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Summary Information

Repository:	Rare Book and Manuscript Library
Creator:	London, Ephraim
Title:	Ephraim London papers
ID:	6260282
ID:	MS#1422
Date [inclusive]:	1940-1975
Physical Description:	5.5 linear feet 11 archival document boxes
Language of the Material:	English .
Abstract:	This collection contains records related to the career of Ephraim London, a prominent attorney who specialized in censorship, publishing, and entertainment law.

Preferred Citation

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

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Biographical / Historical

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."

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Biographical / Historical

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."

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Biographical / Historical

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.

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Biographical / Historical

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.

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Biographical / Historical

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.

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Biographical / Historical

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 Ephram London [sic] you are fired."

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Biographical / Historical

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."

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Biographical / Historical

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.

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Biographical / Historical

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 McMahan, 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."

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Biographical / Historical

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 Bittenwieser, 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, Bittenwieser 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.

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Biographical / Historical

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."

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Biographical / Historical

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.

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Biographical / Historical

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

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Summary

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.

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Summary

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 McMahan, of the Kansas State Board of Review, who always demanded the highest standards of cinematic decorum for her constituency.

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Summary

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.

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Summary

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.

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Arrangement

This collection is arranged into five series and seven subseries.

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Administrative Information

Publication Statement

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Revision Description

File created. xml document instance created by Patrick Lawlor xml document instance created by Catherine N. Carson EAD was imported spring 2019 as part of the ArchivesSpace Phase II migration. 2008-11-07 2009-01-13 2009-06-02 2019-05-20

Restrictions on Access

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Processing Information

Papers processed Thai Jones 8/2007.

Processing Information

Finding aid written Thai Jones 8/2007.

Processing Information

Collection is processed to folder level.

Accruals

Materials may have been added to the collection since this finding aid was prepared. Contact rbml@columbia.edu for more information.

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Controlled Access Headings

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

Collection Inventory

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

Scope and Contents

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.

Title/Description	Instances
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Bills and Receipts, 1963-1965	box 1	folder 1
Brennan, London & Bittenwieser v. Leonard Schneider (aka Lenny Bruce),, 1964-1967	box 1	folder 2
Clippings--Newspaper, 1960-1964	box 1	folder 3
Clippings--Magazine, 1962-1964	box 1	folder 4
Correspondence--London and Bruce, 1964	box 1	folder 5
Correspondence--General, 1964-1969	box 1	folder 6
Court Documents, 1964	box 1	folder 7
Court Documents--Drafts, 1964	box 1	folder 8
Decision and Opinion, 1964	box 1	folder 9
Exhibits, 1959-1963	box 2	folder 1
Legal Research, 1964	box 2	folder 2
People of California v. Lenny Bruce, 1963-1964	box 2	folder 3
Performance Transcripts, 1964	box 2	folder 4
Trial Notes, 1964	box 2	folder 5
Trial Transcripts, 1964	box 2	folder 6
Witnesses, 1962-1965	box 3	folder 1

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

Scope and Contents

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.

Title/Description	Instances	
Bills and Receipts, 1961	box 3	folder 2
Censorship--Texas, 1961	box 3	folder 3
Clippings--1960 November -, 1961 September	box 3	folder 4
Clippings--1961 October	box 3	folder 5
Clippings--1961 October		

	box 3	folder 6
Clippings--1961 November	box 3	folder 7
Clippings--, 1961 December - 1962 February	box 4	folder 1
Clippings--Bestseller Lists, 1961	box 4	folder 2
Clippings--Magazines, 1955-1964	box 4	folder 3
Copyright and Contracts, 1961	box 4	folder 4
Correspondence--General, 1961-1964	box 4	folder 5
Correspondence--Literary Merit, 1961-1962	box 4	folder 6
Court Documents, 1960-1962	box 4	folder 7
Grove Press--Distribution Contracts, 1961	box 4	folder 8
Grove Press--News Releases, 1961	box 4	folder 9
Legal Briefs and Drafts, 1961	box 4	folder 10
Memoranda of Law, 1961	box 4	folder 11
Trial Notes, 1947-1964	box 5	folder 1

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Series III: Censorship, 1950s-1960s

Scope and Contents

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 III.1: Censorship Files, 1950s-1960s

Scope and Contents

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.

Title/Description	Instances	
General, circa, 1960	box 5	folder 2
Court Documents, 1950s	box 5	folder 3
Court Documents, 1960s	box 5	folder 4
Legislative Reports, 1950s	box 5	folder 5
Movies and Religion, 1950s	box 5	folder 6
Pamphlets, 1950s-1960s	box 6	folder 1

Transcripts--London on Censorship, 1950s-1960s	box 6	folder 2
Unpublished Censorship Studies, 1954, 1961, 1954, 1961	box 6	folder 3
Unpublished Censorship Studies, circa, 1960	box 6	folder 4

Subseries III.2: Embassy Pictures, 1961-1964

Scope and Contents

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 McMahon.

