

Morris Leopold Ernst:

An Inventory of His Papers at the Harry Ransom Center

Descriptive Summary

Creator:	Ernst, Morris Leopold, 1888-1976
Title:	Morris Leopold Ernst Papers
Dates:	1904-2000, undated
Extent:	590 boxes (260.93 linear feet), 47 galley folders (gf), 30 oversize folders (osf)
Abstract:	The career and personal life of American attorney and author Morris L. Ernst are documented from 1904 to 2000 through correspondence and memoranda; research materials and notes; minutes, reports, briefs, and other legal documents; handwritten and typed manuscripts; galley proofs; clippings; scrapbooks; audio recordings; photographs; and ephemera. The papers chiefly reflect the variety of issues Ernst dealt with professionally, notably regarding literary censorship and obscenity, but also civil liberties and free speech; privacy; birth control; unions and organized labor; copyright, libel, and slander; big business and monopolies; postal rates; literacy; and many other topics.
Call Number:	Manuscript Collection MS-1331
Language:	English
Note:	The Ransom Center gratefully acknowledges the assistance of the National Endowment for the Humanities, which provided funds for the preservation and cataloging of this collection.
Access:	Open for research

Administrative Information

Acquisition:	Gifts and purchases, 1961-2010 (R549, R1916, R1917, R1918, R1919, R1920, R3287, R6041, G1431, 09-06-0006-G, 10-10-0008-G)
Processed by:	Nicole Davis, Elizabeth Garver, Jennifer Hecker, and Alex Jasinski, with assistance from Kelsey Handler and Molly Odintz, 2009-2012
Repository:	The University of Texas at Austin, Harry Ransom Center

Biographical Sketch

One of the most influential civil liberties lawyers of the twentieth century, Morris Ernst championed cases that expanded Americans' rights to privacy and freedom from censorship. In addition to the following text, a more detailed chronology of Ernst's life follows.

Morris Leopold Ernst was born in Uniontown, Alabama, on August 23, 1888, the son of Carl Ernst, an immigrant from Pilsen, Bohemia, and Sarah Bernheim, the daughter of German immigrants. The Ernst family moved to New York City when Morris was two. Ernst's father was a moderately successful salesman and real estate speculator, yet the family's fortunes fluctuated over the years. During times of prosperity, Ernst attended the Horace Mann School and then Williams College, to which he maintained lifelong ties. Intensely ambitious even at 15, Ernst took the entry exams for Harvard University and failed.

While at Williams College, Ernst developed some of his most important friendships, including Lawrence and Edward Greenbaum, as well as the columnist Heywood Broun. After college, Ernst worked in a shirt factory and then as a bookkeeper and salesman at a furniture company. It was only after a chance meeting with a former Williams classmate that Ernst decided to attend night school at New York Law School. After graduation, his old friends Lawrence and Edward Greenbaum invited him to join their fledgling firm along with Herbert A. Wolff in 1915.

The legal firm of Greenbaum, Wolff & Ernst (1915-1982) specialized in real estate law. Through Ernst's influence, the firm added the representation of literary figures and publishing companies to its specialties. Often, the firm's success in corporate or mortgage law cases paid for Ernst's dabbling in civil liberties cases, an exchange that brought the firm ample publicity. The firm also pioneered in employment practices, prominently hiring women and African-American lawyers and giving them equal responsibilities; one of the most capable, Harriet F. Pilpel, was made partner in 1943. Yet it is conceivable that Ernst's most important partnership was with the American Civil Liberties Union (ACLU).

The ACLU grew out of the National Civil Liberties Bureau in response to laws passed during World War I that restricted civil liberties; Ernst's ties to the organization began shortly after its 1920 founding. Its mission was, and is, to defend individual liberties and rights guaranteed by the U.S. Constitution, including civil liberties and free speech, regardless of the subject matter. Because of the many failed attempts at challenging these restrictive laws in the courts, some expected that the court of public opinion would prove more conducive to change than legal contests. Ernst served as ACLU general counsel from 1929 to 1955, and he and co-counsel Arthur Garfield Hays demonstrated that the avenue to expand first amendment rights was in the courtroom.

Ernst's first attempt at challenging the Comstock Law of 1873 regarding the prohibition of sending any "obscene, lewd, and/or lascivious" materials through the mails ended rather ignominiously. The case was *United States v. Three Packages of Bound, Obscene Books*, and Ernst's failed defense of John Herrmann's book *What Happens* led him to co-author, with William Seagle, a groundbreaking book explaining censorship laws and their consequences to the general public. In *To the Pure* (1928), Ernst assembled and outlined his future strategies for attacking the ambiguous legal definitions of literary decency. Ernst's sustained and logical arguments against the forces of censorship made him the foremost expert as laws regulating obscenity and censorship were challenged during the 1920s and 1930s. He rarely lost another censorship case, either outright or on appeal, for the rest of his career.

In quick succession, Ernst vindicated literary works such as Radclyffe Hall's *The Well of Loneliness*, Boccaccio's *The Decameron*, Schnitzler's *Casanova's Homecoming*, and Flaubert's *November* in the courts. Battling the book burning forces of John Sumner and his New York Society for the Suppression of Vice, Ernst argued in case after case that each work deserved to be considered "as a whole, even though some paragraphs standing by themselves might be objectionable." Ernst built his censorship cases upon his previous successes, using a combination of publicity, in order to get public opinion behind him, and letters from prominent individuals and experts testifying to the merit of each individual work. However, it was his defense of the novel *Ulysses* in *United States v. One Book Entitled Ulysses by James Joyce* that remains his most enduring argument in favor of artistic truth.

In the *Ulysses* trial, Ernst purposefully delayed the case until he thought that he had secured an open-minded judge, and then he subtly demonstrated the intricacies of Joyce's novel stream-of-consciousness style. In his judicial opinion, Judge John M. Woolsey famously ruled: I am quite aware that owing to some of its scenes *Ulysses* is a rather strong draught to ask some sensitive, though normal, persons to take. But my considered opinion, after long reflection, is that whilst in many places the effect of *Ulysses* on the reader undoubtedly is somewhat emetic, nowhere does it tend to be an aphrodisiac.

