



Ralph C. Body

Born: February 18, 1903, in Yellow House, Pennsylvania

Died: June 2, 1973, in Earlville, Pennsylvania

**Federal Judicial Service:**

Judge, U.S. District Court for the Eastern District of Pennsylvania

Nominated by John F. Kennedy on March 5, 1962, to a seat vacated by Allan K. Grim.

Confirmed by the Senate on April 2, 1962, and received commission on April 4, 1962. Assumed senior status due to certified disability on May 30, 1972.

Service terminated on June 2, 1973, due to death.

**Education:**

Pennsylvania State University, A.B., 1925

University of Pennsylvania Law School (now Carey Law School), LL.B., 1928

**Professional Career:**

Private Practice, Pennsylvania: 1928-1960

Solicitor for Recorder of Deeds, Berks County, Commonwealth of Pennsylvania: 1933-1936

Home Owners' Loan Corporation: 1933-1941

Assistant County Solicitor, Pennsylvania: 1936-1938

Member, Berks County [Pennsylvania] Board of Law Examiners: 1946-1960

Judge, Court of Common Pleas of Berks County [Pennsylvania]: 1960-1962

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## Judicial Biography

\*Ralph C. Body was the last Kennedy appointment to the Eastern District. He was born in Yellow House, Berks County, in 1903. He earned degrees from Penn State and the University of Pennsylvania Law School. Aside from his service in World War II as an Army officer in the Judge Advocate General Corps, he had engaged continuously in the practice of law in Reading. For a number of years, he was also the Solicitor to the Berks County Recorder of Deeds and the Assistant County Solicitor. Like his father before him, he headed the Berks County Democratic Party for a time. In 1959, he won election to a seat on the Court of Common Pleas. Body joined the federal bench in 1962 where he was always seen wearing a bow tie. He is fondly remembered for his efforts to encourage and arrange social activities for the judges and their spouses and to promote an esprit de corps at the Court.

He was recommended to the President by United States Senators Hugh Scott, a Republican and Joseph S. Clark, Jr., a Democrat, and nominated by President John F. Kennedy on March 5, 1962 to fill the seat on the court vacated by Judge Allan K. Grim assuming senior status. He was confirmed by the United States Senate on April 2, 1962 and received his commission on April 4, 1962.

A case was filed in the Court involving the matter of obscenity in the highly publicized case of *United States v. Ralph Ginzburg*. The Government indicted Ginzburg under a federal law making it a crime to send obscene material through the mail. Ginzburg, the editor and publisher of *Eros Magazine*, had mailed copies of it along with books such as *Housewife's Handbook in Selective Promiscuity* and another similar publication from the post office in Middlesex, New Jersey. This site for the mailings was selected after he was denied advantageous mailing privileges at the post offices at Blue Ball and Intercourse, Pennsylvania, in Lancaster County in the Eastern District. Having waived his right to a jury, Ginzburg was tried for five days before Judge Ralph Body who found him guilty on all counts. He was sentenced to five years in prison.

In his post-trial opinion, Judge Body explained that “the material to be obscene must appeal . . . to the prurient interest of the average person, applying contemporary community standards.” He found that all the publications easily met this threshold. With respect to one of them, he wrote:

The Handbook, standing bare of any socially redeeming value, is a patent offense to the most liberal morality. The descriptions leave nothing to the imagination, and in detail, in a clearly prurient manner offend, degrade and sicken anyone however healthy his mind was before exposure to this material. It is a gross shock to the mind and chore to read. Prurieny and disgust coalesce here creating a perfect example of hardcore pornography.

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\* The following material is excerpted from JUDGE HARVEY BARTLE, III, MORTALS WITH TREMENDOUS RESPONSIBILITIES, A HISTORY OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA, 3-12 (Saint Joseph's University Press, 2011). Reproduced with the permission of the author, Judge Harvey Bartle, III, and the publisher, Saint Joseph's University Press.

Judge Body concluded, “This Court has the power and the right as a fact finder and as one who is aware of all types of material sold, tolerated and not tolerated by the community as a whole, to find, as it has found, that the material in question exceeds the standard. It does so unequivocally.”

The Court of Appeals, after emphasizing it had carefully reviewed the record, affirmed. The Supreme Court, granting a writ of certiorari, had to contend with the applicability of the First Amendment’s guarantee of freedom of speech to matter found to be obscene. With Justice William Brennan writing the majority opinion, the Supreme Court affirmed by a vote of five to four over the vigorous dissents of Justices Hugo Black, William Douglas, John Marshall Harlan, and Potter Stewart. The dissenting opinion declared:

Censorship reflects a society’s lack of confidence in itself. It is a hallmark of an authoritarian regime. Long ago those who wrote our First Amendment charted a different course. They believed a society can be truly strong only when it is truly free. In the realm of expression they put their faith, for better or for worse, in the enlightened choice of the people, free from the interference of a policeman’s intrusive thumb or a judge’s heavy hand.

And so, after having lost in the Supreme Court by one vote, Ralph Ginzburg went to prison. Of all Judge Body’s cases, this was the one that was mentioned years later in his obituary.

Judge Body assumed senior status due to a certified medical disability on May 30, 1972 and continued to serve on the Court until his death on June 2, 1973, at the age of 70. Judge Body died at his summer cottage in Earlville, Berks County, Pennsylvania.