
Guide to the Morris L. Ernst Banned Books Collection

Principal processors: Preliminary arrangement and description by Special Collections staff; machine-readable finding aid created by James Lake

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Guide to the Morris L. Ernst Banned Books Collection, ca. 1956-1990

Collection number: Mss 27

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Descriptive Summary

Title: Morris L. Ernst Banned Books Collection

Dates: ca. 1956-1990

Collection number: Mss 27

Creator: Ernst, Morris Leopold, 1888-1976

Collection Size: 8 linear ft (8 boxes)

Repository: University of California, Santa Barbara. Library. Dept. of Special Collections
Santa Barbara, CA 93106

Abstract: Primarily lists, articles, and government publications relating to censorship issues. Part of a much larger collection of printed materials, about 700 titles, which have been cataloged separately.

Shelf location: SRLF.

Language: English.

Acquisition Information

The bulk of the collection was purchased in 1966.

Restrictions

None.

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Biography

Morris Leopold Ernst was born on August 23, 1888 in Uniontown, Alabama. His father, a Czech immigrant, was a pushcart peddler who later became the owner of a small general store and of a small loan company. Ernst's mother was one of the earliest graduates of a woman's college, Hunter, in 1884. When Ernst was two years of age, his father moved the family to New York City where the senior Ernst was active, and for the most part quite successful, in real estate ventures. Morris Ernst attended public schools in New York and graduated from Horace Mann High School at the age of sixteen. He earned a B.A. degree from Williams College in 1909. From 1909 to 1915, Ernst worked in various office positions in the retail industry while studying evenings at the New York School of Law. He received his LL.B. in 1912 and was admitted to the bar the following year, but did not enter into the formal practice of law until 1915 when he became a partner in the firm of Greenbaum, Wolff & Ernst. Ernst remained associated with the firm until his death.

Ernst was an able court lawyer, ingenious and persuasive in trials and adept in handling clients. He enjoyed litigation and took delight in representing clients as diverse as the Dramatists Guild and the Sauerkraut Workers Union. Ernst was renowned for his expertise in the areas of labor, tax, libel, and censorship legislation. Over the years he served as counsel for, among others, the American Civil Liberties Union, the *New Yorker* magazine, the *New York Post*, the Planned Parenthood Federation, and the American Newspaper Guild. In 1937, Ernst gained a key ruling by the Supreme Court of the United States which established the right of newsmen to organize, a right that eventually was to include workers in all the news media.

Ernst's most publicized cases, however, involved issues of literary censorship. For many years he waged a battle against various federal, state, local and religious agencies with regard to their censorship policies. He won cases which allowed the general sale of works such as Marie Stopes' *Married Love* and Arthur Schnitzler's *Cassanova's Homecoming*. His most celebrated case in this area was his landmark victory in favor of the publication of James Joyce's *Ulysses*. The work had been originally published in Paris in 1922 to great acclaim. For ten years copies were smuggled into the United States where it was as known in some quarters as much for its alleged "obscenity" as for its literary merits.

In 1933, the newly established Random House attempted to publish *Ulysses* and was met by immediate opposition to do so by the U.S. government which sought to confiscate the work under the provisions of the Tariff Act of 1930 which forbade the importation of works deemed to be obscene. As counsel for the publisher, Ernst argued for the literary merits of the work as a whole. He challenged the idea that sexually frank passages and four-letter words in themselves constituted pornography as defined by government censorship standards of the time. His arguments convinced the judge who wrote in his opinion that despite his finding parts of the work "disgusting...[E]ach word of the book contributes like a bit of mosaic to the detail of the picture Joyce is seeking to construct for his readers."

