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# Ephraim London Papers, 1940-1975

## MS#1422

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### **Summary Information**

#### **Creator**

Ephraim London, 1911-1990

#### **Title and dates:**

Ephraim London Papers, 1940-1975

#### **Abstract**

This collection contains records related to the career of Ephraim London, a prominent attorney who specialized in censorship, publishing, and entertainment law.

#### **Size:**

5.5 linear feet (11 archival document boxes)

#### **Call number:**

MS# 1422

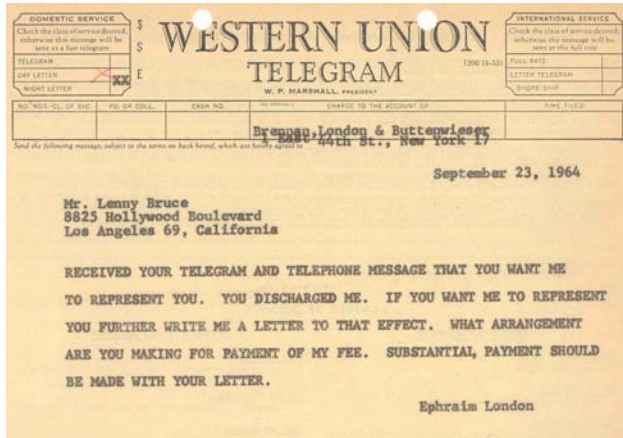
#### **Location**

Columbia University  
Rare Book and Manuscript Library  
Butler Library, 6<sup>th</sup> Floor  
New York, NY 10027

**Language(s) of material:**

English

**History of the Ephraim London Papers**



A prominent defender of the First Amendment, Ephraim S. London spent much of his career challenging conservative distinctions between art and obscenity. He ranked among the nation’s leading constitutional lawyers during the 1950s and 1960s, when he litigated a series of major cases pushing for the end of censorship in motion pictures. He also helped shepherd *Tropic of Cancer* to its first American printing – 27 years after Henry Miller had finished writing it.

London defended Lenny Bruce, the most controversial comedian of the era. He argued nine cases before the United States Supreme Court, and was successful each time. The simple fact of his taking a case, a reporter for *Variety* wrote in 1963, was enough “to indicate the importance attached to the subject.”

Confident in his expertise, London once told a judge in an obscenity trial, “Now your honor, I must say that I speak with probably greater experience than any other attorney in the United States on the question.” His preference was to win cases on constitutional grounds, rather than on procedural issues; thus, he could show that free speech, in even its least palatable forms, was protected by the First Amendment. At times, his determination to litigate on principles got him into trouble with his clients. Nevertheless, he remained firm. In the courtroom – as well as through articles and speaking engagements – London testified to his beliefs. “I consider censorship an affront,” he said during a televised debate, “the assumption of censorship, the assumption of the censor, is that the people can’t be trusted to make judgments for themselves. I don’t believe that assumption is proper.”

London was born in Brooklyn, on June 17, 1911. Law was the family calling. Both his parents, and a sister, were attorneys, as was his uncle – Meyer London – one of only two Socialists ever elected to the United States Congress. Ephraim graduated with a legal degree from New York University in 1934, and began his career in the family firm, earning a salary of \$12 a week. Five years later, he married Pearl Levison. He served as a captain of anti-aircraft artillery during World War Two; after the fighting, he investigated war crimes in Germany.

His first major First Amendment case involved *The Miracle*, a Roberto Rossellini film about a woman who mistook her vagabond seducer for St. Joseph. The movie was denounced by the Catholic Church in New York, and was declared sacrilegious by the state censorship board. Representing Joseph Burstyn, the movie’s distributor, London took the case to the U.S. Supreme Court. In 1952, the justices sided with the film; their ruling extended to movies, for the first time, the rights of free speech and freedom of the press. Seven years later, London came before the court once more. In this case he represented a French film adaptation of D.H. Lawrence’s *Lady Chatterley’s Lover*. Again the justices sided with him; ruling that a movie could not be banned simply because it expressed immoral ideas.

