. He appealed his 1955 conviction and was selected for a hearing in front of the Supreme Court.

The Roth trial was composed of two cases: *Alberts v. California* and *Roth v. United States*. However, the court refused to hear the specifics of each case and chose instead to judge the constitutionality of the obscenity laws and statutes already in place. Although Roth's conviction was upheld, the court's decision, written by Justice William J. Brennan, narrowed the definition of obscenity.

The Roth decision was handed down two months prior to the beginning of the "Howl" obscenity trial. Although Roth represented a continuation of the Hicklin decision to the extent that it sustained the illegality of some sexual or prurient material—by keeping it out of the mail system and outside the realm of first amendment protection—it also represented a clear break with Hicklin because it distinguished between legal and illegal material by extending some protection to works with "the slightest redeeming social importance."⁶⁴

During the "Howl" trial defense attorney Jake Ehrlich employed the liberal interpretation of Roth in his defense of the poem, linking the Supreme Court's ruling on obscenity directly to the "Howl" trial. Edward De Grazia argues that the "decision freeing "Howl" was the first of a group of important lower court decisions that interpreted... Roth as opening the way to constitutional freedom for artistic and literary expression

will only read low material, which he was willing to supply." See Rembar, *The End of Obscenity* "The Trials of Lady Chatterley, Tropic of Cancer and Fanny Hill" (NY: Random House, 1968), 45.

⁶⁴ See Felice Flanery Lewis. *Literature Obscenity and Law*, 188. For a similar connection see LaMay "America's Censor: Anthony Comstock and Free Speech", *Communications and the Law* 19 1997. The complete sentence from the decision reads: "All ideal having the slightest redeeming social importance—unorthodox ideas, controversial ideas and even ideas hateful to the prevailing climate of opinion—have the

branded obscene.”⁶⁵ Even though the “Howl” obscenity trial was held in a District circular court in San Francisco, the acquittal set an important precedent; it was part of a larger process of liberalizing obscenity law, indicating how literature could be protected from the censors. In the early 1960s and after decades of prohibition, D. H. Lawrence’s *Lady Chatterley’s Lover* and Henry Miller’s *Tropic of Cancer* won their freedom, partly as a result of the “Howl” trial. “Howl” was an unconventional poem with an unconventional message. The obscenity charges against it came as the authority of the forces of censorship were in decline and could do little more than interrupt the poem’s legality. By the 1950s lawyers had steered obscenity law toward greater tolerance and exposure.⁶⁶

Lawyers who were often closely associated with the American Civil Liberties Union (ACLU) and had participated in obscenity trials have also contributed much to the literature on literary censorship.⁶⁷ Moreover, while the historical literature gauges the actors and movements that have helped shape the relationship between obscenity law and literature, many revisionist accounts draw on philosophy or cultural studies to investigate the reasons for obscenity law and the grounds for censorship in liberal democratic societies.

full protection of the guarantees, unless excludable because they encroach upon the limited area of more important interests.” See Rembar, *The End of Obscenity*, 49.

⁶⁵ De Grazia, *Girls Lean Back Everywhere: The Law Of Obscenity and the Assault on Genius*, (NY: Random House, 1992), 338.

⁶⁶ Literary obscenity is only one aspect of the large body of work on obscenity law. The majority of the material dealing with obscenity law and literature was published prior to the mid-1970s. From the 1970s onward, pornography figures prominently into the discussion and alters the precepts and politics of the debate. Moreover, there is a body of literature on film and television censorship, which is not entirely consistent with the scholarship on literary obscenity.

⁶⁷ Much of the participatory literature views the issues through a libertarian lens that inspires a literal reading of the First Amendment: “Congress shall make no law abridging the freedom of speech or of the press.”

Samuel Walker's *In Defense of American Civil Liberties: A History of the ACLU* represents the standard liberal approach to censorship history.⁶⁸ The book's opening line declares that "The history of the American Civil Liberties Union is the story of America in this century,"⁶⁹ and Walker discusses the activities of the ACLU in an age of cultural proscription.

The ACLU waded cautiously into the anti-censorship battles in the late 1920s⁷⁰ and it was not until the 1930s that it entered the debates on censorship in the arts. The 1930s witnessed a reactivation of interest in civil liberties caused by the liberalization of the Supreme Court under Roosevelt, the pluralism encouraged by the New Deal, and the rise of totalitarianism abroad.⁷¹ After a period of uncertainty caused by the internal political battles and the Second World War, the Cold War breathed new life into the ACLU with the emergence of blacklisting, the institution of loyalty oaths and the rejuvenation of the HUAC.⁷² Notably, government repression of political speech and not censorship in the arts brought the ACLU back to life and made it relevant.

Furthermore, although the Northern California chapter of the ACLU defended "Howl", the organization did not arrive at an absolute anti-censorship position until

⁶⁸ Crystal Eastman and Roger Baldwin established Americans United Against Militarism, the ACLU's predecessor, in response to the rise of restrictive legislation and amendments that accompanied American entrance into the First World War. According to Walker, "free speech was everywhere in retreat under a cloud of suspicion". Sedition amendments, denaturalization acts, post office suppression of socialist and anti-war literature, the Espionage Act, which made it a crime to interfere with the draft and academic purges had helped ignite the civil libertarians. The American Civil Liberties Board was created to address the rights of conscientious objectors. Under the stewardship of Roger Baldwin, the ACLU took form in 1920; it was dedicated to the protection of individual political and religious rights.

⁶⁹ Walker, *In Defense of American Liberties: A History of the ACLU*, (NY: Oxford UP, 1990), 3.

⁷⁰ *Ibid*, 68. Their interest and emphasis was primarily with labour and political speech.

⁷¹ *Ibid*, 112, 115.

⁷² *Ibid*, 211.

1962⁷³, five years after the Roth decision and “Howl” trial, in part because some members were “squeamish on sexual matters”.⁷⁴

Morris Ernst’s and Alan Schwartz’s *Censorship: The Search For the Obscene* and Edward de Grazia’s *Girls Lean Back Everywhere: The Law of Obscenity and the Assault on Genius*, speak directly to the issue of obscenity censorship in literature from the perspective of participants in various trials and litigations. Published almost thirty years apart, these books make extensive use of oral history and employ long citations from legal decisions. By no means balanced in their appraisals, both take strong anti-censorship positions.

Morris Ernst was a high level member of the ACLU from the 1920s onward.⁷⁵ He successfully defended Mary Dennett’s sex-education pamphlet, Radclyffe Hall’s *The Well of Loneliness* and James Joyce’s *Ulysses*, earning a reputation as the most effective opponent of censorship in his time.⁷⁶ His 1928 book, *To the Pure: A Study of Obscenity and the Censor* lays out his absolutist position that all literary expression deserves protection.⁷⁷ His co-written book with Alan Schwarz is geared toward the layperson and designed to show the law as a “fascinating and exciting subject.”⁷⁸ The authors link the increasing fear of obscenity to rising literacy rates in the later nineteenth century.

Significantly, their discussion of Comstock comes under the unambiguous title “Tragedy Comes to American Literature.” But the authors’ contempt is not limited to

⁷³ Ibid, 235. At the time of Roth the ACLU still placed obscenity outside first amendment protection. See Walker, 233-4.

⁷⁴ Ibid, 228.

⁷⁵ Stephen Whifield notes that Ernest reported communist activity in the ACLU to the FBI in the 1950s. See Stephen J. Whitfield, *The Culture of the Cold War* (Baltimore: Johns Hopkins UP, 1991), 73.

⁷⁶ Samuel Walker, *In Defense of American civil Liberties: A History of the ACLU*, 98.

⁷⁷ Ibid, 83. Walker argues that *To The Pure: A Study of Obscenity and the Censor* framed the idea for the anticensorship campaign for the next 40 years.

⁷⁸ Ernst and Schwartz, *Censorship: The Search for the Obscene*, foreword.

pro-censorship crusaders; they also blame publishers for cowardice and for giving in to intimidation: “Thus does a man lose a bit of liberty by cowardice. Perhaps it is historically right that law should push the cowards around”.⁷⁹ According to the authors obscenity censorship was a subjective act, with no “objective standards for testing the obscene”.⁸⁰ Instead, the debates on obscenity are guided by emotions, rather than by the intellect and “judges have assumed, without proof, that obscenity produces ‘bad acts’”.⁸¹ The authors conclude that censorship must be attacked aggressively and that by submitting to censorship “we are denying ourselves passage on the road to truth.”⁸²

Edward de Grazia was also a long-standing ACLU member who assisted the defense in the trial that led to the release of the *Tropic of Cancer*. De Grazia is particularly interested in the protection of work with merit, but he does not distinguish between the diverse talents of rappers 2 Live Crew and authors James Joyce and Radclyffe Hall. De Grazia sympathizes with those authors unable to sell their material because of censorship restrictions and he was spurred to action by the obscenity prosecutions, in the early 1990s, of 2 Live Crew in Miami, and of Robert Mapplethorpe’s art exhibition in Cincinnati, which was funded by the National Endowment for the Arts. De Grazia reminds readers that many of the works now celebrated as literary classics were once banned, framing the debate as a struggle between prudery and liberated expression. Ignoring historical changes in social values, he refuses to engage anticensorship on moral grounds and simply asserts that prudery has no statute in the Bill of Rights.

⁷⁹ Ibid 33. Also see p. 114.

⁸⁰ Ibid, 78.

⁸¹ Ibid, 249.

⁸² Ibid, 252.

In 1968 two books about literary censorship appeared that dealt with different periods in the history of obscenity law. In *The End of Obscenity: The Trial of Lady Chatterley, Tropic of Cancer and Fanny Hill*, Charles Rembar describes his work on the *Lady Chatterley* trial. He argues that freedom of expression, a concept that in 1956 “did not exist at all,” by “1966 was full grown and dominant, and turned a hard hand against censorship.” This legal transition, Rembar argues, stipulated that:

no matter what the courts and legislatures had traditionally deemed ‘obscene’—no matter what the term meant to laymen or lawyers—the government could not suppress a book if it had merit as literature. It would not need much, if there was any discernable value the first amendment would intervene.⁸³

Like de Grazia, Rembar is interested in artistic merit, but also in the changing meaning of obscenity. When Edmund Wilson’s *Memoires of a Woman of Pleasure* was cleared of obscenity charges in 1966, Rembar proclaimed that literature with merit had acquired absolute protection: “If a writer has some talent and if he is making any effort to use that talent... the law will never bother him.”⁸⁴

Despite this claim Rembar only partially engages the moral dimension of obscenity law, preferring to “dissent from the prevailing view that freer expression is part of moral decline.”⁸⁵ Rather, he suggests that “the removal of artificial restraints on expression may help to establish a sounder public morality”⁸⁶ and that in light of various legal decisions respecting literary works, “obscenity will soon be gone.”⁸⁷

⁸³ Charles Rembar, *The End of Obscenity*, 4.

⁸⁴ *Ibid.*, 490.

⁸⁵ *Ibid.*, 491.

⁸⁶ *Ibid.*, 492.

⁸⁷ *Ibid.*, 493.

The other book published on the topic of obscenity law and literature in 1968 was Paul Boyer's *Purity in Print: The Vice Society Movement and Book Censorship in America*. Boyer uses social history to access the obscenity debates and perceives censorship activity in America quite differently from Rembar. Boyer outlines his concern that:

Much scattered evidence—from the bench, the legislators, the intellectual community and the grassroots level—suggests to me that we may be on the threshold of a period of greatly intensified censorship activity. If this is correct, it would seem worthwhile to... examine... the last great cycle of repressive enthusiasm, which reached its peak in the 1920s.⁸⁸

Boyer examines the vice societies of New York and Boston in the early decades of the twentieth century and discusses what ignited, sustained and eventually destroyed them. Coalitions for and against censorship shape Boyer's discussion, while a revolution in publishing sits at its center.

The near-absolute hegemony of the staid nineteenth century publishing houses, whose genteel standards had been so congenial to the vice societies, began to crumble before the First World War, Boyer argues, and in the 1920s the revolution in publishing reached its climax.⁸⁹ This revolution was precipitated by a postwar "burst of intense literary creativity" from authors like F. Scott Fitzgerald, Ernest Hemmingway, Sinclair Lewis and e.e. cummings.⁹⁰ New publishing houses⁹¹ sprang up to accommodate literature that some older, established houses would not risk publishing. This situation divided the publishing community and fostered an environment where self-censorship was encouraged.

⁸⁸ Boyer, *Purity and Print*, Introduction.

⁸⁹ *Ibid*, 71.

⁹⁰ *Ibid*, 70.

According to Boyer, the Clean Books Crusade in the 1920s in New York, spearheaded by Judge John Ford, received the full support of vice societies in New York and their benefactors.⁹² But it also inspired an effective coalition of anti-censorship advocates and book publishers. Although the Crusade was a “sustained and formidable attempt... to convert the obscenity law into a full proof instrument for the emasculation of serious literary expression,” it failed, Boyer argues, not because of the ACLU stand on the first amendment, but because publishers organized against the censors.⁹³

At the federal level, which Boyer considers the last frontier of the battles, censorship was running at full steam at the beginning of the 1930s and the post office boasted a list of 700 non-importable and non-mailable books.⁹⁴ But according to Boyer the censorship forces lost much of their power at this time because the Great Depression encouraged a new realism and sympathetic portrayals of the “submerged class” that indirectly challenged the moral authority of the censorship forces.⁹⁵

Felice Flanery Lewis’s *Literature, Obscenity and the Law* (1976) identifies the types of literature that have been censored at different times over the past century, and suggests how they reflect changing social standards and definitions of obscenity.⁹⁶ Lewis is concerned about the ambiguity and selective employment of obscenity law and the

⁹¹ Ibid, 94. Magazines, like the *New Republic*, the *Nation* and the *Little Mountain Review* (Ulysses fame) also fought obscenity. Their important role, though mentioned, is often downplayed.

