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A HOWL OF FREE EXPRESSION: THE 1957 HOWL OBSCENITY TRIAL AND SEXUAL  
LIBERATION

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March 19, 2015

## A HOWL OF FREE EXPRESSION: THE 1957 HOWL OBSCENITY TRIAL AND SEXUAL LIBERATION

Allen Ginsberg's first recitation of his poem *Howl*, on October 13, 1955, at the Six Gallery in San Francisco, ended in tears, both from himself and from members of the audience. "The people gasped and laughed and swayed," One Six Gallery gatherer explained, "they were psychologically had, it was an orgiastic occasion."<sup>1</sup> Ironically, Ginsberg, upon initially writing *Howl*, had not intended for it to be a publicly shared piece, due in part to its sexual explicitness and personal references. He worried about how others would receive the untraditional language and controversial practices expressed throughout *Howl*, in particular, the homosexual references.<sup>2</sup> Immediately following the Six Gallery reading, Lawrence Ferlinghetti, the publisher for City Lights Books, contacted Ginsberg, stating: "I greet you at the beginning of a great career. When do I get the manuscript?"<sup>34</sup>

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<sup>1</sup> Ginsberg to Lionel Trilling, August 1947, Ginsberg Collection, Stanford University as seen in Steven Watson, *The Birth of the Beat Generation: Visionaries, Rebels and Hipsters 1944-1960* (New York: Pantheon Books, 1995), 187.

<sup>2</sup> Michael Schumacher, *Dharma Lion: A biography of Allen Ginsberg* (New York: St. Martin's Press, 1992), 545.

<sup>3</sup> Ginsberg, Journals, Ginsberg Collection, Stanford University as seen in Steven Watson, *The Birth of the Beat Generation: Visionaries, Rebels and Hipsters 1944-1960* (New York: Pantheon Books, 1995), 187.

Allen Ginsberg had originally started *Howl* upon receiving news that a close friend and fellow beatnik, Carl Solomon, had been admitted to a mental institution. Inspired by this event, the first line of *Howl* commenced: “I saw the best minds of my generation destroyed by madness, starving hysterical naked...” and continued along this premise, elaborating on the emotionally destructive nature of the conformist American post-war society.<sup>5</sup> Through his poem, Ginsberg depicted the culture of the Beat Generation, a movement of social outcasts who rejected traditional customs in order to obtain emotional and spiritual liberation.<sup>6</sup> Beatniks—the par-takers of the Beat Generation—often engaged in behavior that opposed social conventions, such as sexual promiscuity, drug abuse, and homosexuality.<sup>7</sup> Ginsberg aimed to encompass these values in *Howl*, further projecting beat culture by using words that were relevant to his experience. It was the use of these words that initially caught the attention of the San Francisco office of the U.S. Customs.

On March 25, 1957, Federal Collector of Customs, Chester Macphee, seized 520 copies of *Howl and Other Poems* by Allen Ginsberg as they were shipped into San Francisco, declaring

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<sup>5</sup> Allen Ginsberg, *Howl and Other Poems* (San Francisco: City Lights Books, 1956), 3.

<sup>6</sup> The Beat Generation was initially given its title by Jack Kerouac, who utilized the term “beat” to mean “worn out” and “exhausted”: a people beat down by the orthodoxy and superficial consumerism of American society after World War II. The term grew to encompass a greater range of meaning, representing also the thirst for adventure and search for meaning that constituted beatnik ideals.

<sup>7</sup> This behavior is largely represented in the literature of the generation. Jack Kerouac gained fame for his novel, *On the Road*, which characterized the frantic traveling aspect of beat life, and William Burroughs for his *Naked Lunch*, which detailed his drug addiction and homosexuality.

it obscene material that “you wouldn’t want your children to come across.”<sup>8</sup> The obscenity that Macphee referred to consisted of a number of four letter words and “vulgar” phrases, used throughout the principal work of the book, Ginsberg’s poem *Howl*. Many of the phrases that were deemed obscene either discussed sexual actions, or referred to sexuality and sexual behavior. Nonetheless, these implications were merely aspects of the work, and did not constitute the purpose as a whole.