In 1961, Grove Press prepared to publish *Tropic of Cancer* for the first time in the United States. Knowing legal challenges were certain to follow, Grove's editor, Barney Rosset, retained London as counsel. The novel's release did indeed create a national debate on issues of obscenity and artistry; it also produced a surfeit of cases. Eventually, trials involving Miller's book would reach the highest courts in six states. London was involved in the first case, a civil action that he argued in Boston during September 1961. Up against an unsympathetic judge, he concentrated on laying a foundation for appeal. Asking leading cultural authorities – including Jacques Barzun and Norman Mailer – to endorse the book, he hoped their testimony would prove that the novel did not merely intend to arouse prurient interest, but was in fact a serious work with substantial literary merit. As predicted, the first ruling went against Grove Press. Unexpectedly, however, London would not have a chance to argue his case before the Massachusetts high court. Rosset dismissed him shortly after the trial, citing differences in legal strategy. London was not ready to compromise, a character trait that would soon reappear to damage relations with his most famous client.

In April 1964, Lenny Bruce was arrested by police officers just as he was going on stage at the Café Au Go Go in Greenwich Village. Charged with indecency and “corruption of the morals of youth and others,” Bruce needed an experienced First Amendment lawyer. He contacted London, who took the case. Arguing the trial before three city judges, London used his familiar strategy of calling expert witnesses to testify to the social and artistic relevance of the comedian's routines. Sensing skeptical hostility from the bench, he expected a negative ruling, and looked forward to success on appeal. Bruce – who had already suffered through years of legal persecution – disagreed with this strategy, and threatened to withhold payment when London ignored his suggestions. According to Martin Garbus, an attorney who aided the defense, it had been obvious “right from the start” that the two men “would not mix well.” And they did not. Soon after the trial, Bruce wired a telegram that began, “Dear Ephraim London [sic] you are fired.”

This was the second high-profile client to discharge him, and London did not take it lightly. “Although I deeply resent your letter,” he replied to Bruce, “I am glad it was sent. It relieves me of the obligation (self imposed) of putting your interests before mine.” When the verdict came down – guilty, as expected – some blamed the lawyers. Dick Schaap, of the *Herald Tribune*, thought Bruce should have been given more say in his defense. The attorneys had lost the case for a general principle, instead of winning it on technical grounds. London denied this. “It has always been my position,” he wrote in a letter to the columnist, “that one establishes legal principles by winning individual cases. As I told Lenny, I believe the real difference between us arose because I was determined to win his case.”

There were certain other principles of the legal profession to which London also adhered – collecting payment, for instance. One week after being fired, he filed suit against his former client, seeking \$13,958.83 in unpaid fees and disbursements. This sum remained unpaid on August 3, 1966, when Lenny Bruce died of a drug overdose in his Los Angeles home. “One last four-letter word for Lenny,” Schaap wrote, “Dead. At forty. *That's* obscene.” At the time of his death, Bruce “had less than \$100.00 in cash, no life insurance and many creditors.” A year later, the lawyers gave up trying to recoup their expenses.

London handled hundreds of censorship proceedings and defended more than 70 films against charges of indecency; most of these cases were conducted in the low courts of the land. City and state licensing boards could demand edits or deletions in any movie that was to be screened in their jurisdiction. Fighting these strictures was costly – a case that went to the Supreme Court could cost a distributor around \$75,000. No local censor was more censorious – or, for the attorneys, more stubborn – than Kitty McMahon, chairman of the Kansas State Board of Review. London had to handle her diplomatically. In the case of *Fellini's 8 1/2*, he was firm. “Mr. Fellini,” he wrote, “is recognized as one of the world’s greatest directors (you probably remember his film *La Strada*), and the distributor cannot and Mr. Fellini will not agree to a change in his text.” At other times, he was more conciliatory. Always, however, he remained mindful of the importance of remaining “on good terms with Kitty.”

London kept his Socialist uncle’s desk in his office, and argued for principles other than free speech. Like other progressive attorneys of his generation, he aided defendants against McCarthy-era excesses. In 1956, he represented Dr. Harry Slochower, a professor at Brooklyn College who took the Fifth rather than answering questions concerning his membership in the Communist Party. The Supreme Court ruled for the professor, who was reinstated. These sorts of cases were rarely remunerative. London’s law partner, Helen Buttenwieser, an expert in civil rights and family issues – and a member of the wealthy Lehman family – allowed him the freedom to pursue causes that could not pay. When the firm defended Dr. Robert A. Soblen, a convicted Soviet spy, Buttenwieser had to use \$60,000 of her own funds for bail. The money was then forfeited when Soblen fled to Israel on the eve of his trial.