⁹² Ibid, 125 and 117-118, respectively. Boyer points out “Religious leaders seemed to be realizing that fretful demands for censorship exhibited remarkably little faith in the power of their own message.” See Boyer, *Purity in Print*, 145. Vice societies had a ninety- percent success rate in court, a statistic that supported the social pressures they exerted. See Boyer, p 10.

⁹³ Boyer argues that the ACLU “remained uninvolved in the literary censorship skirmishes of the 1920s. “Postal suppression of obscenity troubled the ACLU only when used as a pretext to silence unpopular political or economic views.” See page 241.

⁹⁴ Ibid, 210.

⁹⁵ Ibid, 260-262.

⁹⁶ “Censorship forces appear to have centered principally on American works, which had received favorable critical reviews.” See Lewis, *Obscenity, Literature and the Law* (Carbondale: Southern Illinois UP, 1976), 184.

subjective employment by the law, but approaches this topic with a different perspective from the participatory literature, by tracing the impact the literature has had on the debate. Lewis breaks down the history of obscenity law into nine periods.⁹⁷ and demonstrates how judicial liberalization through 1957 resulted partly from the trend begun in the 1920s toward fiction that employed frank language and detailed discussions of sexuality. Increasingly too, this fiction was American and not foreign, as it had been up to the 1920s.

In contrast to this historical and participatory literature, the revisionist literature introduces issues of public morality to the obscenity debate. Henry Clor's *Obscenity and Public Morality: Censorship in a Liberal Society* (1969) argues that "the dilemma of the law cannot be adequately understood or resolved without inquiry which at least enters the domain of moral and social philosophy."⁹⁸ Reacting primarily to the liberalization of obscenity laws, Clor aims to "redress the balance by challenging both the extreme libertarian and the extreme moralist."⁹⁹ According to Clor, obscenity involves the act of making public what should be kept private. While he recognizes that important literature needs to be protected, he also argues that social evils should to be attacked and that community beliefs must be upheld. Ultimately, Clor places this task in the hands of moderate liberal democrats, who, he believes can use censorship "intelligently and with

⁹⁷ For example, in the literature published between 1917 to 1925, she argues, "intercourse was beginning to be described" and erotic material proliferated. From 1926 to 1933 a new sexual frankness emerged in American fiction, as American literature began to compete with foreign literature. Between 1933 and 1945 "American fiction that was attacked as obscene [included] themes woven around homosexuality, mention of incest and more intensive examinations of the mores of prostitution." Between 1945 and 1957 four-letter words, and other frank language, were common, and sexual descriptions became more detailed. See Lewis, *Obscenity, Literature and the Law*, 73, 97-98, 134-135, 160.

⁹⁸ *Ibid*, 12.

⁹⁹ Henry Clor, *Obscenity and Public Morality: Censorship in a Liberal Society* (Chicago: University of Chicago Press, 1969), forward.

restraint, for the promotion of public standards of civility, which our democracy needs.”¹⁰⁰

In *The Repeal of Reticence: A History of America's Cultural and Legal Struggles over Free Speech, Obscenity, Sexual Liberation and Modern Art* (1996), Rochelle Gurstein proposes to recover “the origins of what was once a vital debate about what belongs in public.”¹⁰¹ She argues against the “agents of exposure”¹⁰² and sympathizes with concerns about a lack of decency in the public sphere. She is driven by a concern about the amount of intimate matter on public display in the 1990s. Gurstein uses Hannah Arendt's *The Human Condition* (1958) as her theoretical starting point, claiming that the public and private spheres are “actual” and “physical spaces of the human condition.”¹⁰³ According to Gurstein obscenity law guarded the public sphere against “pollution” from the late nineteenth century to the 1920s, but with the *Ulysses* ruling in 1934 the notion of indecency was completely lost and prurience became “the only interest of the law.”¹⁰⁴ The author argues that whereas previously public reticence gave substance to private issues, she now notes the “weightlessness” of sex in contemporary society, and holds permissive expression in the public sphere responsible for the change.

Significantly, the myriad of legal, philosophical, political and literary issues raised in the debate over “Howl” recapitulated and anticipated many of the arguments that are central to the historiography of obscenity law respecting the protection of speech and artistic expression, as well as the anxiety about the place of salacious material in the public sphere. Because the “Howl” obscenity trial occurred at a particular time and place

¹⁰⁰ Ibid, 279.

¹⁰¹ Rochelle Gurstein, *The Repeal of Reticence: A History of America's Cultural and Legal Struggle Over Free Speech, Sexual Liberation and Modern Art* (NY: Hill and Wang, 1996), 6.

¹⁰² Ibid, 6

it is therefore essential to examine it in the broader context and dynamics of Cold War culture. In the 1950s, Victor Tulli argues, obscenity appeared “as an unwelcome outsider, not as a part of a culture, but as a threat that should be eliminated as quickly as possible.”¹⁰⁵ Although the legal charge of obscenity was rejected in the trial over the poem, the motivation for bringing the case in the first place, and the subsequent outcry that Ginsberg’s work provoked, reflect the anxiety of containment that was characteristic of this era.

¹⁰³ Ibid, 9

¹⁰⁴ Ibid, 192, 201.

¹⁰⁵ Victor Tulli “Indecent Reading: Literature, Obscenity Law, and US Culture, 1952-1966” (Ph.D. diss. University of Pennsylvania, 1999), 7.

Chapter Two: The 1950s

*America When will We End The Human War?
Go Fuck Yourself With Your Atom Bomb*
Allen Ginsberg, "America"

In the 1950s culture, politics and morality regularly interacted with each other in flagrant and often extreme ways. The postwar period was a time of unparalleled affluence, comfort and convenience in the United States. Automobiles, household appliances, suburbanization, low unemployment and easy access to education and bank loans, made available in part by the GI Bill, dramatically improved Americans' quality of life. However, it was also a time of profound insecurity. Communism was officially perceived as a threat to America and its institutions, and there was a constant danger posed by atomic weapons and the potential for nuclear war. In the 1950s censorship concerns gave authorities the means to identify dissent and the grounds to investigate and regulate cultural trespassers.

Because Cold War culture perceived difference as a lack of patriotism, or a flaunting of conformity, artistic expression was often sanctioned or curtailed. Nevertheless, in the cultural realm, many efforts were made to break through these limitations. For example, historian Jane De Hart Mathews argued in the 1970s that one of the effects of the anti-Communist crusades in the 1950s was a

revitalization movement designed to eliminate foreign influences and revive traditional values and beliefs in a period of societal stress. In the process of revitalization, countersubversives focused... on the familiar readily recognizable symbols of Americanism, emphasizing always the concrete, the definitive, the unambiguous. And these, of course, were the qualities that were antithetical to modern art of abstract-expressionism, with its ambiguous form, fluid space, open shapes, and multi-talent association.¹⁰⁶

Meanwhile, the international implications of domestic censorship led Paul Blanchard to comment in the 1950s that,

A large part of the civilized world now thinks that intellectual freedom in the United States is virtually non-existent. The communists, of course find this a very useful lie in the Cold War... [M]illions of European and Asian democrats honestly believe that intellectual liberty in this country has been submerged by anti-Communist hysteria... They were reluctant to believe that any nation which could be dominated by the McCarthy spirit... possessed the reality of intellectual freedom... There is enough evidence of truth in their appraisal of our culture to justify self-examination.¹⁰⁷

One explanation for the impulse to containment and regulation described by Mathews and Blanchard is that the United States regularly experienced a series of crises and shocks, which contrasted dramatically with its popular image of social consensus. In 1949 the United States “lost” China to communism and in the following year rushed to the defense of South Korea and repulsed the North Communist invasion to earn not a victory, but a restoration of the status quo. In 1953 the United States successfully tested its first Hydrogen Bomb, but in 1957 the Soviets launched Sputnik and in the same year downed an American U2 surveillance plane over the Soviet Union. With the rise of the Civil Rights movement race relations were also changing, although many of these changes were greeted by violence that was designed to preserve a system of segregation

¹⁰⁶ Jane De Hart Mathews, “Art and Politics in the Cold War” *American Historical Review* 81 4 (1976): 787.

instituted the previous century. Adherence to social conformity, political consensus and an uncertain military truce with the Soviet Union helped maintain a surface image of stability in a society that was experiencing profound turmoil and transition. Widespread affluence also helped reinforce this superficial image by foregrounding the aesthetics of comfort, convenience and progress. Aside from minor economic recessions in 1957 and 1958, interest rates were low and the economy remained stable.

Cold War culture was obsessed with non-conformity, which many commentators and lawmakers identified with subversion. Getting along, conforming to norms and respecting strict gender roles were duties of citizenship. Politically, consensus was the order of the day. Although Joseph McCarthy eventually hung himself by his own ruthless bullying tactics during the televised Army hearings in the spring of 1954, his extremism was symptomatic of a wider discomfort with dissent. Television, with its heavy reliance on advertising for profits, indulged the banal, encouraged convention and abstained from controversy (except for their own quiz show scandals).

One area that was a major social concern in the 1950s was the perceived impact of cultural products on the expanding teen market of middle-class America. In particular there was widespread debate about the negative threats to youth of comic books, film and rock'n'roll music. A Senate subcommittee was formed in the mid-1950s to discuss the problems associated with juvenile delinquency. Chaired by Estes Kefauver, the Democrat Representative from Tennessee, the Subcommittee's hearings from 1954-56 fuelled concerns about the association between crime and young people. As James Gilbert points out, these hearings also

¹⁰⁷ Paul Blanshard, *The Right To Read: The Battle Against Censorship*, (Boston: Beacon Press, 1955), 7.

transformed the issue from a question of local pressure on newssheets, movie theaters, radio and television stations, into the issue of whether or not to establish federal regulation and censorship.¹⁰⁸

This is a significant point because it was the Juvenile Division of the San Francisco Police Department that seized “Howl” in late May 1957. In fact the poem had originally had seized by the federal customs collector, Chester McPhee, who told a *San Francisco Chronicle* reporter that “The words and the sense of the writing is obscene... you wouldn’t want your children to come across it.”¹⁰⁹ But the Customs case was dropped after the United States Attorney at San Francisco refused to prosecute.

The leading authority on the presumed link between comic books and juvenile delinquency was Dr. Fredric Wertham, a psychiatrist, who spoke during Kefauver’s hearings on Juvenile Delinquency.¹¹⁰ In his book *Seduction of the Innocent*, published in 1954, Wertham linked a perceived rise in violent crimes committed by youth to the “chronic stimulation, temptation and destruction by comic book”.¹¹¹ According to Wertham, while children were “left entirely unprotected” from the images of “crime, delinquency and sexual abnormality” adults’ access to such material was restricted.¹¹²

Issues of youth alienation surfaced in other cultural outlets as well. In J. D. Salinger’s controversial 1951 novel, “*The Catcher And The Rye*, protagonist Holden Caulfield resisted conformity to the world of adult “phonies” and looked for authenticity in society’s underworld. In Hollywood a slew of “delinquency” films were produced in the 1950s that addressed the experiences of teenagers. These films, Peter Biskind argues,

¹⁰⁸ James Gilbert, *A Cycle of Outrage: America’s Reaction to the Juvenile Delinquent in the 1950s* (NY: Oxford UP, 1986), 144.

¹⁰⁹ Chester McPhee quoted in Lawrence Ferlinghetti “Horn on Howl” *Evergreen Review* 14 (1957): 145.

¹¹⁰ *Ibid*, 143.

¹¹¹ Fredric Wertham, *Seduction of the Innocent* (NY: Rinehart & Company, Inc., 1954), 10.

¹¹² *Ibid*, 13.

were “shot through with omens of things to come: the generation gap and the children’s crusade of the sixties.”¹¹³ Hollywood found itself in a precarious position, “caught in the middle of the fight over delinquency, torn between the kids and the critics.

On the one hand, when teen-agers who were running wild in the streets paused to catch their breaths, they went to the movies, and Hollywood was understandably loath to bite the little hands that fed it. On the other hand, it could hardly risk offending a large sector of society by seeming to give its imprimatur to the rebellious teen-agers whom so many found frightening.¹¹⁴

Some films romanticized delinquency and James Dean and Marlon Brando became pin-ups for alienated and disgruntled youth. In 1953 Brando portrayed a conflicted protagonist—a motorcycle gang member, who ultimately does the right thing—in *The Wild One*. Meanwhile, Dean epitomized the sultry alienation and angst of a high-school student, tormented by his dysfunctional family in *Rebel Without a Cause* (1955). However, Hollywood also produced an assortment popular “right-wing delinquency films” that assuaged the romantic link to the “delinquent”; such as *I Was A Teenage Werewolf* (1957), starring Michael Landon, and *Teenage Monster* and *Teenage Caveman*, both in 1958. According to Peter Biskind, these films tended to “adopt a hard line on crime” and few, if any “heroized delinquents in the fifties.”¹¹⁵

Although some forms of jazz culture were associated with underground lifestyles and illicit behavior—in particular heavy drug use—performers such as Charlie Parker, Billie Holiday and Miles Davis were also increasingly heard in the mainstream. At the same time rock ‘n’ roll had emerged as a popular and subversive expression of youth

¹¹³ Peter Biskind, *Seeing Is Believing: How Hollywood Taught Us To Stop Worrying And Love The Fifties* (NY: Pantheon Books, 1983), 197.

¹¹⁴ *Ibid.*, 198.

¹¹⁵ Biskind, *Seeing is Believing*, 223.

culture by combining elements of rhythm and blues with hillbilly music. For many critics, however, this music unleashed a sexual panic that focused, in the first instance, on the bodies of musical performers such as Elvis Presley and their teen audiences. Such was the case when producers for the Ed Sullivan show instructed cameramen to shoot him only from the waist up.