Newspaper commentary demonstrated that public reaction to the initial confiscation of *Howl and Other Poems* was mixed. Some disregarded *Howl* as no better than pornography, and backed Macphee in his seizure. “As a parent of teen-age children, I wish to support Mr. Macphee in his attempt to keep dirty books out of this country,” stated one letter published in the *San Francisco Chronicle*. “If the people who oppose this filth sit quietly by while a minority of liberalities shout to open the gates to obscene books and poems it may well be that this minority with soon swamp the country with the filth and dirt they love so well.”<sup>9</sup> Others viewed the matter differently, proclaiming value in Ginsberg’s literary portrayal and lawlessness in the Customs confiscation. Mark S. Wittenberg, in the *San Francisco Chronicle*, represented this perspective as he stated: “I should say that when Mr. Macphee saw too many four letter words, he neither saw nor read anything else. Allen Ginsberg’s poem may be a lot of things...but it is not obscene.

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<sup>8</sup> Macphee was federal collector of customs for the 18th District, composed of California, Nevada, and Utah ([www.sfgate.com](http://www.sfgate.com)); *Howl* was originally printed in England in order to avoid obscenity complications, and then imported into the United States for selling; Schumacher, 551.

<sup>9</sup> “Letters to the Editor.,” *San Francisco Chronicle*, (April 1957) as seen in Bill Morgan and Nancy J Peters, *Howl on Trial: The Battle for Free Expression* (San Francisco: City Lights Books, 2006), 104.

I ask, in a loud and angry voice: What does Mr. Macphee think he is doing?”<sup>10</sup> Others, putting aside their opinion of *Howl* as a work, were riled by the audacity of a Collector of Customs to regulate their access to literature, especially when he measured obscenity on a scale of adolescent appropriateness. Anthony Boucher of the Censorship Committee recited that Justice Frankfurter previously wrote: “quarantining the general reading public against books not too rugged for grown men and women in order to shield juvenile innocence, is to burn the house to roast the pig.”<sup>11</sup> Lawrence Ferlinghetti, the publisher of *Howl and Other Poems*, shared this opinion. Ferlinghetti, in the *San Francisco Chronicle* article, emphasized that officials were merely trying to censor a reflection of their own society by censoring *Howl*: “The great obscene wastes of “Howl” are the sad wastes of the mechanized world, lost among atom bombs and insane nationalisms, billboards and TV antennae.”<sup>12</sup> Ferlinghetti utilized this image to play Macphee’s words against him, stating that the concept portrayed is “a world, in short, that you wouldn’t want your children to come across.”<sup>13 14</sup>

Two days after Ferlinghetti stated his defense of *Howl* in the *San Francisco Chronicle*, two police officers, out of uniform, entered City Lights Bookstore and purchased a copy of *Howl and Other Poems*. Following this purchase, Shigeyoshi Murao, the bookstore clerk, was arrested,

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<sup>10</sup> *Ibid.*, 105.

<sup>11</sup> *Ibid.*, 106.

<sup>12</sup> This World: Between the Lines.,” *San Francisco Chronicle*, (May 19, 1957), as seen in Morgan and Peters, 108.