Not all of London’s work involved constitutional issues. Through the 1950s and 1960s, he worked for Simon and Schuster, handling publishing contracts and vetting manuscripts for possible instances of libel. This business relationship had a personal element; his wife’s mother was married to M. Lincoln Schuster, one of the company’s founders. In the late 1960s, London also represented Samuel and Bella Spewack, the playwrights, in a case related to the rights of producers to rebroadcast live performances on television. “I believe the question is an important one,” London wrote to the Dramatists Guild, “because of the present practise of taping all performances of plays broadcast by commercial television stations.”

His meticulousness, and his talents as a writer, made him a formidable appellate lawyer. His appreciation for the scholarly aspects of legal history was apparent in his two-volume book, *The World of Law*, which he described as a “treasury of great writing about and in the law – short stories, plays, essays, accounts, letters, opinions, pleas, transcripts of testimony – from Biblical times to the present.” For years he taught a class at NYU Law School on literature and the law.

Ephraim S. London died in 1990; he was 78 years old.

### Description

Ephraim London conducted many important First Amendment proceedings during his career. This collection contains substantial records relating to two of his best-known cases. It includes legal documents, clippings, correspondence, and courtroom notes from his 1964 defense of Lenny Bruce, the comedian. This series features letters between attorney and client, which follow the course of an increasingly uneasy relationship. In 1961, London represented Grove Press in its attempt to publish Henry Miller's *Tropic of Cancer*. This collection includes correspondence, legal records, and trial notes from the case. It also features a huge collection of newspaper and magazine clippings related to the topic, which tracks the national debate on issues of censorship and obscenity during this period.

Beyond these two major cases, London's papers include records from his own research into legal and philosophical questions of obscenity and free speech. There are also files detailing his work on film censorship for Embassy Pictures during the early 1960s. At the time, local boards could request edits and prohibit movies from being shown in their jurisdiction. It was London's job to get the films – often the work of famed European auteurs – screened as they had been intended. Among other things, the correspondence here tracks a running, and increasingly exasperated, dialogue between the attorney and Kitty McMahon, of the Kansas State Board of Review, who always demanded the highest standards of cinematic decorum for her constituency.

Another aspect of London's career is also well represented in this collection. For years, he worked as an attorney for Simon and Schuster, the publishing company. Through correspondence, financial statements, meeting minutes, and distribution and sales contracts, his papers offer insights into the company's business practices during the 1950s and 1960s. Simon and Schuster's negotiations with other publishers, especially Pocket Books and Little Golden, are included in these papers. London was also responsible for vetting individual books for possible instances of libel, and handling any legal issues that arose after publication.

Records from other facets of London's work are absent from this collection. There is little here about his defense of Fifth Amendment cases. None of his personal writings, and few of the articles that he penned during his career, are present. The Lenny Bruce and *Tropic of Cancer* cases are well documented, but London's other major censorship cases are not represented.

### Arrangement

This collection is arranged into five series.

Series I: Leonard Alfred Schneider (aka Lenny Bruce) v. People of the State of New York, 1960-1967

Series II: Attorney General of Massachusetts v. A Book Named *Tropic of Cancer*, 1947-1964

Series III: Censorship, 1950s-1960s

Subseries 1: Censorship Files, 1950s-1960s

Subseries 2: Embassy Pictures, 1961-1964

Series IV: Simon and Schuster, 1949-1973

Subseries 1: Contracts and Business, 1949-1973

Subseries 2: Authors and Books, 1960-1966

Series V: General, 1940s-1975

Subseries 1: Publishing, 1957-1970

Subseries 2: Entertainment, 1940s-1975

Subseries 3: Personal, 1961-1975

**[Series I: Leonard Alfred Schneider \(aka Lenny Bruce\) v. People of the State of New York, 1960-1967](#)**

Series I holds records from London's defense of Lenny Bruce in 1964. Files of correspondence consist of letters between attorneys, and also notes and telegrams between the lawyers and the defendant. There are notes pertaining to the defense witnesses, who included leading cultural figures. Also present is courtroom testimony, as well as typed transcripts from some of Bruce's live performances. Legal documents track the case through the decision and part of the appeals process, and follow the attorneys' attempts to recoup their fees, even after their client's untimely death.

