

Ralph Ginzburg on the Perils of Publishing

During the 1960s and 1970s, Ralph Ginzburg published *Eros: A Quarterly on the Joys of Love and Sex*, *Avant Garde: Exuberantly Dedicated to the Future*, *Moneysworth: The Wallet Fattening Consumer Advisor*, and *Fact: An Antidote to the Timidity and Corruption of the American Press*. *Eros* was banned as “obscene,” resulting in Ginzburg’s imprisonment under a sentence of five years (owing to an outcry of protest, he was freed after serving eight months). Supreme Court Justice Potter Stewart, who voted for acquittal, termed the court’s ruling in *Ginzburg v. United States* the worst in the history of American jurisprudence except for that in the Dred Scott case, which legalized slavery.

You began your career as an editor at *Esquire* magazine in the fifties (the same spawning ground for Hugh Hefner, I might add). Why did you decide to start your own magazine? And why did you decide to launch one concerned with the taboo subject of sex?

I felt there was a great need for a well-written, well-designed magazine on love and sex that would reflect psychological maturity. The government eventually suppressed *Eros*, of course. I believe a magazine like *Eros* is still needed today.

***Eros* was a beautifully designed magazine, replete with exquisite typography—which, incidentally, was cutting edge in its day—smart illustration, and awe-inspiring photography. Was this your idea? Or were you influenced in this direction by your art director, Herb Lubalin? And, finally, what role did design play in the life of the magazine?**

The decision to have the magazine well designed and expensively produced—remember, it was a hardcover “magabook,” if you will, not the usual softcover format publication—was mine. This was a marketing ploy to enable a hefty cover price. But beyond that, every design detail and initiative was Herb’s. He gets full credit for *Eros*’s design excellence. Without his virtuosity, *Eros* would not have been the big hit among the cognoscenti that it was. Although this is little known, the publication was actually losing money because of its huge production costs, and very likely would have folded of its own accord had the government not attacked it.

How was content determined for *Eros*?

As editor in chief, I myself determined *Eros*’s editorial contents. I followed my own tastes, instincts, and interests. I know that this is shamefully egocentric, but I have always enjoyed a euphoric sex life and, thanks to four years of psychoanalysis, possess keen insight into the forces that govern human behavior. Thus, I felt completely confident in my editorial decisions. Herb and I were in perfect synch on them. He never once balked

or complained about any articles or graphic features I proposed, and, believe me, he would not have been bashful about objecting. I can still hear him bellowing “*This stinks!*” when receiving design projects that he disliked—not from myself, of course, but from other clients. I must give due credit also to two other individuals who aided in editorial content: Warren Boroson, a brilliant writer, idea-man, and editorial general factotum, and my wife Shoshana, whose witty titles were the topping on our most successful editorial confections. It was also her decision to name our subsequent magazine, *Avant Garde*, and, believe it or not, it was she who made clear to Herb the overall approach he should take in designing *Avant Garde Gothic*, which turned out to be one of the best-selling new typefaces of the twentieth century.

How quickly, from issue one to issue four, did it take the government to intervene? And why was the magazine considered contraband?