Moreover, as Eric Nuzum points out, several alterations were also made to rock music lyrics in the 1950s. For example, Pat Boone made a career out of performing “sanitized” versions of black Rhythm and Blues hits.¹¹⁶ Censorship efforts manifested themselves in other ways too. In 1955 Alan Freed’s “Rock’n’Roll Dance Party” was cancelled by CBS because Frankie Lymon, of the black group Frankie Lymon And The Teenagers, was televised dancing with a white girl. The following year the ABC Radio Network banned Billie Holiday’s “Love for Sale” because of its prostitution theme.¹¹⁷ Perhaps the low point for rock came during the Payola Hearings of 1960. During the hearings collusion between record companies and disc jockeys was trumped up into a “spectacle of consensus, [and] some compelling proof that the whole business of rock & roll was corrupt and in need of surveillance, containment, and strict regulation.”¹¹⁸ The Payola Hearings instituted a structure in the rock music industry that made it more amenable to regulation.

“Howl” was central to this interplay of cultural forms. Mixing jazz cadences with poetry, it addressed issues of interracial heterosexual and homosexual sex, as well as

¹¹⁶ For example, in his rendition of T-Bone Walker’s “Stormy Monday” Boone substituted “drinking coca cola” for “drinking wine”. In Little Richard’s “Tutti Fruity” he substituted “pretty little Suzie is the girl for me” for “boys, you don’t know what she do to me”. See Eric Nuzum’s website: <http://ericnuzum.com/banad/fifties.html>

¹¹⁷ Ibid.

¹¹⁸ Trent Hill, “The Enemy Within: Censorship in Rock Music in the 1950s”, *The South Atlantic Quarterly* 90: 4, Fall 1991, p., 699.

experimentation with drugs. Although Norman Mailer paid tribute to the adoption of black cultural forms by the Beats in his article, “The White Negro,”¹¹⁹ the issue of sexual preference was widely considered taboo.

The legal view of sex was permanently altered in the 1950s by Alfred Kinsey’s 1948 study *Sexual Behavior in the Human Male* and his 1953 study *Sexual Behavior in the Human Female*. David Allyn argues that the findings of Kinsey’s reports had a major impact on the revision of the penal code in the 1950s and therefore on the Roth decision.¹²⁰ Kinsey’s report demonstrated that “American private behavior did not conform to public expectations”, and “gave the impression that sexual behavior only occurred in the private space of the home.”¹²¹ Nevertheless Allyn notes that Kinsey altered America’s moral economy undermining the association between perversion and sexuality and helping to normalize “deviant” sexual behavior.

Moreover, in “‘Politics in an Age of Anxiety’: Cold War Political Culture and the Crisis in American Masculinity”, K.A. Cuordileone links “hard” and “soft” responses to communism by American political parties in the postwar years to an “excessive preoccupation with—and anxiety about—masculinity in American politics.” Cuordileone claims that,

The polarization of images... reflects a political culture that put a new premium on hard masculine toughness and rendered anything less than that soft and feminine and, as such, a real or potential threat to the security of the nation.

¹¹⁹ The “White Negro” was originally published as a pamphlet in 1957, through City Lights.

¹²⁰ David Allyn, “Private Acts/Public Policy: Alfred Kinsey, The American Law Institute and the Privatization of American Sexual Morality,” *Journal of American Studies* 30 (1996): 427.

¹²¹ *Ibid.*, 406.

This stigmatization of the ‘feminine’ provided a conceptual framework that is taken up more extensively by Robert Corber in his discussion of homosexuality.

Homosexuality was listed in the American Psychological Association’s *Diagnostic and Statistics Manual* as a disorder in the 1950s, officially sanctioning discrimination on the basis of sexual preference.¹²² Although “Howl” was not primarily about Ginsberg’s homosexuality, the gay male experience in the 1950s informed the poem, which made references to homosexuality. Robert Corber discusses the invisibility of homosexuals in the postwar period in his book *Homosexuality in the Cold War*. Surveying film noir and the literary works of Gore Vidal, Tennessee Williams and James Baldwin, Corber argues that there was a vibrant homosexual cultural presence in the postwar period. Moreover, he argues that although mainstream cultures denounced homosexuality as a sign of deviance, many artists treated their sexual preference as a “form of opposition consciousness.”¹²³ Lily Phillips extends this ‘opposition consciousness’ into the political realm with her discussion of dissenting literature in the postwar period.

Phillips argues in *Patrolling the Borders: Citizenship, Nation and Social Protest Literature in the 1950s United States* that the Cold War period was characterized by a hermeneutic of suspicion that was central to international and domestic policies and, which “drew all aspects of culture into its domain.”¹²⁴ In this context the works of Howard Fast, W.E.B. DuBois and Allen Ginsberg were attacked as “socio-ideological

¹²² DSM—American Psychological Association: *Diagnostic and Statistics Manual of Mental Disorders*, Fourth Edition (Washington, DC, American Psychological Association).

¹²³ Robert Corber, *Homosexuality in the Cold War* (Durham: Duke University Press, 1997), 4.

¹²⁴ Lily Wiatrowski Phillips, “Patrolling the Borders: Citizenship, Nation and Social Protest literature in the 1950s United States” (Ph.D. diss., Duke University, 1999), 16.

critiques of mainstream American culture (that) were read as helping the enemy.”¹²⁵

Although Ginsberg differed from DuBois and Fast because he was not an avowed communist, all three works used “international political policies and interests to change the U.S. cultural landscape.”¹²⁶ Because Ginsberg was not a Soviet ideologue, Phillips argues his impact was “to flip the Cold War binary between the United States and the Soviet Union on its axis”¹²⁷ by refusing to belong to either side. Phillips views Ginsberg’s politics as a rejection of America foreign policy, but not a rejection of the United States. Ginsberg pitched his criticism of the Cold War at “the psychology of the reader” and located the struggle for ideological terrain “in each citizens consciousness.”¹²⁸

A self-conscious expression of political dissent, “Howl” also straddled two countercultures in the late 1950s: The Beat generation and the San Francisco Renaissance. The writers who formed the nucleus of the Beat Generation—Allen Ginsberg, Jack Kerouac, William Burroughs, Gregory Corso—forged their friendships around common literary interests and ambitions. Allen Ginsberg moved to San Francisco in 1953 and Jack Kerouac and Gregory Corso visited thereafter. Thomas Newhouse argues that Beat literature was “a fascinating literary phenomenon,”

During a repressive and anesthetized age to combat intolerance, naïve pro-Americanism, and conservative politics... it posed new challenges in the name of identity and community to a rigidly monolithic culture. Thus it was an essential precursor to multiculturalist postmodern trends because

¹²⁵ Ibid, 25.

¹²⁶ Ibid, 37.

¹²⁷ Ibid, 34. This idea of a common interest is central to Ginsberg’s humanity. Stephen Whitfield introduces a political aspect to this idea in his discussion of H. Stuart Hughes, who ran as an independent against Edward Kennedy in 1963. Hughes “warned that the threat of atomic catastrophe transcended political differences between East and West.” See Stephen J. Whitfield, *The Culture of the Cold War*, 210.

¹²⁸ Ibid, 34.

of its insistent focus on previously ignored subject matters and on communities existing outside the mainstream society.¹²⁹

The Beat generation emerged as a major cultural designation in the late 1950s, linked by Ginsberg to the San Francisco Renaissance, but it was also distinguished by its New York origins and by Kerouac's, Corso's and Burroughs' tenuous, or non-existent, association with the community.

"Howl" was also closely aligned with the culture of San Francisco's North Beach district in the 1950s, termed the San Francisco Renaissance, and characterized by a network of painters, poets, writers and academics. Michael Davidson, author of *The San Francisco Renaissance*, describes it as "a series of enabling myths invented for the purpose of shoring up a sense of community" that could link "the individual to a subterranean realm of vitality lacking in the social world."¹³⁰

The publication of "Howl" and the subsequent trial was a pivotal event in the history of the Renaissance. According to Warren French the trial "vindicated not only the poem but the spirit of the renaissance" and signified "the confluence of two underground streams that had originated fifteen years earlier at opposite ends of the continent".¹³¹

"Howl" was first read at the Six Gallery studio, a converted auto repair shop at the corner of Union and Fillmore, in October 1955. The event was advertised on postcards that read:

Six Poets at the Six Gallery. Kenneth Rexroth MC.
Remarkable collection of Angels all gathered at once in the
same spot. Wine , music, dancing girls, serious poetry, free

¹²⁹ Thomas Newhouse, *The Beat Generation and the Popular Novel in the United States, 1945-1970* (Jefferson, North Carolina: McFarland, 2000), 168.

¹³⁰ Michael Davidson, *The San Francisco Poetry Renaissance: Poetics and Community at Mid Century* (NY: Cambridge UP, 1989), 216.

¹³¹ Warren French, *San Francisco Poetry Renaissance* (Boston: Twayne, 1991), 6.

Satori. Small collection for wine and postcards. Charming event.¹³²

The poets who performed represented a cross section of the San Francisco literary scene, and included Michael McClure, Gary Snyder, Philip Whalen, Philip Lamantia and Allen Ginsberg. Michel Davidson notes that the reading brought together an eclectic array of poetic styles: confessional, imagist, satirical, surrealist, personal and meditational, bound by “a spirit of camaraderie and fellow feeling more than on a shared aesthetic belief.”¹³³ It was each poet’s first public exposure.¹³⁴

At Six Galleries Ginsberg read the first part of “Howl” and the poem highlighted the evening. The Dutch publication *Litterair Paspoort* covered the reading and wrote that, “the most brilliant shock of the evening was... Howl”¹³⁵ Jack Kerouac recalled events nostalgically in his novel *The Dharma Bums*:

Anyway I followed the whole gang of howling poets to the reading at Six Gallery that night, which was, among other things, the night of the birth of the San Francisco Poetry Renaissance. Everyone was there. It was a mad night. And I was the one who got things jumping by going around collecting dimes and quarters from the rather stiff audience standing around in the gallery and coming back with three huge gallon jugs of California Burgundy and getting them all puffed so that by eleven o’clock when Alvah Goldbook [Ginsberg] was reading his, wailing his poem wail drunk with arms outspread everybody was yelling “Go! Go! Go!” (like a jam session) and old Reinhold Cacoethes [Kenneth Rexroth] the father of the Frisco poetry scene was wiping his tears in gladness.¹³⁶

¹³² Barry Miles, *Ginsberg: A Biography* (NY: Schuster, 1989), 195.

¹³³ Davidson, *The San Francisco Renaissance*, 4.

¹³⁴ *Ibid.*, 3.

¹³⁵ Allen Ginsberg, ed. Barry Miles, *Howl, Original Draft Facsimile, Transcript and Variant Version, Fully Annotated By Author, with Contemporaneous Correspondence, account of First Public Reading, Legal Skirmishes, Precursor Texts and Bibliography* (NY: Harper and Row, 1986), 166.

¹³⁶ Jack Kerouac, *The Dharma Bums* (NY: NAL, 1958), 13.

Ginsberg received a telegram from Ferlinghetti the following morning paraphrasing Ralph W. Emerson's letter to Walt Whitman upon reading *Leaves of Grass*: "I greet you at the beginning of a great career. When do I get the manuscript?"¹³⁷

Nevertheless, "Howl's" success caused some divisions in the San Francisco arts community. As a result of the heavy media attention that "Howl" and then the Beats received "San Francisco's fastidious anarchists... were beginning to resent the upstarts from the East."¹³⁸ Poet Kenneth Patchem, "who had long struggled to receive recognition",¹³⁹ resented being publicized as one of the Beats. Ginsberg's success with "Howl" disturbed Rexroth, an aesthetic and political advisor to the Renaissance, whose relationship to the Beats was stressed further when poet Robert Creeley slept with his wife. The poet Robert Duncan dismissed the "North Beach milieu" of the San Francisco Renaissance, and instead celebrated the "Berkeley Renaissance" of the late 1940s, which he claimed was "the first literary flowering of the Bay Area literary community."¹⁴⁰ Despite the resentment, "Howl" had a major impact. Poet Michael McClure told *New York Post* reporter Alfred Aronowitz that "Allen acted as a catalyst." After "Howl", McClure continued, "people who had been writing some pretty good stuff suddenly started appearing."¹⁴¹

While the divisions in the Renaissance reflected its diversity and personal jealousies, the poem also linked a literary movement to "cultural change in the society at large," by providing an example of literary bohemia "as an aesthetic as well as a social

¹³⁷ Barry Sileski, *Ferlinghetti: The Artist in His Time* (NY: Warner, 1990), 66. Ginsberg had already discussed publication of *Howl* with Ferlinghetti, on August 30, 1955. This is also made evident by a letter he sent Jack Kerouac "will put out *Howl* next year in booklet for the poem, nothing else. It will fill a booklet..." See Allen Ginsberg, ed. Barry Miles, *Howl*, 149.

¹³⁸ French, *San Francisco Poetry Renaissance*, 16.

¹³⁹ *Ibid*, 9.

¹⁴⁰ *Ibid*, 125.

formation.”¹⁴² Outside the community, however, the reception of the poem was subject to various ideological passions that brought “Howl” to trial less than two years after it had first been read.

¹⁴¹ Alfred Aronowitz, “The Beat Generation” *New York Post*, Sunday, March 22, 1959, M5.

¹⁴² Davidson, *The San Francisco Renaissance*, 6.

