Censorship, LGBTQ Literature, and the First Amendment:
The 20th Century and Today
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There is an exhilarating feeling that comes with walking into Barnes & Noble and seeing a table dedicated to LGBTQ books. Yet before 2015, the annual number of LGBTQ young adult publications could not fill even half of a display table. Between the years of 2003 and 2013, an average of only 15 young adult LGBTQ books were printed by major publishers.1 In 2015, the Supreme Court case Obergefell v Hodges transformed the lives of millions of Americans; gay marriage was finally legal. This ruling not only granted marriage certificates, but it also awarded LGBTQ citizens what all Americans were promised almost 250 years ago: the right to life, liberty, and the pursuit of happiness. After Obergefell v Hodges came a surge of new literature, and in the two years after Obergefell v Hodges, 54 and 79 young adult LGBTQ books were published respectively. Those numbers grew exponentially each year, with over 240 in 2020.2 This literature is opening doors for LGBTQ people to see themselves represented and their stories told. But where were these books before 2015? While it might appear as though this literary movement came out of the closet suddenly; however, that is not the case. While few and far between, LGBTQ books were out there, if banned and censored.

The arguments on the censoring of these books turned on interpretations of the First Amendment. Those who argued for censorship believed LGBTQ works to be obscene and therefore not protected by the First Amendment. In contrast, the opposition did not believe that LGBTQ books were obscene, and thus censoring them was an infringement on First Amendment rights. In this paper, I examine three key works of LGBTQ literature to show the struggles of LGBTQ writers in the latter half of the twentieth century: Allen Ginsberg’s Howl and Other Poems (1956), James Baldwin’s Another Country (1960), and Nancy

Garden’s *Annie on My Mind* (1982). Analyzing the censorship trials involving these works reveals how defense against demands for censorship helped to solidify authors’ First Amendment rights. The story of these three books’ censorship trials reveals a blueprint for how to protect current LGBTQ books from censorship.

A multitude of books has faced censorship all over the country under accusation of breaking obscenity laws. The very first obscenity law, the Comstock Act, was penned by Anthony Comstock in 1873 and is still in use today. The Congress passed his proposal, which would ban “the mailings of materials found to be ‘lewd,’ indecent,’ ‘filthy,’ or ‘obscene.’” For example, Boston, Massachusetts was home to the Watch and Ward Society, which was notorious for banning books as well as art in other mediums, such as music and theater, thus procuring the tagline “banned in Boston.” Being “banned in Boston” was a money maker. When Boston's Watch and Ward Society attempted to have Walt Whitman’s *Leaves of Grass* censored in Philadelphia, the publisher responded, “The Boston fools have already made me more than $2000.”

Because the book had been banned in such a public manner, it made people in other places more interested in the book. While conservative government organizations in Boston were the most well-known enforcers of obscenity laws, libraries, schools, and bookstores faced obscenity accusations across the nation.

In the twentieth and twenty-first centuries, LGBTQ books were accused of being obscene more than any other genre. Historian Marjorie Heins offers a history of the attempts to define obscenity in her book *Sex, Sin, and Blasphemy: A Guide to America’s Censorship Wars*. A series of court cases over the course of 30 years changed the definition of obscenity in the twentieth century. The final and most recent

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3 Marjorie Heins, *Sex, Sin, and Blasphemy: A Guide to America’s Censorship Wars* (New York: New Press, 1998), 19. Comstock was the founder of the New York Society for the Suppression of Vice, a group aimed at monitoring the morality of the public. When the bill passed, Comstock was appointed to a position within the U.S postal system that would allow him to monitor the mail and make arrests.