The government did not intervene until the fourth and final issue published (a fifth issue was prepared but yanked off press at the time of my indictment; it may well have been our finest). As to why anything was considered “contraband,” as you put it, or “obscene,” as government lawyers put it, is a mystery to me. You must understand that the crime of “obscenity” or “pornography” is a crime without definition or victim. It is very much like the crime of “witchery” in centuries past. It is a bag of smoke used to conceal one’s own dislikes with regard to aspects of sexual portrayal or behavior. It has been said that obscenity to one man is the laughter of genius to another. The very closest I can come to documentation for an answer to your question is a book written by—as I recall—either a Supreme Court justice’s clerk or a member of the Justice Department and perhaps even by a U.S. attorney general whose name was something like Nicholas deKatzenbach [Nicholas deBretteville Katzenbach], in which (on about two pages of the book) he describes the meeting at which it was decided to indict me. According to that account, Bobby Kennedy (who I think preceded Katzenbach as attorney general, or maybe Katzenbach was assistant AG at the time; I’m unsure) feared that a feature in *Eros* depicting a pair of nude dancers (no genitals showing), consisting of a black man and white woman, would undermine the Kennedy administration’s racial integration efforts. This has always seemed bizarre to me, but I’m giving you facts as I recall having read them in that book. My own personal belief is that Bobby (now, ironically, known to have been an energetic whoremonger—and I point this out not to put him down on moral grounds but to underscore his religious and legal hypocrisy) acted at the instigation of a New York priest, head of a local Catholic-front antipornography outfit, and a man in Cincinnati who headed a national antipornography unit of the church called something like Citizens for Decency in Literature. I believe his name was Keating [Charles H. Keating Jr.] and that he was later imprisoned for major crime during the savings-and-loan scandal. Following my indictment, both of these gents boasted publicly of their roles in convincing Bobby Kennedy to attack me. For more details, see my book *Castrated: My Eight Months in Prison* (designed, magnificently, by Lubalin), a short version of which was published in the *New York Times Magazine* during 1973, as I recall.

I remember the “interracial” portfolio very well. It ushered in a major shift in attitudes. Previously, such a

thing was called miscegenation (a term that has a biological/legal taboo-sounding ring). Were you aware when you published the photographs—indeed, when you published articles on prostitutes, aphrodisiacs, et cetera—that you were taunting the powers who could do you harm? Did you believe that you could actually go to prison for what you were doing?

Absolutely not. I thought I was exercising my constitutionally guaranteed rights of freedom of expression.

Today it is hard to imagine that a magazine with such artful erotica was a threat to society. Indeed, your magazine paved the way for the then-unforeseeable permissiveness in today's media. What happened to you as a result of this pioneering effort?

Clearly, my career as a publisher was all but ruined. It is tough to envision today, especially by someone like yourself in the field of art, but I became a social outcast as a result of my conviction and imprisonment—a U.S. Supreme Court-certified felon, at that—and very few established businesses would deal with me. Thus, my publishing potential after release from prison was severely circumscribed. I have always felt that I might have become a major force in American publishing had it not been for my conviction. Instead, I'm just a curious footnote.

***Fact* was a trailblazer in terms of content and design. It was a magazine devoted often to a single theme of social import. I remember your infamous Goldwater cover, accusing him of being psychologically unfit to be president (which got you sued for libel) after he advocated the use of nuclear weapons in Vietnam. What was the reasoning behind *Fact*?**

Well, the government itself was so astounded when the Supreme Court upheld my conviction that *ten years* elapsed between the time of my indictment and the moment when the Justice Department screwed up the courage to pack me off to prison. The strategy was to give the public plenty of time to forget about the case, and it worked. During this period, I first published a magazine called *Fact* (another design par excellence by Lubalin) and then *Avant Garde*. It was a trailblazer in inveighing against the bane of smoking as well as being *first* to attack Detroit for automobile *uncrashworthiness*, and Ralphie Nader, a Harvard student, was *Fact's* discovery; many thousands of Americans remain alive every year now as a direct result of *Fact's* pioneering article, "American Cars Are Death Traps." Although *Fact* was hard-hitting, it was not controversial in a way that enabled the government to suppress it. It was not highly visual, like *Eros*; controversial pictures, it seems, not words, excite the ire of censors.

Fact's editorial purpose is best described by its subtitle: *An Antidote to the Timidity and Corruption of the American Press*. In today's journalism, where almost everyone in the field considers her- or himself a crusader and investigative reporter, it is difficult to imagine this, but back then the media really were, by and large, the mouthpieces of big business and big government. Thus, there was a need for *Fact*. The Goldwater case outcome was another free press/free speech debacle—and a catastrophe for my small company. I don't want to bore your readers with details of yet another miscarriage of justice, and so I'll pass on a lengthy answer to this question.

***Fact's* covers were ostensibly typographic, more like an advertisement than a traditional magazine cover. How would you characterize Lubalin's design of the magazine?**

You're right. *Fact* was partially distributed by newsstand. We felt the need to try to stand out against our competition via shrieking covers.