During his years of legal practice, Ernst began to collect examples of books that had been banned at different times and places and under varying circumstances. Comprising some 700 volumes, the collection was, in Ernst's words, made up of works "which disturbed the sovereign-whether church, state or private group of censors which concluded that each volume was dangerous to the peace of mind of the society, or which part of the society was to be denied the right to read." The collection contains works as diverse as Homer's *Odyssey*, Confucius' *Analects*, Hawthorne's *Scarlet Letter*, Tolstoy's *War and Peace* and Lewis Carroll's *Alice in Wonderland*, all having in common only the fact that at some time, in some place, someone or some organization has found them threatening to the prevailing order and caused them to be banned.

Ernst was active in political and legal affairs throughout his long life and wrote widely on those issues that interested him: censorship, economic and social conditions, political problems and legal issues. He also wrote several works about his life and legal career (see section on Related Materials). He held a number of city, state and national government posts, serving under Fiorello La Guardia, Franklin D. Roosevelt and Harry S. Truman in various capacities. Under Truman he served on the President's Civil Rights Commission.

Ernst was not afraid to align himself with a less than popular cause that provoked the dismay of his friends and political allies. In 1957 he undertook a case in which he defended the Trujillo regime in the Dominican Republic. Some observers had charged the government with complicity in the disappearance and suspected death of one of its critics. Ernst's report effectively cleared the government of any involvement. Subsequent evidence seemed to cast doubt on Ernst's findings. Although Ernst then called for a large-scale Congressional investigation to look fully into the matter, he defended his initial role, asserting that even unpopular causes were entitled to counsel and stating his belief "in the old tradition that a man has a right to a lawyer."

Ernst demonstrated a similar sensibility even when it might be applied to the areas of freedom of expression and censorship where he fought so many battles. On several occasions towards the end of his life Ernst made clear the fact that he had never been in favor of complete freedom of expression with "no limits." In particular, he voiced concern regarding the changing role of the news media and the causal role of televised violence.

Ernst, writing about his collection, noted: "[It] has amused me for many reasons, even though it is little more than samples of man's folly [and] fears in different climes and at different moments in history." The issues that Ernst documented by means of his collection, although transformed by evolving political and social mores and standards, remain relevant and central to the debates that shape today's society and culture.

Scope and Content Notes

The materials described in the container list are part of a much larger collection of printed materials, about 700 titles, which have been cataloged individually and can be searched on Pegasus, the UCSB University Libraries online catalog.

There are four series in the manuscript portion of this collection:

General (primarily lists, articles, and government publications relating to censorship issues; includes description of the collection by Ernst).

Card Files (includes separate sets for author, title, and country).

Microfilm (master negative of list of books and newspapers proscribed in Indiana, 1920-1959).

Jacobsen's Index of Objectionable Literature (a series of lists of materials banned in South Africa, from ca. 1968, with updates to 1990).

Indexing Terms

The following terms have been used to index the description of this collection in the library's online public access catalog.

Ernst, Morris Leopold, 1888-1976

Prohibited books.

Censorship -- United States.

Related Materials

The following works provide further information on Morris L. Ernst and the rationale for certain books being banned and contained in the Morris L. Ernst Banned Book Collection:

Burress, Lee. *The Battle of the Books: Literary Censorship in Public Schools, 1950-85*. Metuchen, N.J.: Scarecrow Press, 1989.

Censored Books: Critical Viewpoints. Ed. Nicholas J. Karolides, Lee Burress, and John M. Kean. Metuchen, N.J.: Scarecrow Press, 1993.

Censorship. Ed. Robert Emmet Long. New York: H.W. Wilson, 1990.

Censorship. Eds. Lawrence Amey, et al. Pasadena: Salem Press, 1997.

Dorbin, Sanford M. *Morris L. Ernst and the Banned Books Collection*. In: *Censorship Today*, v. 1, no. 3 (1968): 18-21.

Ernst, Morris L. *The Best Is Yet...* New York, London: Harper & Brothers, 1945. Reminiscences.

Ernst, Morris L. *The Censor Marches On*. New York: Doubleday, 1940.

