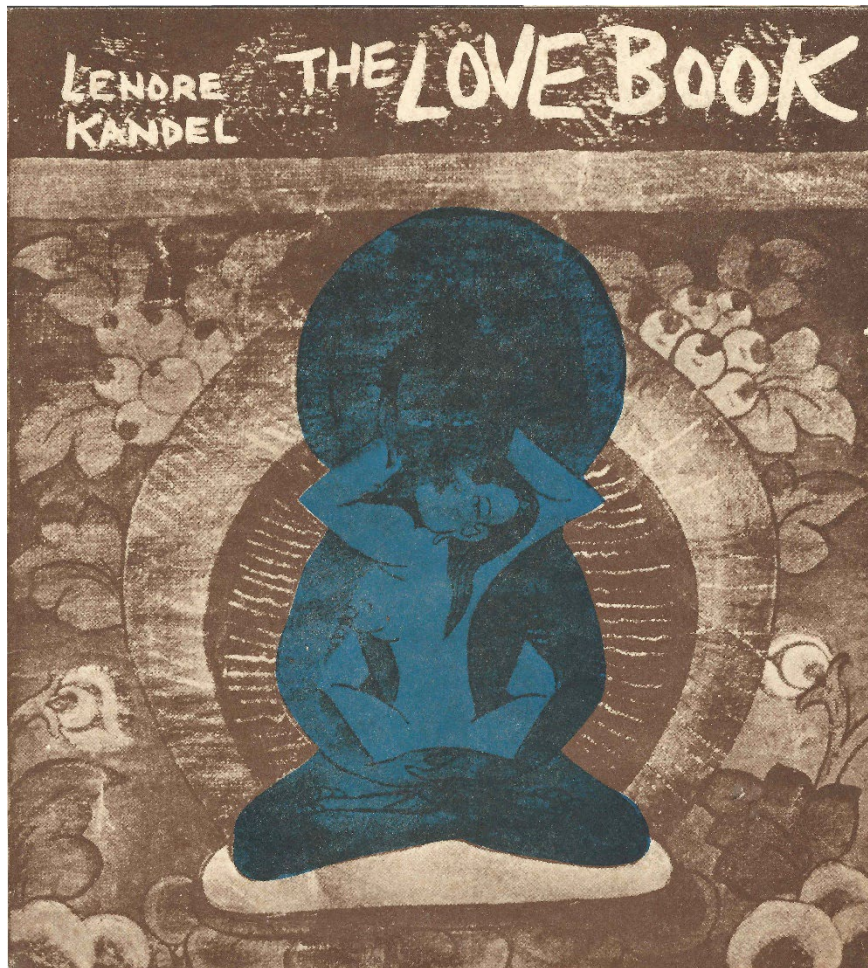


Another Four-Letter Word: the 1966 *Love Book* raids and subsequent events

Eric Noble (December 2016)



Introduction

Lenore ... is revered as the woman "who taught us how to make love."—Leonard Wolf¹

In November 1966, two officers from the Juvenile Bureau of the San Francisco Police Department staged an arrest of a sales clerk at the Psychedelic Shop, an eleven-month-old establishment at 1535 Haight Street that resembled a traditional bookstore but catered to a new sort of bibliophile—young, bohemian, and interested in a wide variety of esoterica. The store offered a smorgasbord of merchandise never seen in traditional bookstores, including incense, classical Hindustani music records, rock ‘n roll dance posters, marijuana cigarette rolling papers, and batik spreads useful for wall decorations in the neighborhood’s reclaimed Victorian flats.²

San Francisco police officers, Inspectors Weiner and Maloney, entered the Psychedelic Shop on Nov. 15, 1966, and purchased a copy of a thin poetry chapbook titled *The Love Book*, which had been written by a little-known Bay Area poet, Lenore Kandel, whose prior claim to fame was as a character in one of Jack Kerouac’s novels of the Beat generation. The two officers had determined that the poems contained in *The Love Book* were obscene under section 311.2 of California’s penal code and arrested Allen Cohen, the clerk on duty that day, on the grounds of selling material “that could excite vicious or lewd thoughts or acts.”³ Within hours, a picket line appeared outside the raided Psychedelic Shop protesting police harassment with signs reading “Fascist Police Not Wanted Here,” “Cops Go Home,” and “Police Illegal.”⁴ This was the first

¹ Leonard Wolf, *Voices from the Love Generation* (Boston: Little Brown, 1968), 19.

² Charles Perry, *The Haight-Ashbury : A History* (New York: Vintage Books, 1985), 49.

³ Donovan Bess, "Another 'Love Book' Arrest Here," *San Francisco Chronicle*, Nov. 17, 1966, 1.

⁴ "'Obscene' Poetry and a Big Fuss," *ibid.*, Nov. 16,.

street protest of police harassment staged by members of the new youth community in the Haight-Ashbury.

Within days, police arrested two more men for selling the same book of poems—one a clerk at the City Lights Bookstore in North Beach, the old stomping grounds of the Beats, the other a co-owner of the Psychedelic Shop where the first arrest had taken place. The ensuing publicity aroused intense public interest on the question of obscenity that for months would be debated in the press, in political protests, at academic conferences, in news broadcasts, and in countercultural parodies. Finally, in April 1967, on the eve of the hip community's prophesied "Summer of Love," the district attorney undertook the prosecution of the three defendants in what became the longest-running criminal trial in San Francisco history. After nearly five weeks of acrid testimony on both sides, the jury of twelve convicted all three defendants. The clerks were fined a paltry \$50 each, while the co-owner of the Psychedelic Shop was fined \$100.⁵ The American Civil Liberties Union (ACLU) represented Allen Cohen in his appeal of the conviction which was ultimately overturned five years later.⁶

The Love Book arrests in 1966 and the subsequent trial in the spring of 1967 set the theme of the confrontations over the next several months and years between the emerging hippie counterculture and the social, political and legal establishment in San Francisco. As such, it is a familiar narrative that mirrors the schisms and fault lines of the 1960s in America and this can be seen playing out in the responses of the communities involved in the prosecution and defense of the defendants.

⁵ "Vendors Fined in 'Love Book' Case: Appeals Planned," San Francisco Chronicle, Jun. 24, 1967, 2.

⁶ *Allen Cohen, Petitioner, Vs. Matthew Carberry, Et Al., Respondents*, ORDER (1974).

On another level, Kandel's poetry set the theme for the eponymous Summer of Love that would put the Haight-Ashbury on the map worldwide. The members of the new Haight-Ashbury community used *The Love Book* prosecution to point out the hypocrisy of the dominant culture and to widen the sphere of acceptable behavior to include radical lifestyle choices involving drugs, spirituality, atheism, political protest, and non-normative sexualities that encompassed frank discussions of homosexuality and prostitution. *The Love Book* case was a turning point in the development of the hippie movement in which a feminine sexuality infused the counterculture with both an ideology of inner liberation that was grounded in free love and an outer strategy of resistance to the dominant American culture and its forms of authority.

