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Washington and Baltimore: Morning rain, then drier, high near 55. Tonight, clearing, low near 32. Tomorrow, partly sunny with chilly winds, high near 40. Weather map is on Page C12.

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ONE DOLLAR

"All the News That's Fit to Print"

## No Joke! 37 Years After Death Lenny Bruce Receives Pardon

By JOHN KIFNER

Lenny Bruce, the potty-mouthed wit who turned stand-up comedy into social commentary, was posthumously pardoned yesterday by Gov. George E. Pataki, 39 years after being convicted of obscenity for using bad words in a Greenwich Village nightclub act.

The governor said the posthumous pardon — the first in the state's history — was "a declaration of New York's commitment to upholding the First Amendment."

"Freedom of speech is one of the greatest American liberties, and I hope this pardon serves as a reminder of the precious freedoms we are fighting to preserve as we continue to wage the war on terror," Mr. Pataki said in a statement.

Being dead, Mr. Bruce is not expected to reap any immediate benefit from the pardon.

Fighting a four-month sentence to Rikers Island for a 1964 performance at the Cafe au Go Go, he fired his lawyers and botched the appeal. The New York conviction on the misdemeanor obscenity charge made it almost impossible for him to get work; he was declared bankrupt and died of a morphine overdose on Aug. 3, 1966. He was 40.

Advocates of the First Amendment as well as his fellow comedians — who began a petition drive this year for the pardon — rejoiced at the turn of events.

"You see, there is a God," said Ronald K. L. Collins, a scholar at the



Dean Carol/Trio  
Lenny Bruce performing a routine in 1963. He died in 1966.

First Amendment Center in Arlington, Va., a remark Mr. Bruce would have been unlikely to approve. Mr. Collins, with David M. Skover, wrote "The Trials of Lenny Bruce: The Fall and Rise of an American Icon" (Sourcebooks Inc., 2002) and was active in the effort to gain a pardon.

"Obviously, we are very pleased with this development," said Robert Corn-Revere, a Washington lawyer who wrote the main legal brief arguing for the pardon. "There is only one reason for Governor Pataki to do this: for the principle of the thing."

Noting, as others did, that the cultural climate has changed, he said that Mr. Bruce's early 1960's monologues contained "words you wouldn't bat an eye at today — you can hear them on any HBO offering."

The comedian's daughter, Kitty Bruce, 48, seemed ecstatic as she took telephone calls yesterday from newspapers and television networks at her home in Pennsylvania.

"Isn't this wonderful? Isn't this a great day in America?" she said before dissolving into laughter. "Boy, has this been nuts, or what?"

"My dad had so much to say and so little time to say it," she added in a more somber tone. "This is what America is all about."

Martin Garbus, who was one of Mr. Bruce's lawyers in the obscenity trial, said: "Who could believe it? I think Bruce would be laughing and be furious at the same time."

After hearing Mr. Pataki's statement, Mr. Garbus called a reporter back, furious himself. "That's exactly that Bruce was against, and I'm sure he would have built up a wonderful routine about it," Mr. Garbus said. Indeed, Governor Pataki's decision to pardon a symbol of the left came during a year in which he took many actions to shore up his Republican and conservative credentials, including supporting the Bush administration's antiterrorism efforts, like the Patriot Act, which some civil libertarians see as a threat to the Bill of Rights.

Mr. Bruce, born Leonard Alfred Schneider in Mineola, N.Y., on Oct. 13, 1925, got his first big break in the fall of 1948 on "Arthur Godfrey's Talent Scouts," a notably wholesome venue. But his humor grew dark and edgy, filled with scatological words and ethnic slurs, and his career was marked by drug arrests and charges of obscene performances in Chicago, San Francisco and Los Angeles, which eventually came to naught.

The New York conviction was his only one.

As Mr. Garbus and Nat Hentoff, the writer, jazz expert and defender of Mr. Bruce, vividly recalled yesterday, New York was different. The Roman Catholic Church under Cardinal Francis Spellman held enormous political power in the city, and no one seemed more offensive to the cardinal and the Manhattan district attorney, Frank Hogan, than Lenny Bruce. Mr. Hentoff recalled that Mr. Bruce had a routine that involved Christ and Moses returning to Earth, passing through East Harlem and observing people living in squalor, 25 to a room, then visiting Cardinal Spellman and remarking that his ring was so expensive it could support all the people they had seen.

Mr. Hogan was determined to stop Mr. Bruce. A license inspector named Herbert G. Ruhe was dispatched to the Cafe au Go Go to observe, and furtively record, Mr. Bruce's act.

Mr. Hogan had some difficulty finding a prosecutor on his staff, said Mr. Garbus and Nicholas Scoppetta, now the fire commissioner and then a young assistant district attorney. Mr. Scoppetta recalled that he and a group of youthful prosecutors had seen Mr. Bruce's show a few nights before he was arrested and had found it "brilliant." Mr. Scoppetta was one of those asked to try the case, but it was clear his heart would not be in it, he said.

Instead, Mr. Hogan settled on his chief assistant, Richard Kuh. "To say the least, he was a very vigorous prosecutor," Mr. Hentoff remembered. Politically ambitious, Mr. Kuh ran to succeed Mr. Hogan in 1974, but was swamped by Robert M. Morgenthau, who was sharply critical of the Bruce prosecution. Mr. Kuh did not return a call to his office yesterday.

What Mr. Bruce said cannot, of course, be printed in a family newspaper, but was duly described in testimony at the trial before a three-judge Criminal Court panel headed

by John M. Murtagh, regarded as one of the city's most powerful judges.

When Mr. Ruhe testified in a monotone — in effect, performing his version of Mr. Bruce's act — the comedian was heard in a stage whisper: "This guy's bombing and I'm going to jail for it."

The defense called a number of character witnesses, and both Mr. Garbus and Mr. Hentoff recalled the appearance of Dorothy Kilgallen, a columnist for the conservative Hearst newspaper, The New York Journal-American.

"They read off a string of all these obscenities," Mr. Hentoff remembered, "and she said, 'Well, these are just words, words, words.'"

After firing his lawyers, Mr. Bruce became obsessed with preparing his appeal, Mr. Hentoff and Mr. Garbus said, every surface in his hotel room covered with law books and briefs.

Mr. Collins added: "He was a great comedian, but he was a lousy lawyer."

Comedians hailed the pardon yesterday.

"Lenny was sentenced to jail for what you see nightly on HBO and the Comedy Channel, except he was better," said Jules Feiffer, the cartoonist and playwright, who testified for Mr. Bruce as an expert witness on satire at the trial.

Tom Smothers, who signed the petition for pardon along with his brother Dick — they had their own troubles with the censors — said: "So many of us today owe so much to Lenny Bruce."

"It's a positive for the First Amendment, but now we have to exercise it, questioning hypocrisy and the status quo," he added. "You can say the dirty words now, but there is no content — political satire is limited to small podiums and little soap boxes."

Glenn Collins and Michelle O'Donnell contributed reporting for this article.