While much of Ernst's career was devoted to the vigorous support of free speech, his other guiding principle was the defense of knowledge in all domains. Ernst demonstrated again and again how the continuing evolution of morals, mores, and customs had moved public opinion away from the staid Victorian beliefs enshrined in the Comstock Law, and that individuals in the 1930s could no longer be held to such antiquated notions of prudery. His exoneration of Marie Stopes and Mary Ware Dennett's sexual education manuals also put him in the midst of laws forbidding contraception and basic information concerning birth control and sexual education. He was counsel to the Birth Control Federation of America, and represented Margaret Sanger and her Clinical Research Bureau in *People of the State of New York v. Sideri* (1930), and Dr. Hannah Stone in *United States v. One Package of Japanese Pessaries* (1937). Once more, Ernst's skillful use of the media and his growing expertise in educating the courtroom audience, and often the judge, about basic female anatomy, ensured his cases favorable opinions. In the same vein, he also defended *Life* magazine in 1937 when censors objected to a photographic essay related to the film *The Birth of a Baby*. While Ernst was largely successful in loosening the censorship around sexual education manuals and information, the last remaining state law banning contraceptive devices for married couples was not struck down until *Griswold v. Connecticut* in 1965—a case won with the participation of Ernst protégé Harriet Pilpel.

Ernst also energetically defended first amendment and freedom of speech cases for the growing labor movement, notably in his defense of the right to assembly for the Committee for Industrial Organization (CIO) against Jersey City mayor Frank Hague in 1939. Citing the possibility of violence, Hague had denied the organization the right to have public meetings and parades. The case went all the way to the Supreme Court and ended in a victory for Ernst and the CIO. Similarly, Ernst helped newspaper employees gain the right to organize by representing the American Newspaper Guild, an organization co-founded by his friend Heywood Broun, in *Associated Press v. National Labor Relations Board* (1937).

With his reputation firmly established, Ernst had largely ceased to actively try cases by the early 1940s, apart from the occasional amicus brief, leaving much of the legal legwork to his capable colleagues Pilpel and Alexander Lindey. From then on, his legal activism was mainly channeled into committee work and writing popular books and articles explaining legal concepts to the general public. However, Ernst also delighted in cultivating his relationships with the famous—including authors, publishers, actors, and past and future presidents.

Ernst was a staunch supporter of Franklin Roosevelt from the time when then-Governor Roosevelt appointed him to the State Banking Board in 1932, where Ernst participated in the drafting of the Glass-Steagall Act of 1933. Ernst frequently sent President Roosevelt his "tidbits" of thoughts, ideas, and gossip, which sometimes even affected policy, as when Ernst demonstrated the unfairness of book postal rates. Later, President Truman appointed Ernst to his Committee on Civil Rights, which eventually led to the integration of the armed forces. Ernst exchanged letters with subsequent presidents and had an especially long correspondence with Richard Nixon, beginning when Nixon was a senator.

By the later part of the 1930s, Ernst was frustrated with what he felt was the undue influence of communists in liberal organizations, and his interpretation of civil liberties in this respect ran counter to many of his liberal friends and the organizations in which he was involved. Ernst advocated that only through disclosure of membership, funding, and authorship would the public have adequate knowledge about what philosophies were behind certain organizations or publications. While Ernst supported the rights of individuals to profess communist beliefs, he rejected the right of the Communist party as a group to advocate the violent overthrow of the United States government.

Ernst led a fight to rid the National Lawyers Guild of communist influence, but resigned from the organization that he had helped to form when the effort was unsuccessful. The attention of the House Un-American Activities Committee (Dies Committee) upon the ACLU led to a split in that organization, and Ernst helped to oust several board members with communist ties, including longtime associate Elizabeth Gurley Flynn. Eventually, with Ernst's support, the ACLU temporarily adopted a loyalty oath for its staff and governing board.

It was also during the late 1930s that Ernst actively courted FBI director J. Edgar Hoover, tarnishing his reputation as a staunch defender of civil liberties in some people's eyes. Ernst claimed to be a close friend and personal lawyer to Hoover, a statement that remains unproven, despite Ernst's assertions.

Ernst's fears of a growing communist threat, his evolving views on first amendment rights, and perhaps his weakness for gossip and hunger for celebrity led him to confide in Hoover. As became clear from the release of the ACLU's FBI files in 1977, Ernst passed on confidential letters and ACLU documents to the director. Moreover, as the investigative methods of the increasingly powerful FBI came into question in the 1950s, Ernst took up another cause: defending the organization from its critics in the general press. His most infamous article in this domain was "Why I No Longer Fear the FBI" (1950), a piece practically co-authored by the FBI, published in the widely read *Reader's Digest*, and often reprinted.

Ernst's most unpopular cause was his inquiry into the disappearance of Dr. Jesus de Galíndez on behalf of Rafael Trujillo, the dictator of the Dominican Republic. Trujillo was generally suspected of orchestrating the 1956 kidnapping and murder of Dr. Galíndez, a Basque scholar and one of Trujillo's most voluble critics. While Ernst's investigation concluded that the dictator was not responsible, subsequent evidence proved Trujillo's involvement. Confronted with criticism from both the right and the left for his involvement in the case, Ernst defended his actions by asserting the right to counsel of every accused person no matter how despicable.

While a consummate workaholic, Ernst delighted in small boat sailing, a summer home in Nantucket, crossword puzzles, and woodworking and took great comfort and pleasure in his family life. After his first wife Susan Leerburger died in 1920, when their daughter Constance was only two, Ernst married Margaret Samuels in 1923. Samuels, a former journalist from Mississippi, authored a few books on language and taught at the City and Country School in New York. She and Ernst had two more children, Roger and Joan. After a childhood illness caused Joan to lose her hearing, Ernst became an advocate for the deaf and hard of hearing.

Following Margaret's death in 1964, Ernst went into a profound depression, during which he briefly contemplated suicide.