**[Series II: Attorney General of Massachusetts v. A Book Named \*Tropic of Cancer\*, 1947-1964.](#)**

Series II focuses on the uproar surrounding Grove Press's attempt to publish *Tropic of Cancer* in 1961. Legal correspondence follows the development of the case, and is highlighted by London's attempts to find leading cultural figures – including Jacques Barzun and Norman Mailer – to attest to the literary merits of Miller's controversial novel. The attorneys hired a clipping service to record every mention of censorship in the nation's newspapers. Much of this series is dedicated to the copious results of this effort. Hundreds of tear-sheets from around the country follow the public attitudes toward obscenity and reveal a loud debate over the American publication of *Tropic of Cancer*. The articles also follow local cases, including trials in California and Texas, of booksellers charged with selling obscene materials.

**[Series III: Censorship, 1950s-1960s.](#)**

Series III holds files relating to London's long career working against censorship. This series is arranged in two subseries: Censorship Files, and Embassy Pictures.

**[Subseries 1: Censorship Files, 1950s-1960s.](#)** These files from London's law offices were not dedicated to a particular case, but included court documents, pamphlets, legislative reports, and unpublished studies related to the history of obscenity and censorship. Included here are transcripts from some of London's appearances on radio and TV, in which he expresses his personal philosophy on First Amendment law.

**[Subseries 2: Embassy Pictures, 1961-1964.](#)** This subseries consists of several slim files dedicated to some of the films distributed by Embassy Pictures during these years. London's role was to help the movies clear local census boards. Most troublesome was the Kansas State Board of Review and its determined chairman, Kitty McMahan.

**[Series IV: Simon and Schuster, 1949-1973.](#)**

Series IV focuses on London's work for Simon and Schuster. As attorney for the publishing company he both drafted contracts for the business, and handled legal issues arising with individual books and authors.

**[Subseries 1: Contracts and Business, 1949-1973.](#)** These files have correspondence and meetings minutes related to the business transactions of the founding executives at Simon and Schuster: Richard L. Simon, M. Lincoln Schuster, and Leon Shimkin. Records include contracts, and drafts of contracts, related to several distribution and sales deals. An internal memo on contracts from the late 1950s maps out the company's grand strategy for the following years.

[Subseries 2: Authors and Books, 1960-1966](#). In these slim files, London deals with exigencies arising from the publication of individual books. In most cases, he was employed in vetting manuscripts for possible instances of libel.

### [Series V: General, 1940s-1975](#).

This series is dedicated to London's legal work that did not relate to issues of censorship.

[Subseries 1: Publishing, 1957-1970](#). These files consist of London's publishing work that did not have to do with censorship, or his responsibilities at Simon and Schuster.

[Subseries 2: Entertainment, 1940s-1975](#). This subseries relates to London's work for theater, film, and television clients. These cases mostly dealt with copyright and contract issues. The files on Bertolt Brecht contain several letters between the playwright and Eric Bentley, his translator, dating from the 1940s and 1950s. Several files here are dedicated to Samuel and Bella Spewack vs. Metro-Goldwyn-Meyer, a case involving issues of television copyright protection.

[Subseries 3: Personal, 1961-1975](#). One small file in this subseries relates to London's own work as an author.

## Access and Use

### Access

This collection has no restrictions.

### Restrictions on Use and Copyright Information

Single photocopies may be made for research purposes. Permission to publish material from the collection must be requested from the Curator of Manuscripts, Rare Book and Manuscript Library (RBML). The RBML approves permission to publish that which it physically owns; the responsibility to secure copyright permission rests with the patron.

### Other Finding Aids

None.

### Acquisition and Appraisal

### Provenance and Acquisition

### Accrual of Records

No further additions expected.

### Processing and Other Information

### Processing Information

This collection was processed by Thai Jones (GSAS 2013). Finding aid written by Thai Jones, August 2007.