<sup>13</sup> *Ibid.*

and a warrant was issued for the arrest of Lawrence Ferlinghetti, who owned the bookstore.<sup>15</sup> Luckily, Ferlinghetti had taken precautions. When he suspected that there might be censorship complications with *Howl and Other Poems*, he sent a typescript of the work to the American Civil Liberties Union (ACLU), and they agreed to represent him should there be legal difficulties.<sup>16</sup> The ACLU provided bail for Murao and Ferlinghetti. Still, the San Francisco literary community was stunned by police concern with *Howl*, especially since *Howl* was considered to possess obvious literary value. Representing public feelings of oppression, a *San Francisco Chronicle* headline in reference to the *Howl* censorship read: “The Cops Don’t Allow No Renaissance Here.”<sup>17</sup> As a matter of fact, Captain William Hanrahan, who ordered the arrests of Murao and Ferlinghetti, intended to make an example out of *Howl*, stating “we will await the outcome of this case before we go ahead with other books.”<sup>18</sup> But ironically, in his efforts to abolish *Howl*, Hanrahan propelled it to celebrity status. Not only was the community interested in the poem that could cause such commotion, but they were fed up with police exercising their power to censor literature. One article in the *San Francisco Chronicle* compared the police interference to that of Big Brother in an Orwellian society, stating that: “the point is that the cops are raiding the bookstores and presumably, with this precedent set, the literary patrol can march

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<sup>15</sup> Schumacher, 254.

<sup>16</sup> *Ibid.*, 253.

<sup>17</sup> Steven Watson, *The Birth of the Beat Generation: Visionaries, Rebels and Hipsters 1944-1960*. (New York: Pantheon Books, 1995), 250.

<sup>18</sup> Morgan and Peters, 201.

into any store in town and arrest the personnel at will.”<sup>19</sup> Another article detailed the petition of twenty-one of “San Francisco’s leading booksellers” to Mayor George Christopher to end police censorship of books, claiming that “this sort of censorship has no place in a democratic society.”<sup>20</sup> This clash of opinion between police officials and the public built anticipation for the trial, which was scheduled for August 1957.

*Howl and Other Poems* was not the first book to fall victim to censorship. According to the American Library Association, the number one theme that has incited literary censorship throughout the years is sexual explicitness.<sup>21</sup> This pattern was originally set in 1749, with the banning of John Cleland’s *Fanny Hill: Memoirs of a Woman of Pleasure*, which detailed the life and experiences of a prostitute.<sup>22</sup> This novel celebrated sexual activity, and included a greater range of sexual descriptions than almost all other novels of that time period. Similar to *Howl*, it depicted both heterosexual and homosexual intimate encounters.<sup>23</sup> The obscenity trial for the novel was held in 1821, in which the publisher of the work was charged for “corrupting, debauching, and subverting the morals of youth.”<sup>24</sup> *Fanny Hill* was declared obscene, and with this conviction a model for censoring sexually explicit literature was set. The Government was

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<sup>19</sup> *Ibid.*, 113.

<sup>20</sup> *Ibid.*, 116.

<sup>21</sup> American Library Association, *Intellectual Freedom and Censorship Q&A* [article on-line] (Chicago, IL: American Library Association, 1996-2015, accessed 8 February 2015); available from <http://www.ala.org/advocacy/intfreedom/censorshipfirstamendmentissues/ifcensorshipqanda>

<sup>22</sup> Morgan and Peters, 8.

<sup>23</sup> Ruth Graham, “How ‘Fanny Hill’ Stopped the Literary Censors” [article on-line] (Boston, MA: The Boston Globe, July 2013, accessed February 2015); available from <http://www.bostonglobe.com/ideas/2013/07/06/how-fanny-hill-stopped-literary-censors/YEx9KPuHMv5O5avhB87MeI/story.html>

<sup>24</sup> Morgan and Peters, 8.

granted the ability to forbid the circulation of written work, despite any literary value or ethical perspective that it may possess, if it contained obvious sexual references.

This trend of sexual suppression was elevated in the 1870's, as Anthony Comstock, a campaigner of the post Civil War purity movement, adopted the mission of ridding all sexual mentions from the public eye. In 1873, with the help of Congress, Comstock passed the first federal anti-obscenity law, which made it illegal to send anything involving sex through the mail, including information about contraceptives and sex education.<sup>25</sup> This law represented the magnitude of Government intolerance towards all things associated with sex. Sex became obscenity. And it was more than just sexual references being censored, it was human expression. Authors who wrote legitimate pieces of literature found that their work was banned under these obscenity regulations, such as Walt Whitman's *Leaves of Grass* or Leo Tolstoy's *The Kreutzer Sonata*.<sup>26</sup> The intolerance for sexual references undermined any other meaning that was expressed throughout these pieces, limiting not only artistic freedom of the authors, but also public access to this literature.

