UNITED STATES DISTRICT COURT

Southern District of New York

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United States of America,

Libelant

v.

One Book called "Ulysses"
Random House, Inc.,

Claimant

OPINION

A. 110-59

Judge Woolsey

- x

On cross motions for a decree in a libel of confiscation, supplemented by a stipulation - hereinafter described - brought by the United States against the book "Ulysses" by James Joyce, under Section 305 of the Tariff Act of 1930, Title 19 United States Code, Section 1305, on the ground that the book is obscene within the meaning of that Section, and, hence, is not importable into the United States, but is subject to seizure, forfeiture and confiscation and destruction.

United States Attorney - by Samuel C. Coleman, Esq. and Nicholas Atlas, Esq., of counsel - for the United States, in support of motion for a decree of forfeiture, and in opposition to motion for a decree dismissing the libel.

Messrs. Greenbaum, Wolff & Ernst, - by Morris L. Ernst, Esq., and Alexander Lindey, Esq., of counsel - attorneys for claimant Random House, Inc., in support of motion for a decree dismissing the libel, and in opposition to motion for a decree of forfeiture.

I was interested to find that they both agreed with my opinion: that reading "Ulysses" in its entirety, as a book must be read on such a test as this, did not tend to excite sexual impulses or lustful thoughts but that its net effect on them was only that of a somewhat tragic and very powerful commentary on the inner lives of men and women.

It is only with the normal person that the law is concerned. Such a test as I have described, therefore, is the only proper test of obscenity in the case of a book like "Ulysses" which is a sincere and serious attempt to devise a new literary method for the observation and description of mankind.

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 undubtedly is somewhat erotic, no where does it tend to be an aphrodisiac.

"Ulysses" may, therefore, be admitted into the United States.

December 6, 1933

John M. Woolsey
United States District Judge