By examining news accounts in the "aboveground" and "underground" press at the time, we can analyze the different points of view that were in contention at this moment in the mid-1960s. The *San Francisco Chronicle* and the *San Francisco Examiner* were the two mass-distribution daily newspapers in San Francisco. The *San Francisco Oracle* and the *Berkeley Barb* were the two underground newspapers in distribution in San Francisco. In addition, news clips from several of the local San Francisco/Bay Area television stations provide a visual history of selected events of the time. The number of articles specifically concerning *The Love Book* case amount to several dozen.

Background/Context

“May I start by asserting one thing ... this is NOT an open town.” — Mayor John Shelley⁷

In popular imagination, San Francisco is a liberal enclave with a tradition of tolerance for nonnormative behaviors, lifestyles and communities. Nan Boyd, in her history of San Francisco queer communities to 1965, references the reputation of San Francisco for liberal, even radical, movements such as the “bohemian, Beat, and hippie cultures that flourished in the postwar generations.”⁸ Despite the reputation for civic tolerance today, the political reality was not congruent with the myth in the 1950s nor in 1966 when *The Love Book* raids took place.

The San Francisco Police Department and the legal and civic establishment in 1966 were no strangers to obscenity cases nor to harassment of the avant-garde community. There had been numerous arrests in the previous decade over issues of obscenity, and other infractions of the police code. The owner of City Lights Bookstore, Lawrence Ferlinghetti, was arrested in 1957 and put on trial for selling *Howl* by Allen Ginsberg.⁹ Lenny Bruce was arrested in 1961 for a stage performance at the Jazz Workshop that the police considered obscene.¹⁰ Ron Boise’s erotic sculpture was confiscated and the owner of the Vorpall Gallery where his work was on exhibit was arrested in 1964.¹¹ The San Francisco Mime Troupe was busted in Lafayette Park in 1965 for performing a bawdy adaptation of a sixteenth-century Italian commedia after the San

⁷ Charles Raudebaugh, "Shelley Gets Barrage of Broadway Complaints," *San Francisco Chronicle*, March 26 1965.

⁸ Nan Alamilla Boyd, *Wide-Open Town : A History of Queer San Francisco to 1965* (Berkeley: University of California Press, 2003), 1.

⁹ “Cops Arrest Seller, of Book, Magazine,” *San Francisco Chronicle*, Jun. 4, 1957, 3.

¹⁰ “Cops Seize Lenny Bruce—’Dirty Talk,’” *San Francisco Chronicle*, Oct. 5, 1961, 1.

¹¹ “When Cops Take Pictures of Art, It’s Serious,” *San Francisco Chronicle*, Apr. 8, 1964, 8.

Francisco Recreation and Parks Commission had revoked the troupe's permit to perform in the city parks due to "lewd and suggestive" scenes.¹² In 1966, the same year as *The Love Book* arrests, Michael McClure's play *The Beard* was busted when the two actors portraying Jean Harlow and Billy the Kid simulated a sex act in the performance at The Committee in North Beach.¹³

One of the main upholders of imposed morality was the Catholic Church and an array of leaders in the civic, religious and legal establishment. In March 1965, Mayor John F. Shelley, whose Irish Catholic background set the tone of his statements on morality, spoke at a meeting of civic groups hosted by the Salesian Boys Club, a charity established as a Catholic order. The ad-hoc consortium of neighborhood and civic groups under the leadership of the Catholic church was demanding action to shut down topless bars in the North Beach neighborhood. Shelley declared, "May I start by asserting one thing ... this is NOT an open town." At the same meeting, the police chief, Thomas Cahill, reported the number of arrests in North Beach for "prostitution and narcotics charges." However, he declared that, "Unless there is a change in the attitudes of what people want in a community, you're going to be confronted with this situation. We cannot make illegal arrests. The interpretation of the laws of obscenity today are something that would shake you apart. I have a book now that I would not let my 22-year-old son see, but I cannot arrest the seller." And yet, this is exactly what the Chief's inspectors in the Juvenile Bureau carried out when they busted the Psychedelic Shop a year-and-a-half later in 1966.¹⁴

¹² "Mimers Go On—Minus Cops," *San Francisco Chronicle*, Aug. 9, 1965, 3.

¹³ "Obscenity Arrest at S.F. Play," *San Francisco Chronicle*, Aug. 9, 1966, 1.

¹⁴ "Shelley Gets Barrage of Broadway Complaints," *San Francisco Chronicle*, Mar. 26, 1965, 2.

The Busts

“Where is the redeeming social importance in this?”—SFPD Inspector Peter Maloney¹⁵

The two police officers who carried out the raid on the Psychedelic Shop on Nov. 15, 1966, were the full complement of the “Obscenity Squad” which had been formed in February when a new police captain had taken over the Juvenile Bureau. The words of Chief Cahill at the North Beach meeting the previous year took on a prophetic ring with Captain Quinlan’s explanation. “The anti-obscenity detail was beefed up because of an ‘increase in the work load. There was an increase in the complaints and several more of these bookstores were opening.’”¹⁶

Inspectors Peter Maloney and Sol Weiner described the raid in the most innocent terms. They “just happened to walk into” the Psychedelic Shop and Weiner “came upon a copy” of *The Love Book* by Lenore Kandel “which features on its cover a drawing of Buddha and a young woman.” After reading the book and conferring with Maloney, Inspector Weiner purchased a copy from Allen Cohen, 26, the clerk on duty. The two inspectors then brought two uniformed street officers into the store with them, informed Cohen that he was in violation of the California anti-obscenity code, and placed Cohen under arrest.¹⁷

From the first, different accounts of the raid on the Psychedelic Shop split the community response. The official “police version of the raid was that it was a routine checkup on youths’ morals.” Eyewitnesses who were present in the store painted a more sinister picture of the raid. They accused the police of detaining ten store customers for a half-hour while they “searched

¹⁵ Donovan Bess, "'Love Book' Arrest at City Lights," *San Francisco Chronicle*, Nov. 18, 1966.

¹⁶ *Ibid.*, 1.

¹⁷ "'Obscene' Poetry And a Big Fuss," *San Francisco Chronicle*, Nov. 16, 1966, 1.

them as though they were suspected of crimes” and took down personal information on the customers “not related to any quest for obscene literature.” There were two arrests at the Psychedelic Shop on Nov. 15, 1966. James Helms, one of the customers who was in the store and ejected by the police, was subsequently arrested when he tried to re-enter to retrieve his belongings.¹⁸

A news clip from KRON-TV recorded a picket line that appeared outside the Psychedelic Shop on Nov. 15, 1966, within an hour of the arrest of Cohen and Helms. Several dozen picketers, walking in a circle in front of the Psychedelic Shop, carried signs and talked with reporters on the scene. One man described how the police officers ordered everyone out of the shop without giving any reason for the order. When questioned, the police responded with physical force “pushing people out of the store” and arresting one man for attempting to retrieve his personal belongings that were left inside the premises.¹⁹

After the initial raid on the Psychedelic Shop on Nov. 15, 1966, there were two subsequent arrests related to the sale and distribution of *The Love Book*. Jay Thelin, 27, the co-owner of the Psychedelic Shop, was arrested the next day at the San Francisco Hall of Justice where he had gone to attend the arraignment of Allen Cohen. Thelin suggested an ulterior motive for the police raid which he believed “was prompted mainly by pressure from nearby merchants who frown on the unconventional young people who swarm into his place daily.” Thelin had received an eviction notice the previous week due to “an excessive number of persons who are

¹⁸ Ibid.