Ernst tirelessly investigated new ideas and kept large files on all his interests, while encouraging others to take them up as well. He was the author of numerous books and articles on a wide range of subject matter, and his thirst for knowledge and his self-recognized "glandular optimism" were probably his most enduring characteristics. He died at the age of 87 on May 21, 1976.

• **Chronology of Morris L. Ernst:**

- 1888 Born August 23 in Uniontown, Alabama
- 1890 Family moved to New York City
- 1894-1905 Attended P.S. 89 and Horace Mann School
- 1909 B.A. degree received from Williams College
- 1909-1911 Secretary and treasurer for USONA (United States of North America) Shirt Co., Brooklyn
- 1911-1915 Bookkeeper for furniture retailer, Ludwig Baumann Company, Brooklyn
- 1912 LL.B. degree received from New York Law School; Married Susan Leerburger on September 10
- 1913 Admitted to the New York State Bar Association on April 14
- 1915-1976 Employed with Greenbaum, Wolff & Ernst (attorneys), New York City
- 1917 Daughter Constance born June 12 (married publisher Simon Michael Bessie; adopted two children, Nicholas and Kathy)
- 1917-1939 Helped draft New York state legislation re jewelry trade laws
- 1920 *Federal Income Tax and its Relation to Real Property* published by Real Estate Board of New York; Wife Susan died on August 24
- 1921 Traveled to Poland for work with the Joint Distribution Committee
- 1921-1924 *Antonio Ferrone v. Russell Palmer, as General Secretary of the Amalgamated Textile Workers of America* (unfair labor practices case)
- 1923 Married Margaret Samuels on March 1 in New Orleans, Louisiana
- 1924 Served on board of directors for League of Industrial Democracy; Son Roger born June 2 (worked for the U.S. State Department; married Jean O'Mara; two children, Debbie and David)
- 1924-1941 Served as treasurer for the American Fund for Public Service (Garland Fund)
- 1925 Daughter Joan born December 21 (married Irving Goldstein, who died in 1966; one daughter, Stephanie; second husband Irving Dauman)
- 1925-1930 Mihály Károlyi and U.S. Department of State matters
- 1926 Aided the Brotherhood of Sleeping Car Porters; Began taking annual summer vacations in Monomoy, Nantucket, Massachusetts; Moved into 46 West 11th Street in September
- 1926-1930 *People of the State of New York v. Donald Friede and Another re The Well of Loneliness* (censorship case); *United States v. Three Packages of Bound, Printed, Obscene Books*, re *What Happens* by John Herrmann (obscenity case); lost the case
- 1927 *Louis Francis Budenz v. A. R. MacDonald Inc. and "Arthur" R. MacDonald* (unfair labor practices case); Retained as general counsel to the Birth Control Federation of America
- 1927-1931 *New York Society for the Suppression of Vice v. MacFadden Publications, Inc. et al.* (censorship case)
- 1928 *To the Pure: A Study of Obscenity and the Censor* (with William Seagle)

- published by Viking; reprinted, Kraus Reprint, 1969
- 1929 Appointed by Governor Franklin Roosevelt to the New York State Insurance Commission; *Congregation Beth B'nai Abraham, Inc., a religious corporation and Arnold J. Ford, v. National Urban League and Ira De A. Reid* (libel case); Eagle Printing Ink Company and General Printing Ink Corporation (reorganization); *Wayne Damron v. Edna Ferber* (privacy and libel case)
 - 1929-1930 *United States v. Mary W. Dennett* re *The Sex Side of Life* (obscenity case); *People of the State of New York v. Marcella Sideri, Sigrid Brestwell, Antoinette Field, Elizabeth Pissort, and Hannah M. Stone* (obscenity case); *People of the State of New York v. Phillip Pesky*, re *Reigen* by Arthur Schnitzler (censorship case)
 - 1929-1955 Served as general counsel for American Civil Liberties Union with Arthur Garfield Hays
 - 1930 *Censored: The Private Life of the Movies* (with Pare Lorentz) published by J. Cape and H. Smith; reprinted, Jerome S. Ozer, 1971; *John S. Sumner v. Simon and Schuster, et al.*, re *Casanova's Homecoming* by Arthur Schnitzler (censorship case); *People of the State of New York v. Brewer & Warren, Inc. and Fred Russey*, re *Pay Day* by Nathan Asch (censorship case); *United States v. One Obscene Book Entitled "Married Love"* (censorship case)
 - 1930-1931 Helped with Heywood Broun's political campaigns
 - 1931 *America's Primer* published by Putnam
 - 1932 *Hold Your Tongue! Adventures in Libel and Slander* (with Alexander Lindey) published by Morrow; revised edition, Abelard, 1950
 - 1933 *United States v. One Book Entitled Ulysses by James Joyce (Random House, Inc., Claimant)* (censorship case)
 - 1933-1935 *People of the State of New York v. Morris Berg*, re *Female* by Donald Henderson Clarke (censorship case)
 - 1933-1937 *United States v. One Package of Japanese Pessaries* (obscenity case)
 - 1933-1945 Served as counsel to the American Newspaper Guild; Served on New York State Banking Department
 - 1933-1960 Involved with *Commonwealth (of Massachusetts) v. Nicola Sacco & another*
 - 1934 Contributed to *The Sex Life of the Unmarried Adult*, I. S. Wile, editor, published by Vanguard; Helped write Code of Fair Competition for the Assembled Watch Industry; *In the Matter of the San Francisco Call-Bulletin and Dean S. Jennings (American Newspaper Guild)*, hearing before National Labor Relations Board
 - 1935 Contributed article "Censorship and Sex" to *Encyclopaedia Sexualis*
 - 1935-1936 *Associated Press v. National Labor Relations Board* ("Watson v. Associated Press") (unfair labor practices case); Served on Mayor La Guardia's Commission on Conditions in Harlem; *United States v. Esar Levine* (obscenity case)
 - 1935-1937 Doubleday, Doran & Company, Inc., et al. v. R. H. Macy & Co., Inc. (re Fair Trade Act of New York) *George Gershwin v. Metro-Goldwyn-Mayer Corporation, Metro-Goldwyn-Mayer Distributing Corporation and Harms, Inc.* (licensing matters); *People of the State of New York on Complaint of Sylvester Savery, Complainant v. Gotham Book Mart, Inc., Defendant*, re Andre Gide's *If It Die* (censorship case)
 - 1937 Margaret Ernst published *Words: English Roots and How They Grew*; *The Ultimate Power* published by Doubleday, Doran; Worked with the U.S. Plywood Corporation on consolidation, stock flotation, and other matters
 - 1937-1939 *Hague, Mayor, et al. v. Committee for Industrial Organization et al.*