5 Heins, *Sex, Sin, and Blasphemy*, 17-20. In *Chaplinsky v. New Hampshire* (1942) judges ruled that four types of speech were not protected under the First Amendment: “fighting words,” “libel,” “profanity,” and “the lewd and obscene”; *Roth v. U.S.* (1957) redefined obscenity as “speech about sex that is ‘utterly without redeeming social importance.’”
definition comes from the court case *Miller v California* (1973). Obscene works were defined as “lacking serious literary, artistic, political, or scientific value.” This became known as the SLAPS test. In addition, works had to be of “prurient interests” and “patently offensive” to be banned. *Miller*, as well as the court cases before it, declared that obscenity would not be protected under the First Amendment. Regarding LGBTQ books, they were and are banned because of homosexual content. To the censors, that content did not qualify as having value. Whether this was due to ignorance, fear, or hatred, banning LGBTQ books was and is based on prejudice. These obscenity laws made it easier for works to be censored by prejudiced people. However, when LGBTQ books beat obscenity accusations, they further advanced the gay rights movement as well as public acceptance. This is a fight still happening today, mostly in school libraries.

In late August of 2022, it came to light that the Collierville School District of Tennessee pulled a staggering 327 books with LGBTQ themes and characters from their shelves. This action was done in preparation for the state Senate Bill 1944, which aimed to ban books considered obscene. The bill did not pass, and the books were returned to the shelves. The students themselves were aware of what banning LGBTQ books meant for them. Collierville high school student Milana Kumar spoke to her local news station, ABC24, as she had testified against the Senate Bill 1944 in April. Regarding her personal feelings Kumar said, “As a queer student at that school and seeing that these books are primarily around LGBTQ+ communities, it's just disconcerting. It doesn't make any student feel safe, respected, or their identity is being fostered in any classroom.” The banning of books is meant to make her, and others, feel exactly as she described. Enforcing and encouraging censorship imposes a bygone ideal for LGBTQ people, one that wants them to adhere to the social norms defined by a gender binary and heterosexuality. Luckily, the social movements of the mid-twentieth century would not allow for LGBTQ people to be confined.


7 Rebecca Butcher, “‘It's Surreal’: Collierville Schools Removes LGBTQ+ Books from Library Shelves,” *Localmemphis.com*.

8 Ibid.
Alongside the rise of Civil Rights and Feminist movements was a lesser-known movement for gay rights, the Homophile movement. Within this was a collective of groups working together to stop the harassment of gay and lesbian people in the 1950s and 60s. The most notable groups were the Mattachine Society and the Janus Society. Their work became significant in the 60s as “like the other liberation movements, gay liberationists proclaimed their cause part of the worldwide upheaval of colonized and oppressed people.”\(^9\) As the gay rights movement made room for themselves amongst oppressed people, they also utilized similar tactics. According to historian Jill Lepore “at a homosexual rights conference in Chicago, participants, inspired by “Black is Beautiful,” declared, “Gay is Good.”\(^10\) Members of the Homophile movement also used tactics from the New Left to gain traction. The New Left movement came about in the 1960s when the counterculture movements became mainstream. According to the Stanford organized, collaborative textbook *American Yawp*, “The New Left...arose on college campuses frustrated with the lifeless bureaucracies that they believed strangled true freedom.”\(^11\) The youths of the 60s were looking to make changes by picketing, protesting, and recruiting people to their causes. The gay rights movements did the same and picketed at notable places such as Independence Hall and the White House.\(^12\)

In contrast to the 1960s New Left, the 1980s brought in the New Right. A rise in conservatism, the religious right, and a loss of belief in the liberal left helped bring the Republican Party back into office. During this time the LGBTQ community would be hit by the AIDS epidemic, in which 3 out of 4 gay men were infected. The AIDS crisis and the New Rights’ seemingly purposeful ignorance of the crisis led the gay rights movement toward “the importance and the urgency of visibility, of pride, and of coming out.”\(^13\) While the New Right made it difficult for the New Left to make advancements like they once had,

\(^9\) Michael W. Flamm and David Steigerwald, *Debating the 1960s: Liberal, Conservative, and Radical Perspectives* (Lanham: Rowman & Littlefield, 2008), 64.


\(^12\) Lepore, *These Truths*, 651.

\(^13\) Ibid 686.
movements continued to fight. Understanding the cultural and countercultural climates of these eras helps us to understand why Allen Ginsberg, James Baldwin, and Nancy Garden wrote their books as well as why they were censored.