¹⁹ *The Psychedelic Shop Gets Raided* (San Francisco: KRON-TV, Young Broadcasting of San Francisco, Inc. (<https://diva.sfsu.edu/collections/sfbatv/bundles/210733>), 1966).

shabbily dressed ... and loud and boisterous.” The underlying conflict is with the “older merchants” who “don’t want the neighborhood changed.”²⁰

The third person arrested for obscenity was Ronald Muszalski, 31, a clerk who was working at City Lights Bookstore in North Beach two days after the initial raid at the Psychedelic Shop. This time, it was Inspector Maloney who bought a copy of *The Love Book* and made the arrest. In the article reporting on this arrest, Maloney declared, “It’s hard-core pornography.” He offered his interpretation of California’s “revised anti-obscenity law” by explaining that only “a literary work with ‘redeeming social importance’ can remain on bookstore shelves.” Regarding *The Love Book*, Maloney asked, “Where is the redeeming social importance in this?”²¹

Lenore Kandel, the poet responsible for the thin chapbook that was the center of the controversy, was not under arrest herself. Up until this point, Kandel had not achieved notoriety outside a small circle involved in the Beat literature movement. In an interview published in 1968, Kandel talked about her background. Despite (or perhaps because of) her family’s attendance to Jewish custom, she discovered Buddhism at an early age. Kandel studied psychology at the New School for Social Research in New York City, and then got to San Francisco around 1960 in time to meet and hang out with members of the Beat generation who were still around.²² Prior to the raid on the Psychedelic Shop, her main claim to fame was that Jack Kerouac included her as a character in his tenth published novel, *Big Sur*, as the girlfriend of the Dave Wain character (based on the poet Lew Welch). In the book, Kerouac introduced her as “a big beautiful brunette anyway in the line of taste you might attribute to every slaky hungry

²⁰ "Another 'Love Book' Arrest Here," San Francisco Chronicle, Nov. 17, 1966, 1.

²¹ "'Love Book' Arrest at City Lights," San Francisco Chronicle, Nov. 18, 1966, 1.

²² Wolf, *Voices from the Love Generation*, 19.

sex slave in the world but also intelligent, well read, writes poetry, is a Zen student, knows everything, is in fact just simply a big healthy Rumanian Jewess who wants to marry a good hardy man and go live on a farm in the valley, that's it—”²³

Even though Kandel was not under arrest after the *Love Book* raids, the local press eagerly sought her for comment. Her voice would become a strong defender of sexuality and freedom of expression in the developing counterculture discourse. On the day of the first arrests, Kandel was reported to have “rushed to the scene in a taxi” after she heard that her book had been “busted.” In this initial interview, she “expressed astonishment that her book should be considered obscene. She suggested that there may have been official confusion over the fact that she was treating of an Oriental doctrine under which ‘the male and the female hold the entire world united.’”²⁴ The cover of *The Love Book* seemed to hold particular interest in the reports of the arrests. The *Chronicle* explained that it “depicts a seated Buddha coupled intimately with a voluptuous maiden.” Kandel explained further, “Love is the essential factor in this book. The whole point is the divinity of man.” She pointed out that the longer of the two poems in *The Love Book* had been published in Lawrence Lipton’s *The Erotic Revolution* in 1965.²⁵

Kandel achieved instant celebrity in the hippie underground because of *The Love Book* arrests. In the coming months, she appeared at several events and would comment on the case, her poetry, and the deeper meanings of it all. In 1968, Leonard Wolf, a professor at San Francisco State College, published a collection of interviews with many of the people who were driving forces in the new underground that had formed in the Haight-Ashbury. Wolf described the role Kandel played in these events:

²³ Jack Kerouac, *Big Sur* (New York: Farrar, Straus and Cudahy, 1962), Kindle loc. 800.

²⁴ "'Obscene' Poetry And a Big Fuss," *San Francisco Chronicle*, Nov. 16, 1966, 1.

²⁵ Bess, Donovan. "Another 'Love Book' Arrest Here," *San Francisco Chronicle*, Nov. 17, 1966, 1.

Lenore is famous as the author of *The Love Book*, a volume of poems seized as pornographic by the San Francisco police in late 1966. The seizure produced instant fame for her. By many Haight-Ashbury residents, she is revered as the woman “who taught us how to make love.”²⁶

Allen Cohen was perhaps the perfect representative of the new hippie counterculture for the police to arrest for obscenity. A revolutionary poet who had grown up in Brooklyn and moved to San Francisco to participate in the halcyon days of the Beat literary movement, Allen had a dream in 1966 which would become a prophetic medium for the hippies. He dreamt of a multicolored rainbow newspaper that would be read around the world.²⁷ At the time of his arrest for selling *The Love Book*, Cohen had just edited and published the third issue of the *San Francisco Oracle* which would become the fulfillment of his dream-vision.

Writing in the fourth issue of the *Oracle*, Cohen crafted an indictment of the anti-obscenity crusade that resulted in his arrest. Resurrecting a memory of his childhood and his family’s celebration of Yom Kippur, the Day of Atonement, Cohen wrote:

The halls of justice are filled with the real active revolutionary left: the young bearded, long-haired dope offenders of the holy left; the Black people of the guerilla left; pimps whores homosexuals of the erotic left. No substantial offenses against them; seized illegally by the enraged police arm of the uptight morally constricted, guilt ridden oligarchy immersed in the blood and cash booty of expansionist racial wars against unmechanized races of vision simplicity and untapped natural resources; our nations hypnotized love lust perverted to fear, hatred and genocide (conducting Indian wars with helicopters instead of cavalry as one officer in Vietnam recently expressed it) and suppression and beating and jailing of their own children who they see turning away from the empty erections of their robot future.²⁸

²⁶ Wolf, *Voices from the Love Generation*, 19.

²⁷ Allen Cohen, "Notes on the San Francisco Oracle," <http://www.rockument.com/blog/haight-ashbury-in-the-sixties/allen-cohen-and-the-s-f-oracle/>.

²⁸ Allen Cohen, "Notes of a Dirty Bookseller," *San Francisco Oracle*, Dec. 16, 1966, 5.

This statement, just a week after the Love Book raids, signals a cohesive response—both political and transcendental—to the Establishment harassment of the new hippie community. What is noteworthy is Cohen’s framing of three forces for social change in this poetic manifesto: the avant-garde, Black Power, and sexual minority communities.