- (civil rights case)
- 1937-1944 *Sidis v. F-R Publishing Corporation* (privacy and libel case)
- 1937-1950 Worked on federal legislation to reduce postage rates for books
- 1938 *People of the State of New York v. Roy E. Larsen* re Life magazine and *Birth of a Baby* (censorship case); Wrote report and recommendation for the Anthracite Coal Industry Commission
- 1938-1939 Involved with New York State legislation re hard of hearing
- 1938-1940 *Broadway Music Corporation v. F-R Pub. Corporation* re "Poor Pauline" (copyright case)
- 1939 Margaret Ernst published *In a Word* with James Thurber
- 1939-1946 *Madge Christie v. Sam H. Harris, George S. Kaufman, Edna Ferber, Doubleday, Doran & Company, Inc., and Dramatists Play Service, Inc.* re *Stage Door* (plagiarism case against Edna Ferber); Traveled to England on behalf of President Roosevelt
- 1940 *The Censor Marches On: Recent Milestones in the Administration of the Obscenity Laws in the United States* (with Alexander Lindey) published by Doubleday, Doran; reprinted, Da Capo Press, 1971; Chairman of American Labor Party Citizens Committee for the Election of Roosevelt, Wallace, Mead; *Too Big* published by Atlantic-Little, Brown
- 1942 Traveled to England to research printing and publishing; Wrote foreword to James Joyce's *Ulysses*, published by Modern Library
- 1943-1946 *Hannegan, Postmaster General, v. Esquire, Inc.* (obscenity case)
- 1944 *United States v. Crescent Amusement Co. et al.* (monopoly case)
- 1945 *The Best is Yet...* published by Harper
- 1946 *The First Freedom* published by Macmillan; reprinted, Da Capo Press, 1971
- 1947 *Serge Koussevitzky v. Allen, Towne & Heath, Inc., et al.* (privacy and libel case)
- 1947-1948 *United States v. Paramount Pictures, Inc. et al.* (monopoly case)
- 1948 *American Sexual Behavior and the Kinsey Report* (with David Loth) published by Greystone; published in England as *Sexual Behaviour and The Kinsey Report*, Falcon Press, 1949; Served on President Truman's Committee on Civil Rights; *So Far, So Good* published by Harper
- 1949 *The People Know Best: The Ballots vs. The Polls* (with David Loth) published by Public Affairs; reprinted, Holt, 1953
- 1950 *In the Matter of Robert A. Vogeler, Edgar Sanders, Imre Geiger et al.* (espionage case in Hungary); *RD-DR Corporation v. Smith et al.*, (motion picture censorship case), amicus curiae brief
- 1951 Sold house on West 11th Street
- 1952 Consulted for the film *Mandy* re deaf children and how families cope with deafness; *For Better or Worse* (with David Loth) published by Harper; *Report on the American Communist* (with David Loth) published by Holt; reprinted Capricorn Books, 1962
- 1953 *Superior Films, Inc. v. Department of Education of Ohio, Division of Film Censorship, Hissong, Superintendent*, re the film *M* (censorship case)
- 1954 Served as co-chairman of The American Fund for Westminster Abbey; *William Clark v. John Foster Dulles, Secretary of State, et al.* (passport case)
- 1955 Became vice-chairman of board of American Civil Liberties Union; Traveled around the world for *Reader's Digest*; *Utopia 1976* published by Rinehart; reprinted, Greenwood Press, 1969
- 1956 Traveled to Russia to research books published in Russia by American authors without royalties being paid

- 1956-1957 *Samuel Roth v. United States of America* (obscenity case), amicus curiae brief; Served as legal adviser to the *James Joyce Review*
- 1957-1958 *In the Matter of Jesús de Galíndez* (Rafael Trujillo kidnapping and murder case)
- 1959 Traveled to Colombia for literacy project with Acción Cultural Popular
- 1959-1960 *Grove Press, Inc. and Readers' Subscription Inc. v. Robert K. Christenberry, individually and as Postmaster of the City of New York*, re *Lady Chatterley's Lover* by D. H. Lawrence (censorship case); *Paul Poe et al. v. Abraham S. Ullman, State's Attorney, Jane Doe v. Abraham S. Ullman, State's Attorney, and C. Lee Buxton v. Abraham S. Ullman, State's Attorney* (Connecticut birth control case)
- 1960 Named Lawyer of the Year by the Bar Association of the City of New York; *Touch Wood: A Year's Diary* published by Atheneum
- 1961 Appeared on *Jack Paar Show*; Made honorary member of Phi Beta Kappa, Williams College; Member of Society for Magazine Writers
- 1962 *Privacy: The Right to Be Let Alone* (with Alan U. Schwartz) published by Macmillan; reprinted, Greenwood Press, 1977; *Untitled: The Diary of My 72nd Year* published by Luce
- 1963 Appeared on the *Merv Griffin Show*; *New York Times Co. v. Sullivan* (Times libel case); Received honorary doctor of jurisprudence from Nasson College
- 1963-1973 "I Have a Concern" column for *The Villager*
- 1964 *Censorship: The Search for the Obscene* (with Alan U. Schwartz) published by Macmillan; *How High is Up: Modern Law for Modern Man* (with David Loth) published by Bobbs-Merrill; *Lawyers and What They Do* (with Alan U. Schwartz) published by F. Watts; Received honorary doctor of humane letters from Lincoln College; Wife Margaret died on December 3
- 1965 On advisory council for New School for Social Research; *Pandect of C.L.D.* published by Peter Pauper Press
- 1967 Appeared on the Merv Griffin Show; *The Comparative International Almanac* (with Judith Posner) published by Macmillan; Edited *The Teacher* published by Prentice-Hall
- 1967-1969 *Back and Forth* pamphlets (with Malcolm A. Hoffman) published by Peter Pauper Press
- 1968 *The Bantam Book of Triple Cross Tricks* (with Eleanora Black) published by Bantam; *Love Affair with the Law: A Legal Sampler* published by Macmillan
- 1970 Ran for a position on the New York State Democratic Committee (Manhattan district)
- 1972 *The Taming of Technology* (with David Loth) published by Simon & Schuster; published in Spanish as *Control Legal de la Nueva Tecnología*, Ediciones Marymar, 1974
- 1973 *The Great Reversals: Tales of the Supreme Court* published by Weybright & Talley; Ran for a position on the New York City Council
- 1974 Contributed to *Newsbreak*, Will H. Yolen, editor, published by Stackpole Books
- 1975 60th anniversary of Greenbaum, Wolff & Ernst
- 1976 Died May 21; Received posthumous honorary doctor of laws from Williams College