### **Descriptive Rules Used:**

Finding aid content adheres to that prescribed by *Describing Archives: A Content Standard*.

### **Encoding:**

Finding aid written in English.

### **Preferred Citation**

Identification of specific item; Date (if known); Ephraim London Papers, Box and Folder; Rare Book and Manuscript Library, Columbia University Library.

### **Subject Headings**

These papers have been indexed in the Columbia University Library online catalog using the following terms. Those seeking related materials should search under these terms.

Bruce, Lenny.  
Censorship--United States.  
Freedom of Speech--United States.  
Grove Press.  
Law in literature.  
London, Ephraim.  
Miller, Henry, 1891-1980.  
Obscenity (Law) --United States.  
Simon and Schuster, inc.  
Spewack, Samuel, 1899-1971.  
Spewack, Bella Cohen, 1899-1990.  
Trials (obscenity) --United States.

**Series I: Leonard Alfred Schneider (aka Lenny Bruce) v. People of the State of New York, 1960-1967**

**Box 1**

- F. 1 Bills and Receipts, 1963-1965
- F. 2 Brennan, London & Bittenwieser v. Leonard Schneider (aka Lenny Bruce), 1964-1967
- F. 3 Clippings--Newspaper, 1960-1964
- F. 4 Clippings--Magazine, 1962-1964
- F. 5 Correspondence--London and Bruce, 1964
- F. 6 Correspondence--General, 1964-1969
- F. 7 Court Documents, 1964
- F. 8 Court Documents--Drafts, 1964
- F. 9 Decision and Opinion, 1964

**Box 2**

- F. 1 Exhibits, 1959-1963
- F. 2 Legal Research, 1964
- F. 3 People of California v. Lenny Bruce, 1963-1964
- F. 4 Performance Transcripts, 1964
- F. 5 Trial Notes, 1964
- F. 6 Trial Transcripts, 1964

**Box 3**

- F. 1 Witnesses, 1962-1965

**Series II: Attorney General of Massachusetts v. A Book Named TROPIC OF CANCER, 1947-1964**

- F. 2 Bills and Receipts, 1961
- F. 3 Censorship--Texas, 1961
- F. 4 Clippings--1960 November - 1961 September
- F. 5 Clippings--1961 October
- F. 6 Clippings--1961 October
- F. 7 Clippings--1961 November

**Box 4**

- F. 1 Clippings--1961 December – 1962 February
- F. 2 Clippings--Bestseller Lists, 1961
- F. 3 Clippings—Magazines, 1955-1964
- F. 4 Copyright and Contracts, 1961
- F. 5 Correspondence--General, 1961-1964
- F. 6 Correspondence--Literary Merit, 1961-1962
- F. 7 Court Documents, 1960-1962
- F. 8 Grove Press--Distribution Contracts, 1961
- F. 9 Grove Press--News Releases, 1961
- F. 10 Legal Briefs and Drafts, 1961
- F. 11 Memoranda of Law, 1961

**Box 5**

- F. 1 Trial Notes, 1947-1964

**Box 5 cont.** **Series III: Censorship, 1950s–1960s**  
**Subseries III.1: Censorship Files, 1950s–1960s**

- F. 2 General, circa 1960
- F. 3 Court Documents, 1950s
- F. 4 Court Documents, 1960s
- F. 5 Legislative Reports, 1950s
- F. 6 Movies and Religion, 1950s

**Box 6**

- F. 1 Pamphlets, 1950s-1960s
- F. 2 Transcripts--London on Censorship, 1950s-1960s
- F. 3 Unpublished Censorship Studies, 1954, 1961
- F. 4 Unpublished Censorship Studies, circa 1960

Subseries III.2: Embassy Pictures, 1961-1964

- F. 5 BOCCACHIO '70, 1963
- F. 6 DIVORCE ITALIAN STYLE, 1963
- F. 7 THE EMPTY CANVAS, 1964
- F. 8 FELLINI'S 8 ½, 1963
- F. 9 LONG DAY'S JOURNEY INTO NIGHT, 1963
- F. 10 NO LOVE FOR JOHNNIE, 1961
- F. 11 THE SKY ABOVE – THE MUD BELOW, 1962