Lee Meyerzove, who ran a poetry magazine at San Francisco State College, wrote a long explication of *The Love Book* in the fourth issue of the *Oracle*. He talked about the importance of the poetry and chose selected passages to reprint. His article was also the first that provided a gendered interpretation of *The Love Book*:

Lenore Kandel has taken a viewpoint rare for a woman—she has written a poem in terms and in the language that the woman herself (read that every woman, of every class, of every social upbringing) sees and feels the excitement of sexual fulfillment in an act of love. Miss Kandel has freed the word fuck for all women to see and read as they themselves have truly known the word. ...²⁹

The raids on the Psychedelic Shop achieved notoriety throughout the emerging counterculture nationwide. In an article that appeared in the *Los Angeles Free Press* in the spring of 1967, John Bryan wrote, “If you want to truly understand San Francisco’s current love revolution, go see Lenore Kandel. The North Beach lady poet ... has contributed as much as anyone to the ideological atmosphere which created the mind-blowing scene in the Haight-Ashbury District.” In Bryan’s interview of Kandel, she discussed the effect of the raid on the Psychedelic Shop. “For some angelic reason, when the police busted my book here a few months ago, it just dropped a catalyst into this brimming beaker which is San Francisco. Everything

²⁹ Lee Meyerzove, "Kandel and McClure: Oracles of Love," *San Francisco Oracle*, Dec. 16, 1966, 3.

crystallized. People saw we had to stand together and people from a lot of different groups saw it.”³⁰

Over the coming months following the raid on the Psychedelic Shop, numerous events took place in San Francisco that would help coalesce an ideology of love associated with the radical hippie community in the Sixties. Many of these events were in response to *The Love Book* raids which were a catalyst in this process of crystallization that Kandel mentioned.

Many in the Haight-Ashbury community believed that *The Love Book* case represented the concerted effort by the San Francisco police and the City Hall establishment to actively disrupt and outlaw the bohemian subculture that was emerging in the Haight-Ashbury neighborhood, just as they had done to the Beat generation in the North Beach neighborhood ten years earlier. In fact, the first article in the *Chronicle* to report on the raid at the Psychedelic Shop suggested that “the controversy recalled the 1950s, when police actions against the Coexistence Bagel Shop, a beatnik bistro in North Beach, forced it to shut its doors.” Eyewitnesses to the raid on the Psychedelic Shop “charged that the raid was held to harass the shop and those who frequent it.”³¹ The *Berkeley Barb* reported that “many hip shopkeepers in the area feel that this may be the first skirmish in an all-out war on the hippy scene. ... Perhaps one of the inspectors tipped the Establishment’s hand when immediately upon entering the store he loudly announced, ‘We’re closing up this place, folks.’”³²

Kandel, in interviews and articles in the press (both aboveground and underground), helped set the stage for the emergence of a hippie attitude extoling personal autonomy and

³⁰ John Bryan, “Lenore’s Works, Words of Love,” *Los Angeles Free Press*, (ca. Mar. 20, 1967), 3. Scanned version at http://babylonfalling.com/images/tumblr/lenorekandel1_small.jpg.

³¹ “‘Obscene’ Poetry And a Big Fuss,” *San Francisco Chronicle*, Nov. 16, 1966, 1.

³² “Hip-View of Haight Love Book Bust,” *Berkeley Barb*, Nov. 18, 1966, 1.

collective resistance to established authority. Her comments on hypocrisy and obscenity revealed a fundamental difference between the hip community and the Establishment. For example, when asked if she thought any “four letter words are dirty?” she responded: “Yes. Bomb and hate are two of the worst. The war in Vietnam is an obscenity. My poetry isn’t.”³³

One week after *The Love Book* busts, a group that included Cohen, Kandel, and the owners of the Psychedelic Shop and other hippie-oriented stores in the Haight-Ashbury called a press conference. The date was significant, Nov. 22, 1966, three years to the day after the assassination of President John Kennedy. The news conference was intended “to counter [the] charge of obscenity” in *The Love Book* busts.³⁴ The press conference announced the formation of a new merchants group, Haight Independent Proprietors (HIP), who would be open to “all independent craftsmen, theatre workshops and businessmen in the area” and revealed that the new group already comprised more than 50 such establishments or individuals. This announcement confirmed Jay Thelin’s suggestion that the motivating factor behind the Psychedelic Shop raid was the opposition of established businesses in the neighborhood to the new hip community.

At the press conference, the group released a manifesto printed in the style of fine press publications with typographic ornaments separating the vertical sections of the sheet. The introduction was a pronouncement of the values of the new community, which began: “On the 3rd anniversary of the murder of John F. Kennedy we stand here to renew the life spirit in America and communicate to San Francisco and the world the joy and warmth with which a new evolutionary community greets Lenore Kandel’s LOVE BOOK.” The next section of the

³³ “‘Love Book’ Too Hot for One Judge,” *San Francisco Chronicle*, Nov. 24, 1966, 1.

³⁴ Helen Swick Perry, *The Human Be-In* (New York: Basic Books, 1970), 42.

manifesto was “A Prophecy of a Declaration of Independence” which (like past declarations such as the Seneca Falls Declaration of Sentiments in 1848) used the language of the American Declaration of Independence: “When in the flow of human events it becomes necessary for the people to cease to recognize the obsolete social patterns which have isolated man from his consciousness ...” The manifesto went on to conclude: “LENORE KANDEL WILL READ A POEM / The confiscation of Lenore Kandel’s Lovebook is another incident in a pattern of police and community fear, prejudice and harassment directed at the vital youthful community that has arisen in the Haight-Ashbury.”³⁵

Reaction to *The Love Book* arrests in the larger community was swift as well. On Nov. 23, 1966, the day after the H.I.P. press conference, a group of “six indignant English professors ... all of them nationally known poets” at San Francisco State College (the name of the school until 1974 when it changed to San Francisco State University) held an event to protest the raids. Four of the professors read from *The Love Book* while the other two read from the script for *The Beard*, Michael McClure’s play that had been busted in August. If the organizers intended to provoke the police into more arrests, they would be disappointed. No police showed up at the event. The academics propounded on the issue of obscenity and the “current police morals campaign” with numerous statements about sex, love, and literature. “This book makes me want to make love—and I think that’s fine,” said Prof. Jack Gilbert, perhaps unwittingly making the case for Inspector Maloney in his justification for the original arrest. “How can anything be sexually exciting without having social importance?” asked Prof. Mark Linenthal, the director of the Poetry Center at the college, thus foreshadowing one of the main questions at issue in the

³⁵ “A Prophecy of a Declaration of Independence,” Broadside, 8-1/2” x 14”, located in the collection folder “S.F. Haight” included in The Digger Archives (www.diggers.org).

upcoming trial. “This is a sexual century. ... The language ought to reflect the life style of the age,” declared Prof. Leonard Wolf (who would establish an experimental “Happening House” in the Haight-Ashbury the following year, and publish the previously mentioned *Voices of the Love Generation* in 1968). Wolf came closest to the theme that was playing out in the Haight-Ashbury community, with allusions to a new age that was dawning.³⁶