Avant Garde was another rule buster. Published in the late sixties, it was somewhere between a New Left journal, such as *Evergreen*, and an underground newspaper. With Herb Lubalin as your art director, it was beautiful and decidedly a trendsetter in terms of type and image. What was the impetus to start this magazine?

Herb and I longed to get back to a highly graphic magazine, and, with the permission of my lawyers (remember, imminent imprisonment was hanging over my head all during this period), we launched the more highly visual *Avant Garde*. It was, by the way, my own favorite among my dozen or so periodicals.

What was the reception to the magazine, and what caused its demise?

The magazine was an instantaneous sensation among the intelligentsia—writers, toilers in the arts, academicians, et al. It was killed when, as I indicated above, I was belatedly imprisoned on the *Eros* case. I attempted to revive *Avant Garde* after my release, but its momentum had been lost and my attempt was a failure. A very costly one, I might add, which drove me to the cusp of bankruptcy. Fortunately, I was able to reverse my financial nosedive through the subsequent success of yet another periodical, the consumer advisor *Moneysworth*, which had a circulation of 2.4 million copies.

You pioneered unorthodox methods of marketing your magazines. Full-page ads in newspapers and magazines announced your products (sometimes with photographs of you as pitchman). I understand that sometimes you didn't even have the product before you began to advertise. Where did this notion come from? And was it successful?

It was hugely successful and stemmed from a great American tradition dating back to the Revolution (and probably before that to Europe). The word "subscribe," as in magazine "subscription," comes from the Latin for "underwrite." Potential subscribers who shared the vision of a particular editor would *underwrite* the cost of launching his periodical, in advance of its actual appearance, by *subscribing* to it. Thus, we were able to solicit subscriptions and collect payments for our new magazines even before they appeared. That is how, with capital of just \$400, I was able to become a publisher. Ironically, it was *Fact*, perhaps more than any other magazine of its time, that promoted the consumer protection movement. But this same movement eventually got laws passed that banned the solicitation of payments for products that did not yet exist. That's why all announcements for new magazines nowadays declare, "Send no money! We'll bill you later!" It's illegal to collect money for a magazine that does not yet exist. Unfortunately, this put the kibosh on launching magazines based upon editorial content; today, new magazines are predicated mostly upon advertising potential, not editorial message. Multitudes of worthy periodicals in the nineteenth and early twentieth centuries could not have appeared except for this exciting mechanism. Its demise—and the resultant huge loss of expression for nonconformists—has never been chronicled by anyone but myself.

Why did *Fact* fold?

Because of Barry Goldwater's libel suit, alluded to previously.

After publishing, you focused on photography, becoming a stringer for wire services and New York City dailies, and then a staffer for the *New York Post*. How did this evolution take place?

Well, by the mid-1980s Herb had died, and many of my original key staffers had moved on to bigger jobs. I felt that my publications had degenerated into mere moneymaking machines. I myself had amassed more wealth than I could possibly spend pleasurably for the rest of my life, and I decided to dissolve the company. I gave my staffers two years' advance notice that the company would be folding, stopped taking new subscriptions, and methodically wound down operations. To some degree, I was weary of the struggle, I decided to try to have some pure fun. Photography had always fascinated me, and, by studying manuals and practicing on my own, I developed professional-level skills.

Has photography taken over as your passion and vocation? What are you doing now?

Yes, I'm obsessed by it, and have been for over a decade. I continue to freelance for news media across the United States and Europe. My work also appears in magazines—from *Life* to *Natural History* to the *National Enquirer*. In addition to general assignment, I shoot sports. The UPI has just retained me to shoot the Goodwill Games being staged here in New York this summer, over a two-week period. I'm something of an avian portraitist; my bird pictures have appeared on Audubon calendars and elsewhere. My biggest break in photography will be the appearance in spring 1999 of a book of 510 of my news photographs presented by Harry N. Abrams, the art book publisher. I do not wish to reveal details of the book at this time, but its approach is unprecedented. George Plimpton has written the foreword.