Sources:

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Scope and Contents

The career and personal life of American attorney and author Morris L. Ernst are documented from 1904 to 2000 through correspondence and memoranda; research materials and notes; minutes, reports, briefs, and other legal documents; handwritten and typed manuscripts; galley proofs; clippings; scrapbooks; audio recordings; photographs; and ephemera. The papers chiefly reflect the variety of issues Ernst dealt with professionally, notably regarding literary censorship and obscenity, but also civil liberties and free speech; privacy; birth control; unions and organized labor; copyright, libel, and slander; big business and monopolies; postal rates; literacy; and many other topics. The collection has been organized in four series: I. Correspondence, 1914-1976; II. Legal Cases and Causes, 1911-1975; III. Writings, 1925-1975; and IV. Personal Papers, 1904-2000. The materials are primarily in English, with a few items in Spanish and German.

Series I. Correspondence (128 boxes) contains incoming and outgoing letters and memoranda representing Ernst's legal career, his writing career, and his personal life. Correspondents include colleagues in Ernst's firm, other lawyers in the U.S. and in England, American presidents and politicians, activists, writers and journalists, and publishers, as well as friends and family members. Among the many notable correspondents in this series are Edna Ferber, Jerome Frank, J. Edgar Hoover, Russell C. Leffingwell, and Eleanor and Franklin Roosevelt. An alphabetical index of over 8,600 individual and corporate correspondents at the end of the

finding aid collates incoming correspondence present in this and in all subsequent series.

The second series, Legal Cases and Causes (268 boxes), makes up nearly half of the collection and contains the bulk of the files created during Ernst's long and active legal career, as well as information relating to topics of interest to Ernst. The records in this series consist of correspondence and memoranda; research materials including clippings and other printed materials; notes; legal documents in handwritten drafts, typed drafts, proofs, and final versions; reports; and minutes. These papers record Ernst's activities as counsel for the American Civil Liberties Union (ACLU), the American Newspaper Guild, Authors League of America, United States War Production Board, the United States House Committee on Hard of Hearing, and the Dramatists Guild; as treasurer for the American Fund for Public Service; and as a member of Truman's Civil Rights Commission, the Bar Association of the City of New York, the New York State Banking Board, the Pennsylvania Anthracite Coal Industry Commission, and the Advisory Board to the Post Office. His close work with the Birth Control Clinical Research Bureau, the Birth Control Federation of America, and other birth control rights organizations and with prominent individuals in this field including Mary Ware Dennett and Margaret Sanger is likewise well documented. Also present are records of Ernst's landmark federal cases on libel, slander, obscenity, and censorship, notably his defense of *Ulysses* by James Joyce and Radclyffe Hall's *The Well of Loneliness*. His work on numerous cases regarding First Amendment rights and organized labor, among them *Hague, Mayor, et al. v. Committee for Industrial Organization et al.*, is also represented. Other case files cover Ernst's myriad interests including privacy, book postage rates, fair competition among businesses, Anglo-American cooperation, weekly newspapers, and literacy.

In addition to his busy legal career Ernst was a prolific writer, and this aspect of his life is documented in Series III. Writings (146 boxes). Manuscripts and supporting documentation for both published and unpublished writing by Ernst are present and include research materials, notes, handwritten and typed drafts, galley proofs, correspondence, clippings, and scrapbooks. Ernst's manuscripts represent more than thirty books and a wealth of numerous shorter works. Most of the writings concern issues that Ernst dealt with in his legal career (obscenity, censorship, libel, slander, freedom of speech, big business, and privacy), as well as other social issues like sexuality and divorce. His writings also included autobiographical works and short works of fiction. Shorter prose works include columns, short stories, speeches and lectures, radio broadcasts, travel reports, book reviews, interviews, letters to the editor, forewords and introductions, essays, and memoranda. A complete alphabetical index to Ernst's works is included at the end of the finding aid. This series also represents work by several Ernst coauthors (Eleanora Black, Malcolm A. Hoffman, Alexander Lindey, Pare Lorentz, David Loth, Alan Schwartz, and William Seagle), as well as works sent to Ernst by colleagues and friends, among them Edna Ferber, Jane Grant, Eleanor Roosevelt, Theodore H. White, and others.

The fourth and final series, Personal Papers (21 boxes), is the smallest series and contains materials relating to Ernst and his wife Margaret Samuels Ernst, as well as materials about Ernst collected and donated by his granddaughter, Stephanie G. Begen. Ernst's own papers dominate this series and include correspondence, scrapbooks, and clippings relating to Ernst's education, properties, boats, family, and death. Early correspondence between Morris and his wife Margaret is present, as well as drafts and correspondence relating to Margaret's writings on etymology.