Two days later, Nov. 25, 1966, community response to *The Love Book* controversy reached Mayor Shelley who was asked to offer an opinion at his regular press conference in City Hall. The mayor called the poetry “hard core pornography” which reminded him of “dirty books” he had seen as a boy. When a follow-up question asked whether the experience as a boy of seeing such material had adversely affected him, the mayor said, “I survived it, but some people might not.” Happening concurrently as the press conference, Lawrence Ferlinghetti (owner of the City Lights Bookstore in North Beach) was holding an impromptu theatrical performance of his own. Ferlinghetti had hired three of the San Francisco State College professors who had participated in the protest two days earlier. Ferlinghetti paid each of the three \$1 a day to act as sales clerks in his shop, selling fresh copies of *The Love Book*, all of which were sold, but no arrests were made. Interestingly, the two Juvenile Bureau inspectors who had carried out the arrests the previous week showed up at City Lights and bought another copy themselves. The new edition of *The Love Book* that was on sale included twenty-two lines of poetry that had been inadvertently left out of the first edition. Inspectors Maloney and Weiner

³⁶ Donovan Bess, "Eager Audience for 'Love Book' — but No Cops," *San Francisco Chronicle*, Nov. 24 1966, 24.

“left without making any arrests. They would have to have time, they said, to study the new material.”³⁷

If the official response by civic leaders was consistently outraged by the content of *The Love Book* (which hippie leaders saw as a thin disguise for the underlying motivation), editorial response in the press was decidedly deprecating toward the police crusade. Herb Caen was a celebrated columnist in the *San Francisco Chronicle* whose daily writing was avidly followed by subscribers. Caen offered that, “To say that a book—in this case, Lenore Kandel’s ‘*The Love Book*’—is capable of ‘exciting lewd thoughts’ is a perversion in itself. Excited lewd thoughts in whom—policemen?”³⁸

Two months after the Psychedelic Shop raid, Allen Cohen and other representatives of the Haight-Ashbury community along with some of the Berkeley political activists who had been involved in the Free Speech and Anti-Vietnam War movements held a press conference to announce plans for an event that would become one of the defining moments of the Sixties. This was the “Human Be-In, Gathering of the Tribes” that was held in Golden Gate Park on January 14, 1967. Estimates of the number of people attending ranged from 10,000 (police estimate reported by The San Francisco Examiner) to more than 20,000 (Cohen’s estimate).³⁹ Much has been written about this event but for the purposes of this paper, there are two important aspects. First, the announcement for the event, which Cohen et al. read at a press conference the week before the Be-In included the following:

³⁷ "Sales Are Brisk: The Mayor Calls 'Love Book' Dirty," *ibid.*, Nov. 26,, 1.

³⁸ Herb Caen, "Hey, Look Me Over," *ibid.*, Nov. 21,, 27.

³⁹ “Hippies’ Love and Activism / They Came ... Saw ... Stared,” *San Francisco Examiner*, Jan. 15, 1967, 3; Allen Cohen, “About the Human Be-In” (<http://www.allencohen.us/>)

Materialism and empire have thwarted and veiled the spiritual foundations of man and woman in their relations in America. Profit and desire are one-tenth of the divinity of man. ... When the Berkeley political activists and the love generation of the Haight Ashbury and thousands of young men and women from every state in the nation embrace at the Gathering of the Tribes for a Human Be-In at the Polo field in Golden Gate Park the spiritual revolution will be manifest and proven.

The use of the phrase “love generation”—the first such time—is noteworthy. The announcement also uses a phrase that Lenore Kandel had used to describe *The Love Book*— “divinity of man.” The other thing to note about the Human Be-In is that Lenore Kandel was one of the invited speakers who appeared on the stage along with Allen Ginsberg, Gary Snyder, Michael McClure and Timothy Leary. In fact, she was the only woman on the stage, and read from *The Love Book*. By this point, two months after the raid on the Psychedelic Shop, Kandel had been anointed a counterculture celebrity.

The day before the Human Be-In, Jan. 13, 1967, a civil liberties forum took place at the Hall of Flowers in San Francisco. Ron Thelin, the brother of Jay and the other co-owner of the Psychedelic Shop, was there along with Lenore Kandel and Jeff Berner, the publisher of Stolen Paper Editions (which had published both editions of *The Love Book*). Berner announced that he was donating part of the profits from the book to the San Francisco police department’s retirement fund because of the enormous publicity and success that they had created for his publishing venture. Ron Thelin made what would turn out to be a prophetic statement. He “told the audience that the bookstore raid was useful because ‘it brought a lot of new friends together, and instilled a sense of community in the Haight-Ashbury.’ Thanks again to the publicity, Thelin predicted next summer will see ‘pilgrimages to the Haight-Ashbury of kids from all over

America.” This is a remarkable statement, coming months before discussions about an influx of young people for what would be called the Summer of Love.⁴⁰

⁴⁰ "Censorship Dangers and Publicity," *San Francisco Chronicle*, Jan. 16, 1967, 4.

The Trial

“Love is a four-letter word.” — Lenore Kandel⁴¹

The nominal legal issue that was central to this case was obscenity, an issue that had undergone numerous interpretive shifts in the courts during this period. As mentioned, the Haight-Ashbury community was not buying the establishment’s explanation of the raid on the Psychedelic Shop. So, it seems significant that news coverage of the trial in the *Berkeley Barb* and the *San Francisco Oracle* was non-existent. The *Barb* and the *Oracle* had no articles on *The Love Book* case after the initial arrests in November 1966. It was as if the trial was an afterthought. The responses and reactions to the arrests, not the trial, were the catalyst in the emerging counterculture of the Haight-Ashbury. The trial was seemingly no longer of consequence. The opposite, though, can be said of the aboveground press. There were daily accounts of the testimony and legal wrangling that took place in the San Francisco “aboveground” newspapers.

The trial began on April 24, 1967 with jury selection after several months of legal maneuvers. Two lawyers represented the defense. Marshall Krause, a staff attorney for the American Civil Liberties Union (ACLU) represented Cohen and Muszalski, the two store clerks. Vasilios Choulos represented Jay Thelin, the co-owner of the Psychedelic Shop. At the arraignment hearing in February, Choulos indicated that the defense preferred a judicial trial to avoid a jury “comprised of little old ladies from the Sunset District” but the district attorney

⁴¹ Donovan Bess, "'Love Book' Poet Keeps Her Cool: Those Words," *ibid.*, May 9.

insisted on a jury trial, “and so we had to go along.”⁴² Three “highly charged underground ... richly Anglo-Saxon” four-letter words were the brunt of the questioning of potential jurors. The *Chronicle* only printed dashes to represent the words, presumably “cunt” “cock” and “fuck.” Assistant District Attorney Frank Shaw made it clear that he would object to seating any “men or women who are habitués of the Haight-Ashbury district, where attitudes toward love-making are quite relaxed.”⁴³ In the end, ten women and two men were chosen to serve, most of whom admitted to having “no time to do serious reading, certainly not any of the avant-garde poetry that deals nakedly with sexual relationships.”⁴⁴ Most of the women were married; one of the men was a Municipal Railway bus driver.