Ernst, Morris L. *The First Freedom*. New York: Macmillan, 1946.

Ernst, Morris L. *The Great Reversals: Tales of the Supreme Court*. New York: Weybright and Talley, 1973.

Ernst, Morris L. *A Love Affair with the Law: A Legal Sampler*. New York: Macmillan, 1968. Autobiographical.

Ernst, Morris L. *So Far, So Good*. New York: Harper, 1948. Autobiographical.

Ernst, Morris L. *To the Pure...A Study of Obscenity and the Censor*. New York: Viking Press, 1928.

Ernst, Morris L., and Alan U. Schwartz. *Censorship: The Search for the Obscene*. New York: Macmillan, 1964.

Foerstel, Herbert N. *Free Expression and Censorship in America: An Encyclopedia*. Westport, Conn.: Greenwood Press, 1997.

Geller, Evelyn. *Forbidden Books in American Public Libraries, 1876-1939: A Study in Cultural Change*. Westport, Conn.: Greenwood Press, 1984.

Green, Jonathon. *Encyclopedia of Censorship*. New York: Facts On File, 1990.

Haight, Anne, L., and Chandler B. Grannis. *Banned Books: 387 B.C. to 1978 A.D.* 4th ed. New York: R. R. Bowker, 1978.

Harrer, John B. *Intellectual Freedom: A Reference Handbook*. Santa Barbara, Calif.: ABC-CLIO, 1992.

Hull, Mary. *Censorship in America: A Reference Handbook*. Santa Barbara, Calif.: ABC-CLIO, 1999.

Hurwitz, Leon. *Historical Dictionary of Censorship in the United States*. Westport, Conn.: Greenwood Press, 1985.

Karolides, Nicholas J. *Literature Suppressed on Political Grounds*. New York: Facts on File, 1998.

Karolides, Nicholas J., Margaret Bald, and Dawn B. Sova. *100 Banned Books: Censorship Histories of World Literature*. New York: Checkmark Books, 1999.

Sova, Dawn B. *Literature Suppressed on Sexual Grounds*. New York: Facts On File, 1998

Sova, Dawn B. *Literature Suppressed on Social Grounds*. New York: Facts On File, 1998

Tebbel, John. *A History of Book Publishing in the United States*. New York: R. R. Bowker, 1978.

General

- Box 1: 1 **Bibliographical (includes description of the collection by Ernst, and list of works banned, apparently in preparation for sale of the collection), ca. 1966**
- Box 1: 2 **Articles (includes some whole issues of magazines), most 1961-1968**
- Box 1: 3 **Clippings and Extracts (includes items on censorship in a number of countries), mostly 1965-1966**
- Box 1: 4 **Government Publications (includes items from Ireland and South Africa), 1956, 1963**
- Box 2 **Card Files**

Additional Note

Includes separate files for author, title, and country, with historical information on rationale for the banning; also includes one post-1966 file which may have been part of efforts to update the lists.

- Box 2 **Microfilm**

Additional Note

35mm, master negative; "List of Proscribed Publications, 1920-1950," 461 exposures. Produced by Focal Craft, Calcutta, India, November 1965. Origin: National Library, Belvedere, "List of Books & Newspapers Proscribed in India." List of titles in English, Hindi, and Urdu (titles are romanized); most, not all, are under auspices of Government of West Bengal, Home (Press) Department. Latest listing is 7/31/59, not 1950. Earlier titles (pre-Independence?) are political in nature; (late 40s/ early 50s) later shift in focus to works banned for being "indecent." More recent works in list again have, for the most part, a political focus.

Jacobsen's Index of Objectionable Literature

Additional Note

Series of lists of materials banned in South Africa.

- Box 3 **ca. 1968, 1971-1974**
- Box 4 **1974-1975, 1977**
- Box 5 **1977-1978**
- Box 6 **1979-1980**
- Box 7 **1980-1982**
- Box 8 **1982-1990, n.d.**