Materials in oversize boxes (22 boxes), correspondence and printed materials withdrawn from books and artworks (2 boxes), and examples of Ernst's original binders, folders, and boxes (3 boxes) are housed at the end of the collection.

Books, audio-visual materials, and personal effects received with Ernst's papers have been transferred to other departments within the Ransom Center. See the Separated Material description for further details.

Series Descriptions

Series I. Correspondence, 1914-1976

Five subseries make up this series: Subseries A. Correspondent files, 1923-1975; Subseries B. Topic files, 1925-1976; Subseries C. Chronological files (bound), 1933-1975; Subseries D. Chronological files (unbound), 1914-1961; and Subseries E. Miscellaneous, 1914-1969. While correspondence is present throughout the collection, much of it is located in this series. Both incoming letters and carbon copies of outgoing mail are interfiled throughout the collection.

The five subseries follow the original groupings created by Ernst and his secretary Paula Gross. Subseries A. Correspondent files and Subseries B. Topic files are arranged alphabetically. Materials in these subseries originally existed in both bound and unbound groupings. The physical order of these groupings was maintained during processing, but the folders are listed alphabetically in the finding aid because the bound and unbound sets of correspondence often overlap. For example, correspondence with Arnold Goodman exists in both the bound and loose sets of correspondent files, and correspondence regarding the Paar-Sullivan controversy likewise exists in the bound and unbound topic files. Bound correspondent files are located in folders 1.1-13.6; unbound correspondent files are located in folders 13.7-20.25. Bound topic files are in folders 20.26-26.1; unbound topic files are in folders 26.2-35.8.

Subseries C. and D. contain chronologically ordered files that also existed in both bound and unbound sets but remain separate both physically and in the finding aid. Subseries C. covers the bound files while D. includes the unbound files. During processing, the contents of the binders were placed in archival-quality file folders and the original acidic binders were discarded. Many of the binders contained indexes created by Ernst's secretary. These indexes were retained and can assist with locating individual correspondents within folders. Subseries E. Miscellaneous contains folders that were not grouped with the previous subseries and are now ordered chronologically.

Series I. covers a variety of career-related and personal topics, complementing the items in other series. Some of Ernst's legal clients have correspondence in the Legal Cases and Causes series as well as in Series I.; correspondence related to some of Ernst's research projects, lectures, and writings is represented here; and personal correspondence with friends and family members, including his children and grandchildren, is located here as well.

Correspondents in this series include colleagues in Ernst's firm and other American and British lawyers, such as Jerome Frank, Felix Frankfurter, and Arnold Goodman; businessmen including Robert M. Fowler, Tom Lamont, and Russell C. Leffingwell; American presidents, their staffs, and other politicians including Eleanor and Franklin Roosevelt, J. Edgar Hoover, Hubert Humphrey, John V. Lindsay, and Harry S. Truman; journalists and writers such as Edward R. Murrow, Drew Pearson, and E. B. White; activists like Dorothy Detzer; and publishers including Alfred A. Knopf, Inc., Doubleday and Company, and Harper & Brothers; as well as friends such as Edna Ferber and Henry R. Johnston, and family members. An index of the over 8,600 names of incoming correspondents, both individuals and organizations, is located at the end of the finding aid.

Series II. Legal Cases and Causes, 1911-1975

The bulk of the Morris Ernst Papers is devoted to Ernst's case files, which are arranged in a single alphabetical sequence by folder title, case title, or by topic.

In an effort to create an overall arrangement that would reflect how the archive was originally compiled and used yet also facilitate research use, stand-alone files were arranged alphabetically by title during processing of this series, while any of Ernst's own groupings of files by topic were retained. For example, Ernst created

a category for birth control dossiers. However, folders relating to birth control are also located in his files for the National Council on Freedom from Censorship (a sub-category under the ACLU rubric), as well as under specific case names, such as *United States v. One Obscene Book Entitled "Married Love."* In the same fashion, materials relating to the topic of censorship are located in that category, but also in Ernst's ACLU files, as well as under individual case names, as in *United States v. One Book Entitled "Ulysses"* by James Joyce .

While the overall series arrangement is alphabetical and the file arrangement within topic groups is alphabetical, materials for individual cases that went to trial are organized chronologically as much as possible to reflect the progression of work on a case. Generally, research materials for a case are followed by drafts of legal papers and then final printed copies of the legal documents. If a case was appealed, the papers for the first trial are followed by the appeal trial. For example, in *Hague, Mayor, et al. v. Committee for Industrial Organization et al.*, research materials are followed by legal drafts, which are followed by materials for the New Jersey district court case, then the materials for the 3rd Circuit Court of Appeals case, and finally by the Supreme Court trial materials. Correspondence, which spans the entire case length, follows at the end along with clippings about the case and any case-specific bound volumes.

For several of his more famous cases, Ernst created bound volumes uniting copies of much of the correspondence relating to each case, as well as clippings and other ephemera, together with printed copies of the briefs and opinions. (Note: these volumes were bound as books, as opposed to the ring-binders and scrapbook-style binders used for correspondence.) However, quite a few of his bound volumes include multiple cases bound together in the same tome. These volumes are housed at the end of the Legal Cases and Causes series, and the subjects within them are noted in the following container list. Many of the materials in these volumes are duplicates; unbound copies of the items are generally also held in the individual case file.

Because of the way Ernst kept his files, a significant portion of the correspondence relating to individual cases or causes is located in Series I., Correspondence. Therefore, relevant subject, correspondent, and chronological files in Series I. must be consulted in order to view all materials for each case. As only incoming correspondence has been indexed, it may be necessary to consult multiple folders of the Correspondence series in order to locate Ernst's responses.

The most extensive file groups in the Legal Cases and Causes series represent the ACLU (and within these files, the National Council on Freedom from Censorship), the American Newspaper Guild, birth control, book postage rates, censorship, and *Hague, Mayor, et al.* Ernst's papers do not contain files related to the private family law or domestic relation cases in his practice. For some cases, Ernst's contribution consisted of an amicus curiae brief, as with the landmark film antitrust case *United States v. Paramount Pictures, Inc. et al.* Not all cases found in this series were necessarily even handled by Ernst or by Greenbaum, Wolff & Ernst. Often Ernst wrote to other lawyers asking for copies of briefs that he wished to study, or other lawyers wrote to Ernst asking for advice and would enclose a copy of their brief.