The legal question the jurors were asked to decide was presented in the news reports in slightly different versions, likely a result of the confusion around the legal status of obscenity in 1967. In one account, the question was whether *The Love Book* “has literary merit or is merely erotic doggerel with no ‘redeeming social importance.’”⁴⁵ In another version, the question was: “Is this most slim volume of verse obscene from the viewpoint of ‘the average man’ and judged by ‘contemporary community standards.’”⁴⁶

Testimony over the nearly five-week-long trial included expert witnesses in literature, religion, medicine and psychology. Many of the prosecution witnesses were associated with the Catholic church or affiliated enterprises. Val King, a columnist for *The Monitor*, the official newspaper of the Archdiocese of San Francisco, criticized *The Love Book* because it portrayed

⁴² "3 Enter Pleas in 'Love Book' Case," *ibid.*, Feb 9, 5.

⁴³ Donovan Bess, "Frank Quiz of 'Love Book' Trial Jurors," *ibid.*, Apr. 25,, 1.

⁴⁴ "'Love Book' Jury Is Sworn In," *San Francisco Chronicle*, Apr. 28, 1967, 4.

⁴⁵ "Frank Quiz of 'Love Book' Trial Jurors." *San Francisco Chronicle*, Apr. 25, 1967, 1.

⁴⁶ "'Love Book' Jury Is Sworn In." *San Francisco Chronicle*, Apr. 28, 1967, 4.

“bisexual gods in a book about a man and woman making love together.” The specific stanzas he was referring to were:

I kiss your shoulder and it reeks of lust
The lust of erotic angels ...
Shouting their insatiable joy over heaven
The lust of comets colliding in celestial hysteria
The lust of hermaphroditic deities doing
Inconceivable things to each other ...
[Ellipses included as printed in the *Chronicle*]

Marshall Krause, on cross-examination, asked King, “Is it your opinion that there is no sex after death?” King replied, “Yes, it is.” Krause: “On what do you base that opinion?” King: “On what I conceive to be the teaching of our faith.” When another witness “complained especially about a passage depicting ‘angels having intercourse with the stars,’” Krause objected that “we’re having a heresy trial, not an obscenity trial.”⁴⁷

Other prosecution witnesses included the Catholic priest in charge of the San Francisco Boys’ Home (who labeled the poems “blasphemous”), the head psychiatrist at St. Mary’s Hospital (who termed the poems “shameful”); a woman teacher (“Even if it is burned, I believe the fumes would pollute the air”); a Presbyterian minister testifying as a mental health professional (“uses every dirty, filthy term possible”); and the director of Jesuit education in four Western states (“nauseating” and sinful).⁴⁸

Lenore Kandel was called as the first defense witness but the district attorney kept her on the stand for two days with extensive cross-examination. She again spoke of the “divinity of man” and told the district attorney that he, too, was “beautifully divine.” She suggested, “If we

⁴⁷ Donovan Bess, "A Burning Question at 'Love Book' Trial: Case in Sixth Day," *San Francisco Chronicle*, May 4, 1967, 2.

⁴⁸ "Clergyman's Dim View of Poet's 'Love Book': A Dispute with Psychiatrist," *San Francisco Chronicle*, May 23, 1967, 3.

can recognize our own divinity, our own beauty, it will be impossible for any human being to bring harm to any other human being. Man is a divine animal, not just an animal, not just a spirit.”⁴⁹ Shaw’s “voice shook with anger, much of the time” as he accused Kandel of “trying to condition us into a new morality.” When asked about her use of the word “fuck” she replied that “this was one of her goals in writing the book, to restore such Anglo-Saxon words to a dignity they had before the Victorian era.” She reminded the district attorney that “Love is a four-letter word.”⁵⁰

Other defense witnesses included a three-time Fulbright scholar and professor of English at the University of California at Berkeley (“her use of four-letter words was fully justified”);⁵¹ the rabbi director of the Union of American Hebrew Congregations (“*The Love Book* offers a valuable social service”);⁵² the wife of a Congregational minister (“the physical ecstasy felt by a woman in the love act”);⁵³ a prominent Freudian psychoanalyst (“depicts a woman as enthusiastically and reverently engaging in love play”); a Jesuit professor of English at the University of San Francisco (“an ecstatic hymn on the goodness of love”);⁵⁴ a marriage counselor (who recommended *The Love Book* as a marriage manual and argued that the poems “showed a woman as far more than ‘an object to be used’ by her husband”); the minister of the First Unitarian Church of San Francisco (“wholesome” and “creative”);⁵⁵ Lawrence Ferlinghetti, owner of the City Lights Bookstore (“*The Love Book* seems to have a liberating effect on

⁴⁹ "Lenore Defends 'the Love Book': 'Divinity of Man'," *San Francisco Chronicle*, May 6, 1967, 3.

⁵⁰ "'Love Book' Poet Keeps Her Cool: Those Words," 3.

⁵¹ "Scholar's Plea for 'Love Book': Uc Professor," *San Francisco Chronicle*, May 10, 1967, 2.

⁵² "Love Book's 'Social Service'," *San Francisco Chronicle*, May 11, 1967, 5.

⁵³ "A Minister's Wife Praises 'Love Book'," *San Francisco Chronicle*, May 13, 1967, 3.

⁵⁴ "Freudian Looks at 'Love Book'," *San Francisco Chronicle*, May 16, 1967, 3.

⁵⁵ "Marriage and 'the Love Book'," *San Francisco Chronicle*, May 18, 1967, 5.

people”);⁵⁶ and, finally, the chief psychiatrist of San Francisco’s mental health services department (who recommended *The Love Book* as a “text for a healthy discussion on sex by high school children”).⁵⁷ The latter comment was lambasted by a rebuttal witness called by the prosecution.

In closing arguments, assistant district attorney Frank Shaw warned the jury that “‘the minority is attempting under the guise of freedom of expression’ to take over the community’s right to set moral standards. ‘You are the voice of the community,’ he told the jury. That voice, he contended, is ‘not up in an ivory tower somewhere.’” Marshall Krause, the ACLU defense attorney, advised the jury that “there is a change taking place. A writer today is entitled to write for a contemporary audience.”⁵⁸

On May 27, 1967 (shortly after midnight), the jury found all three defendants guilty of the intent to sell obscene material. The jury foreman reported that none of the jurors felt that *The Love Book* had “any redeeming social importance.” The only question which occupied the jury’s ten-hour deliberation was whether the book “exceeded the customary limits of candor in San Francisco.” Ultimately, the jury used the legal definition of obscenity (“appealing to a shameful and morbid interest in sex”) to decide the question. The instructions to the jury charged that they had two questions of fact to decide: first, if *The Love Book* was obscene; and second, whether the defendants knew that it was obscene when they sold copies to the police. The judge in the case, Judge Lawrence Mana, had instructed the jurors, “You are to ask yourselves, ‘Does it (the book)

⁵⁶ "'Love Book' Gets an a from Teacher, Poet," *San Francisco Chronicle*, May 19, 1967, 3.