Chapter Three: The Trial

*Honi soit qui mal 'y pense**
Judge Clayton Horn

Lawrence Ferlinghetti and Pete Martin established City Lights Bookstore at 261 Columbus Avenue in June 1953. They “hoped the store might become the center of an intellectual community”¹⁴³ in San Francisco’s North Beach region. Martin sold his share in the business to Ferlinghetti after a year and returned to New York, after which Ferlinghetti added a publishing business to his bookstore. Ferlinghetti’s relationship to the Beats was primarily as a publisher, although he did share some political interests and sympathies with them. The external elements of Ferlinghetti’s life distinguished him from Kerouac, Ginsberg, Burroughs and Corso. He was a few years older, held a doctorate from the Sorbonne, was married, and was a homeowner and businessman. On the whole, however, Ferlinghetti was ambivalent about the Beats. As an artist, he did not particularly want to be lumped in with them, but as a businessman he appreciated that interest in the Beat generation helped him sell books.¹⁴⁴

Ferlinghetti printed “Howl” overseas at Villiers in England. Villiers had published other alternative literature, but Ferlinghetti also chose the printer for its experienced

* Evil to him who thinks evil.

¹⁴³ Barry Selesky, *Ferlinghetti: The Artist in His Time*, 56.

typesetting and printing for smaller publishers, and for its fair prices.¹⁴⁵ The first order of 1500 copies arrived at City Lights in autumn 1956. It sold quickly and a second order arrived in the spring of 1957.¹⁴⁶ A portion of this second order was seized at customs on March 24, 1957, under section 305, subsection 3, of the Tariff Act of 1930. This law prosecuted “every person who willfully and lewdly writes, composes, stereotypes, paints, publishes, sells, distributes, keeps for sale or exhibits any obscene or indecent writing, paper or book”.¹⁴⁷

The case began with a false start when the United States Attorney General in San Francisco, Lloyd H. Burke, dropped the charges after being informed that the ACLU--having been contacted by Ferlinghetti¹⁴⁸--would challenge the seizure. The matter might have ended there had the SFPD not willingly assumed the burden of maintaining Victorian standards of prurience and become eager to enforce a seizure that federal authorities had abandoned.

The fact that the San Francisco police took up a case that had been dropped by the Federal censorship authorities suggests that their motives went beyond simply removing references to sex and drugs from the city’s bookstores. “Howl” was a cultural statement that sat uneasily with the norms and mores of 1950s society. Nevertheless, this initial

¹⁴⁴ Ibid, 93-94.

¹⁴⁵ Barry Seleski, *Ferlinghetti: The Artist in His Time*, 68-69.

¹⁴⁶ At the time of “Howl”’s seizure Customs Officer McPhee, Merrill estimates this number at 10,000, a remarkably high number for a book of poetry. See Merrill, *Allen Ginsberg* (NY: Twayne, 1969), 87. Ginsberg told his father in a letter from Amsterdam, dated September 30, 1957, that a fourth printing was on order. See Allen Ginsberg, *Family Business: Selected Letters Between Father and Son* (NY: Bloomsbury, 2001), 73.

¹⁴⁷ J.W. Ehrlich, *Howl of the Censor* (San Carlos: Nourse, 1961) Customs was alerted to Villiers as a printer of obscene literature after they realized that it also printed *Miscellaneous Man*, a Berkeley magazine recently charged with obscenity.

¹⁴⁸ Ferlinghetti feared of the devastating financial effect a trial would have had on City Lights. He contacted the ACLU and received their support, should Howl Run Into trouble in the courts, before the poems even went to the printer

challenge to “Howl” represented a local, as opposed to a federal effort, to uphold Cold War culture.

The San Francisco Attorney General and the SFPD were guided by a conservative agenda in their pursuit of “Howl”. They wanted to quiet the dissent and subversive expression coming out of North Beach. Captain Hanrahan, who led the Juvenile Division of the SFPD and was responsible for the arrests and confiscation that led to the “Howl” trial, described his interpretation of obscene literature to the *San Francisco Chronicle* in early June 1957: “anything not suitable for publication in newspapers shouldn’t be published at all.”¹⁴⁹ Hanrahan later admitted that “Howl” was a test case and told the *Chronicle* that his officers were searching other stores for other books about which they had received complaints. “We will await the outcome of this case before we go ahead with other books”, he told *The Chronicle* on June 6, 1957, adding “I am not at liberty to say which book I’m talking about.”¹⁵⁰

In late May 1957 Officers Russell Woods and Thomas Page of the Juvenile Division of the SFPD entered City Lights Bookstore and purchased a copy of “Howl” from clerk Shigeyoshi Murao. Murao, the only occupant of the store at the time, was arrested distributing obscene material, and taken to the police station¹⁵¹. The warrant for Ferlinghetti remained outstanding until he returned from his visit with the novelist Henry Miller at Big Sur and surrendered to police. Once the warrant was served a trial date was set and the case proceeded to the San Francisco District court. The ACLU of Northern California posted bail for Murao and Ferlinghetti.

¹⁴⁹ “Cops Arrest seller of Books Magazine,” *San Francisco Chronicle*, June 4, 1957, 3.

¹⁵⁰ “Police Widen search for Lewd Books” *San Francisco Chronicle*, June 6, 1957, 1.4.

Allen Ginsberg spent the summer of 1956 employed as a yeoman-shopkeeper aboard the USNS Sgt. Jack J. Pendleton, which was replenishing military camps and bases along the arctic DEW line. He returned to San Francisco in September 1956, but left shortly thereafter for the East Coast, before traveling to Europe and North Africa with Peter Orlovski, William Burroughs, Jack Kerouac and Gregory Corso. Although Ginsberg was the principal figure in the “Howl” trial by virtue of his authorship, he was not in San Francisco during the proceedings and relied on letters and newspapers to keep abreast of developments.

The booklet *Howl and Other Poems* contains a number of poems, including “Howl”, “A Supermarket in California”, “Transcription of Organ Music”, “Sunflower Sutra”, “America” and “In the Baggage Room at Greyhound”. Because the police had seized the booklet *Howl and Other Poems*, along with issues of the Berkeley magazine *Miscellaneous Man*, technically all the poems included in the collection along with the magazine’s content, were under indictment. However, only “Howl” was examined during the trial and no evidence was ever presented by the prosecution against *Miscellaneous Man*.¹⁵² One reason this censorship failed was because the “Howl” trial rallied a group of First Amendment lawyers, established academics, and media people to discuss the merits of counterculture literature. The ACLU chapter in Northern California had agreed to support “Howl” if it got into legal trouble.¹⁵³ When the trial took place the defense

¹⁵¹ Murao recalled the event in an interview in the 1980s. “They had a ‘John Doe’ warrant for my arrest. I kidded the police officers that I, Shigeyoshi Murao, a Japanese American, was being arrested as a ‘John Doe’ white man. They smiled but did not laugh.” Allen Ginsberg, ed Barry Miles, *Howl*, 170.

¹⁵² David Perlman, “‘Howl’ Not Obscene, Judge Rules,” *San Francisco Chronicle* October 4, 1957, p. 4.

¹⁵³ Allen Ginsberg, ed. Barry Miles, *Howl*, 151. There is no evidence that the obscenity trial was masterminded by Ferlinghetti to sell books of poetry. Ferlinghetti was a shrewd publisher. He suspected trouble with “Howl”; he took steps to protect his investment because literature that dealt with sex was often banned under the law. However, it is clear that he responded publicly to the trial and sarcastically at times to the censor’s efforts; Ferlinghetti worked the obscenity trial to his advantage and received a great deal of

presented a witness list of distinguished academics and media persons from the Bay Area to bolster its case.

Trent Hill discusses the difficulty of literary censorship in his article “The Enemy Within: Censorship in Rock Music in the 1950s”. “Prosecuting literary obscenity cases in trial”, Hill argues, “is something of a nightmare” because:

in order to win such cases, the prosecution has to establish that the work in question is both obscene and utterly lacking in any redeeming social value. And as has been shown repeatedly since the 1930s, the brute fact that obscenity trials gather into a courtroom a group of educated, authoritative voices who have definite arguments about the worth of a work tends to establish the worth of a work, and therefore its right to be disseminated. So, literary prosecutions generally undermine the very social and legal consensus upon which they are supposedly based, and ironically establish the validity of and interest in the very works they are meant to prescribe.¹⁵⁴

If the burden in the “Howl” trial was on the prosecution, the spotlight was also the Honorable Clayton W. Horn, the judge presiding over the trial. Judge Horn, who regularly taught Sunday school Bible class, was one of the city’s four top magistrates.¹⁵⁵ Coming into the trial Horn’s reputation was under a cloud: “He had just been raked over the coals by the local press for a decision in which he sentenced five lady shoplifters to attend the film version of *The Ten Commandments* and write a penitential essay on the supercolossal (sic) epic’s moral lesson.”¹⁵⁶ Leading the defense was Jake Ehrlich,

publicity. Moreover, Ginsberg’s wrote to his father: “Civil Liberties Union here was consulted and said they’d defend [“Howl”] if it gets into trouble, which I almost hope it does. I’m almost ready to tackle the US government out of sheer delight”* Ginsberg’s irreverent response to his father, a recognized poet and teacher, is likely due to their close, but occasionally antagonistic relationship. Ginsberg was proud of his work but enjoyed confrontation. He sought recognition as a poet first and foremost—he paid to have “Howl” reset after he found inconsistencies in the margin.

* Allen and Louis Ginsberg, Ed. Michael Schumacher, *Family Business*, 39.

¹⁵⁴ Trent Hill, “The Enemy Within: Censorship in Rock Music in the 1950s,” 675-676.

¹⁵⁵ David Perlman, “How Captain Hanrahan Made Howl a Best Seller,” *The Reporter* Dec. 15, 1957 (15), 37.

¹⁵⁶ *Ibid.*, 38.

nicknamed “the master” for his many successful years as a criminal lawyer defending a clientele that varied from Nazis to fan dancers and kidnappers. Ehrlich took the case *pro bono* while Lawrence Spicer and Albert Bendich—Ehrlich’s assistants in the case—were ACLU lawyers. Ralph McIntosh, a long time San Francisco assistant district attorney who “had become somewhat of a specialist in smut cases”¹⁵⁷, was the prosecutor. McIntosh was out of his depth. From beginning to end, the trial was a mismatch.

The “Howl” trial lasted several months and included numerous witnesses. It began on July 8, 1957, but was abruptly recessed until August 8 when Ehrlich and McIntosh agreed that Judge Horn should read *Howl and Other Poems*. The court met on the 8th, but recessed again until August 17. On August 17 the trial was again recessed until August 22 to give the Judge an opportunity to read reviews of “Howl” submitted by the defense. The court met on August 22 and the examination and cross-examination of the witnesses finally began. When Judge Horn rendered its decision on October 3, the trial had lasted four months.

Lead prosecutor McIntosh set a tone for the defense that continued throughout the trial. Referring to the bottom of the first page of the booklet he quoted the phrase “‘All these books are published in heaven,’” then added, “I don’t quite understand that, but let the record show, anyway, your Honor, it’s published by the City Lights Pocketbook shop.”¹⁵⁸ This awkward beginning revealed clearly that the prosecution was not only humorless, but that the culture that “Howl” represented was completely foreign to it. The ultimate inability of the prosecution to grasp and comprehend “Howl” proved beneficial to the defense. McIntosh stated to Judge Horn: “I take the position that although some

¹⁵⁷ Ibid, 38.

¹⁵⁸ Ehrlich ed., *Howl of The Censor*, 6.

writings which are obscene would also be indecent, not everything which is indecent would be obscene... [Y]our honor could also find that the book could be indecent and also come within the purview of section 311.3.” Horn rejected this argument, noting that “the Supreme Court in the Roth case... stopped at the line of obscenity.”¹⁵⁹ Essentially, McIntosh aimed to expand the meaning of obscenity and attempted to demonstrate that because “Howl” did not make sense it could not benefit anyone.

Predictably, much of the prosecution’s case focused on various passages of “Howl” that were explicitly sexual. For example, Ginsberg describes an excited sexual episode that ended with the phrase “fainting on the wall with a vision of ultimate cunt and come eluding the last gyzym (sic) of consciousness”. He continues

Who sweetened the snatches of millions of girls trembling in the sunset
and were read eyed in the morning but prepared to sweeten the
snatches of the sunrise, flashing buttocks under barns and naked in
the lake¹⁶⁰

References to homosexuality are also prevalent and portrayed explicitly in the poem. Ginsberg discusses those who “scattered their semen freely to whomever come who may”,¹⁶¹ and describes men “who let themselves be ***** in the *** by saintly motorcyclists”.¹⁶² During the obscenity trial chief prosecutor Ralph McIntosh asked for the meaning of these asterisks’ during cross-examination. He did not get an answer, however, because the defense objected that the question solicited speculation.¹⁶³

¹⁵⁹ Ibid, 12, 14.

¹⁶⁰ Allen Ginsberg, *Howl and Other Poems* (San Francisco: City Lights Books, 2002), 14.

¹⁶¹ Ibid, 13.

¹⁶² The line is “who let themselves be fucked in the ass by saintly motorcyclists”. Although Ginsberg read this line in his 1959 recording of “Howl” with Fantasy Records, its partial omission from the original draft suggests that he, along with Ferlinghetti, was concerned about the poem running into censorship trouble.

¹⁶³ During cross-examination prosecutor Ralph McIntosh asked defense witness Mark Schorer, “Do you understand some of these pages where there are just little dots in there.”

Concern over the general impact of “Howl’s” sexual content was a crucial factor in the efforts to suppress it. In court the prosecution was clearly interested in the shock value of the language. During the cross-examination of witness Mark Schorer McIntosh asked: “Who got busted in their pubic beards returning through Laredo with a belt of marijuana for New York. What does that paragraph mean?”¹⁶⁴ Later McIntosh chose the passage “who blew and were blown by those human seraphim, the sailors, caresses of Atlantic and Caribbean love.” Now, of course, you know what “blew” and “blown” mean, I hope.” Yes”, Schorer responded. Ultimately, McIntosh’s strategy of isolating language in individual passages proved counter-productive because it went against the logic of the “whole book” precedent established in the *Ulysses* trial.