The censorship of *Howl* was merely another example of this sexual suppression. For this criminal case, representing the State of California, Ralph McIntosh assumed the title as the prosecutor.<sup>27</sup> McIntosh, in his opening statement, suggested that Judge Clayton W. Horn was already aware of the lewdness of the words used in *Howl*. He maintained that Judge Horn could interpret the existing rules regarding obscenity as he wished. To defend Lawrence Ferlinghetti and *Howl and Other Poems* in trial, the ACLU enlisted J.W. Ehrlich, a veteran criminal trial

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<sup>25</sup> *Ibid.*, 7.

<sup>26</sup> *Ibid.*, 9.

<sup>27</sup> Schumacher, 255.

lawyer. In his opening statement, Ehrlich defended the literary merit of *Howl* as a whole, insisting that obscene words do not constitute obscene books. As he pointed out, obscenity charges often arise when individuals become offended by certain four letter words, despite the fact that these words are not actually harmful to the general public. Moreover, he asserted that *Howl and Other Poems* was not sold with the purpose of arousing lewd thoughts, and would similarly not be purchased with this intent.

McIntosh provided two literary witnesses in order to prove that expert opinion could differ on the matter of a single work, although their arguments were relatively weak. David Kirk, assistant professor of English at the University of San Francisco, possessed credentials but provided an ineffective statement of discretization, stating that *Howl* was merely a “weak imitation” of Whitman’s *Leaves of Grass*, although he regarded *Leaves of Grass* to be a great work.<sup>28</sup> McIntosh’s other witness, Gail Potter, stated that when reading *Howl*, “you feel like you are going through the gutter”, and that she “didn’t linger on it too long”, although this proved to be the strongest point that she concocted.

As the defendant, Ehrlich first called Mark Schorer, a Professor of English—and Chairman of Graduate Studies in English—at the University of California, as a witness.<sup>29</sup> Schorer stated that, through *Howl*, Ginsberg attempted to demonstrate an interpretation of his own human experience, and that the utilization of “obscene” words was necessary to depict an accurateness of modern day culture. When questioned by McIntosh about the exact meaning of certain lines or phrases, Schorer explained: “Sir, you can’t translate poetry into prose. That’s

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<sup>28</sup> *Ibid.*, 262.

<sup>29</sup> *Ibid.*, 126.

why it's poetry."<sup>30</sup> McIntosh further attempted to attack the language of *Howl*, targeting direct words that he believed weren't "necessary". Schorer, along with other witnesses for the defense, attested to the social importance of *Howl*, and to the contribution of these words to Ginsberg's work. Luther Nichols, a book editor and critic, argued for the defendant by insisting that "the words [Ginsberg] has used are valid and necessary if he's to be honest with his purpose."<sup>31</sup> Kenneth Rexroth, a poet, editor, and distinguished book reviewer deemed *Howl* to be "probably the most remarkable single poem published by a young man since the second war."<sup>32</sup> Unaltered by McIntosh's questioning, these witnesses, confident in their conviction of the literary merit of *Howl*, worked to provide the defense with a strong case.

McIntosh closed his case with a statement directed towards Judge Clayton W. Horn, questioning how he would feel if the type of words used in *Howl* were broadcasted in other public sources, such as the newspaper or over the radio. He declared that since expert opinion may differ in regard to the social importance of *Howl*, it was ultimately irrelevant, despite the fact that this statement undermined the precedent set in the 1922 *Mademoiselle de Maupin* censorship case, which established that "literary experts could offer testimony in support of a book to guide the judge in assessing community opinion."<sup>33</sup> McIntosh further argued that the obscene words throughout *Howl* were offensive to the average man, who, unlike literary experts, could not understand the poem.

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<sup>30</sup> Morgan and Peters, 204.

<sup>31</sup> *Ibid.*, 206.

<sup>32</sup> Schumacher, 255.