⁵⁷ "In Praise of the Love Book: A City Hall Voice," *San Francisco Chronicle*, May 20, 1967, 3.

⁵⁸ "Two Views of the Poet at 'the Love Book' Trial," *San Francisco Chronicle*, May 25, 1967, 3.

affect the common conscience of the community?” “Conscience” was a term the defense attorneys avoided. They preferred “community standards.”⁵⁹

Ultimately, the Federal District Court of Northern California in 1971 decided that the instructions to the jury in *The Love Book* case had been improper concerning the “redeeming social importance” test in violation of the U.S. Supreme Court ruling in *Roth v. United States*, 354 U.S. 476 (1957). The U.S. Supreme Court refused to hear an appeal by the State of California of a procedural ruling that raised the issue of standing in habeas corpus cases. The case was then sent back to the District Court for final disposition. In his final 1974 ruling, Federal District Judge Alphonse Zirpoli acknowledged that the U.S. Supreme Court had “undertook a major reconsideration of the constitutional requirements for obscenity prosecutions” since his 1971 ruling. The new standard as stated in *Miller v. California*, 413 U.S. 15, 24 (1973) would hold. However, Judge Zirpoli found that *Miller* would not absolve the original trial judge’s instruction on “redeeming social importance” and so he granted the plaintiff’s petition for writ of habeas corpus. Cohen (the only defendant to appeal the conviction into the federal courts) presumably got his \$50 fine returned.

⁵⁹ "Jury Finds 'Love Book' Obscene," *San Francisco Chronicle*, May 27, 1967, 1.

Conclusion

This paper has examined one incident that took place in the fall of 1966 and has made the case that there were far reaching ramifications of this incident on the recently-named hippie community in the Haight-Ashbury. Dominick Cavallo, in his history of the Sixties, declares that San Francisco was the origin of the “hippie movement.”⁶⁰ This may be an oversimplification but the events in the Haight-Ashbury in late 1966 and early 1967 certainly followed an arc of emerging consensus that would be identified as the Sixties Counterculture in the coming decades. And within that span of time, many different individuals, groups, ideas, lifestyles and themes played their parts in the formation of such a consensus. But as this paper has shown, some of those people and events were instrumental. As Lenore Kandel said, “For some angelic reason, when the police busted my book here a few months ago, it just dropped a catalyst into this brimming beaker which is San Francisco. Everything crystallized.”⁶¹

The *Love Book* raids precipitated a conflict in San Francisco among different communities: the traditional civic Establishment represented by the police, the courts, and politicians; the Catholic Church with its academic and religious conservative proponents; the liberal academic and religious communities; and, the Bay Area avant-garde and emerging hippie communities. The conflicts between these different cultures played out most visibly in the nearly-five-week trial in the spring of 1967 that ended in the misdemeanor convictions of the three defendants accused of selling *The Love Book* which the jury deemed obscene.

⁶⁰ Dominick Cavallo, *A Fiction of the Past : The Sixties in American History*, 1st ed. (New York: St. Martin's Press, 1999), 9.

⁶¹ John Bryan, "Lenore's Works, Words of Love: Poet Speaks of Police Seizure of 'Love Book'," *Los Angeles Free Press*, Apr 7 1967.

But the larger point of this research is the effect that *The Love Book* itself—its language and ideas—as well as the efforts to suppress it had on the emerging hippie counterculture. The language of the poetry was taken up as part of the response that the community fashioned in the months after the initial raids. By the following spring, the active manifestation of “Love” had become one of the ideological founts of the new counterculture. And this was a result of a woman’s voice espousing free sexual love between a man and woman. Although there were lines in the poems that discussed “hermaphroditic deities” and one of the prosecution witnesses lambasted this phrase for its intimations of bisexuality, *The Love Book* was not really about homosexuality. But it was transgressive—that was the point of the district attorney’s witnesses many of whom were Catholic priests and lay people.

The effect of the efforts to suppress *The Love Book* was the collective response that was engendered. As Ron Thelin, brother of one of the defendants, stated, the raids “brought a lot of new friends together, and instilled a sense of community in the Haight-Ashbury.” The result of this “sense of community” was a press conference in early April, 1967, by a group that included Allen Cohen and the *Oracle* collective, the Psychedelic Shop owners, and numerous others of the new community in the Haight-Ashbury.⁶² The point of the press conference was to announce plans for the upcoming summer when an influx of thousands of young people making their way to the Haight-Ashbury was expected. The name that this new group called themselves and the name they gave to the coming period would forever become synonymous with the hippie counterculture—the “Summer of Love.”

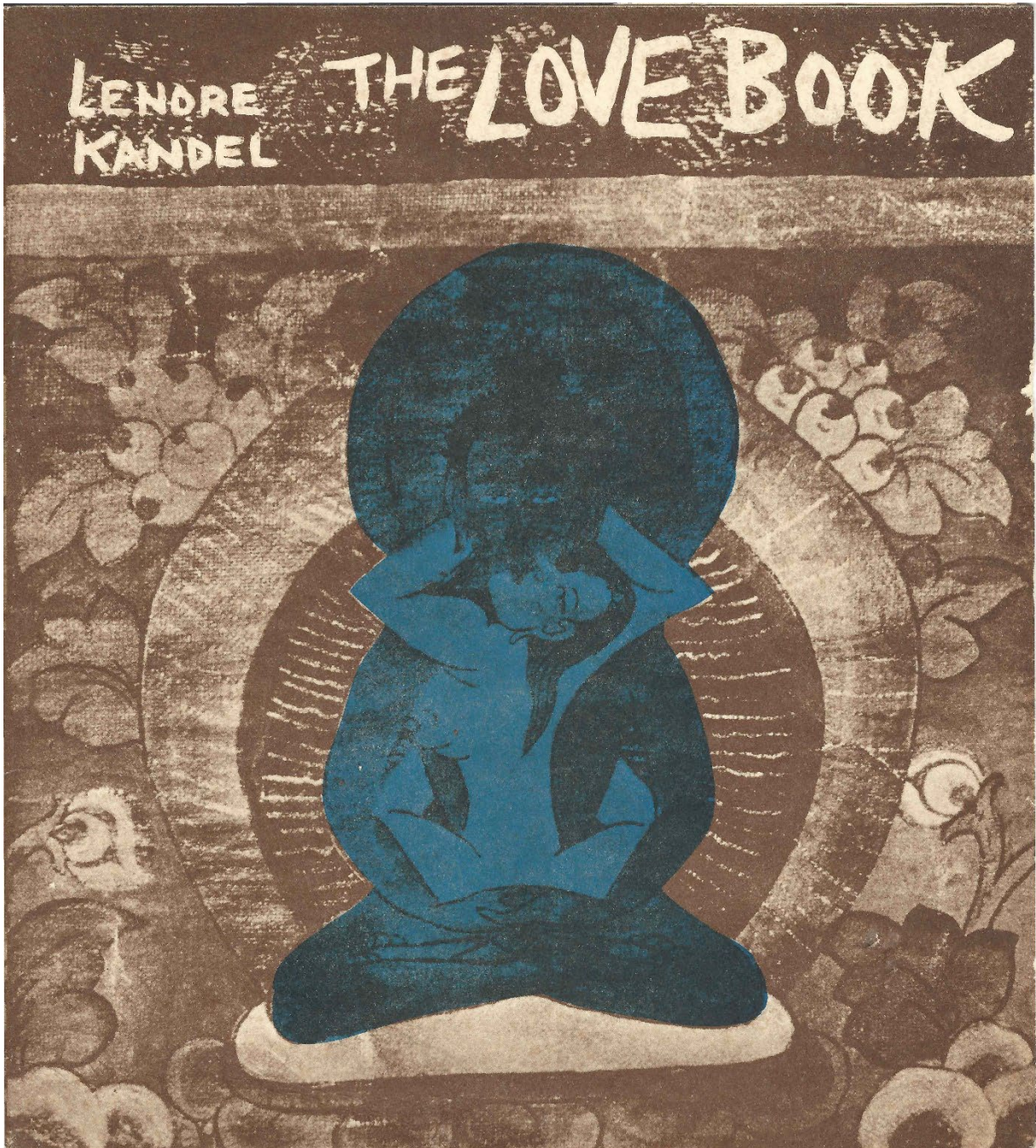
⁶² “Good Hippies’ Summer Plans,” *San Francisco Chronicle*, Apr. 6, 1967, 3.