By contrast Ehrlich’s early strategy was two-pronged. First he introduced a list of precedents where profanity and anatomically descriptive language was employed, asking, “Is it against the laws of decency for our district court of appeal to write of the sexual organ and the sexual act?”¹⁶⁵ Second, he introduced an interpretation of the Roth decision, the obscenity yardstick established a few months earlier by Supreme Court Justice W. J. Brennan, which protected material with the “slightest redeeming social value”. The tests for obscenity covered in Roth included the whole-book principle, the impact a book might have on the community and an assessment of present day community standards. Judge Horn concurred with Ehrlich, and explained that “This court

Schorer: “I think I know the words that were intended.”

McIntosh: “Let’s take page 135.”

Schorer: “yes”

McIntosh: “Fifth line up: ‘who let themselves be-’ one, two, three, four, five, six dots—‘in the’—the three dots ‘by saintly motorcyclists, and screamed with joy’ What does that mean?”

Schorer did not respond to the question because defense attorney Ehrlich objected and argued that the question called for speculation. Judge Horn agreed. See Ehrlich, *Howl of the Censor*, 32-33.

¹⁶⁴ Jake Ehrlich, *Howl of the Censor*, 31.

¹⁶⁵ *Ibid*, 10.

feels that it will follow the Roth decision as the basis of what may or may not be the subject of an exclusion or exception to the First Amendment”.¹⁶⁶

Expert testimony consumed most of the trial, but was limited by the court to “literary critics and experts in the field.”¹⁶⁷ Experts were permitted to speak to the merits of “Howl” but not to judge its obscenity. That was the domain of the court. The defense first called Berkeley English professor and graduate program director Mark Schorer. Schorer proved a very influential witness in the case. He believed “Howl” intended to “make a significant comment on or interpretation of human experience”. He testified that the first section discusses “a kind of nightmare world” and that the second section was “an indictment of those elements in modern societies that are destructive to the best qualities of human nature.”¹⁶⁸

McIntosh continued to focus his cross-examination on the meaning of selected passages in the poem. Do “you understand”, he asked, “what ‘angel headed hipster burning for the ancient heavenly connection to the starry dynamo in the machinery of night’ means?” Schorer responded that “you can’t translate poetry into prose; that’s why its poetry.” McIntosh persisted and Schorer again repeated “I can’t possibly translate this poem into rational prose”. Possibly sensing that his line of questioning was completely exhausted, McIntosh responded with a resounding “that’s just what I wanted to find

¹⁶⁶ Ibid, 15.

¹⁶⁷ Ibid, 21. Experts were not permitted to state whether or not they thought the book was obscene “because that is something the court has to determine.” Ibid, 22.

¹⁶⁸ Ibid, 26, 27. Schorer’s influence was great because he was well published and well known. “I have published three novel, about 75 short stories, 32 of them collected in one volume, more pieces of literary criticism than I know the number of, in practically every periodical one might name.” Ibid, 24. Schorer’s interpretation of “Howl” was included into Judge Horn’s final decision.

out.”¹⁶⁹ At other times McIntosh attacked the “words of the street” in the poem, asking whether this was “necessary to ‘Howl’?”

“These are words of the street are they not,” McIntosh continued: “are those words necessary to this ‘Howl’?”¹⁷⁰ Uninterested in Schorer’s explanation, McIntosh then tackled the phrase “‘Adorations! Illuminations! Religions! the whole boatload of sensitive bullshit!’ Couldn’t that have been worded some other way?” he asked.¹⁷¹

Ultimately, McIntosh was frustrated in his efforts because he could not elicit a direct translation or a statement about the necessity of each passage. Instead Judge Horn sustained defense attorney Jake Ehrlich’s objections to these questions and explained: “I think it is obvious that the author could have used another term; whether or not it would have served the same purpose is another thing; that’s up to the author.”¹⁷²

McIntosh continued his vague attack; however, the restrictive guidelines of the jurisprudence hampered his ability to question the experts. Not only did the judge restrain his efforts to challenge the necessity of profane or sexual language in isolated passages of the poem, but also many of the experts for the defense found Ginsberg’s linguistic decisions appropriate to his message. Although McIntosh could not get a defense witness to testify to the poem’s meaninglessness, he would not abandon the line of questioning either. His effort to bully witnesses into acquiescence failed and his line of questioning became increasingly redundant as the trial progressed.

Luther Nichols, a book reviewer for the *San Francisco Examiner*, took the stand next. Nichols testified about Ginsberg’s lifestyle as an explanation for his poetry. His life

¹⁶⁹ Ibid, 30-31.

¹⁷⁰ Ibid, 33.

¹⁷¹ Ibid, 34.

¹⁷² Ibid, 34.

“is a vagabond one; it’s colored by exposure to jazz, to Columbia, to a liberal and bohemian education, to a great deal of traveling on the road, to a certain amount of what we call bumming around.”¹⁷³ McIntosh’s cross-examination of Nichols differed little from his cross of Schorer. However, with Nichols he introduced the concept of literary value. Nichols responded that the chief test of literary value is “whether it survives its time.” McIntosh responded “Do you think that Mr. Ginsberg’s work will survive the test of time? Nichols responded, “I have no way of knowing.” McIntosh, clearly frustrated, demanded “I ask you, do you think so?” But this line of questioning also proved fruitless when the Judge intervened to remind McIntosh that the witness “has stated that he has no way of knowing”.¹⁷⁴ Because the issue centered on social relevance McIntosh grew increasingly frustrated. He was consistently unable to make headway, to make his case against “Howl”.

By contrast, Ehrlich’s parade of distinguished professionals continued with their affirmations of “Howl’s” merit and literary value. Professor Leo Lowenthal took the stand next, followed by Kenneth Rexroth, and Professors Mark Linenthau, Herbert Blau, Arthur Foff and author Vincent McHugh. By the time Walter Van Tillberg took the stand for the defense a pattern had set in whereby one expert witness after another testified that “Howl” had redeeming social and literary value. Witnesses were not permitted to judge whether or not “Howl” was obscene, however, these witnesses for the defense testified instead to the standards by which it would, or would not, be judged obscene. Nevertheless, McIntosh continued to inquire about specific passages and asked the witnesses to predict whether the poem would stand the test of time. It was Rexroth who

¹⁷³ Ibid, 39.

¹⁷⁴ Ibid, 46-47.

paid “Howl” the greatest compliment by declaring that it was “probably the most remarkable single poem published by a young man since the second war.”¹⁷⁵

For its part, the prosecution relied on a smaller cast of slightly less distinguished experts, namely: David Kirk, a doctoral candidate at Stanford and professor of English at the Catholic San Francisco University; and Gail Potter, a teacher at various schools and colleges in Florida and California. Kirk claimed that it was possible to judge “Howl” by an objective criterion. He described the poem as an imitation of Walt Whitman’s *Leaves of Grass* and argued that “an imitation never does have the value of the original”. He also attributed the poem to the “long dead” Dadaist movement.¹⁷⁶ Under cross-examination, however, Kirk conceded that Voltaire’s *Candide*, a text that had also once been censored, was “great literature”, and admitted that he had only known of “Howl” for two weeks. While Kirk acknowledged that his view of *Candide* was the product of some reflection, he admitted that he had made up his mind on “Howl” “after five minutes” and was “quite certain” he “would not” reconsider.¹⁷⁷

Gail Potter, who distributed brochures advertising private lessons in speech and diction, upon entering the courtroom,¹⁷⁸ occupied the witness box briefly. Potter announced that Ginsberg’s “figures of speech are crude and you feel like you are going through the gutter when you have to read that stuff. I didn’t linger on it too long, I assure you.”¹⁷⁹ Perhaps sensing that cross-examination would be superfluous, Ehrlich resisted the opportunity to grill Gail Potter on her views. The weakness of the prosecution’s case led Lawrence Ferlinghetti to later quip that “the critically devastating things the

¹⁷⁵ Ibid, 64.

¹⁷⁶ Ibid, 77-78, 85.

¹⁷⁷ Ibid, 89, 91.

¹⁷⁸ David Perlman, “How Captain Hanrahan Made Howl a Best Seller,” 39.

prosecution's witnesses could have said but didn't, remain one of the great Catholic silences of the day."¹⁸⁰

In his closing argument McIntosh likened "Howl" to surrealist art, which he described as "a monkey doing finger painting." Playing on Ginsberg's own language, he characterized "Howl" as "a lot of sensitive bullshit" and pleaded the position of the common man who is "going to buy this book". In a final attempt to persuade the judge, McIntosh introduced the Common Man standard, asking: "would you like to have this poetry printed in the newspaper, read to your family or read over the air on the radio as a diet?"¹⁸¹ Defending his decision not to match Ehrlich's list of experts' McIntosh insisted weakly that

We only brought two rebuttal witnesses here today namely for the purposes of showing that sometimes the experts do not agree. Now, you know very well throughout this trial I have taken the position that the opinion of experts as to [the] literary merit of this particular book, "Howl" is (sic) irrelevant.¹⁸²

Once again McIntosh was wrong on this matter because expert testimony had a significant influence on the case and had long since been influential in obscenity trials. His failure to take the "whole book" concept and expert testimony into account in his trial strategy suggests that, contrary to his reputation for "smut" cases, he was not very well versed in this field of the law.

For his part, Ehrlich closed with an impassioned and concise argument that "Howl" did not meet the test of obscenity outlined in the Roth decision. However, he also sought to distance Ginsberg from Roth, the man, noting that "in the Roth case there was

¹⁷⁹ Ehrlich, *Howl of the Censor*, 94.

¹⁸⁰ Felinghetti quoted in Merrill, *Allen Ginsberg*, 87.

¹⁸¹ Ehrlich, *Howl of the Censor*, 96-98, 99.

pornographic work advertised... we do not have any such thing here.” The off color language in Ginsberg’s poetry, Ehrlich argued, was an expression of rage toward an unjust and unkind world, and not an attempt to incite prurience. Ehrlich focused on the honesty and sincerity of the author and the authenticity of his message, while berating the “semantic nonsense” inspired by terms such as obscenity, and the “small thinking in small minds”.¹⁸³

Judge Horn rendered his decision on October 3. Not only did he find that *Howl and Other Poems* had “redeeming social importance,” he also cautioned against official state involvement in censorship, arguing that “Government should be held in tight rein... The best method of censorship is by the people as self-guardians of public opinion and not by government.”¹⁸⁴ Horn’s decision reviewed the parameters of the case, such as the limitations placed on the expert witnesses and the tests that “Howl” faced in the court’s judgment. But he also added his opinion on obscenity, free speech and the current state of obscenity law.

Judge Horn understood the parameters of his case to rest “between the ideas of Jefferson and those of the judges, who in the meantime departed from the forthright views of the great statesmen.”¹⁸⁵ Acknowledging that the debate over obscenity pitted the idea of unfettered exposure against censorship, Horn employed four tests to determine the merit of his position: “such determination depends on the locale, the time, the mind of the community and the prevailing mores.”¹⁸⁶ He also included discussions of influential precedents including the “whole book” (*Ulysses*), social importance (*Roth*) and profanity

¹⁸² Ibid, 94-95.

¹⁸³ Ibid, 112.

¹⁸⁴ Ibid, 127.

¹⁸⁵ Ibid, 177.

(*People v. Vanguard* and *People v. Viking Press*). He noted the distinction between pornography and books of genuine literary value in the Viking decision, and that the Vanguard ruling had found that “foul language did not of itself bring a novel or play within the condemnation of the statute.”¹⁸⁷

Horn quoted selectively, but extensively from Roth. The logic of obscenity under Roth stipulated that “disgusting” representations of sex are not obscene, but that prurient representations, which inspired a sexual response, were. “It follows”, Horn noted, “that what ever makes sex disgusting is socially beneficial”.¹⁸⁸ This passage from Roth notes that the relationship between social harm and obscene literature is an “unproven assumption.”¹⁸⁹ However, it also speaks to the representations of sex in “Howl”. When Ginsberg wrote about heterosexuals who “sweetened the snatches of millions of girls”, or homosexuals “who let themselves be fucked in the ass by saintly motorcyclists” he was not discussing a prurient act, but its opposite. The irony in Judge Horn’s reading of Roth, as it pertains to representations of sex, is that a representation of homosexual sex, which was outlawed by Cold War culture, was not legally obscene under the law pertaining to literary obscenity, provided it spoke to a work’s realism. Continuing this logic, heterosexual sex, which was associated with health and stability by Cold War culture, was potentially more vulnerable to obscenity charges because it might elicit a sexual response.

Horn quoted a passage from Roth that supported his belief in the First Amendment and the importance of disparate views. He wrote:

¹⁸⁶ Ibid, 120.

¹⁸⁷ Ibid, 122-23.

¹⁸⁸ Ibid, 125.

¹⁸⁹ Ibid, 125.

Life is not encased in one formula whereby everybody acts the same or conforms to a particular pattern. No two persons think alike; we were all made from the same mold, but in different patterns. Would there be any freedom of press or speech if one must reduce his vocabulary to vapid innocuous euphemism? An author should be real in treating his subject and should be allowed to express his thoughts and ideas in his own words.¹⁹⁰

On the issue of free speech Judge Horn came down on the side of Jefferson. His ruling favored expanded protection for speech. Although there is no evidence that he viewed the First Amendment in absolute terms, his thoughts clearly veered in that direction.

I have [as much] confidence in the ability of our people to reject noxious literature as I have in their capacity to sort out the true from the false in theology, economics, politics, or any other field.¹⁹¹

Similarly, he exhibited a great faith in the capacity of the individual to discern between quality and smut.