<sup>33</sup> Morgan and Peters, 9.

Ehrlich countered this, stating that *Howl* was not obscene because it did not arouse lustful thoughts in readers, and could only be found “dirty” by those who were purposefully searching to uncover salacious material.<sup>34</sup> Many literary classics, Ehrlich declared, had been rejected by individuals who condemned everything they could not understand, despite the presence of definite scholarly value. The fact that a work contains words unappealing to some, or which are related to sex or sexuality, should not undermine the meaning of the literature. Allen Ginsberg did not write *Howl* to corrupt the minds of his readers, but instead to detail his own experiences: his pain and his reality and his survival. Ehrlich emphasized this perspective as he closed with the statement: “let there be light...let there be no running from non-existent destroyers of morals. Let there be honest understanding.”<sup>35</sup> Allen Ginsberg’s work was never intended to be a howl of demoralization, but a howl of human suffering, exposing itself to a suppressed society.

Judge Horn reserved two weeks to decide the verdict of the trial, during which he read *Ulysses* and the court decisions regarding it, as well as other material of legal relevance.<sup>36</sup> In his decision, he emphasized the importance of the freedoms of speech and press, stating that they “are inherent in a nation of free people” and “must be protected if we are to remain free, both individually and as a nation.”<sup>37</sup> Additionally, he addressed a question that had resurfaced

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<sup>34</sup> *Ibid.*, 207.

<sup>35</sup> *Ibid.*,

<sup>36</sup>. The *Ulysses* trial determined that a work must be judged as a whole, and not exclusively by certain words or passages; *Ibid.*, 206.

<sup>37</sup> Morgan and Peters, 197.

throughout the trial: could a work of literature be considered obscene based on certain words, if it possessed a redeeming literary value as a whole? Judge Horn maintained that the answer was no. The distaste that a group of people holds for disagreeable words does not constitute obscenity charges. Personal dislike of the words does not mean that they are not used within other social communities, or that they do not represent a separate culture. This argument was congruent with the decision marked in the *Roth v. United States* case, which Judge Horn cited, and which determined that a work could not be declared obscene unless it was entirely lacking in social importance.<sup>38</sup> Horn's verdict reinforced this standard by favoring freedom of expression, and recognizing the significance of *Howl*. He likewise asserted that, although the targeted words could be potentially substituted, the meaning and value of the work would be diminished as a consequence. As Judge Horn phrases: "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 be allowed to express his thoughts and ideas in his own words."<sup>39</sup> Moreover, he declared that in order for a work to be deemed obscene, it must create lustful and corrupted thoughts in its readers. By this reasoning, *Howl* could not be considered obscene, since, through its "vulgar" language, it creates the opposite impression. Horn added that, due to the flexibility of censorship standards, the people are ultimately responsible for determining what should and shouldn't be made available to the public. Even more, they are responsible for monitoring that

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<sup>38</sup> *Roth v. United States*: Roth operated a book selling business and had been charged with mailing obscene material. He lost the case, but the court decision set the precedent that literature is protected under the First Amendment, and that Congress only has the right to ban material if it is utterly lacking in social relevance. The case of *Roth v. United States* took place in 1956 and, as a result, the *Howl* obscenity trial proved to be the first test of its credibility; George Mason University, *People of California vs. Lawrence Ferlinghetti* (San Francisco, 1957), 6.

<sup>39</sup> *Ibid.*, 198.

the Government in its interpretation of these laws: they possess the ability to guide the severity of censorship standards. “To act otherwise”, stated Judge Horn, “would destroy our freedoms of free speech and press.”<sup>40</sup>

The court decision made in the *Howl* obscenity trial was influential in a number of ways. It enforced previous aspects of existing obscenity laws, such as the fact that a piece of literature must be deemed obscene as a whole, or that literary experts could offer their opinion in support of the value of a work.<sup>41</sup> It also represented a transfer of cultural values, shifting from a public interest in tradition to an importance placed on freedom. But more than these impacts, the court ruling made in the 1957 *Howl* obscenity trial was essential for liberating the use of sexual references in literature.