Among the significant correspondents in this series are birth control advocates Mary Steichen Calderone, Mary Ware Dennett, Florence Rose, and Margaret Sanger; ACLU figures Ernest Angell, Forrest Bailey, Roger N. Baldwin, Jerome M. Britchey, Clifford Forster, John Haynes Holmes, Lucile Bernheimer Milner, Alan Reitman, Hazel Rice, Norman Thomas, and Harry Frederick Ward; journalist Heywood Broun; federal censor Huntington Cairns; American Fund for Public Service board members Elizabeth Gurley Flynn and Clinton S. Golden; lawyers Jerome Frank, Arthur Garfield Hays, and Dorothy Kenyon; James Henle of the Vanguard Press; U.S. Secretary of the Interior Harold Ickes; New York City Mayor Fiorello La Guardia; New York Governor Herbert H. Lehman; NAACP members Thurgood Marshall and Walter Francis White; New York Senator James M. Mead; Louis Nichols of the FBI; and *New York Times* publisher Arthur Hays Sulzberger.

Ernst often worked collaboratively with colleagues from his firm, especially with Harriet Pilpel, Alexander Lindey, and Leo Rosen, and this is evident through the large amounts of their correspondence as well as the drafts of legal papers written in their hand. Some folders, such as 180.3, and some bound volumes, such as 257.1, were compiled by Pilpel or Lindey. Other Greenbaum, Wolff & Ernst lawyers with whom Ernst worked closely and who are well represented in this series include Callman Gottesman, Joseph Goldberg, Edward S. Greenbaum, Benjamin Kaplan, Arthur Joel Katz, Newman Levy, Samuel Schur, Alan Schwartz,

Herbert A. Wolff, and Theodora Zavin.

Series III. Writings, 1925-1975

This series reflects all aspects of Ernst's writing career in five subseries: Subseries A. Long works (published), 1928-1974; Subseries B. Long works (unrealized), 1944-1975; Subseries C. Short works, 1927-1975; Subseries D. General files, 1927-1974; and Subseries E. Works by others, 1925-1975.

Ernst was a prolific writer, authoring over thirty books alone or in partnership with others plus hundreds of articles, columns, letters to the editor, book reviews, lectures, radio broadcasts, and short stories. In addition to his published works, Ernst began many works which were never fully realized. Beyond this he frequently seized upon new topics of interest, pitching ideas to publishers or even to other authors for books that he himself did not have time to write. Ernst's writing career was active up until his death.

Subseries A. and B. comprise Ernst's finished and uncompleted book projects. These two subseries contain research materials, including correspondence, notes, clippings, and ephemera; typed and handwritten drafts; galley proofs; correspondence with co-authors and publishers; and clippings and scrapbooks of reviews. Ernst's works often mirrored the issues he dealt with in his law cases. *To The Pure; Censored: The Private Life of the Movies; Hold Your Tongue! Adventures in Libel and Slander; The Censor Marches On: Recent Milestones in the Administration of Obscenity Laws in the United States;* and *Censorship: the Search for the Obscene* all deal with censorship issues. Some books looked at other aspects of law, government, and business, such as *America's Primer; The Ultimate Power; Too Big; The First Freedom;* and *The Great Reversals: Tales of the Supreme Court*. Other writings, including *The Best Is Yet ...*; *"So Far, So Good"*; *Touch Wood*; and *Untitled: the Diary of My 72nd Year*, are autobiographical reflections on his career. Ernst also examined contemporary social issues in works like *American Sexual Behavior and the Kinsey Report; The People Know Best: the Ballot vs. the Polls;* and *For Better or Worse*. Books such as *Comparative International Almanac, The Teacher,* and other unpublished works exemplify his broad range of interests. Researchers should note that manuscripts for some of Ernst's works bear variant titles. For example, *So Far, So Good* (1948) was originally titled "Man Has Forever." *So Far, So Good* was also the original title of an earlier work, *The Best Is Yet* (1945).

Subseries C. documents Ernst's shorter writings and lectures with drafts, correspondence, and clippings. Folders containing materials for a single work are arranged alphabetically. A group of unorganized works and bound volumes containing clippings and drafts for multiple works is arranged chronologically. Like his books, Ernst's short writings reflected the issues he faced in his legal career but often made subjects accessible to a broad, general audience. Ernst wrote almost weekly for *The Villager* from 1963 to 1973 in a column entitled "I Have a Concern"; an index of these columns prepared by his secretary is located in folder 497.1. He frequently wrote for *Reader's Digest* and *Variety*, but was published in numerous other magazines, newspapers, and law journals. He often lectured at colleges and social organizations and he had repeated appearances on the radio, including the programs *America's Town Meeting of the Air, The American Forum of the Air,* and *The Barry Gray Show*.

Subseries D. contains materials relating to Ernst's writing career, but not specific to either his long or short works. This subseries primarily consists of correspondence, especially with publishers, but also includes research materials, contracts, idea proposals, as well as one scrapbook of clippings. Many of these items pertain to projects that were never realized.

An alphabetical Index of Works at the end of the finding aid lists all the locations for materials representing particular titles by Ernst, either published or unpublished.

Subseries E. contains works by authors other than Ernst and includes typed drafts, galley proofs, printed copies of articles, non-fiction books, screenplays, and dissertations as well as correspondence with those authors. Some authors sent their work to Ernst for his legal opinion regarding libel, for his general opinion and expertise, or for his opinion as a friend. Some authors, such as Mary Batten, worked on project ideas that Ernst had originally pitched. A few writings about the history of Greenbaum, Wolff & Ernst are also located in this subseries.