Obscenity law is shaped by social changes, and often has a cultural agenda. However, the law applied in the “Howl” trial ran contrary to the repressive instincts of Cold War culture. “Howl’s” freedom can be partially attributed to the difficulty associated with suppressing new literature in the 1950s. McIntosh’s failure to provide a solid case was undoubtedly a factor, as was the ACLU’s ability to secure the competent services of Jake Ehrlich. But a big message had been sent before the trial when the federal customs’ agent released the booklet. Federal authorities, who are required to test their laws against the Constitution, usually set legal precedents. It is unlikely that a ban of “Howl” would have stood up on appeal in a higher court. Nevertheless, in San Francisco it put an end to further legal suppression of literature. The “Howl” trial was a precedent

¹⁹⁰ Ibid, 122.

¹⁹¹ Ibid, 125.

setting case that helped extend first amendment protection to speech dealing with sex or drug use.

The “Howl” verdict made the front page of the *San Francisco Chronicle* on October 4, when it reported that Jake Ehrlich had “hailed” the decision and declared that “every book that was ever worth while was condemned somewhere by someone.” Meanwhile, McIntosh greeted the decision “glumly,” and excused himself with “it’s just another case as far as the District Attorney’s office is concerned.”¹⁹²

Nevertheless, “Howl” only received a brief reprieve as it was soon under attack as part of a national discussion on the Beat generation. The San Francisco Renaissance, Ginsberg, Kerouac, “Howl” and Beat lifestyle moved into the national spotlight. Daily newspapers and the literary media, hungry for a ripple in the placid, consensus driven Cold War culture of the fifties, took issue with “Howl”. Perhaps the poem and its culture could not be censored outright, but it could still be interpreted as a threat to society.

¹⁹² David Pearlman, “‘Howl’ Not Obscene, Judge Rules,” *San Francisco Chronicle*. October 4, 1957, 1.

Chapter Four: The Media

*There is no need for dirty ugly words, they will
only entangle you in unnecessary trouble.*
-Louis Ginsberg¹⁹³

One of the earliest commentaries on the literary output of San Francisco's burgeoning counterculture was a September 2, 1956, article in the *New York Times* entitled "West Coast Rhythms". The author, Richard Eberhart, himself a recognized poet, wrote a favorable description of poetry from Los Angeles to Vancouver, Canada, arguing that the "The West Coast is the liveliest spot in the country in poetry today."¹⁹⁴ "Howl" received the most attention of any single poem in the article. "It lays bare", Eberhart claimed, "the nerves of suffering and spiritual despair." "West Coast Rhythms" introduced underground literature to the nation and particularly to the East. Ginsberg's first national

¹⁹³ Allen Ginsberg, ed. Barry Miles, *Howl*, 150.

¹⁹⁴ Ginsberg wrote a long letter to Eberhart prior to the publication of *West Coast Reviews*. His main concern stemmed from a comment Eberhart made while researching the piece in San Francisco. Eberhart thought the poem was angry and destructive that "it did not itself evoke a better life, while it showed evils of society of the time." Ginsberg retorted in a letter: I fail to see why you characterize my work as destructive or negative. Only if you are thinking an outmoded dualistic puritanical academic theory ridden world of values can you fail to see I am talking about the realization of love. LOVE." Later he wrote, "To call it work of nihilistic rebellion would be to mistake it completely. Its force comes from positive 'religious' belief and experience. It offers no 'constructive' program in sociological terms—no poem could." Ginsberg regularly courted his supporters and detractors. His drive to ensure the best media and promote his friends, particularly Kerouac, underlined his ambition, intensity and distrust of media not only at the time of "Howl", but throughout his career. This letter was essentially a preemptive strike against a potential detractor. For quotations see Allen Ginsberg and Richard Eberhart, *To Eberhart From Ginsberg: A Letter About Howl* (Lincoln, Massachusetts: Penmaen Press, 1976)

exposure “was a friendly, noncommittal piece, but it turned out to be [one of] the last kind words about the new poets in the respectable press for years.”¹⁹⁵

The publicity that developed from the “Howl” obscenity trial made the poem famous in San Francisco and throughout the United States. But as the debate moved from the courtroom to the media, the parameters of the discussion expanded considerably. “Howl” became a symbol of subversive expression, and young people copied its poetic style as far away as New York’s Greenwich Village. J. P. McFadden of the *Village Voice* described the “frenzied litany” of a poetry reading in the Village in the summer of 1959. A young poet read: “America my mother your benches are filled with old women, they are lost, they are broken they are twisted by a mad world.”¹⁹⁶ This unpolished verse seems remarkably similar, stylistically, thematically and aesthetically to Ginsberg’s poetry on America, motherhood and madness.

After years of receiving rejection notices from publishing houses Jack Kerouac finally published *On The Road* in late summer 1957 with Viking press. It initially received a warm reception, and is now considered the bible of the Beat generation.¹⁹⁷ Gregory Corso also published, through City Lights, his award-winning book of poetry, *Gasoline*, in 1958 and, in the same year, William Burroughs began to publish sections of *Naked Lunch*, “a dystopia where technology strangles all vestiges of

¹⁹⁵ Kramer, *Allen Ginsberg in America*, 160. This is not entirely truthful. However, as the poem has subsequently become part of the canon of American poetry.

¹⁹⁶ J.P. McFadden, “Howling in the Wilderness”, *Village Voice* vol. 7, no.22 September 12 1959.

¹⁹⁷ Gilbert Millstein, who reviewed “Howl” for the *New York Times*, wrote “*On the Road* is the second novel by Jack Kerouac, and its publication is a historic occasion insofar as the exposure of an authentic work of art is of any great moment in any age in which the attention is fragmented and the sensibilities are blunted by the superlatives of fashion... [The novel is] the most beautifully executed, the clearest and most important utterance yet made by the generation Kerouac himself named years ago as “beat” and whose principal avatar he is. Just as, more than any other novel of the Twenties, *The Sun Also Rises* came to be regarded as the testament of the Lost Generation, so it seems certain that *On the Road* will come to be known as that of the Beat Generation.” Ann Charters, “Introduction” quoted in Jack Kerouac *On the Road* (New York: Penguin Books, 1991), viii.

freedom”.¹⁹⁸ Together with Ginsberg these writers formed a literary culture. “What seemed to set the Beats apart from their peers,” writes Thomas Newhouse:

was a deep disturbing alienation that transcended their identity as artists and extended to personal idiosyncrasy and a self-destructive bent. Such tendencies were captured in an intellectual fascination, perhaps even an identification, with outcasts and criminals. To be sure, their protest was in large part an attempt to reveal, in most intimate detail, the world of the outcast.¹⁹⁹

In the months and years after the “Howl” trial the media constructed another identity for the Beats, characterized by depravity and subversion. The primary objective of the media representation of the Beats was censorial. However, one publication that was sympathetic to the Beats from its inception was the *Evergreen Review*.

Grove Press began the literary magazine *Evergreen Review* in 1957. The magazine published new and experimental literature and poetry and was particularly sympathetic to the works of Beat poets and writers. It gave voice in New York to the cultural works being produced in San Francisco and around the country. *Evergreen* devoted its entire second issue, put out in the summer of 1957, to the writings of Ginsberg, Kerouac, Ferlinghetti, Phillip Whallen and Robert Duncan, among others. The issue opened with a letter by Rexroth that provided some interpretation of the significance of the material published, along with details about the literary and cultural scene in San Francisco. He argued that the separation and disaffiliation of these writers from the mainstream of American society was their source of cultural identity.

The broad cultural debate that occurred in the media in the years after the “Howl” trial went beyond the courtroom even though it was sparked by the trial itself. There were

¹⁹⁸ John Tytell, *Naked Angels*, 12.

¹⁹⁹ Thomas Newhouse, *The Beat Generation and the Popular Novel in the United States, 1945-1970*, 3.

three elements to the media's treatment of "Howl" and they evolved in two stages. Initially, commentators were compelled to defend "Howl's" right to speech against obscenity charges, particularly in light of critical reviews that were generally favorable to the poem prior to and during the "Howl" trial. During and immediately after the trial the poem began to receive mixed reviews; some critics strongly attacked it, as though it were a stand in for a broader cultural subversion associated with bohemia and the avant-garde. By 1959-1960 the debate had reached a second stage in which the poem was caught up in a broader assault on the Beat generation, as a cultural phenomenon. In the space of two years a debate that had begun over constitutional issues, had evolved into a wider critique of the literature and the politics of a cultural form.

Of all the daily newspapers in San Francisco, the *San Francisco Chronicle*, "The Voice of the West", provided the most extensive coverage of the "Howl" trial through the summer of 1957.²⁰⁰ Coverage in the newspaper followed courtroom developments closely, and the reporting was generally sympathetic to the booklet's first amendment right. William Hogan wrote a column for the *Chronicle* entitled "A Bookman's Notebook". In his June 10 column he treated the "Howl" seizure as an Orwellian conspiracy to suppress literature that certain authorities do not appreciate. He cautioned that America was in "trouble if it permits this example of thought control to continue."²⁰¹ A debate over the seizure of "Howl" was waged in letters to the *Chronicle's* editorial page. Supporters of the SFPD's seizure likened the duty of the police to the responsibility

²⁰⁰ I looked at the *Atlanta Journal Constitution*, "The Standard Voice of the South" and the *Dallas Morning News* to get a sense of coverage of the trial in the South, but found no references to the trial or the San Francisco scene at the beginning of the trial or at its conclusion. The same goes for the *Chicago Tribune* and the Northwest. The *New York Times* did report occasionally on the trial and commented infrequently on the literary and cultural scene in San Francisco. Also, magazines and journals with national circulation covered the Howl trial. Extensive newspaper coverage was limited to San Francisco. In Britain the *Observer* and the *Times*, London, *Literary Review* made brief mention of the Beats and the trial.

of the “parent who has to refuse his children access to a medicine cabinet containing poison.”²⁰² Another letter employed the poison metaphor to describe “Howl’s” seizure, but substituted milk and babies for pills and parents.²⁰³ Similarly, Lucas Davidson applauded the police department’s “drive to clean up dirty books.” He continued, assuredly, “I know that if our Lord Jesus Christ came back to earth he would be the one to lead the police in raiding these cesspools we call bookstores.”²⁰⁴

In substance and quantity, however, the letters criticizing the SFDP outweighed those in support. Generally, respondents resented the paternalism of censorship. Accordingly, Judith Tauber wrote, “The infraction of our individual right is a threat to any adult.”²⁰⁵ Meanwhile, Diane Dagan got personal, “The San Francisco Police Department’s claim that no literature should be sold that is not fit for children to read is readily understandable in view of the very embarrassing scores on their recent IQ tests.”²⁰⁶ In the editorial pages the protection of the innocent was pitted against the rights of the informed, and this was generally how the issue was framed outside the courtroom.

After the trial had ended Lawrence Ferlinghetti published a piece in the *Evergreen Review*, in the winter of 1957, that described the victors’ story and attacked “one of the most irresponsible and callous police actions to be perpetrated west of the Rockies, not counting the treatment accorded Indians and Japanese.”²⁰⁷ Claiming that the trial was a victory for the people of San Francisco, Ferlinghetti recommended a medal for customs officer Chester McPhee because it was his seizure of the book that helped popularize the

²⁰¹ William Hogan, “Orwell’s “Big Brother” Is Watching Us”, *San Francisco Chronicle*, 6 June 1957, p. 6.

²⁰² Lurie Q. Prince et. al., Editorial page, *San Francisco Chronicle*, 18 June 1957, p. 20.

²⁰³ Ed Arnold, Editorial page, *San Francisco Chronicle*, 13 June 1957, p. 24.

²⁰⁴ Lucas Davidson, Editorial Page, *San Francisco Chronicle*, 13 June 1957, p. 24.

²⁰⁵ Judith Tauber, Editorial Page, *San Francisco Chronicle*, 13 June 1957, p. 24

²⁰⁶ Diane Dagan, Editorial Page, *San Francisco Chronicle*, 10 June 1957, p.20.

²⁰⁷ Lawrence Ferlinghetti, “Horn on Howl”, *Evergreen Review* Vol. 1 no. 4, pp. 145.

poem. Keen to promote “Howl”, Ferlinghetti quoted several favorable reviews, which hailed “Howl” as a significant work in American poetry.²⁰⁸

The *Saturday Review*, also published out of New York, issued two articles on the events in San Francisco in the summer and fall of 1957. The first, written by George Baker and titled “Avant Garde at the Golden Gate”, was addressed to New Yorkers “who have bemoaned the disappearance of old Greenwich Village”. According to Baker, Jack Kerouac, the *Evergreen Review* and Kenneth Rexroth was “proof of the group’s vitality,”²⁰⁹ and he celebrated the new avant-garde out west. A few months later John Fuller published an article which addressed the circumstance of the trial. He also delighted in San Francisco and in “Howl”, “which has been rocking both the city and the country”. Fuller characterized the trial as hopeless because the federal authorities had already refused to prosecute and argued that it was a “freak anomaly” because San Francisco was normally so cordial to “creative imagination”. According to Fuller “the attitudes of few local politicians should in no way reflect on the attitude of San Francisco as a whole.”²¹⁰

The trade magazine, *Publishers Weekly*, waded in on the discussion with an overview of the “Howl” trial and its participants in an October, 1957 “News of the Week” section. It claimed that the vindication of “Howl” was “a ringing defense of the freedom to read”. Likewise, David Perlman published an article on the “Howl” trial in the December 12 issue of the New York based weekly, *The Reporter*. Entitled “How Captain Hanrahan Made ‘Howl’ a Best Seller”; the article described San Francisco

²⁰⁸ Ibid, 148, 149. For example, Director of the San Francisco State College Poetry Center, Ruth Witt-Diamond considered “Howl” a “significant work in American Poetry.”