By the time Allen Ginsberg wrote *Howl*, much of the stigma revolving sexual explicitness remained in American minds. The liberality of the San Francisco community provided Ginsberg with an adequate environment to express his work, but the confiscation of *Howl* exhibited the lasting mentality set by the Comstock Laws, and the need to purge all publications of sexually charged material. Even more, *Howl* did not depict exclusively heterosexual actions, but also homosexual activity, which was even less tolerated by censorship standards. Yet, despite the history of sexual suppression that led up to the *Howl* obscenity trial, *Howl* was not declared obscene. This victory, in the name of the first amendment, set a new standard of tolerance for sexual explicitness in literature, which not only represented the shifting public mindset caused by the beat generation, but also further allowed the prosperity of human expression in written work.

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<sup>40</sup> *Ibid.*

Judge Clayton W. Horn had made a point of declaring that although the creators of the First Amendment knew that disagreement that may result from unconventional ideas, “they chose to encourage a freedom which they believed essential if vigorous enlightenment was ever to triumph over slothful ignorance.”<sup>42</sup> *Howl*, as a work, precisely exemplified this statement, as it expressed unconventionality in a multitude of ways. On the most basic level, *Howl*’s structure differed from traditional poetry. It used long, run on sentences, which reflected the style of Jack Kerouac’s “spontaneous prose”, a literary byproduct of the Beat Generation. Although not the primary concern, Ginsberg’s untraditional style worked against him, as his work was confronted with those who were accustomed to a more confined, less blatant form of poetry. Especially among those of the older, more conventionalist generation, Ginsberg’s poetry appeared to be an unserious attempt, which detracted from what it was wholly attempting to express. Nonetheless, this structure would not have been a problem had it not been for the untraditional language that Ginsberg utilized. McIntosh, in his questioning, drew attention to the phrases in *Howl* that he deemed to be inappropriate: “‘who blew and were blown by those human seraphim, the sailors, caresses of Atlantic and Caribbean love.’ Now you do understand, of course, what ‘blew’ and ‘blown’ mean?”<sup>43</sup> McIntosh attempted to pinpoint these phrases, so as to build his case off of the obscenity of this particular language. In the past, this may have worked. In 1881, even Walt Whitman’s *Leaves of Grass* had caused enough uproar to be banned due to its sexual references and sensuality. And within the 20<sup>th</sup> century, *Ulysses*, by James Joyce, had been banned in 1920 due to its sexually explicit scenes, although they were largely metaphorical. Yet, in 1957, the mere vulgarity of the language was not enough to declare obscenity.

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<sup>42</sup> *People of California vs. Lawrence Ferlinghetti*, 4.

<sup>43</sup> Morgan and Peters, 146.

McIntosh, in his closing argument, made a final attempt at this angle, stating: “*Howl* contains words, if by themselves...are definitely obscene.”<sup>44</sup> But this statement held no weight in the court. If McIntosh had proved anything, it was the weakness of judging mere words, since “obscene” words could not singularly arouse prurient interest if that was not the intention of the literature. Judge Horn cemented this in his decision when he declared, “to determine whether a book falls within the condemnation of the statute, an evaluation must be made of the extent to which the book as a whole would have a demoralizing effect on its readers, specifically respecting sexual behavior.”<sup>45</sup> Sexuality in literature could not be banned merely because it was referenced. This precedent represented a definite variation from the Comstock Laws, which extended to the point of limiting sexual references even for education purposes. Although disapproval of these vulgar or sexual phrases may have remained in the minds of Americans, the tolerance of this language was essential to the protection of their First Amendment rights.