Allen Ginsberg - *Howl and Other Poems*

Allen Ginsberg was a poet spearheading the Beat movement, a literary movement that explored the counterculture of post-WWII America. Ginsberg used his poetry as a platform for political criticism, self-exploration and expression, and religious discovery. As a gay, dope-smoking Buddhist with an inclination toward Communism, Ginsberg was the perfect poster boy for the 1950’s counterculture. After spending a few years traveling through Europe and Asia, he returned to America embracing self-expression at a time when the masses around him strived for the perfection of the American Dream. However, the Cold War was peaking; the Vietnam war had just begun, and the Civil Rights movement was in its infancy. With the country in political turmoil, it is no wonder Ginsberg unleashed his emotions in all their glory upon paper. This is when he wrote *Howl*, which would be published in a collection of other works, *Howl and Other Poems* (1956). *Howl* would go on to be one of the most important post-WWII poems, but because of the allusion to gay sex *Howl and Other Poems* would face censorship before it found fame.

Ginsberg wrote *Howl* in a single sitting. He attempted to voice his frustrations about his friend Carl Solomon being institutionalized for his mental health. Ginsberg saw his friend, who he believed to be brilliant, being mentally destroyed. Ginsberg blamed America. In part two of *Howl* Ginsberg cries out to, for, and against Moloch. There are various accounts of what Moloch is, but the simplest understanding is that it is “a higher being that demands an ultimate sacrifice.” There is a clear comparison between America and Moloch as Ginsberg says “They broke their backs lifting Moloch to Heaven!... Visions! omens! hallucinations! miracles! ecstasies! gone down the American river!”14 America was demanding sacrifice from its people.

In part one Ginsberg says in the opening line “I saw the best minds of my generation destroyed by madness, starving, hysterical naked.” The sacrifice demanded is the minds of the American people. This criticism is what garnered Howl fame, as well as what saved it from being censored.

Throughout Howl, Ginsberg uses foul language for emphasis and powerfully condemns aspects of American culture. Ginsberg follows the opening line by portraying the types of people he is referring to as being “destroyed by madness.” He describes those who smoke marijuana, drink in excess, worship a Jewish God, travel the country, and endless others. He depicts gay people as those “who let themselves be fucked in the ass by saintly motorcyclists, and screamed with joy, who blew and were blown by those human seraphim.” Ginsberg believed that gay people were also victims of the post-war world that the United States found itself in. This specific portrayal of gay sex is what primarily led to the arrest of Ginsberg’s publisher.

Howl and Other Poems was published in the U.S. by City Lights Bookstore in San Francisco, owned, and operated by Lawrence Ferlinghetti, and when Howl went for second round of printing in 1957, 520 copies were seized by U.S. Customs officials on the grounds of “obscenity” and that the work was “unsuitable for children.” Ferlinghetti was arrested and sent to trial where literary experts were called to the witness stand to defend the “social importance” of the poem. This trial came only a handful of months after Roth v United States where it was decided that if a book could be determined to have social value, it was therefore not obscene. The literary experts deemed Howl to be an important social criticism, and as such, it held social value, was not obscene, and was protected under the First Amendment. Howl survived its brush with censorship, and Ginsberg continued to write as well as become a gay rights activist.

On June 26, 1969, in Greenwich Village, the gay bar Stonewall Inn was subjected to a police raid. As the police began to arrest people, the patrons turned on the police, turning the raid into a riot. Protests

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16 Ibid 13.
17 Nicholas J. Karolides, Margaret Bald, and Dawn B Sova, 100 Banned Books: Censorship Histories of World Literature (New York: Checkmark Books, 1999), 380-381.
occurred throughout the remainder of the weekend. In the early hours of Sunday morning, Ginsberg ran into Lucian K. Truscott as he was reporting on the protests. They went together to see Stonewall Inn as Ginsberg had never been there before. When they left, Ginsberg said to Truscott, “You know, the guys there were so beautiful--they've lost that wounded look that fags all had 10 years ago.” This remark came thirteen years after he published Howl. Ginsberg found beauty in LGBTQ people's ability to fight against a higher power when in the previous decade he feared they would all fall victim to a corrupting nation.