Title/Description	Instances	
<i>Boccaccio '70</i> , 1963	box 6	folder 5
<i>Divorce Italian Style</i> , 1963	box 6	folder 6
<i>The Empty Canvas</i> , 1964	box 6	folder 7
<i>Fellini's 8½</i> , 1963	box 6	folder 8
<i>Long Day's Journey Ino Night</i> , 1963	box 6	folder 9
<i>No Love for Johnnie</i> , 1961	box 6	folder 10
<i>The Sky Above -- the Mud Below</i> , 1962	box 6	folder 11

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Series IV: Simon and Schuster, 1949-1973

Scope and Contents

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 IV.1: Contracts and Business, 1949-1973

Scope and Contents

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.

Title/Description	Instances	
Contracts--General, 1956	box 6	folder 12
Contracts--Affiliated, 1956	box 6	folder 13
Contracts--Internal, 1957-1959	box 7	folder 1

Contracts--Little Golden, 1952-1956	box 7	folder 2
Contracts--Pocket Books, 1944-1952	box 7	folder 3
Correspondence--1952-1955	box 7	folder 4
Correspondence--1956	box 7	folder 5
Correspondence--Internal, 1949-1962	box 7	folder 6
Correspondence--Pocket Books, 1957-1973	box 8	folder 1
Purchase Agreement--Pocket Books, 1951	box 8	folder 2
Sales Agreements--Pocket Books, 1960-1965	box 8	folder 3
Trident Press, 1959-1962	box 8	folder 4
World Publishing Annual Reports, 1953-1957	box 8	folder 5

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

Scope and Contents

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.

Title/Description	Instances	
<i>100 Million Guinea Pigs</i> by Don Congdon,, 1961	box 8	folder 6
<i>All the Way Down</i> by Vincent Riccio,, 1961-1962	box 8	folder 7
<i>Before My Time</i> by Niccolo Tucci,, 1961	box 8	folder 8
<i>The Cipher</i> by Alex Gordon, 1966	box 8	folder 9
<i>Easier Ways to Make Better Meals</i> by Campbells Soup, 1961	box 8	folder 10
<i>The Eye of Summer</i> by Marjorie Lee,, 1961	box 8	folder 11
<i>Fifty Year Decline and Fall of Hollywood</i> by Ezra Goodman, 1961	box 8	folder 12
<i>The Goddam White Man</i> by David Lytton,, 1962	box 8	folder 13
<i>Let Us Begin</i> by Barbara Ward and others,, 1961	box 8	folder 14
<i>Lilith</i> by J.R. Salamanca, 1962-1963	box 8	folder 15
<i>Lizzi Borden: The Untold Story</i> , 1961	box 8	folder 16
Lovejoy, Clarence E., 1961-1962	box 8	folder 17
Marvin Rosenberg v. Simon & Schuster, 1961	box 8	folder 18
<i>The Medicine Show</i> by the Consumers Union,, 1961	box 8	folder 19
<i>Memoirs of a Maverick Publisher</i> by David Stern, 1961	box 8	folder 20
<i>Mobil Travel Guide</i> , 1962	box 9	folder 1

<i>The Odyssey: A Modern Sequel</i> by Helene Kazantzakis,, 1960-1961	box 9	folder 2
<i>The Prize</i> by Irving Wallace, 1962	box 9	folder 3
<i>Release From Nervous Tension</i> by Dr. David Fink,, 1962	box 9	folder 4
<i>The Rise and Fall of the Third Reich</i> and <i>The Decline of France</i> by William L. Shirer, 1961-1964	box 9	folder 5
<i>A Spy in Rome</i> by Peter Tompkins,, 1962	box 9	folder 6

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Series V: General, 1940s-1975

Scope and Contents

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

Subseries V.1: Publishing, 1957-1970

Scope and Contents

These files consist of London's publishing work that did not have to do with censorship, or his responsibilities at Simon and Schuster.

Title/Description	Instances	
<i>Evergreen Review</i> , 1957-1964	box 9	folder 7
Herbert H. Smith v. Pantheon Books, 1967-1970	box 9	folder 8
McCauley, Gerard F., 1968	box 9	folder 9
Otto Nathan v. <i>Monthly Review</i> , 1968-1970	box 9	folder 10
Random House, 1960-1961	box 9	folder 11

Subseries V.2: Entertainment, 1940s-1975

Scope and Contents

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.

Title/Description	Instances	
<i>Anne Frank: Diary of a Young Girl</i> by Meyer Levin, 1969-1970	box 10	folder 1
<i>Caucasian Chalk Circle</i> by Bertolt Brecht,, 1940s-1966	box 10	folder 2

Samuel and Bella Spewack v. Metro-Goldwyn-Meyer, 1958-1975		
Clippings--, 1958-1968	box 10	folder 3
Contracts--, 1950s-1960s	box 10	folder 4
Correspondence--, 1967-1972	box 10	folder 5
Court Documents--, 1968-1969	box 10	folder 6
Court Documents--, 1970-1975	box 10	folder 7
Depositions, 1968	box 11	folder 1
Exhibits, 1950s-1960s	box 11	folder 2
Legal Research, 1968-1969	box 11	folder 3
<i>A View from the Bridge</i> , 1958-1961	box 11	folder 4

Subseries V.3: Personal, 1961-1975

Scope and Contents

One small file in this subseries relates to London's own work as an author.

Title/Description	Instances	
Correspondence--1963-1975	box 11	folder 5
<i>Lady Chatterley</i> proposed by Ephraim London,, 1961	box 11	folder 6

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