Even more, sexual explicitness could rightfully exist as long as it served some sort of purpose, or provided “social importance.” *Howl* provided a proper illustration of this criterion. Although it contained language that was considered crude, it was not written solely to emphasize this language, or to arouse prurient interest in its readers. It referenced untraditional sexual acts, but was far from pornography. The difference lay in the intention of the work. During the trial Mark Schorer testified to the essentiality of Ginsberg’s language, asserting that Ginsberg “uses the rhythms of ordinary speech, the language of vulgarity...the language of the street, which is absolutely essential to the esthetic purpose of his work.”<sup>46</sup> Although some may have considered

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<sup>44</sup> *Ibid.*, 183.

<sup>45</sup> *People of California vs. Lawrence Ferlinghetti*, 9.

<sup>46</sup> Morgan and Peters, 136.

his word choice indecent, it was not lacking in social relevancy. In fact, the language Ginsberg utilized worked to exemplify the essence of his work. *Howl*'s representation of beat culture, and its purpose of documenting the struggle of an American man during this time period, provided it with undeniable social importance. Judge Horn honored this in his decision by stating "the theme of *Howl* presents 'unorthodox and controversial ideas.' Coarse and vulgar language is used in treatment and sex acts are mentioned, but unless the book is entirely lacking in 'social importance' it cannot be held obscene."<sup>47</sup> This decision dramatically enforced the tolerance of sexual implications. Where before sexual references had been censored, there now persisted the freedom for an author to incorporate sex into their work as much as they deemed necessary, as long as their effort possessed redeeming social importance. No longer could serious works of literature be censored for their sexually explicit language: they were liberated from their puritanical confines.

One of the greatest arguments opposing *Howl* had been that its "obscene" language would have a negative effect on the community. But although it was the "average man" that McIntosh had been claiming to protect by censoring *Howl*, "the average man" seemed to have no grievances over the outcome of the trial. An article published in the *San Francisco Chronicle* following the trial was titled "'Howl' Decision Landmark of Law", and emphasized public concurrence with Judge Horn's decision, stating: "we find the decision sound and clear, foursquare with the Constitution and with the letter and spirit of various courts that have heretofore found the outcries of censorship lacking virtue."<sup>48</sup> Likewise, another article in the *San Francisco News* applauded Judge Horn, asserting that he had "conducted the proceedings with

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<sup>47</sup> *People of California vs. Lawrence Ferlinghetti*, 5.

<sup>48</sup> "'Howl' Decision Landmark of Law," *San Francisco Chronicle*, (October 1957) as seen in Morgan and Peters, 123.

intellectual agility and a nice sense of fairness.”<sup>49</sup> Public opinion evidently supported the trial rulings, and not exclusively in the liberal climate of San Francisco. While the trial was largely a local issue, it also attracted national attention. Both *Life* and *Time* magazine constructed articles publicizing the Howl trial, and a review of Howl itself was run in *The New York Times*.<sup>50</sup> People everywhere no longer felt the need to be protected from sexual references in literature, but instead were intrigued by the triumph of free expression. *Howl* represented a fight against classic literary oppression. As a leading work of the San Francisco Renaissance, it helped to inspire the San Francisco community, not to demoralize it.<sup>51</sup> By 1957, Americans were not afraid of sex, they were afraid of encroachment on their rights, on their freedom of expression and access to literature.

The effects of the *Howl* trial were not only publicly apparent, but were also legally influential. Preceding the trial, Captain William Hanrahan had threatened a long list of literature that was to be confiscated if *Howl and Other Poems* was officially deemed obscene. Correspondingly, had Judge Horn decided against *Howl*, the result was likely to have been many more ensuing obscenity cases, and many more books taken off of shelves. But, as the opposite occurred, the opposite also became true: banned books became liberated of their obscenity charges. In 1960, three years after the *Howl* verdict, *Lady Chatterley’s Lover*, by D.H. Lawrence,

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<sup>49</sup> “Judge Rules ‘Howl’ Not Obscene; ‘Heal the Breach,’” *San Francisco News*, (October 1957) as seen in Morgan Peters, 121.