²⁰⁹ George Baker, “Avant Guard at the Golden Gate,” *Saturday Review* vol. 40 (3 August 1957): 10.

²¹⁰ John Fuller, “Tradewinds,” *Saturday Review*, vol. 40, no. 40 (5 October 1957): 5-7.

bohemia, City Lights and the events of the trial. In his conclusion, Perlman noted that “nothing has been heard from Captain Hanrahan since, and “Howl” is now a best seller throughout San Francisco.”²¹¹

Despite a literary review of the poem several months earlier, the *Nation* published a brief article entitled “The Red-Eyed Censors” that sided with the interest of free expression and castigated San Francisco’s censors. “In the sub-moral Murk where the red-eyed Censors live”, the editorial began, “nothing ever changes. There is no light, no progress, no thought.” The piece went on to describe the quality of the poem and its author, concluding with the argument that it was not the place of police officers “to determine the moral bearing of such work”.²¹²

This initial burst of support for the poem’s right to speech coincided with another element of the media coverage that centered on reviews of the poem. Notwithstanding the valiant efforts of Rexroth and Ferlinghetti, there was a marked decline in support for “Howl”. M. L. Rosenthal’s review of “Howl” for the *Nation* interpreted the poem as an angry statement of protest with an ominous warning for society. “Homogenize the dominant culture enough, destroy the channels of communication blandly (sic) enough and you will have little mad bombers everywhere.” Rosenthal viewed “Howl” as a new literature of violence and dissent. Although he was not sure whether Ginsberg was the “real thing”, he nonetheless felt that he had “brought a terrible psychological reality to the surface”. He admired Ginsberg’s authenticity, explaining that “the agony [in the poem] is real”, along with “the threats for the future that it signals.” Although Rosenthal’s review of “Howl” was written before the trial, the ambivalent tone of his

²¹¹ David Pearlman, “How Captain Hanrahan Made Howl A Best Seller”, *The Reporter*, vol. 15 (December 12, 1957), p. 39.

article betrays his response to this new form of expression. Nevertheless, Rosenthal thought Ginsberg's work might have "enough originality to blast American verse a hairsbreadth forward in the process."²¹³

Kenneth Rexroth responded to some of "Howl's" negative press in the summer 1957 edition of the *Evergreen Review*. He was aggravated generally by several misinterpretations of the poem, which he did not list.²¹⁴ However, he did single out Rosenberg's "Poetry of the New Violence" review in the *Nation*. "It isn't at all violent", Rexroth wrote, "it is your violence it is talking about." Rexroth argued that Ginsberg's message was that "we must love one another or die...Curiously, the reviewers never noticed." Rexroth concluded with a surprisingly accurate "modest prophecy", that "Ginsberg will be the first genuinely popular, genuine poet in over a generation"²¹⁵ Rexroth viewed "Howl" as a poem written by a New Yorker and as a statement on the harm inflicted by a cruel society. This point was also an effort to redress the media's tendency to lump the Beats and the San Francisco poets together. Although Rexroth's West Coast localism suggests an element of jealousy and a desire to carve out some counter-culture space for expression not labeled Beat, commentators outside San Francisco continually viewed the poem as a product of the San Francisco Beatniks and implicitly a statement by that group.

Michael Rumaker was a novelist associated with the Black Mountain College, a literary school led by poet Charles Olson that folded in the late 1950s. Rumaker's review of "Howl", published in *The Black Mountain Review* in the fall of 1957, began as

²¹² "The Red-Eyed Censors," *Nation*, vol. 184, no.16, (20 April 1957): 335.

²¹³ M.L. Rosenthal, "Poetry of the New Violence," *Nation*, (23 February 1957).

a literary critique and concluded as a cultural critique. He criticized “Howl” for its imprecision and lack of focus: “It’s a bad poem—it’s not *said* right,” he claimed without clearly explaining what was ‘not said right.’ Although Rumaker liked “Howl’s” energy and anger, he regretted its “sentimentality, bathos, buddha and hollow talk of eternity”. Rumaker’s cultural critique of “Howl” treated Ginsberg stereotypically. Perhaps it was Rumaker’s own association with a failed avant-garde literary movement that led him to take a more personal and condescending tone toward Ginsberg. “This is a certain type of man, Ginsberg,” he wrote, “I see him in varying likeness everywhere. On the loose they don’t know what to do, they can’t take care of themselves,” nevertheless “this certain type of man” needs to be “protected in its growth” and allowed to “germinate.” He concluded with a tepid criticism of the Cold War culture’s failure to nourish “the experimental and adventurous spirit.”²¹⁶

Kenneth Rexroth published another article in *New World Writing* in 1957, cautioning that “the younger generation is in a state of revolt so absolute that its elders cannot even recognize it.” He likened this rebellion to what he considered the central theme in the work of Dylan Thomas, Jackson Pollock and Charlie Parker: “Against the ruin of the world there is only one defense—the creative act.” These artists were creative forces and represented the opposite to the “sterile, extraneous invention of the corn-belt metaphysicals (sic), or present blight of poetic professor.” They were also able to act, he

²¹⁴ An example this interpretation was printed on the front page of the *Chronicle* on August 17, 1957. Carolyn Anspacher wrote “Allen Ginsberg’s angry collection”. See Carolyn Anspacher, “‘Howl’ Trial Starts—Big Crowd,” *San Francisco Chronicle*, 17 August 1957, p. 1.

²¹⁵ Kenneth Rexroth, “San Francisco Letter,” *Evergreen Review* 2 (Summer 1957).

²¹⁶ Michael Rumacker, Allen Ginsberg’s *Howl*, *Black Mountain Review*, no. 7 (Fall 1957). In a 1983 postscript to his review Rumaker notes the he wrote “largely out of resistance to this new, shrill unknown voice howling outloud what I and many others of the time only whispered in oblique silence.” It was impossible, Rumaker continues, to recognize “how much it blasted open our artistic and sexual doors.

argued, because they were disengaged and distanced from their society. These creative forces, Rexroth argued, had been building in San Francisco since the Second World War, and they were now at the point where poetry had become a social force and Allen Ginsberg “a poet of revolt if ever there was one.” He concluded that the San Francisco group celebrated social disengagement, artistic integrity and volunteer poverty, powerful virtues, but “not virtues we tried to inculcate, rather the very opposite.”²¹⁷

Academics from elite universities were divided over the validity of “Howl”. The University of California at Berkeley academic Thomas Parkinson was sympathetic and wrote to the *San Francisco Chronicle*’s editorial staff to comment. He claimed that, “‘Howl’ is one of the most important pieces of poetry published in the past ten years”, and insisted that, “Its power and elegance are obvious, and the talent of Mr. Ginsberg is of the very highest order.”²¹⁸ However, Harvard professor John Hollander, who was a friend of Ginsberg’s from their days together at Columbia University, lambasted “Howl” in the spring, 1957, issue of the imperious *Partisan Review*. Hollander was clearly irritated by the booklet of poetry and dismissed it as a “dreadful little volume,” and a “very short and very tiresome book”.²¹⁹

James Dickey—poet, Korean War veteran and Rice University Professor—reviewed “Howl” in the summer 1957 issue of *Sewanee Review*, a well recognized scholarly journal. He also did not think much of the poem, despite the hype that it might

anywhere from a chink to totally off the hinges,” quoted in See Lewis Hyde, *On The poetry of Allen Ginsberg*, 40.

²¹⁷ Kenneth Rexroth, “Disengagement: The Art of the Beat Generation”, *New World Writing*, no. 11 (1957).

²¹⁸ Thomas Parkinson, “Editorial Page”, *San Francisco Chronicle*, 18 June 1957, p. 20.

²¹⁹ John Hollander, “Review of Howl and Other Poems”, *Partisan Review* (Spring 1957), quoted in Lewis Hyde, *On The poetry of Allen Ginsberg*, 27-28. In an addendum Hollander wrote in February 1984, out of “reluctance to see the ‘tone’ of his review perpetuated”, he noted his “disappointment in a turn he saw an old friend and poetic mentor take. I only regret now that I hadn’t given “America” and “In a Supermarket in California” time to register, I should certainly have commended them.”

“supply the in-touch-with-living authenticity which current American poetry so badly needs.” Instead he found the poem generic, “of the familiar our-love-against-their-machines-and-money variety.” Although he conceded Ginsberg’s “comic talent”²²⁰ he considered the poet and his work disagreeable.

Even more scathing was Frederick Eckman who reviewed “Howl” for the scholarly, Chicago-based magazine, *Poetry*, around the same time as Hollander and Dickey. He argued that the poem’s primary significance was cultural and found the question of its literary merit to be irrelevant. In effect Eckman launched a cultural assault on “Howl”, which he considered to be a celebration of “social and psychological ills” by a “highbrow cousin” to “the black jacket, switchblade-toting street-fighter”. He characterized the culture associated with “Howl” with a predilection to “homosexuality, jazz and dope”. Moreover, Eckman argued that the social problems outlined in “Howl” rest not with society, but with individuals who appeal to them. On top of this, he called it “a very shaggy book, the shaggiest I’ve seen.”²²¹

Norman Podhoretz picked up on Eckman’s social influences when he reviewed “Howl” for the *New Republic* in September 1957. Framed by contempt for the Beat generation and reverence for the “silent generation”, Podhoretz characterized the Beat “rebels” as homosexual, jazz and dope addicted vagrants, whose poetry occasionally descended into “puerile sniveling and self righteous braggadocio”. After challenging “Howl’s” literary and cultural legitimacy, Podhoretz decided that “it’s a remarkable poem”, but only because “the dope-addicts, perverts and maniacs he celebrates are not

²²⁰ James Dickey, “From Babel to Byzantium”, *Sewanee Review*, vol. 65 (Summer 1957): 508-510.

²²¹ Frederick Eckman, “Review of Howl and Other Poems”, *Poetry* vol. 90, no. 6 (September 1957): 386-397.

finally glamorized.”²²² Famous for his acid moral judgment, Podhoretz was nevertheless thin on analysis and insight in this piece. Moreover, his technique of attacking literary expression by assaulting the culture it was associated with became a trend in popular treatments of the Beats over the next couple years.

The second phase of reviews extended the parameters of the debate, beyond the protection of innocence or free speech, to encompass a wider critique of the whole Beat generation. In this broader debate some commentators, such as Rexroth and John Sisk of *Commentary*, tried to make sense of the Beats’ literary efforts and cultural significance. Others, such as Podhoretz and Paul O’Neil, were downright caustic in their judgements. These critics were not concerned with the literature produced by the Beats, but with the negative social impact they feared it would have. The Beats were stereotyped as deviants or outcasts and made into scapegoats for society’s ills.

For their part, the Beats did not do much to help matters. Corso, Kerouac and Ginsberg met with Dan Balaban of New York’s *Village Voice* newspaper in September 1957 and exclaimed, “we are three witless madcaps who sing little insensible ditties.” In the article that Balaban produced from the interview he listed some of the Beats’ recent successes and informed readers that they were off to Europe. However, prior to departing, each Beat had elected to make a statement. Corso exclaimed, “Don’t shoot the Warhog”, Kerouac blurted “Pity dogs and forgive men,” and Ginsberg declared “everybody is a big mystical shears—snip, snip, snip.” The Beats’ refusal to conform, even to straightforward speech, no doubt raised the ire of their critics. Although these comments suggest that the Beats were interested in maintaining a certain mystique, and in not being understood,

²²² Norman Podhoretz, “A Howl of Protest in San Francisco”, *New Republic* (16 September 1957) Quoted in Hyde, *On the Poetry of Allen Ginsberg*, 34-35.

they do not adequately explain the vindictiveness with which some commentators treated them. This assault was generally one sided, as the apparatus of the opinion makers had a much greater reach than poetry books.

Initially one of the most sympathetic treatments of the Beats was by John Sisk, who covered the group for the Catholic periodical *Commonweal* and tried to make clear the connection between the Beat generation and the broader society. Noting that “their delinquent conduct and assertion of disengagement have [been] taken at face value”, Sisk associated the Beats with a tradition of subversion and dissent in American literature and argued that, “however we react to it we are reacting to part of ourselves.” Placing the Beats in the tradition of Thoreau, Emerson, Hawthorne, Whitman and Twain, Sisk argued that society “fails to engage itself effectively with such opposition... for fear of coming face to face with its deviation from the American dream.” The failure to understand them, he cautioned, will “muddle our efforts to live effectively as a society in a complex world.”