James Baldwin - *Another Country*

Much like Allen Ginsberg, James Baldwin used his talents in writing to comment on and criticize the United States. Baldwin became a prominent member of the Civil Rights Movement as violence against African Americans began to rise in the 50s. His most notable activism placed him working alongside attorney general Robert Kennedy and Martin Luther King Jr. As a Black, homosexual man, Baldwin’s place in America was uniquely difficult, a position that he explored in his novel *Another Country* (1962). His known homosexuality and work as an activist consequently placed him on the Federal Bureau of Investigations’ (FBI) radar and caused his book, *Another Country*, to face censorship.

Set in Greenwich Village and Harlem, *Another Country* is about several characters that come from varying racial, sexual, and class backgrounds. The novel is a commentary on the struggles of the individual in a politically and morally turbulent America. At its core, it is about love. According to David Leeming in his *James Baldwin: A Biography*, Baldwin once said that “the shapelessness of *Another Country* was a reflection of the ‘incoherence’ of life in America. Its characters are on desperate searches for self-knowledge and self-esteem – the identity – without which real love is impossible.” Baldwin believed that if people had self-love, then there would be love for one another, regardless of race or sexual orientation.


Despite the success and popularity of *Another Country*, the novel would be a source of contention for Baldwin. The FBI had a file for Baldwin that focused primarily on his homosexuality. Immediately after publication a separate file specifically for *Another Country* was created titled *HO 145-2625*.\(^{20}\) J. Edgar Hoover had the novel investigated by the General Crimes Section of the FBI because of the interracial and homosexual sex scenes. The investigators decided against censorship stating that there was “literary merit and may be of value to students of psychology and social behavior.”\(^{21}\) Although this evaluation occurred before the SLAPS test would be commonplace for judging whether a book can be banned, the same principles were applied to *Another Country*. In response to the relative absence of criticism of the book, Baldwin said to the *New York Times* “that perhaps Americans found *Another Country* worth reading because they were more like the people in the novel than they had dared to admit to themselves before.”\(^{22}\) Perhaps the study of such a novel would allow people to reach those connections Baldwin sought.

Even though the FBI did not revoke permission for publication on a national level, *Another Country* faced censorship in cities, in places like New York, Chicago, and Indianapolis, with the most well-known case in New Orleans. The *New York Times* reporter Henry Raymont summarized the back-and-forth legal proceedings. In 1963 the New Orleans assistant city attorney, Edward Pinner, described *Another Country* as “the most filthy and pornographic book I have ever read.”\(^{23}\) He attempted to have the book banned, but three booksellers took legal action against him in defense of the book. Two of the three booksellers themselves were arrested on charges of selling an obscene book although the charges were eventually dropped. In defense of the novel and the booksellers, the New Orleans District Attorney, James Garrison argued, “I think there is no place in this city for censorship. True, some persons may consider the book

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\(^{21}\) Ibid.

\(^{22}\) Leeming, *James Baldwin*, 206.

obscene. However, others may not, and it should be up to the individual to decide.”

This remark encapsulates the meaning of the First Amendment, to have freedom of speech and the freedom of choice. Baldwin’s *Another Country* surviving censorship is a testament to the fight for First Amendment rights to be recognized, as his novels faced ostracism because he was a Black man and a gay man.

Nancy Garden - *Annie on My Mind*

Nancy Garden was a young adult novelist and essayist for the Lambda Society, an LGBTQ organization at the University of Louisiana Monroe. As a young lesbian in the 1950s, she faced the threat of school expulsion, conversion therapy, and familial abandonment should she be found out. That did not stop her from her careful exploration of her sexuality. In an interview with Kathleen T. Horning, Garden reflects on her attempts at research, “when I finally found the courage to look up homosexuality in a public library card catalog... I did find a few adult books listed, but they were always unavailable. That was a subtle form of censorship, I’m pretty sure.”

Garden became aware of the issues of censorship at an early age, and it never was far from her life as an author. Garden dedicated much of her later years to fighting against the censorship of LGBTQ literature and for students' First Amendment rights. That fight became a major component of her life when her book *Annie on My Mind* was banned and burned at a school district in Kansas City.