Even though this paper has shown that a woman's sexuality and voice for free love was a catalyst for the Summer of Love, this story doesn't really touch on gender relations which remained paternalistic in the new counterculture. However, one of the movements that drew on the counterculture was the Women's Movement in the 60s/70s. Christopher Agee, in his study of obscenity prosecutions in San Francisco, intimated as such in his conclusion: "White female artists therefore emerged from *The Love Book* trial with the power to communicate erotically to the city's men and women."⁶³ But I would disagree. The *Love Book* case is not about gender or race as much as class. A woman's voice struck a chord in the rejection of middle-class sensibility. This was the power behind the *Love Book* and was the reason it received such condemnation by the Establishment. The counterculture, although not totally transformed in rejecting middle-class morality, did set the seeds for the coming changes. Just as Lenore had predicted.

⁶³ Christopher Lowen Agee, *The Streets of San Francisco: Policing and the Creation of a Cosmopolitan Liberal Politics, 1950-1972* (Chicago: University of Chicago Press, 2014), 138.

Appendix

Photographic reproduction of the full text of *The Love Book*



[Inside fly leaf: “The cover photograph is a detail from a Tibetan scroll depicting the Adi Buddha (The Root Buddha) and his Shakti in yab-yum position, symbolizing the union of the male-female principle of the universe.”]

GOD/LOVE POEM

**there are no ways of love but/beautiful/
I love you all of them**

**I love you / your cock in my hand
stirs like a bird
in my fingers
as you swell and grow hard in my hand
forcing my fingers open
with your rigid strength
you are beautiful / you are beautiful
you are a hundred times beautiful
I stroke you with my loving hands
pink-nailed long fingers
I caress you
I adore you
my finger-tips . . . my palms . . .
your cock rises and throbs in my hands
a revelation / as Aphrodite Knew it**

**there was a time when gods were purer
/ I can recall nights among the honeysuckle
our juices sweeter than honey
/ we were the temple and the god entire /**

I am naked against you
and I put my mouth on you slowly
I have longing to kiss you
and my tongue makes worship on you
you are beautiful

your body moves to me
flesh to flesh
skin sliding over golden skin
as mine to yours
my mouth my tongue my hands
my belly and my legs
against your mouth your love
sliding . . . sliding . . .
our bodies move and join
unbearably

your face above me
is the face of all the gods
and beautiful demons
your eyes

love touches love
the temple and the god
are one

TO FUCK WITH LOVE PHASE I

to fuck with love to change the temper of the air
passing two strangers into one osmotic angel
 beyond the skin
 (grows in my hands
 like a tree)

miracle miracle
 out of the burning bush
I understand the lingam ladies brusing their softest flesh
in unassuageable worship
 (like a tree)

positions and pleasures of need my body
transforms into one enormous mouth
 between my legs
suckfucking oh that lovely cock
 big grand and terrible
the upthrust implement of love
I taste the mouthpores of my body
 cocksucker in heavenly

the tongue between my thighs spreading my legs to screams
and burst I burst I burst
 he moves from me and to me then
 plunging (big grand most terrible) into and all of me
can help but shriek
YES YES YES this is it this is what I wanted this
beautiful
he explodes volcano tipped inside me my veins drip sperm
 my GOD the worship that it is to fuck!

TO FUCK WITH LOVE PHASE II

to fuck with love --

to know the tremor of your flesh within my own --

feeling of thick sweet juices running wild

sweat bodies tight and tongue to tongue

I am all those ladies of antiquity enamored of the sun

my cunt is a honeycomb we are covered with come and honey

we are covered with each other my skin is the taste of you

fuck -- the fuck of love-fuck -- the yes entire --

love out of ours -- the cock in the cunt fuck --

the fuck of pore into pore -- the smell of fuck

taste it -- love dripping from skin to skin --

tongue at the doorways -- cock god in heaven --

love blooms entire universe -- I/you

reflected in the golden mirror we are avatars of

Krishna and Radha

pure love-lust of godhead beauty unbearable

carnal incarnate

I am the god-animal, the mindless cuntdeity the hegod-animal

is over me, through me we are become one total angel

united in fire united in semen and sweat united in lovescream

sacred our acts and our actions

sacred our parts and our persons

sacred the sacred cunt!

sacred the sacred cock!

miracle! miracle! sacred the primal miracle!

sacred the god-animal, twisting and wailing

sacred the beautiful fuck

4

4

and shouting their insatiable joy over heaven
the lust of comets colliding in celestial hysteria
the lust of hermaphroditic deities doing
inconceivable things to each other and
SCREAMING DELIGHT over the entire universe
and beyond
and we lie together, our bodies wet and burning, and
we **WEEP** we **WEEP** we **WEEP** the incredible tears
that saints and holy men shed in the presence
of their own incandescent gods

I have whispered love into every orifice of your body,
as you have done
to me

my whole body is turning into a cuntmouth
my toes my hands my belly my breasts my shoulders my eyes
you fuck me continually with your tongue your look
with your words with your presence

we are transmuting
we are as soft and warm and trembling
as a new gold butterfly

the energy
indescribable
almost unendurable

at night sometimes I see our bodies glow

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