Series IV: Simon and Schuster, 1949-1973

Subseries IV.1: Contracts and Business, 1949-1973

- F. 12 Contracts--General, 1956
- F. 13 Contracts--Affiliated, 1956

**Box 7**

- F. 1 Contracts--Internal, 1957-1959
- F. 2 Contracts--Little Golden, 1952-1956
- F. 3 Contracts--Pocket Books, 1944-1952
- F. 4 Correspondence--1952-1955
- F. 5 Correspondence--1956
- F. 6 Correspondence--Internal, 1949-1962

**Box 8**

- F. 1 Correspondence--Pocket Books, 1957-1973
- F. 2 Purchase Agreement--Pocket Books, 1951
- F. 3 Sales Agreements--Pocket Books, 1960-1965
- F. 4 Trident Press, 1959-1962
- F. 5 World Publishing Annual Reports, 1953-1957

Subseries IV.2: Authors and Books, 1960-1966

- F. 6 100 MILLION GUINEA PIGS by Don Congdon, 1961
- F. 7 ALL THE WAY DOWN by Vincent Riccio, 1961-1962
- F. 8 BEFORE MY TIME by Niccolo Tucci, 1961
- F. 9 THE CIPHER by Alex Gordon, 1966
- F. 10 EASIER WAYS TO MAKE BETTER MEALS by Campbells  
Soup, 1961
- F. 11 THE EYE OF SUMMER by Marjorie Lee, 1961
- F. 12 THE FIFTY YEAR DECLINE AND FALL OF HOLLYWOOD  
by Ezra Goodman, 1961
- F. 13 THE GODDAM WHITE MAN by David Lytton, 1962
- F. 14 LET US BEGIN by Barbara Ward and others, 1961
- F. 15 LILITH by J.R. Salamanca, 1962-1963

- F. 16 LIZZIE BORDEN: THE UNTOLD STORY, 1961
- F. 17 Lovejoy, Clarence E., 1961-1962
- F. 18 Marvin Rosenberg v. Simon & Schuster, 1961
- F. 19 THE MEDICINE SHOW by the Consumers Union, 1961
- F. 20 MEMOIRS OF A MAVERICK PUBLISHER by David Stern,  
1961

**Box 9**

- F. 1 MOBIL TRAVEL GUIDE, 1962
- F. 2 THE ODYSSEY: A MODERN SEQUEL by Helene Kazantzakis,  
1960-1961
- F. 3 THE PRIZE by Irving Wallace, 1962
- F. 4 RELEASE FROM NERVOUS TENSION by Dr. David Fink, 1962
- F. 5 THE RISE AND FALL OF THE THIRD REICH and THE  
DECLINE OF FRANCE by William L. Shirer, 1961-1964
- F. 6 A SPY IN ROME by Peter Tompkins, 1962

**Series V: General, 1940s-1975**

**Subseries V.1: Publishing, 1957-1970**

- F. 7 EVERGREEN REVIEW, 1957-1964
- F. 8 Herbert H. Smith v. Pantheon Books, 1967-1970
- F. 9 McCauley, Gerard F., 1968
- F. 10 Otto Nathan v. MONTHLY REVIEW, 1968-1970
- F. 11 Random House, 1960-1961

**Box 10**

**Subseries V.2: Entertainment, 1940s-1975**

- F. 1 ANNE FRANK: DIARY OF A YOUNG GIRL by Meyer Levin,  
1969-1970
- F. 2 CAUCASIAN CHALK CIRCLE by Bertolt Brecht, 1940s-1966  
Samuel and Bella Spewack v. Metro-Goldwyn-Meyer, 1958-1975
- F. 3 Clippings--1958-1968
- F. 4 Contracts--1950s-1960s
- F. 5 Correspondence--1967-1972
- F. 6 Court Documents--1968-1969
- F. 7 Court Documents--1970-1975

**Box 11**

- F. 1 Depositions, 1968
- F. 2 Exhibits, 1950s-1960s
- F. 3 Legal Research, 1968-1969
- F. 4 A VIEW FROM THE BRIDGE by Arthur Miller, 1958-1961

**Subseries V.3: Personal, 1961-1975**

- F. 5 Correspondence--1963-1975
- F. 6 LADY CHATTERLEY proposed by Ephraim London, 1961