



## SCRC Behind the Scenes

### Henry Miller's Tropic of Cancer: The Local Connection

November 18th, 2011 by Nicole Dittrich

by Susan Kline, Grove Project Archivist

Henry Miller's *Tropic of Cancer* is regarded as one of the most controversial and important pieces of American literature of the last century. Nearly 30 years after being banned in the United States upon its initial publication in France, Grove Press published the first American edition of the book in 1961. (The [Grove Press Records](#) are housed at SCRC and are [currently being processed as part of a two year project.](#))

Because of the text's subject matter and portrayal of sex, Grove's publication of the work sparked controversy. Across the country, Americans challenged the book, declaring it obscene. These legal cases often started at the local level, going ultimately to the United States Supreme Court. New York was no exception. The novel was challenged here in Syracuse in a case that made its way to the New York State Court of Appeals. The Syracuse case was the first test of the book's legality in New York.

Three employees of the Economy Book and Stationery Store, located at [317 South Salina Street in downtown Syracuse](#) were arrested on March 14, 1962. The Police Department reportedly received complaints about the book and confiscated over 200 copies. ("Book's Obscenity Test Will Be First in State," *Syracuse Herald-Journal*, March 15, 1962.)



The Economy Bookstore circa 1984-1986. Photo courtesy of

Carl Johnson/Carl's Old Photos <http://www.flickr.com/photos/carlsoldphotos/>

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The ten day trial in Syracuse featured testimony from Syracuse University English professor Dr. Donald Dike who defended the book's literary merit. ("English Pro Calls 'Tropic' Novel of Literary Merit," *Syracuse Post Standard*, August 10, 1962) Following three hours of deliberation, on August 13, 1962, the Economy Book and Stationery store's office manager John E. Armstrong, manager Alan Hammerle, and clerk Marguerite Fritch (all of whom plead not guilty) were convicted of selling obscene literature. Each received a \$150 fine. ("3 Convicted in 'Tropic of Cancer' Case," *Syracuse Post Standard*, August 14, 1962.; "Fined for Selling Miller Book," *New York Times*, September 11, 1962)

The case was appealed to the Onondaga County Court which reversed the initial conviction. However, the case ended up being heard by the New York State Court of Appeals, which ruled 4-3 that *Tropic of Cancer* was obscene, making it a misdemeanor to sell the book in the state of New York. ("Tropic of Cancer is Ruled Obscene," *New York Times*, July 11, 1963) In its opinion, the court, quoted passages from the novel, although they were "loath to do" and estimated the amount of times "4 and 5 letter" vile and filthy words" were used. [Judge John F. Scileppi](#) concluded, "It is our opinion, that, judged by all three of the established legal standards, 'Tropic of Cancer' does not fall within the class of publications entitled to constitutional protection." (State of New York Court of Appeals, "The People vs. Marguerite Fritch, Opinion, (unrevised and uncorrected), p. 5-6, Grove Press Records) The New York State Court of Appeals also suggested the Economy bookstore employees be retried; however the Onondaga County Court dismissed the charges. (3 Booksellers Are Freed in 'Tropic of Cancer' Case, *New York Times*, August 23, 1963)

As can be plainly seen, the book is a compilation of a series of sordid narrations dealing with sex in a manner designed to appeal to the prurient interest. It is devoid of theme or ideas. Throughout its pages can be found a constant repetition of patently offensive words used solely to convey debasing portrayals of natural and unnatural sexual experiences. It is a blow to sense, not merely sensibility. It is, in short, "hard core pornography", dirt for dirt's sake (United States v. "Ulysses", 5 F.Supp. 182), and dirt for money's sake (Kingsley International Pictures Corp. v. Regents, 360 U.S. 684, 692). We see no reason for adopting an unrealistic appraisal of the nature of this book when there is such overwhelming proof of its incompatibility with the current moral standards of our community. If, as the County Court held, this book is not obscene as a matter of law, it is difficult to conceive when, if ever, a book can be held to be obscene under any established legal standard.

Excerpt of New York State Court of Appeals decision, Grove Press Records, SCRC, Syracuse University Library

Grove Press responded to the New York decision with a petition entitled "Draft of Statement on New York Censorship of Tropic of Cancer." The petition compared the New York decision to medieval book burning and alleged it was an affront to the large amount of New Yorkers who were writers, publishers, artists and musicians. A similar "Freedom to Read" petition was circulated in conjunction with the *Tropic of Cancer* trials in Chicago. In 1964, the United States Supreme Court ruled the book was not obscene.

The Grove Press Records contain a variety of resources related to the *Tropic of Cancer* obscenity trials as well as the trials for D.H. Lawrence's *Lady Chatterley's Lover*, William Burroughs' *Naked Lunch* and Vilgot Sjöman's film *I am Curious Yellow*. The collection contains newspaper clippings, press releases, correspondence, court opinions, depositions and trial transcripts related to these cases. Once the [Grove Press Records](#) are reopened for research, researchers will have access to a wealth of material involving these cases.



Tags: ["grove press"](#), [legal matters](#), [local history](#), [syracuse](#)

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## One Response to "Henry Miller's Tropic of Cancer: The Local Connection"

1. [Tropic of Cancer](#) | Says:

[July 29th, 2013 at 5:06 pm](#)

[...] of Cancer was published in 1934 and was immediately banned in the U.S.A, eventually leading to groundbreaking trials that would challenge social convention and pornography laws in the States and ultimately come out [...]

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