Series IV. Personal Papers, 1904-2000

This series consists of three subseries: Subseries A. Morris L. Ernst, 1904-1981; Subseries B. Margaret Samuels Ernst, 1922-1960; and Subseries C. Stephanie G. Begen, 1955-2000.

Ernst was a tireless worker and often blurred the line between personal activities and professional work. Subseries A. documents the more personal side of his life. His education is represented by his diploma from the Horace Mann School; his rejection letter from Harvard University; notebooks, scrapbooks, calendars, and correspondence from his time at Williams College; and a graduation program from New York Law School. His passion for sailing is shown through correspondence and blueprints of boat designs. He owned a few properties over the course of his life in New York, New Jersey, and Nantucket, Massachusetts, which are documented by correspondence and receipts. There are also family histories, biographical notes, and correspondence with potential biographers. Scrapbooks document his life as a young man, and diary entries detail his life as an older man. Items related to his death, including condolence letters and tributes to him are also located in this series. Other items include date books, passports, clippings about Ernst, documents regarding his Banned Books Collection, and assorted ephemera.

Ernst's wife, Margaret, is represented in Subseries B. Several folders of correspondence with Ernst document their courtship and marriage. Her books on etymology are represented here with correspondence, drafts, artwork by James Thurber, and galley proofs. Subseries C. contains a few items donated by Ernst's granddaughter Stephanie, which include poetry written by her as a young girl, dedications and tributes to Ernst, a history of his firm, and a dissertation written using his archives.

Oversize materials, correspondence and printed materials withdrawn from books and artworks, and a sampling of original binders, folders, and boxes are housed at the end of the collection.

Related Material

Ransom Center holdings that complement the Ernst Papers and relate to Ernst's work on literary censorship include:

- Radclyffe Hall Papers
- James Joyce Collection
- D. H. Lawrence Collection
- Henry Miller Collection

Other collections at the Ransom Center with correspondence from Ernst or his law firm, documentation on subjects in common with the Ernst Papers, or that connect with the Ernst materials in some other way include:

- James Donald Adams Collection
- Alfred A. Knopf, Inc. Records
- Maxwell Anderson Collection
- Ann Bridge Papers
- Margaret Cousins Papers
- Alec Craig Collection
- Robert Downing Collection
- John Foster Dulles Collection
- *Harper's* Collection
- Thayer Hobson Papers
- Fannie Hurst Papers
- Compton Mackenzie Collection
- Norman Mailer Papers
- Christopher Morley Collection
- Elmer Rice Collection

- George Bernard Shaw Collection
- C. P. Snow Collection
- Elias Tobenkin Papers
- Mike Wallace Collection
- Edward Weeks Collection
- Jerome Weidman Collection

A folder of documents and correspondence related to a 1963 appraisal of Ernst's papers is located in the James F. Drake, Inc. Collection.

Several other repositories also hold materials related to Ernst:

- Columbia University has an oral history transcript, 1965
- Cornell University has five volumes of Greenbaum, Wolff & Ernst casework
- Harvard University Schlesinger Library has correspondence and legal papers related to *United States v. One Package of Pessaries*, 1933-1937, and correspondence in the Mary Ware Dennett Papers
- Indiana University has correspondence between Ernst and Judge Curtis Bok, 1948-1950
- The Library of Congress has an audio recording of a WOR-TV press conference, 1952; an audio recording of 'Morris Ernst answers Mayor Hague,' 1937; correspondence in the Roger William Riis Papers; and correspondence in the William J. Brennan Papers
- The Nantucket Historical Association has a variety of items related to Ernst
- Ohio State University has correspondence in the Bernard Aaron Bergman Papers, circa 1966-1978
- The Harry S. Truman Library & Museum has calendars with entries for meetings with Ernst
- The University of California at Santa Barbara has Ernst's Banned Books Collection, 1956-1990
- The University of Pennsylvania has correspondence in the Theodore Dreiser Papers, 1928-1937, and one letter in the Lewis Mumford Papers, 1967
- Williams College has items related to Ernst in their Williams Jewish History Project Collection

Other repositories have materials related to Ernst's colleagues and associates:

- Library of Congress holds the Margaret Sanger Papers
- Princeton University holds the Edward S. Greenbaum Papers, the American Civil Liberties Union Records, Roger Nash Baldwin Papers, and the Arthur Garfield Hays Papers
- Smith College holds the Harriet Pilpel Papers
- Yale University holds the Russell C. Leffingwell Papers

Separated Material

1,264 volumes from Ernst's personal collection as well as 7 volumes donated by his granddaughter Stephanie G. Begen have been separated and cataloged in the Ransom Center Library. The Center's Photography Collection has 114 photographs of Ernst, his family, and some friends and colleagues. The Ransom Center also holds Ernst items in the Art Collection.

The following items that belonged to Ernst are housed with the Ransom Center's Personal Effects Collection:

- Two ashtrays
- Box with electric shaver, handkerchief, tie, white shirt, leather shaving kit, small pocketknife, box of place cards, black socks, Hotel Avis key, shaver
- Office furniture, including desk, table, bookcase, chairs, and lamps
- Letter opener
- Marble (toy)
- Tankard

Several audio recordings have been removed to the Ransom Center's Sound Recordings Collection. These include 4 cassettes, 2 wax cylinders, and 22 reel-to-reel recordings. The Sound Recordings Collection also houses 4 cassettes as part of the Stephanie G. Bege Collection of Morris Ernst. These items include lectures, interviews, draft letters, and memoranda.

Arrangement

Due to size, this inventory has been divided into four separate units which can be accessed by clicking on the highlighted text below:

Morris Leopold Ernst Papers--Series descriptions and Series I. through Series II., container 302.2 [Part I] [This page]

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[Morris Leopold Ernst Papers--Index of Correspondents, A-L \[Part III\]](#)

[Morris Leopold Ernst Papers--Index of Correspondents, M-Z, and Index of Works \[Part IV\]](#)

Index Terms

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Pilpel, Harriet F.

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American Civil Liberties Union

American Fund for Public Service

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 Birth Control Clinical Research Bureau (New York, N.Y.)
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