*Annie on My Mind* follows the story of two high school girls, Liza, and Annie, from different socioeconomic backgrounds who form a friendship that then develops into a romantic relationship. The story reaches its climax when Liza is house-sitting for two of her female teachers and invites Annie to join her. They are discovered and must admit their relationship, also exposing the two teachers as being in a lesbian relationship as well. Annie and Liza part ways after high school, avoiding disciplinary action but rekindling their relationship long-distance. *Annie* is a coming-of-age and coming-out story rolled into one.

24 Ibid.

It explores the internal struggles of being a lesbian as well as the external repercussions lesbians might face. It is the book Garden would have wanted to find in her school library when she was in high school. Garden initially published *Annie on My Mind* in 1982, and it was a successful YA hit, winning a place on the American Library Association's Best Books list in the year it was released. Even though it was highly acclaimed, *Annie* was one of the most notorious books of the late 80s and the 90s, and there were several attempts to add it to the banned books list.

In 1993, real trouble would befall this endearing coming-of-age story, making headline news. A gay rights activist group donated multiple copies of *Annie on My Mind* to school libraries in Kansas and Missouri. Unfortunately, the superintendent of the Olathe School District, Ron Wimmer, informed the librarians that they must remove all copies of *Annie* from the bookshelves. A group of students and their parents filed a lawsuit with the ACLU against the school district to fight the unconstitutionality of the books’ removal. Based on a previous court ruling in *Pico v Board of Education*, one must be able to argue that a book is “educationally unsuitable” for it to be banned. Students, parents, Garden herself, and others took the stand in defense of *Annie* in the court case *Stevana v. Unified School District*. After a four-day trial, Wimmer was unable to prove that *Annie* was “educationally unsuitable.” The court thus ordered *Annie* to be returned to the school libraries, ending *Stevana v. Unified School District*. Garden spent a long time in Kansas City preparing herself and the students of Olathe for the trial. She said in a post-court-decision interview with Randy Meyer that “[Those kids] understand that this is a First Amendment issue and that, of course, is the important thing here. Yes, there was a lot of talk about homosexuality, but the major issue was the First Amendment.” 26 While it was clear that Wimmer was against the book because of the lesbian theme, Garden understood that the attempted censorship of *Annie* was part of a larger issue. According to Garden, censorship at its core is a matter of tearing down people's First Amendment rights, no matter the topic of discussion at hand.

Conclusion

Censorship continues to limit Americans’ First Amendment rights. Book banning is the most common form of censorship that we see today. LGBTQ books are still the most targeted genre, with 5 out of the top 10 most challenged books of 2022 having LGBTQ themes.\(^{27}\) The *New York Times* recently did a podcast covering a case in New Jersey where a coalition of parents attempted and failed to have five LGBTQ books removed from a school library. This is at first a win; however, one of the mothers who fought to have the books removed decided to run for a seat on the school board and won. This increase in attempts to censor books is not an isolated issue but something that has been seen across the country as more parents want to be involved in their student's education. By being more involved “what they’re trying to do is change the entire policy, not just get a few titles off the shelves.”\(^{28}\) These actions are a setback for LGBTQ books as they are now in more danger of being censored than ever before. Much as how the 60s brought LGBTQ titles into the limelight, the win for gay marriage brought in a massive wave of new LGBTQ literature. However, much like the ways the 80s New Right made life harder for LGBTQ people and literature, it appears as though modern conservatism is doing the same.

*Howl*, *Another Room*, and *Annie on My Mind* are now considered staples of twentieth-century literature, just as much as they are for LGBTQ literature. Each of these works faced censorship, and some still struggle for a place today. Writer for the *National Review*, John J. Miller, said of *Howl*, “I’d rather spend an entire lunar cycle listening to Triumph the Insult Comic Dog bark at the moon than read this pathetic poem again.”\(^{29}\) It is within Miller’s rights to never read *Howl* again, just as much as it is within others' rights to do so. LGBTQ books have faced censorship before, they face it now, and they will face it


again. Safeguarding the First Amendment is the first step to protecting LGBTQ literature from censorship. Education and tolerance will follow.
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