By contrast the Jewish American Committee’s magazine *Commentary* published an article on the Beats in December 1957 by Dan Jacobson that questioned the true rebelliousness of the San Francisco writers and argued instead that they were lazy. Jacobson described the works of Michael McClure, Phillip Whalen and Lawrence Ferlinghetti as “innocent of rhythm, of a true feeling for the weight of the words.” “One can only wonder”, Jacobson pondered, “that it should attract so many people who have no particular talent for writing it.” Ginsberg, he argued, “still hasn’t written a poem that can stand up to any but an excessively sympathetic examination.” According to Jacobson Ginsberg’s appeals to “violence and delinquency” were unnecessary, but here as

elsewhere Jacobson misses the point: “Neither supermarkets nor suburbs”, he cautioned, “are any justification for drinking turpentine, stealing cars, taking drugs, or swearing at ‘squares’.” Jacobson concluded with the declaration that: “we are entitled to despair or howl for rebellion only after much harder work than anyone here has bothered to do.”²²³

Norman Podhoretz entered the discussion on the Beats for a second time with an article in the *Partisan Review* in the spring of 1958. The article offered a broad social analysis that was based almost entirely on two Kerouac novels: *On The Road* and *The Subterraneans*. Podhoretz viewed the Beats as a return to bohemia. However, unlike the predecessors in the 1920s, who “repudiated provinciality, philistinism and moral hypocrisy,” or those 1930s, whom he characterized as “intellectually serious”, the bohemians of the 1950s were “hostile to civilization”, and worshipers of “primitivism, instinct and energy.” Podhoretz considered Allen Ginsberg’s poetry representative of the “dark side of the new bohemianism. Kerouac is milder”. He cautioned, nevertheless, that “even the mild ethos of Kerouac’s books can spill over easily into brutality”. In short, Podhoretz defined the Beats entirely negatively, as anti-intellectual and anti-establishment. He interpreted the Beat message as “Kill the intellectual who can talk coherently, kill the people who can sit still for five minutes at a time, kill those incomprehensible characters who are capable of seriously getting involved with a woman, a job, a cause.”²²⁴

Although the Beats may have been a rhetorical boon for conservatives like Podhoretz, for others, such as J.P. McFadden, who investigated Beatniks in New York for

²²³ Dan Jacobson, “America’s ‘Angry Young Men’: How Rebellious are the San Francisco Rebels”, *Commentary* (December 1957): 475-479.

²²⁴ Norman Podhoretz, “The Know Nothing Bohemians”, *Partisan Review*, vol. 25, no. 2 (Spring 1958): 305-311, 313-316, 318.

the *National Review*, they were a curious social phenomenon. With all the publicity the Beat generation was receiving, McFadden decided to find out what Beats had to say for themselves, so he set out “to find a live beat”. He spent an afternoon combing Greenwich Village coffee shops, painfully conscious of his own “squareness”, which he employed to frame the “frenzied litany”²²⁵ of poetry readings and affected speech of his interviewees. McFadden’s contribution was to view of the Beats as a social entity that was beginning to permeate the broader American culture but was not a direct threat to that broader culture. He found that the Beatniks were not violent or angry but rather harmless, if not a little pathetic.

Significantly, both *Time* and *Life* magazines published stories on the Beat generation in 1958 and 1959. *Time* published a severe review of the Beats in the summer of 1958 comparing the Beat generation with Britain’s Angry Young Men. The piece argued that although the two groups share a common “hipsters idiom”, they have different relationships to society. The Angry Young Man “will eventually make his peace with a society in which he means to make good.” The Beat, on the other hand, “shirks responsibility on the ground that he has the H-bomb jitters. His disengagement from society is complete”. According to *Time*, the Beats, led by “the discount house Walt Whitman”, Allen Ginsberg, and his fellow hedonist, Jack Kerouac, were guided by a “rhythm of madness and self destruction.” Likened to the fatalistic heroes of “delinquency” films, the Beats were characterized as “romantic heroes” bent on becoming “martyred legends”²²⁶.

²²⁵ McFadden, J. P. “Howling in the Wilderness”, *National Review*, vol. 7, no. 22 (12 September 1959): 338-339.

²²⁶ Gene Feldman and Max Gartenberg, ed. “The Beat Generation and the Angry Young Men”, *Time* (9 June 1958): 99, 100, 102.

In his article for *Life* in November 1959 Paul O'Neil likened the Beats to "fruit flies", who "profane the surface" of the "sweetest and most succulent casaba ever produced by the melon patch of civilization". O'Neil's rhetorical flourishes were mostly concerned with the "lesser beats", that section of American society that was inspired by Beat literature and moved to emulate its aesthetics, mannerisms and art. Like McFadden, O'Neil was interested in the broader social and cultural Beat phenomenon and claimed that they were "social rebels first and poets only second". However, like Podhoretz he was concerned with the long-term negative social and cultural impact that Ginsberg's and Kerouac's cultural offspring might have on America. Noting the appearance of Beat characters in radio soap operas, comic strips and film, O'Neil offered a geographical breakdown of the Beats that identified North Beach as the "capital of beatdom". Moreover, he speculated that "troops of semi, or weekend Beats [exist] in the mid-West and the South" and that Los Angeles was "home to no fewer than 2,000 beats". He accused the Beats of being loafers, con men, eccentrics, mom haters and cop haters, in other words, a direct threat to America. Like Sisk, O'Neil viewed the Beats as "the voice of non-conformity." Although, he recognized that the 1950s "have not been years calculated to produce a Thomas Paine or to inspire a crusade for the rights of the working man," what, he asked in conclusion, "have we done to deserve this?"²²⁷

In the spring of 1959, the *New York Post* published Alfred Arnowitz's twelve part investigation of the Beat generation, which held similar concerns as Podhoretz and O'Neil. This extensive investigation, simply titled "The Beat Generation", surveyed religious, cultural and financial aspects of the Beats, and looked at connections ranging

²²⁷ Paul O'Neil, "The Only Rebellion Around" *Life*, 47 (30 November 1959): 115-116, 119-120, 123-126, 129-130.

from criminality and the Beats to San Francisco and the Beats. The tenth article in the series looked at the Zen Buddhism of Gary Snyder and Jack Kerouac, which the author described as “rude and rudimentary”²²⁸ He also looked at the Mission established by Rev. Delattre in North Beach. “They come here to be Beatniks”, Delattre explained to Aronowitz, but “most of them tend to be mentally disturbed.”²²⁹ Aronowitz interviewed North Beach businesspeople, one of whom claimed that they “used to clutter up the place—they’ve got no money, you know”. So, he continued “I put up a sign, ‘out of bounds to poets, beatniks, drug addicts. etc.’” and, he happily reported that, “business increased 10 percent.” In the same article a policeman informed Aronowitz that “their [the Beat’s] standards are very low. Our information”, he continued, “was that as far as sex was concerned anything went. We had to protect our young people from that.”²³⁰ In another edition of the series, Aronowitz discussed the criminal pasts of Beat poets Ray Bremser and Gregory Corso, reinforcing the association between the Beat generation and crime, even though Corso’s prose was more restrained than other writers’ were. Aronowitz’s series on the Beats cast them in a pall of deviancy and recklessness, nonetheless.

John Ciardi attempted to close the chapter on the Beats in an article for *Saturday Review* in early 1960. “Heaven knows the young need their rebellion”, he argued, but “the rebellion has gone for kicks” Ciardi identified the Beats’ entirely with drugs, jazz, “dingy alleys” and “an aversion to soap and water”, a product of the “need to be illegal” and “thumb one’s nose at society.” Ciardi had no patience for Jack Kerouac, whose prose he considered “symptomatic of the narcissistic sickliness of the beats”. He liked “Howl”,

²²⁸ Alfred Aronowitz, “The Beat Generation” *New York Post*, 19 March 1959, p. 22.

²²⁹ *Ibid*, 20 March 1959, p. 70.

but did not think that Ginsberg had produced “anything worth reading since”. He thought *Naked Lunch* worthy for the realism it portrays, but distinguished Burroughs, by age and background, from the Beat generation. Ciardi argued that the “paucity” of Beat literature underlined the point that “they have made their careers in personal eccentricity”. He viewed the rebellion as the product of a false dilemma between square and hip: “the simple fact” he declared was “that the human condition has always been a middle term”. Ciardi’s conclusion was ironic, “I hope that the next time the young go out for a rebellion they will think to try the library”.²³¹

Allen Ginsberg resented the assaults on his poetry and his candor and resolved to defend his work and strike back at his cultural critics. “A poetry renaissance glimpsed in San Francisco,” he wrote in the *San Francisco Chronicle* in the summer of 1959, “has been responded to with ugliness, anger, jealousy, vitriol and sullen protestations of superiority.” He criticized journalists, commercial publishers and book reviewers for their “fearful allegiance to the organization of mass stereotype communications [that] prevents them from sympathy.” Significantly, the liner notes to his audio recording of “Howl” done that same year were less restrained and directed strong words against academics and politicians. He informed the politicians that his poetry was “Angelical Ravings and has nothing to do with dull materialistic vagaries about who should shoot who (sic)”. Nor did he have many kind words for academics: “these creeps wouldn’t know poetry if it came up and buggered them in broad daylight.”²³²

²³⁰ Ibid, March 15, 1959, section M, 4-5.

²³¹ John Ciardi, “Epitaph for the Dead Beats”, *Saturday Review* (6 February 1960): 11-13, 42.

²³² Allen Ginsberg, “Notes on Finally Recording Howl”, *Spoken Word Series*, 7006. 1959. Fantasy Records Inc.

In the media coverage following the obscenity trial, "Howl" and the Beat generation were associated with a number of perceived social problems: juvenile delinquency, crime, homosexuality, hedonism, literary impropriety. They were seen as a threat to the young, a threat to good taste and a threat to the broader culture. Paradoxically, they were also trivialized by accusations that their work was "tired" or "shabby" and that their rebellion was unearned or incomplete. Ultimately, this paradox hardly mattered as both criticisms were intended to silence "Howl" as a form of counter-cultural expression.

The response of the media was a direct extension of the original purpose in bringing "Howl" to trial. The public attacks on the poem replicated the arguments used by Ralph McIntosh who had attempted to prosecute "Howl" by claiming that anything that does not make sense cannot be safe, and must therefore be obscene. Just as McIntosh read out salacious passages of the poem in court in order to shock Judge Horn into legal compliance, the media reported the aesthetics of the culture associated with "Howl" in order to shock Americans into cultural compliance. The paradoxical result of these efforts was to popularize literary and aesthetic alternatives to Cold War culture.

Chapter Five: CONCLUSION

Poet Le Roi Jones (Amiri Baraka) recalled that “Howl” was “the voice of young people protesting the anti-human culture we were growing up in.” It was, he continued, “a stand against the degeneracy of society [and] an attempt to transform that society.”²³³ The history of obscenity law and the cultural history of the 1950s shaped the historical context of the poem. Historically, the “Howl” trial was positioned at a confluence of legal and cultural streams, in a process of transition toward freer expression. In the history of obscenity law the trial tested the expanded protection recently awarded to literature with “redeeming social importance”. Judge Horn took the poem’s use of profanity and its references to drugs and homosexuality as a testament to its realism. In the courtroom, experts who were sympathetic to “Howl’s” message, and its right to be published, judged and found that it had literary merit.

Culturally, “Howl” represented a renewal that followed a general breakdown in the 1950’s narrative, stemming partially from changes in race-relations and the decline in utopian imagination. The affluence of the postwar period in the United States spawned contentment in mainstream culture, but also a desire for new and creative expression. At

a personal level, the postwar period's material benefits rang hollow for Ginsberg, because the human costs of those benefits were too high. His message in "Howl" centered partially on those costs and the need for a revitalized social vision.

Unfortunately for Ginsberg "Howl's" message did not come through in the media in the late 1950s. Media interest that began with the censorship issues raised by the "Howl" trial developed, through reviews of the poem, into a public censoring of the Beat generation specifically, and counter-cultural expression, generally. The paradox of censorship, its tendency to promote what it seeks to ban, extended from the trial into the media coverage. It would not be logical to expect that Cold War culture could have accepted "Howl", although some opinion makers did attempt to understand its significance historically. Nevertheless, two points arise from this inability to understand. The failure to understand "Howl" was partly structural; it was the failure to hear and interpret dissent in a Cold War culture that interpreted the world through a binary logic and could not grasp cultural interplay. In addition, the trial and subsequent coverage exposed the possibility that the media, which was supposed to speak for the people and keep the elite in check, could also speak for the elite and keep the people in check.

Media reports that dismissed the poem for its hortatory tone, its novel literary style, its profanity and sexuality, along with the reports that dismissed the culture it spawned for its deviant aesthetic, represented a continuation of censorship efforts in the public domain. Although the Beat generation had a significant impact on the development of a counterculture in the 1960s, "Howl's" message could not be accessed fully by much of the regulated Cold War cultural system of the 1950s. The repercussions of that failure had serious implications for the cultural battles of the 1960s and beyond.

²³³ *The Life and Times of Allen Ginsberg*, prod. And dir. Jerry Aronson, 82 min., 1993, videocassette.

In a familiar turn of events “Howl” experienced censorship problems again in the 1980s, but this time radio was involved. Even though “Howl” had been read on Pacifica broadcasts “for three decades without any problem”, a planned reading of the poem over the Pacifica Radio Network in January 1988 was banned after the Federal Communications Commission (FCC) began to clamp down on “indecent language” on the radio. Pacifica had already “incurred about \$100,000 in legal fees” after it was attacked for running a play about homosexuality; Ginsberg described the censorial action as “the desperate last grasp of Reagan neo-conservatism”. The ACLU and the PEN America Center indicated their willingness to defend any station cited by the FCC. The spokesperson for the program that was going to broadcast “Howl” commented that “a lot of people think this battle has been fought before... but the truth of the matter is that these battles over censoring ideas and art are very current.”²³⁴ “Howl’s” efforts to address the human cost of political abstraction, or as Jones viewed it, the “degeneracy of society”, carried an important message for all of humanity, which continued to ring true, and which continued to be intercepted, distorted and dismissed into the 1980s.

Meanwhile, Allen Ginsberg carried on in his crusade to change the world, or at least better it in some way. In a 1989 interview a 62 year old Ginsberg was asked if he had any remaining ambitions. “I try to get rid of them,” he replied. “Have you [gotten rid of them?]” the interviewer continued. “Yeh. I wanna save the world”, Ginsberg responded.

I keep thinking there must be some almighty rhythm that would penetrate all consciousness and wake earth up to its terrific non-transcendent living

²³⁴ *New York Times*, January 6, 1988, section C, page 22.

possibility of having a continuing destiny. Doesn't everybody have that ambition?²³⁵

²³⁵ *Allen Ginsberg*, prod. and dir. Lewis McAdams, 90 min., Lannon Literary Video Series, 1989, videocassette.

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