<sup>50</sup> *Time* magazine failed to actually run the article, but had originally contacted Ginsberg “because of the media interest in the upcoming trial”; Kayla Danielle Meyers, “‘Obscene Odes on the Windows of the Skull’: Deconstructing the Memory of the Howl Trial of 1967” (Bachelor of Arts in American Studies, The College of William and Mary, 2013), 25; Richard Eberhart, “West Coast Rhythms,” *The New York Times Book Review*, September 2, 1956.

<sup>51</sup> The San Francisco Renaissance was a literary (and largely poetic) movement, which followed the *Howl* Trial in San Francisco. It consisted of San Francisco bohemians who pursued a liberal lifestyle.

became unbanned as a result of the *Grove Press v. Christenberry* case.<sup>52</sup> This work, although highly respected, had been banned in 1929 for sexually explicit language. A year later, *Tropic of Cancer*, by Henry Miller, was likewise unbanned, as it had faced obscenity charges for the same reason.<sup>53</sup> *Tropic of Cancer* had been originally banned in 1934, but was brought to trial in 1953. Nonetheless, the charges were not cleared until after the *Howl* trial, in 1961.<sup>54</sup> *Howl* had represented a liberation of sexual references from censorship, so it only made sense that other works confined by similar charges would be liberated as well. Like *Howl*, these works were not efforts at pornography, but serious literature that expressed themes outside of sexuality, although their sexual references were essential to the meaning as a whole. The freedom of expression returned to these works was directly correlated to the victory of the *Howl* trial. No longer would either the courts of the public allow the serious intentions of a work to be undermined by the sexual implications that it possessed.

At one point during the trial, Luther Nichols, a witness for the defense, declared:

Here I think the best possibility now in *Howl's* survival is for its value as a bit of literary history. I think this case will draw attention to it. It, perhaps, will have a wider readership than it might otherwise have had, and may go down in history as a stepping-stone along the way to greater or lesser liberality in the permitting of poems of its type expression.<sup>55</sup>

Nichols proved to provide an accurate prediction of the lasting significance of *Howl*. At the time of the obscenity trial, the ruling possessed the power to either sway future obscenity cases towards traditional literary oppression, or towards an increasingly liberal mentality regarding

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<sup>52</sup> Morgan and Peters, 10.

<sup>53</sup> *Ibid.*, 11.

<sup>54</sup> *Ibid.*

<sup>55</sup> *Ibid.*, 150.

obscurity. Thus, the *Howl* trial became a howl of free expression. Not only did *Howl*, as a work, introduce an alternative style of writing structurally, it utilized untraditional language, which eventually set the precedent that this language was protected under the relevancy of its use. Words employed due their prevalence in a certain culture could no longer fall victim to censorship at the hands of individuals of a different social mindset. Moreover, works of literature could now escape unreasonable censorship if they contained themes of the slightest social significance. This differed vastly from the past, where serious literature could be banned based on minor sexual references. The shift in the censorship standard that the *Howl* trial enacted worked to promote artistic freedom: authors were now able to write candidly, without the need to censor their own work of sexual expression for fear of legal restriction. The public concurred with this liberal shift towards literary freedom, as demonstrated by public interest in the *Howl* trial, and the largely positive response to its verdict. The widespread acceptance of this anti-censorship culture similarly displayed itself through the unbanning of books that had been banned by previous standards. In 1966, the ban became lifted from John Cleland's *Fanny Hill: Memoirs of a Woman of Pleasure*, the work which had originally sparked censorship for obscenity.<sup>56</sup> Obscenity-based censorship had come full circle, and, as a result of the *Howl* obscenity trial, free expression had won out. It had been a movement towards sexual liberation in literature, and yet, it had not been about the act of sex at all. More, it had been about the humanistic qualities that sex represented: human expression, intimacy, love. Allen Ginsberg comprehended that the communication of these characteristics was essential to the human existence. *Howl* has been credited with many titles: it was a howl of suffering, it was a howl of bitterness, it was a howl of free expression. But it was also a howl of victory: a triumphant win

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<sup>56</sup> *Ibid.*, 5.

over those who aimed to take the civil liberty of free expression, and smash it to muted, inoffensive bits.

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